

# Proposal for Skopje Spring Congress 2020

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**LYMEC Spring Congress, April 3 to 5, 2020 in Skopje**

Author: LYMEC Bureau, Radikal Ungdom, Joventut Nacionalista de Catalunya, JUNOS, Venstres Ungdom, Svensk Ungdom, JOVD (drafted by the policy renewal working group)

Status:  accepted  rejected  transferred to \_\_\_\_\_

The Skopje Spring Congress 2020 may decide:

## 1 **Sexual Orientation, Gender Identity and Gender** 2 **Expression as grounds for International Protection**

3 This resolution archives Resolution 2.09 on Sexual Orientation, Gender Identity and Gender  
4 Expression as Causes for International Protection and Asylum in the European Countries.

5 *EU, refugees, asylum policy, Gender and Sexual Rights, Civil Liberties*

6 **For consideration on the annual Congress of the European Liberal Youth (LYMEC) in**  
7 **Skopje, North Macedonia on 3-5 April 2020.**

8 **Considering that :**

9 - The attention given to LGBTI rights in the processes connected to international protection and  
10 asylum has developed significantly in recent years, as it has been acknowledged that sexual  
11 orientation could be considered as grounds for asylum. According to article 2(d) in Directive  
12 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as  
13 beneficiaries of international protection 'refugee' means a third-country national (or stateless  
14 person) who, owing to a well-founded fear of being persecuted for reasons of race, religion,  
15 nationality, political opinion or membership of a particular social group, is outside the country of  
16 nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the  
17 protection of that country. According to article 10 (d) "Depending on the circumstances in the  
18 country of origin, a particular social group might include a group based on a common  
19 characteristic of sexual orientation...Gender related aspects, including gender identity, shall be  
20 given due consideration for the purposes of determining membership of a particular social group"

21 - there are still considerable differences in the way in which the EU member states examine  
22 LGBTI asylum applications.

23 - homo- bi- and transsexuality is still criminalised in a number of countries in the world and  
24 people are persecuted and sentenced to prison or even to death penalty because of their sexual  
25 orientation, gender identity or gender expression

26 - Although the ECJ has ruled out the "discretion requirement" and rejected concealing one's  
27 sexual orientation as means to avoid persecution, LGBTI asylum seekers are still facing  
28 difficulties in legal and asylum proceedings

29 - the lack of official statistics on the number of LGBTI asylum claims in Europe is alarming, as it  
30 further contributes to the discrepancies in providing protection of LGBTI asylum seekers among  
31 the Member states;

32 **The LYMEC Congress calls for:**

- 33 - The Fundamental rights agency to conduct and issue an yearly report containing comparative  
34 disaggregated data, and Eurostat to publish statistics on applications on the grounds of sexual  
35 orientation and their refusal rates by country.
- 36 - EASO to consider the adoption of guidelines on the assessment of LGBTI asylum cases for  
37 case handlers and judges in the member states, in accordance with existing UNHCR guidelines.
- 38 - the Member states of the European Union to ensure a harmonised application and  
39 interpretation of the “Qualification Directive” with view of the requirements set up in the directive  
40 and to ensure equal and adequate protection of LGBTI asylum seekers throughout the Union.

*Attention: This is a preview! The official text is printed in the proposal book for Skopje Spring Congress 2020 03 - 05 April 2020.*