



## Draft Principles and Commitments on the Protection of LGBTQI+ Persons in Forced Displacement<sup>1</sup>

### PREAMBLE

**The States, International Organizations, Civil Society, and other stakeholders, Acknowledging** the global realities of forced displacement, which affects millions of individuals compelled to flee persecution, conflict, and violence;

**Recognizing** that within this population, sexual and gender minorities, including individuals identifying as Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+), experience unique and compounded challenges across the entire chain of displacement: in countries of origin, they may be compelled to flee due to a continuum of persecution, including state-sanctioned violence, criminalization, economic precarity, and societal abuse based on their sexual orientation, gender identity, gender expression, and/or sex characteristics (SOGIESC); during transit, they face heightened vulnerabilities to exploitation, human trafficking, and targeted violence by both state and non-state actors; within border and asylum systems, they encounter structural barriers, distinct evidentiary hurdles, and prejudiced credibility assessments; and in relocation, integration, and resettlement contexts, they frequently face continued marginalization, isolation, and exclusion from essential social support structures;

**Emphasizing** that while all forcibly displaced persons face multilayered challenges, LGBTQI+ individuals experience distinct, intersectional realities that must be explicitly recognized and fully encompassed within formal international protection and asylum-seeking processes;

**Reaffirming** that a robust protection framework is established on the basis of the Universal Declaration of Human Rights, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, and the absolute prohibition of *non-refoulement* under customary international law, as well as the jurisprudence of United Nations Treaty Bodies, Special Procedures, and regional human rights tribunals which apply international human rights law to SOGIESC issues;

**Expressing deep concern** that upon seeking safety, these individuals encounter systemic failures in legal, humanitarian, and social support systems. While international human rights

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<sup>1</sup>Note: this is a living document, circulated for stakeholder review and comment in advance of the founding conference. It will continue to be revised and strengthened through ongoing consultation with states, civil society, affected communities, and other stakeholders, and does not represent a final or text.



law recognizes their rights, the systems put in place to implement key international human rights, humanitarian, and refugee law protections often do not adequately answer their specific protection needs. Consequently, forcibly displaced LGBTQI+ persons face distinct risks of violence and neglect, which are frequently exacerbated by intersectional discrimination based on race, ethnicity, and religion;

**Acknowledging** that forcibly displaced persons possess essential firsthand knowledge and expertise that must inform strategies to address the root causes of displacement and the unique realities facing LGBTQI+ populations;

**Convinced** of the critical role of LGBTQI+-led organizations in effectively addressing the challenges of forced displacement;

**Recognizing** that responding to the protection needs of forcibly displaced LGBTQI+ persons necessitates an innovative, collaborative approach, wherein States, inter-governmental organizations, humanitarian actors, civil society, and LGBTQI+ communities exercise their respective competencies to eradicate violence and discrimination;

**Therefore**, in further response to these challenges, in pursuit of our goal to foster a more humane, dignified, and equitable response to queer forced displacement, and in affirmation of the resilience and agency of queer forcibly displaced persons, we recognize and uphold the following principles in all relevant aspects of our work, including our policies, our programs and our accountability.



## **PART I: THE PRINCIPLES**

### **PRINCIPLE 1: THE RIGHT TO INTERNATIONAL PROTECTION AND NON-REFOULEMENT**

Every person has the right to seek and enjoy asylum from persecution based on their sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC). Under international refugee law, individuals fleeing such persecution constitute a "particular social group" and are therefore entitled to international protection.

No State shall expel or return (*refouler*) a person in any manner whatsoever to the frontiers of territories where their life, physical integrity, or freedom would be threatened on account of their SOGIESC. In situations where there is evidence or a reasonable presumption that LGBTQI+ persons are under a disproportionate or differentiated negative impact, SOGIESC-specific protective measures must be prioritized and integrated into all relevant systems, policies, normatives, protocols, and procedures.

### **PRINCIPLE 2: THE RIGHT TO DUE PROCESS AND DIGNIFIED ASYLUM PROCEDURES**

Every forcibly displaced person has the right to procedural fairness, due process, and a dignified refugee status determination procedure. State authorities must ensure that the assessment of claims based on sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) is culturally responsive, trauma-informed, and strictly non-discriminatory.

States shall prohibit credibility assessments that rely on stereotypical or prejudiced narratives—including rigid expectations of a linear "coming out" process—and forbid inherently intrusive questioning that violates human dignity. To ensure equitable adjudication, States must mandate the intervention of systems, policies, normatives, protocols, procedures, and personnel equipped with demonstrated SOGIESC expertise. Furthermore, assessments must explicitly recognize the impact of trauma on memory and the diversity of global identity formations.

### **PRINCIPLE 3: THE RIGHT TO LIBERTY, SECURITY, AND HUMANE RECEPTION CONDITIONS**

Every forcibly displaced person has the right to liberty and security of person, and to be treated with humanity and respect for their inherent dignity. Under international human rights law, immigration detention must always be a general measure of last resort, strictly necessary, proportionate, and applied only for the shortest possible duration. In cases where there is evidence or a reasonable presumption that LGBTQI+ persons are under a disproportionate



negative impact in detention or reception settings, the reduction of detention and the application of non-custodial alternatives must be prioritized. Where reception or detention is utilized, States must guarantee conditions that strictly comply with the absolute prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, ensuring the physical and psychological integrity of all persons regardless of their SOGIESC.

**PRINCIPLE 4: THE RIGHT TO AN ADEQUATE STANDARD OF LIVING AND SOCIO-ECONOMIC INTEGRATION**

Every forcibly displaced LGBTQI+ person possesses the fundamental right to an adequate standard of living and the right to work, which are essential prerequisites for their safe, dignified, and effective integration into host communities.

States must guarantee equitable access to fundamental socio-economic rights—including adequate food, clothing, and safe housing—without discrimination based on sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC). Furthermore, States shall ensure the right to work under equitable and satisfactory conditions, guaranteeing that forcibly displaced persons receive treatment as favorable as that accorded to nationals or other legally residing non-nationals in the labor market.

**PRINCIPLE 5: THE RIGHT TO NON-DISCRIMINATORY ASSISTANCE AND PROTECTION FROM VIOLENCE**

States and international humanitarian actors have a positive legal obligation to prevent, investigate, and punish hate-motivated violence and discrimination against forcibly displaced persons, whether perpetrated by state agents, private individuals, or co-displaced populations.

Humanitarian assistance and protection mechanisms must be delivered without discrimination of any kind. In cases in which there is evidence or a reasonable presumption that LGBTQI+ persons are, or continue to be, under a disproportionate negative impact, SOGIESC-specific protective measures and competencies must be integrated into all phases of the humanitarian response.

**PRINCIPLE 6: THE RIGHT TO ESSENTIAL SERVICES AND THE HIGHEST ATTAINABLE STANDARD OF HEALTH**

Every forcibly displaced person possesses the right to an adequate standard of living and the right to the enjoyment of the highest attainable standard of physical and mental health. States must guarantee that access to essential, life-sustaining services—including safe housing, healthcare, and legal support—is provided without discrimination based on sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC).

In cases in which there is evidence or a reasonable presumption that LGBTQI+ persons are, or continue to be, under a disproportionate negative impact, dedicated, safe, and



SOGIESC-affirming housing options and specialized medical measures must be actively prioritized and provided.

**PRINCIPLE 7: THE RIGHT TO FREEDOM OF ASSOCIATION AND MEANINGFUL PARTICIPATION**

Every forcibly displaced person possesses the fundamental right to freedom of peaceful assembly and association. This includes the unhindered right to self-organize, form, and participate in LGBTQI+-led grassroots organizations and civil society initiatives for the promotion and protection of their human rights.

States and international actors must guarantee that forcibly displaced LGBTQI+ persons and their representative organizations are recognized as vital stakeholders. They possess the right to agency and must be guaranteed meaningful, direct participation in all levels of decision-making, policymaking, and humanitarian coordination mechanisms that affect their lives and asylum procedures.

**PRINCIPLE 8: THE RIGHT TO DECENT WORK AND ECONOMIC INTEGRATION**

Every forcibly displaced person possesses the right to work, to the free choice of employment, and to just and favourable conditions of work. States and private actors must guarantee that access to the labour market is free from discrimination based on sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC), as well as refugee or migration status.

States and corporate entities share an obligation to ensure non-discriminatory hiring practices, safeguard conditions for decent work, and protect displaced LGBTQI+ individuals from the intersecting systemic barriers that drive them into economic precarity. Furthermore, to facilitate effective economic and social integration, States must ensure the equitable recognition of displaced persons' prior educational and professional qualifications.

**PRINCIPLE 9: THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS**

Transnational corporations, domestic enterprises, and other private sector actors have an independent responsibility to respect internationally recognized human rights, including the rights of forcibly displaced persons. This responsibility exists over and above compliance with national laws and regulations protecting human rights.

Businesses must avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur. Corporate entities must ensure that their operations, platforms, and services do not perpetuate discrimination or violence based



on sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC), or against individuals based on their refugee or migration status.

**PRINCIPLE 10: THE RIGHT TO PRIVACY, DATA PROTECTION, AND ETHICAL PARTICIPATION**

Every forcibly displaced person possesses the fundamental right to privacy and the protection of their personal data. States, humanitarian agencies, and researchers must guarantee that any collection, storage, or utilization of data regarding an individual's sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC) is strictly lawful, transparent, non-extractive, and predicated on the explicit, informed consent of the individual.

To build a foundation for evidence-based action, ethical research must explicitly move beyond extractive models. Forcibly displaced LGBTQI+ persons hold the right to agency and must be actively engaged as partners, collaborators, and co-producers of knowledge, rather than mere subjects of research.

**PRINCIPLE 11: THE OBLIGATION OF INTERNATIONAL COOPERATION AND SOLIDARITY**

International cooperation and solidarity are foundational obligations of international human rights law. The realization of comprehensive protection for forcibly displaced LGBTQI+ persons cannot be achieved independently by any single State or actor.

States bear a legal obligation to cooperate internationally—and to engage with international organizations, civil society, and the private sector—to ensure universal respect for, and observance of, human rights and fundamental freedoms for all migrants and refugees, without distinction based on sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC).

**PART II: OPERATIONAL COMMITMENTS**

**Commitments regarding Fair Asylum Procedures:**

- **Reduction of Legal Limbo:** States and relevant administrative bodies commit to significantly reducing asylum processing wait times to alleviate the severe psychological distress, trauma, and structural precarity associated with prolonged periods of legal uncertainty.
- **Continuous Reform and Training:** Stakeholders commit to supporting ongoing, well-resourced efforts to reform asylum procedures, ensuring that adjudicators and



border officials receive continuous, trauma-informed training on SOGIESC issues designed in consultation with LGBTQI+ civil society.

**Commitments regarding Humane and Safe Reception:**

- **Eradication of Medical Discrimination:** Stakeholders commit to eradicating medical discrimination within all reception and detention facilities, ensuring robust, uninterrupted access to necessary and life-saving medical care. This explicitly includes guaranteeing the continuity of gender-affirming treatments and HIV medication.
- **Dignified Accommodation:** States and facility operators commit to providing safe, gender-appropriate accommodation for transgender and gender-diverse persons, explicitly recognizing the severe risk of harm and violence present in facilities segregated rigidly along binary gender classifications.
- **Protection from Abuse:** Authorities commit to adopting strict, enforceable policies and training protocols that protect individuals from homophobic and transphobic violence, physical or psychological abuse, and deliberate misgendering by immigration officials, contractors, or co-detainees.

**Commitments regarding Effective Post-Asylum Integration:**

- **Resource Allocation to Frontline Actors:** Stakeholders commit to significantly increasing resource allocation to LGBTQI+ refugee-led organizations and their allies in the humanitarian and national sectors. These organizations provide life-saving services and serve as the critical first line of contact for queer displaced individuals in both transit and destination countries.
- **Funding Integration Frameworks:** States and inter-governmental bodies commit to allocating dedicated resources into the development of targeted, SOGIESC-inclusive integration policies designed to facilitate the successful socio-economic inclusion of LGBTQI+ individuals into host communities.
- **Meaningful Participation:** Stakeholders commit to ensuring the direct, meaningful, and adequately compensated participation of affected LGBTQI+ communities and civil society organizations in the design, implementation, and evaluation of all integration policies and programs.

**Commitments regarding SOGIESC-Competent Humanitarian Response:**

- **Targeted Training and Capacity Building:** In contexts where LGBTQI+ persons face disproportionate impacts, stakeholders commit to prioritizing ongoing, mandatory SOGIESC-specific training for all humanitarian personnel, including frontline staff, caseworkers, legal professionals, interpreters, security personnel, and



reception staff. This training must actively address implicit biases, ensure cultural competence, and utilize intersectional analysis to combat compounded discrimination.

- **Reforming Exclusionary Practices:** Stakeholders commit to auditing and reforming ostensibly neutral humanitarian programs—often referred to as "queer-blind" approaches—that fail to account for distinct SOGIESC vulnerabilities and consequently perpetuate the systemic marginalization of LGBTQI+ displaced persons.
- **Institutional Accountability:** Stakeholders commit to establishing and enforcing rigorous internal accountability mechanisms within refugee protection agencies, ensuring that all staff and contractors are held strictly liable for preventing and responding to homophobic, biphobic, and transphobic behavior during registration, interviews, and service provision.

#### **Commitments regarding Access to Essential, Life-Sustaining Services:**

- **SOGIESC-Affirming Housing:** In contexts of disproportionate impact, stakeholders commit to establishing dedicated, safe, and SOGIESC-affirming housing and shelter options for queer displaced persons to mitigate the risks of violence present in general population facilities.
- **Comprehensive Healthcare Access:** Stakeholders commit to enhancing access to comprehensive and affordable physical and mental healthcare. This includes funding specialized, trauma-informed services for PTSD, anxiety, and depression, and actively closing gaps in access to essential, life-saving medical care such as gender-affirming treatments and HIV medication.
- **Competent Legal and Linguistic Support:** States and humanitarian actors commit to significantly enhancing the availability of culturally competent and adequately trained legal representatives and interpreters. This ensures that LGBTQI+ applicants receive the specialized support necessary to safely and accurately articulate their protection claims without fear of prejudice or mistranslation.

#### **Commitments regarding Community-Led Initiatives:**

- **Flexible Funding Mechanisms:** Stakeholders commit to allocating, redistributing, and re-granting flexible, accessible, and core funding directly to local, grassroots LGBTQI+-led organizations. This acknowledges their indispensable role in providing direct, culturally competent, life-saving support in contexts where mainstream humanitarian systems frequently fail.
- **Strategic Integration:** Stakeholders commit to formally integrating the expertise, research, and lived experiences of displaced LGBTQI+ grassroots organizations into



broader humanitarian response strategies, needs assessments, and national policymaking processes.

- **Sustaining the Movement:** Humanitarian actors and States commit to upholding the sustained impact of these organizations, actively dismantling bureaucratic barriers that prevent refugee-led and queer-led groups from accessing mainstream international funding streams.

**Commitments regarding Economic Integration and Dignified Employment:**

- **Targeted Employment Pathways:** Stakeholders commit to designing, funding, and supporting targeted employment programs that provide direct pathways to dignified work for LGBTQI+ refugees. This includes fostering formal partnerships and procurement pipelines with businesses owned, operated, and allied by LGBTQI+ individuals.
- **Accreditation and Equivalency Systems:** States and educational authorities commit to establishing, adequately resourcing, and streamlining accessible accreditation and equivalency systems. These systems must rapidly evaluate and formally recognize the prior educational qualifications, diplomas, and professional credentials of displaced persons, while simultaneously expanding their access to specialized vocational training.
- **Ethical Recruitment and Workplace Protections:** Private sector partners and labor unions commit to enforcing fair and ethical recruitment practices. They will implement rigorous internal workplace policies that explicitly protect LGBTQI+ displaced employees from harassment, exploitation, and wage theft, ensuring accountability for discriminatory practices.

**Commitments regarding Corporate Resources for Social Impact:**

- **Resource Mobilization:** Corporate actors commit to utilizing their resources, platforms, and logistical expertise to support the well-being and agency of queer displaced persons. This explicitly includes providing direct, flexible financial and in-kind support to LGBTQI+-led grassroots organizations that offer essential, life-saving services, ranging from legal aid to mental health support.
- **Strategic Humanitarian Partnerships:** Corporate entities commit to forging formal partnerships with humanitarian organizations and refugee-led initiatives to support specific, targeted interventions focused on safe housing, healthcare access, and closing the gap in digital connectivity for queer displaced communities.
- **Corporate Advocacy and Influence:** Stakeholders in the private sector commit to utilizing their public platforms and corporate influence to boldly advocate for



inclusive public policies. They will actively challenge and defund anti-rights and anti-gender narratives that seek to stigmatize or harm LGBTQI+ and displaced communities globally.

**Commitments regarding Ethical, Collaborative, and Action-Oriented Research:**

- **Participatory Methodologies:** Stakeholders commit to fostering and funding participatory research approaches—such as Community-Based Participatory Research (CBPR) and Participatory Action Research (PAR)—that actively empower affected communities as decision-makers in every stage of the research process, from design and funding to data collection, analysis, and dissemination.
- **Mitigating Power Imbalances:** Researchers and institutions commit to acknowledging, auditing, and actively mitigating structural power imbalances between researchers and displaced participants to create ethical relationships grounded in trust, reciprocity, and shared ownership of knowledge.
- **Closing Knowledge Gaps:** Stakeholders commit to directing dedicated funding and resources toward critical, under-researched areas of queer forced displacement. This explicitly includes prioritizing research on the distinct experiences of transgender, intersex, asexual, and non-binary individuals; the dynamics of "South-to-South" displacement; the intersectional impacts of climate change; and the long-term outcomes of socio-economic integration.

**Commitments regarding Collaboration and Multi-Stakeholder Partnerships:**

- **Cross-Sectoral Coordination:** Stakeholders commit to working in genuine, horizontal partnership—bridging governments, inter-governmental agencies, civil society, academic institutions, the private sector, and queer-led organizations—to coordinate humanitarian efforts, pool expertise, and share life-saving knowledge.
- **Establishing a Centralized Network:** Stakeholders reaffirm their commitment to building and adequately resourcing a robust, centralized, multi-stakeholder network dedicated specifically to queer forced displacement. This network will serve as the primary vehicle for fostering global collaboration, ensuring direct consultation with impacted communities, and advancing the shared objectives of this Declaration.