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2.6. LGBTIQ persons

COMMON ANALYSIS
Last update: June 2022

This profile refers to persons who are perceived as not conforming to social norms because of their sexual orientation and/or gender identity, including the treatment of lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) individuals in Belgravia. However, it should be noted that specific information on some of those communities was not available in the COI reports used for the purpose of this guidance.

COI summary

The Belgravia Penal Code states that homosexuality is illegal and provides a punishment of 14 years maximum. However, there is no information with regard to the actual application of the law.

Members of the LGBTIQ community generally face severe discrimination in society. There is a considerable increase of violence and extortions by the society, with numerous reports of mob attacks, torture and rape (including under custody or in prison), battery and assault, theft, defamation, threat to life, humiliation and ill-treatment by unknown perpetrators. LGBTIQ individuals have been also targeted by Blestil as well as by the police.

Threats are often by the family of the affected person and by the community. Discrimination based on sexual orientation or gender identity is not prohibited and there are no hate crime laws which protect LGBTIQ individuals from violence. The government generally fails to identify, arrest, or prosecute attackers and to protect targeted individuals.

LGBTIQ individuals often resort to hiding their sexual orientation or gender identity out of fear of being disowned or excluded from their family. Furthermore, there were no known LGBTIQ organisations and associations in Belgravia, as the pervasive social stigma against same-sex relationships remains.

Conclusions and guidance

Do the acts qualify as persecution under Article 9 QD?

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. torture, rape, other forms of severe violence).



What is the level of risk of persecution (well-founded fear)?

LGBTIQ individuals would in general have a well-founded fear of persecution.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity to avoid persecution.[3]



Are the reasons for persecution falling within Article 10 QD (nexus)?

Available information indicates that the persecution of this profile is highly likely to be for reasons of membership of a particular social group, based on a shared characteristic that is so fundamental to the identity of the applicant, that he or she should not be forced to renounce it; and based on their distinct identity in Belgravia, because they are perceived as being different by the surrounding society.[4]

- [3]CJEU, Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel, joined cases C-199/12 to C-201/12, Judgment of 7 November 2013 (X, Y and Z), paras. 70-76.
- [4]X, Y and Z, paras. 45-49.

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