

## Testimony from an LGBTI refugee from Zambia

I would like to begin by acknowledging the immense and eternal gratitude that I have towards Denmark for taking me in as a refugee, on the basis of my sexuality. Denmark's extensive welfare system is something we as refugees are allowed to have a share of. Free language lessons, free education, free health coverage and a safety net in the form of a minimal subsistence in times of employment ensures that residents, refugees and citizens alike, do not descend into destitution. I want to emphasize that the sentiments that I will share, do not in anyway take away from that gratitude.

As I speak to you this morning about the challenges that LGBTI+ individuals face while navigating the asylum system in Denmark, I am in the fortunate position of not only having an asylum seeker's background, but also being a volunteer and board member of LGBT ASYLUM, an organisation in Denmark that strives for the rights of LGBTI+ asylum seekers and refugees. Therefore, the references that I will make during the course of my speech are not all my own experiences but, have been collected as those commonly experienced by many individuals that have gone through the system.

Becoming recognised as a refugee or getting asylum in Denmark is not an easy task. Unfortunately, when the individual applying for asylum is a member of the LGBTI+ community, this challenge becomes even tougher. While the heterosexual asylum seeker has only to prove that they are in danger, the LGBTI+ individual has the burden of proof placed at two levels. The first being having to prove that they are who they say they are i.e., an LGBTI+ individual, and the second being that they are in danger. It is an unreasonably heavy burden.

The burden of proof required to prove that one is indeed gay is too high. And this coupled with a lack of understanding of LGBTQ specific concepts, the complexity of gender identity and sexual orientation. It must be understood that when you live in country that criminalises homosexuality, the rest of the population, to a great extent is homophobic. That means that LGBT issues are never discussed, the LGBTI+ community is invisible or underground. Therefore many, for their own safety will have spent a greater portion of their lives in the closet. It is not rare that it has been with limited experience, or none that one would have had the opportunity to explore one's feelings and attractions. The result is a limited understanding of their sexuality, and a limited vocabulary for the expression of their sexuality. Ironically however, when an asylum seeker sits before the authorities, they are expected to be highly articulate in presenting their case. They are expected to be nuanced and open, when asked to share the thoughts, memories and experiences, that their very survival, has previously been dependent on keeping secret from everyone around them.

The other challenge in the assessment of one's claimed sexuality by the authorities is that applicant's rights to privacy are violated. Some of the questions LGBTI+ individuals encounter could be considered outrightly invasive. Questions like

- 1) Where on the body do you touch each other?
- 2) What kind of sex did you practice?

Are these the best questions that can help ascertain one's sexuality?

One gets the impression, and most LGBTI+ individuals who have gone through the asylum system will agree with me that there is an unwritten, an unspoken prejudice when an applicant sits before the immigration authorities, and that is that 'you are lying until you can be proven otherwise'. It is therefore much harder to get asylum, if not impossible, when you identify as bisexual for example. It

is on record that a bisexual applicant got a response from a case worker that went along the line of, 'oh if you say you are bisexual, then you could stick to romantic relations with only the opposite sex, that way you will be able to avoid criminalisation in your home country.' For many African lesbian women, it is common practice that their parents force them to marry a man, when it has been discovered that they are lesbian. This is a forced marriage. Also 'correction rape', where men rape a lesbian woman to turn her heterosexual, is practised in some African countries. Unfortunately, both situations leave the probability that the woman ends up with child. In this situation, doubt is cast over the applicant's claim of same sex attraction, and its veracity thereof, when they have evidence of motherhood, it is interpreted as heterosexuality, even if it came to be through forced and often traumatising circumstances.

Claims of Same sex co-habitation, when experienced by applicants who come from regions where same sex relations are criminalised are viewed with distrust and suspicion and will often get the response "we believe the events you recounted were fabricated". I speak from experience. At the moment, it is very difficult to get recognised as a refugee when the persecution you have experienced has come from non-state actors, i.e., not the police for example. In the non-western world, religion and traditional norms have great influence on societal structure. Your role in society is determined by your genitalia as they were at birth. You are either male or female. A man is to be with a woman, period. A woman is to be a man period. Often, the main source of conflict is of a religious nature. Whether it be Christianity in Africa or Islam in the middle east. The effect is the same. A demonization of LGBTI+ individuals as being sinful and immoral. With the church and religion having particularly great influence, especially in regions like Africa. They unfortunately propagate the ideas that trans, gay, lesbian and bisexual people are sick and possessed of demons and shouldn't exist. Because these are both written, and unwritten laws that or may not be found in any text, and yet they are enshrined in these societies and are part of the culture, convincing the authorities in Denmark and proving that one's safety is indeed compromised is an arduous task, and most applicants facing such persecutions will end up being rejected.

There is a certain expectation of what a gay person should look like and behave. As is expected when you do not fit the stereotype, for example if you do not come across as effeminate enough, then the odds are against you. It has been noted that how much of their sexuality applicants display on their social media, whether they are active on gay dating and hook up sites, being aware of the colours on the rainbow flag, questions about one's knowledge of the gay scene in CPH, and whether they have an active sex life. While this might be excusable in the day-to-day world, it shouldn't be so where it is the decisions that end up determining one's safety are concerned. It is an unreasonable, and an unrealistic expectation to place on someone who has recently escaped a homophobic and dangerous environment. Whether that expectation be for them to be articulate in expressing themselves, or for them to have a high understanding of LGBTI+ knowledge.

On occasion, it has been observed that the translators are lacking in knowledge regarding LGBTI+ matters and even sometimes express outright homophobia and transphobia in interview situations. Some cultures do not have a translation for the word 'homosexual'. And sexual intercourse, outside of marriage is referred to as sin. Sometimes 'homosexual' will be translated into a derogatory term, like faggot. Sexual partners, girlfriends and boyfriends with whom one has been intimate sexually, are referred to as friends according to translated transcripts. Such instances pose a threat of contextual misunderstanding and a loss in translation, all, with a negative bearing on the applicant's case. On occasion the assigned translator, is simply not proficient. My own hearing before the

appeals board had to be postponed due to a lack of proficiency by the translator. The implication of this, was a much longer waiting time before my application could be finalised.

For LGBTI+ asylum seekers, the usual designated asylum centres are not safe spaces. This is because most of the residents in asylum centres come from cultures that persecute homosexuality. When these people arrive in Denmark, they still carry with them negative attitudes and perceptions regarding queerness. And so LGBTI+ residents in these asylum centres become targets, for harassment and violence. With trans persons particularly bearing most of the brunt, as they are by nature the most visible individuals within the LGBTI+ community. It doesn't help that LGBTI+ persons constitute a small fraction of the residents in these centres. It therefore leaves them in more vulnerable positions in terms of numbers and defending themselves.

Currently, programs that focus on 'Trans specific' healthcare and Gender-affirming treatment are almost non-existent in the asylum system. Therefore, trans persons are having difficulties with gaining access to things that could ease mental distress.

I do understand that I was invited here with the specific purpose of highlighting the challenges that LGBTI+ persons encounter while going through the Danish asylum system. However, I will also be failing in my duty today, if fail to highlight what role politics play in the asylum system. With this particular aspect of my speech, I will be the first to say, "I am the one with the least authority on the matter in this house." We are well that the last couple of decades have seen an anti-immigration discourse politically that has veered sharply to the right in Denmark. With the attempt to limit the rights of asylum seekers and refugees. The result has been.

- A) A shortening of the length temporary permits from 5 years to 2 years per duration. As an LGBTI person I ask the question, what is it that is likely to change in such a short period of time that I will be subjected to the stress of evaluation and uncertainty every 2<sup>nd</sup> year. Is sexual orientation temporary?
- B) Previously Denmark used to take in around 500 quota refugees. At a certain point they completely withdrew from the resettlement program. They resumed the program in 2019, accepting 200 refugees. A fairly low number compared to other countries. How many refugees, how many LGBTI+ refugees are being denied a safe place by this stance.
- C) External processing. Recently Denmark passed into law external processing of asylum applications. One wonders if consideration was taken over how this affects LGBTI+ applicants.

Depending on which political party is in power, things tend to get worse, or a bit humane. There is a tendency for politicians to try to appeal, or feed into populism, by trying to appear to be tough on immigration. Unfortunately, as you can see. These are the results. This is how real people on the ground are being affected. Security and safety are an innate human need. It is ironic that the safety that is being offered to refugee is being threatened by politicians. Psychologically anyway. This is what happens when you propagate rhetoric on migration in the media. We forget that we have a responsibility to the next generation. When all that a child growing up, has seen in the media concerning immigrants/refugees has been in a negative light. Are we then to be surprised when as an adult, he looks at the subject through prejudiced eyes? 'Prejudice', I'm made to believe, is what lies at the core of racism. It is a barbaric person, it is a barbaric institution that stands to gain from exploitation of a most vulnerable section of the society, politically or in anyway. Political parties that have built up their entire manifestos on Anti-immigration should be viewed with suspicion. It wasn't

my intention to foray into the political arena with my speech today, unfortunately it is my opinion that the main topic under discussion today, cannot be dealt effective solutions without considering the political intentions around it. Whether it be in this sitting today, or for another time.