

Reform the Homophobic Asylum System

Peter Tatchell sets out an agenda to ensure fairness and justice for LGBT asylum seekers, at an event to mark International Day Against Homophobia 2008.

Speaking at the London IDAHO event on 16 May, hosted by Amnesty International and the Gay & Lesbian Humanist Association, Peter Tatchell of Outrage! said:

Since 1999, the Labour government has repealed most of Britain's anti-gay laws and introduced new legislation to recognise same-sex partnerships and protect LGBT people against discrimination.

These positive lesbian and gay rights measures are being undermined by Labour's failure to tackle the homophobic and transphobic bias of the asylum system.

The government seems more interested in cutting asylum numbers than in ensuring fairness and justice for LGBT refugees who have fled arrest, imprisonment, torture, vigilante attacks and attempts to kill them.

We need urgent government action to implement five key policy changes:

First, all asylum staff and adjudicators should receive sexual orientation and transgender awareness training. They currently receive race and gender training but no training at all on sexual orientation and gender issues. As a result, they often make stereotyped assumptions: that a feminine woman can't be a lesbian or that a masculine man cannot be gay. They sometimes rule that someone who has been married must be faking their homosexuality.

Second, the government should issue explicit instructions to all immigration and asylum staff, and to all asylum judges, that homophobic and transphobic persecution are legitimate grounds for granting asylum. The government has never done this, which signals to asylum staff and judges that claims by LGBT people are not as worthy as those based on persecution because of a person's ethnicity, gender, politics or faith.

Third, the official Home Office country information reports – on which judges often rely when ruling on asylum applications – must be upgraded and expanded to reflect the true scale of anti-LGBT persecution. At the moment, the government's documentation of anti-gay and anti-transgender persecution in individual countries is often partial, inaccurate and misleading. It consistently downplays the severity of victimisation suffered by LGBT people in violently homophobic countries like Uganda, Egypt, Iran, Cameroon, Iraq, Palestine and Saudi Arabia.

Fourth, legal aid funding for asylum claims needs to be substantially increased. Existing funding levels are woefully inadequate. This means that most asylum applicants – gay and straight – are unable to prepare an adequate submission at their asylum hearing. Their solicitors don't get paid enough to procure the necessary witness statements, medical reports and other vital corroborative evidence.

Fifth, the Home Office needs to issue official instructions to asylum detention centre staff that they have a duty to stamp out anti-gay and anti-trans abuse, threats and violence. Many LGBT detainees report suffering victimisation, and say they fail to receive adequate protection and support from detention centre staff. These shortcomings need to be remedied by LGBT awareness training to ensure that detention centre staff take action against homophobic and transphobic perpetrators, and that they are committed to protect LGBT detainees who are being victimised.

Labour's claim to be a LGBT-friendly government rings hollow when it continues to fail genuine LGBT refugees. We must insist on an asylum system that is fair, just and compassionate – for LGBT refugees and for all refugees.

For more information about Peter Tatchell's LGBT human rights campaigns and to make a donation to support his humanitarian work, visit www.petertatchell.net.



This document has been printed by the Campaign for Homosexual Equality. CHE is a national, democratic, multi-cultural membership organisation challenging homophobia, and concerned with issues facing the gay, lesbian, bisexual and transgender communities. For more information, visit www.c-h-e.org.uk.

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