

# Assessment of LGBTIQ+ Asylum Seeker Experiences in Serbia:

Analysis of Reception Conditions, Support Services, and Recommendations for Policy Reform



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Assessment of LGBTIQ+ Asylum Seeker Experiences in Serbia:  
Analysis of Reception Conditions, Support Services,  
and Recommendations for Policy Reform

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# Contents

<b>1</b>	<b>Introduction</b>	<b>4</b>
<b>2</b>	<b>The Evolution of International and Regional Legal Frameworks</b>	<b>6</b>
<b>3</b>	<b>Protection of LGBTIQ+ Refugees in Serbia's Asylum Framework</b>	<b>12</b>
<b>4</b>	<b>Methodology</b>	<b>14</b>
	4.1 Research Approach	14
	4.2 Research Framework	14
	4.3 The sample	17
	4.4 Data analysis and developing conclusions	17
	4.5 Limitations	18
<b>5</b>	<b>Findings from the research</b>	<b>19</b>
	5.1 Access to information	19
	5.2 Assessment of Special Reception Needs	31
	5.3 Accommodation	37
	5.4 Access to Healthcare	51
<b>6</b>	<b>Conclusions and Recommendations</b>	<b>58</b>

# 01 Introduction

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In a world where human rights and dignity should be universal, the challenges faced by LGBTIQ+ refugees and asylum seekers remain a critical yet often overlooked humanitarian challenge. In addition to the trauma of displacement, they also endure discrimination and marginalisation due to their sexual orientation, gender identity, gender expression, and sex characteristics. As a key country on the Western Balkan route, Serbia has experienced a significant influx of refugees and asylum seekers in recent years. Nevertheless, there is little awareness about the lived experiences of LGBTIQ+ refugees and asylum seekers.

The Centre for Research and Social Development IDEAS has been working to address the needs of LGBTIQ+ refugees and asylum seekers in Serbia. In 2023, IDEAS established the IDEAS Refugee Council with support from the Swiss Agency for Development and Cooperation. This council is the first initiative in Serbia and the region that allows refugees and asylum seekers, including LGBTIQ+ individuals, to participate directly in policy-making and decision-making processes. Through the Council's work, the first data on the situation of the LGBTIQ+ community has been gathered via community consultations. Initial findings highlight the significant gaps in the response and the need for a more structured approach to represent the LGBTIQ+ community's concerns to stakeholders and advocate for improved support. In line with this, IDEAS has now conducted research on LGBTIQ+ asylum seekers and refugees in Serbia, with support from the U.S. Embassy in Serbia, which is presented in this publication. The research contributes to unique knowledge by providing first-hand accounts of LGBTIQ+ asylum seekers' experiences in Serbia, identifying specific gaps in reception conditions and support services and offering targeted recommendations for policy and practice improvements. In that sense, the primary aim of this research is to help us understand the challenges faced by LGBTIQ+ asylum seekers in Serbia, while the secondary aims are:

- **To empower LGBTIQ+ refugees and asylum seekers;**
- **To inform policy debates on inclusive asylum practices;**
- **To contribute to the broader field of LGBTIQ+ rights in forced displacement contexts.**

The study employed participatory action research, involving ten in-depth interviews with LGBTIQ+ refugees and asylum seekers, complemented by follow-up discussions on findings and recommendations. The IDEAS Refugee Council played a crucial role in guiding the research process and validating findings.

The resulting report, "Assessment of LGBTIQ+ Asylum Seeker Experiences in Serbia: Analysis of Reception Conditions, Support Services, and Recommendations for Policy Reform" offers a comprehensive analysis of the current legal framework, reception conditions, and support services available to LGBTIQ+ asylum seekers. It identifies critical gaps in existing systems and proposes concrete, actionable recommendations for improvement across key areas, including access to information, assessment of special reception needs, accommodation, and access to rights.

This report is primarily intended for Serbian policymakers and government officials involved in asylum and migration management, international organisations working on refugee protection and LGBTIQ+ rights, civil society organisations and advocacy groups in Serbia and the broader Balkan region. The findings and recommendations are designed to inform policy reforms, improve service delivery, and stimulate further research and advocacy efforts, contributing to a more inclusive, rights-based approach to asylum in Serbia, with potential implications for regional and global protection practices for LGBTIQ+ refugees and asylum seekers. Although it is focused on LGBTIQ+ asylum seekers and refugees, the findings of the research are relevant for other persons with special reception needs.

The report begins by providing a global overview of LGBTIQ+ refugee and asylum seeker rights protection. It examines key policy documents and responses at the international and regional levels. Following this, we present a concise review of the Serbian legislative framework and recent developments in LGBTIQ+ asylum seeker support, with a more detailed assessment presented in the findings section. The methodology section outlines our research approach and includes a theoretical framework for analysis, which was developed through a review of major policy documents and reports. The research findings are structured around four key areas, including access to information, assessment of special reception needs, accommodation and access to rights. Each section offers a brief overview of the legislative framework, highlights the lived experiences of LGBTIQ+ individuals, presents key takeaways, and provides recommendations for improving the situation of LGBTIQ+ refugees and asylum seekers. Finally, the conclusion and recommendations section synthesises major findings and offers targeted recommendations for state actors, international organisations, and civil society.

It is our hope that this report will serve as a catalyst for meaningful change, moving us closer to an asylum system that genuinely respects and protects the rights and dignity of all individuals.

## 02 The Evolution of International and Regional Legal Frameworks

Despite some progress in certain regions, LGBTIQ+ individuals worldwide continue to face significant challenges based on their sexual orientation, gender identity, gender expression, and sex characteristics.

### Box 1:

This report uses the term LGBTIQ+ as an inclusive umbrella term and encompasses all individuals who identify as Lesbian, Gay, Bisexual, Trans(gender), Intersex persons, gender non-conforming, persons whose sexual orientation is asexual, whose gender identity expression is non-binary, and/or who self-identify as queer, i.e. whose sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) do not conform to prevailing sociocultural norms, even though data are not available on some categories of the persons.

In 2023, same-sex relationships were criminalised in 65 countries worldwide. Of these, 12 countries had laws allowing for the death penalty as punishment, with at least six actively implementing this sentence<sup>1</sup>. In addition, social exclusion, stigma and discrimination are significant concerns<sup>2</sup>. These acts, carried out by state or non-state actors, often force LGBTIQ+ individuals to flee their home countries in search of safety, facing significant challenges<sup>3</sup>.

<sup>1</sup> Human Dignity Trust, Map of countries that Criminalise LGBT People, available at: <https://shorturl.at/mO8vC>

<sup>2</sup> OHCHR, May 2022, Forcibly displaced LGBT persons face major challenges in search of safe haven, available at: <https://shorturl.at/J5WVP>

<sup>3</sup> MOAS, November 2022, The challenges faced by LGBT Refugees and Asylum Seekers, available at: <https://shorturl.at/WZZPi>



**Box 2:**

Understanding the distinction between sex, gender, and other related terms is crucial for research involving LGBTIQ+ refugees and asylum seekers, as these concepts are central to the experiences and identities of individuals within this community<sup>4</sup>.

**Sex** refers to the biological attributes. Sex is typically categorized as male, female, or intersex.

**Gender** is a social construct that refers to roles, behaviours, activities, expectations, and societal norms that cultures attribute to men or women (and boys or girls).

**Gender identity** is a personal conception of oneself as male, female, a blend of both, or neither, and can correspond with or differ from the sex one was assigned at birth. Common gender identities include man, woman, transgender, non-binary, and genderqueer, among others.

**Sexual orientation** describes an individual's pattern of emotional, romantic, or sexual attraction to men, women, both, neither, or another gender. Common categories of sexual orientation include heterosexual, homosexual (gay or lesbian), bisexual, asexual, and pansexual.

The 1951 United Nations Convention Relating to the Status of Refugees<sup>5</sup> and the 1967 Protocol to the Convention<sup>6</sup> do not directly refer to sexual orientation or gender identity as the grounds for asylum. However, they provide a foundation for such claims by defining “membership in a particular social group” as one of five protected grounds. The “particular social group” interpretation has been expanded to include LGBTIQ+ individuals facing persecution due to their sexual orientation or gender identity<sup>7</sup>. The landmark ruling by the European Court of Human Rights in the case of *Dudgeon v. the United Kingdom* (1981)<sup>8</sup>, in which it was found that laws criminalising homosexuality violated the right to respect for private life, was one of the first steps towards acknowledging the rights of LGBTIQ+ individuals under international law.

4 UN High Commissioner for Refugees (UNHCR), *Need to Know Guidance: Working with Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Persons in Forced Displacement*, 2021, available at: <https://shorturl.at/P2b2P>

5 UN General Assembly, *Convention Relating to the Status of Refugees*, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, <https://shorturl.at/iPXZ3>

6 UN General Assembly, *Protocol Relating to the Status of Refugees*, United Nations, Treaty Series, vol. 606, p. 267, 31 January 1967, <https://shorturl.at/HOfHd>

7 Vrije Universiteit Amsterdam (VU University Amsterdam), *Fleeing Homophobia, Asylum Claims Related to Sexual Orientation and Gender Identity in Europe*, September 2011, available at: <https://shorturl.at/1Rqk7> accessed 08 February 2024

8 *Dudgeon v. United Kingdom*, Appl. No. 7525/76, Council of Europe: European Court of Human Rights, 22 October 1981, available at: <https://shorturl.at/TLkR6>

Yogyakarta Principles Plus 10<sup>9</sup>, intended to complement the original 29 Yogyakarta Principles<sup>10</sup>, which, although not legally binding, highlighted that “gender expression” and “sex characteristics” should be recognised as explicit grounds for international protection against human rights violations.

In the regional context, it is important to note that the Qualification Directive embraces an inclusive interpretation of a “particular social group”. While it does not explicitly refer to sexual orientation or gender identity as grounds for asylum, Article 10 provides a definition that allows for flexibility. Depending on the circumstances in the applicant’s country of origin, a “particular social group” may include a group based on the common characteristic of sexual orientation or gender identity<sup>11</sup>. For instance, the European Court of Justice, in three landmark case (X, Y, Z v Minister voor Immigratie en Asiel, 2013), ruled that individuals fearing persecution in their home countries based on their sexual orientation constitute a “particular social group” and can seek asylum under the Qualification Directive<sup>12</sup>. However, the Qualification Directive still falls short in explicitly recognising sexual orientation and gender identity as separate grounds for asylum, leaving LGBTIQ+ persons dependent on the interpretation of a “particular social group” for their protection.

The new Reception Conditions Directive adopted in 2024<sup>13</sup>, which has made changes to the 2013 Reception Conditions Directive<sup>14</sup> for the first time, introduced “lesbian, gay, bisexual, trans and intersex persons” as the defining attributes for applicants likely to have special reception needs, showing positive tendencies in legislation reform. Also, the Reception Conditions Directive clearly states that “the reception of persons with special reception needs should be a primary concern for national authorities in order to ensure that such reception is specifically designed to meet their special reception needs”.

In conclusion, from initial non-recognition to formal asylum claims, the journey towards protecting LGBTIQ+ persons under international law has been significant, yet much remains to be done.

Following the development of the regional and international legal framework in the recent decade, we are also witnessing increased attention among international organisations and other stakeholders regarding the treatment of LGBTIQ+ refugees and asylum-seekers.

UNHCR has actively addressed the needs of LGBTIQ+ refugees and asylum seekers. In 2011, UNHCR released its first Guidelines on Working with Lesbian, Gay, Bisexual,

9 International Commission of Jurists (ICJ), The Yogyakarta Principles Plus 10 – Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, 10 November 2017, available at: <https://shorturl.at/bgl2w>

10 International Commission of Jurists (ICJ), Yogyakarta Principles – Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007, available at: <https://shorturl.at/YDFrb>

11 European Union: Council of the European Union, Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), 20 December 2011, OJ L. 337/9–337/26; 20.12.2011, 2011/95/EU, available at: <https://shorturl.at/OsDyo>

12 X, Y, Z v Minister voor Immigratie en Asiel, C-199/12 – C-201/12, European Union: Court of Justice of the European Union, 7 November 2013, available at: <https://shorturl.at/iHols>

13 European Union: Council of the European Union, Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection, 5 May 2024, OJ L. 2024/1346, 22.5.2024, 2024/1346/EU, <https://shorturl.at/8hGON>

14 European Union: Council of the European Union, Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (Recast), 29 June 2013, OJ L. 180/96 –105/32; 29.6.2013, 2013/33/EU, <https://shorturl.at/dA009>



Transgender and Intersex Persons in Forced Displacement. The major breakthrough in addressing the needs of LGBTIQ+ persons in the context of asylum was the publishing of the Guidelines on International Protection No. 9 in 2012<sup>15</sup>, which set forth legal interpretative guidance for governments, legal practitioners, decision-makers and the judiciary, as well as UNCHR staff carrying out refugee status determination under its mandate. Soon after this, several guidelines and policy documents were developed to ensure that the rights of LGBTIQ+ refugees, asylum seekers and other persons in forced displacement are upheld and their needs met.

2011	Guidelines on Working with Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Forced Displacement <sup>16</sup>
2012	Guidelines on International Protection Number 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees <sup>17</sup>
2013	Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees <sup>18</sup>
2014	Laying the Ground for LGBTI Sensitive Asylum Decision-making in Europe: Transportation of the Recast Asylum Procedures Directive and the Recast Reception Conditions Directive <sup>19</sup>
2015	Protecting Persons with Diverse Sexual Orientations and Gender Identities – A Global Report on UNHCR's Efforts to Protect Lesbian, Gay, Bisexual, Transgender, and Intersex Asylum-Seekers and Refugees <sup>20</sup>

<sup>15</sup> UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 23 October 2012, HCR/GIP/12/01, available at: <https://shorturl.at/X7AeP>

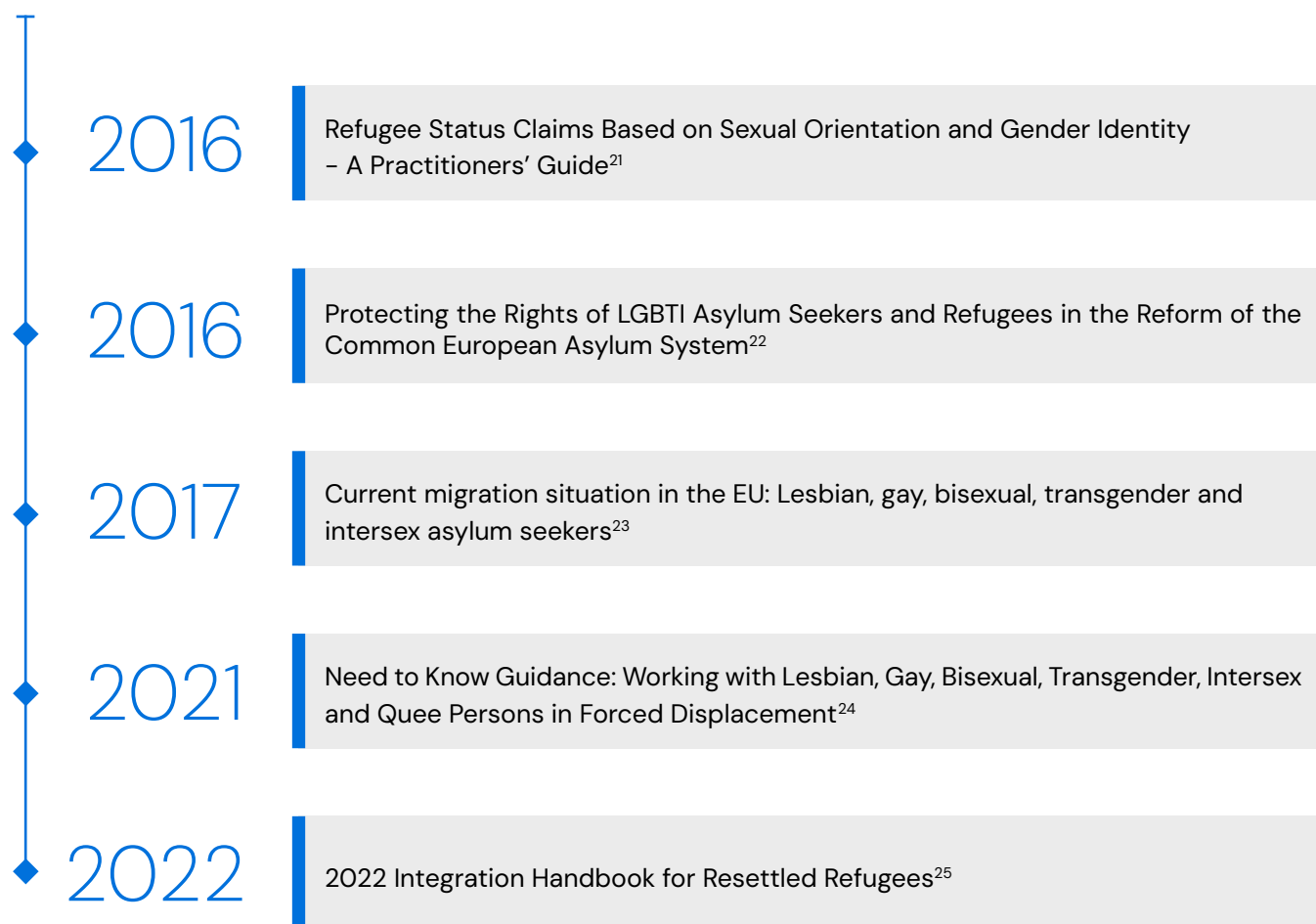
<sup>16</sup> UN High Commissioner for Refugees (UNHCR), Guidelines on Working with Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Forced Displacement, 2011, available at: <https://shorturl.at/KxapK>

<sup>17</sup> UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 23 October 2012, HCR/GIP/12/01, available at: <https://shorturl.at/Pazlb>

<sup>18</sup> UN High Commissioner for Refugees (UNHCR), Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees, April 2013, available at: <https://shorturl.at/eRPrN>

<sup>19</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Laying the Ground for LGBTI Sensitive Asylum Decision-making in Europe: Transportation of the Recast Asylum Procedures Directive and the Recast Reception Conditions Directive, May 2014, available at: <https://www.refworld.org/docid/5433a7634.html>

<sup>20</sup> UN High Commissioner for Refugees (UNHCR), Protecting Persons with Diverse Sexual Orientations and Gender Identities – A Global Report on UNHCR's Efforts to Protect Lesbian, Gay, Bisexual, Transgender, and Intersex Asylum-Seekers and Refugees, December 2015, available at: <https://shorturl.at/zV5Um>



In 2021, UNHCR co-hosted, together with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, the 2021 Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement. There were 664 participants, of whom 78 were representatives of refugee-led organisations<sup>26</sup>. Areas of priority recommendations from the roundtable are presented in Box 3.

<sup>21</sup> International Commission of Jurists (ICJ), Refugee Status Claims Based on Sexual Orientation and Gender Identity – A Practitioners’ Guide, February 2016, available at: <https://www.refworld.org/docid/56cabb7d4.html>

<sup>22</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Protecting the Rights of LGBTI Asylum Seekers and Refugees in the Reform of the Common European Asylum System, December 2016, available at: <https://shorturl.at/4D3QI>

<sup>23</sup> European Union: European Agency for Fundamental Rights, Current migration situation in the EU: Lesbian, gay, bisexual, transgender and intersex asylum seekers, May 2015, available at: <https://shorturl.at/2PKmr>

<sup>24</sup> UN High Commissioner for Refugees (UNHCR), Need to Know Guidance: Working with Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Persons in Forced Displacement, 2021, available at: <https://shorturl.at/EuOFZ>

<sup>25</sup> UN High Commissioner for Refugees (UNHCR), Integration Handbook for Resettled Refugees, available at: <https://shorturl.at/mxBZU>

<sup>26</sup> UN High Commissioner for Refugees (UNHCR), 2021 Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement – Summary Conclusions, June 2021, available at: <https://shorturl.at/S5JL3>

**Box 3:****The Roundtable defined priority recommendations for forward actions for:**

- Addressing drivers of forced displacement;
- Reception conditions and outreach to LGBTIQ+ displaced and stateless people;
- Building evidence base;
- Leveraging human rights mechanisms, including legal gender recognition, arbitrary detention, protection for refoulement;
- Safe shelter and accommodation;
- Refugee status determination and building asylum capacity;
- Digitalised protection spaces;
- Gender-based violence;
- Pathways for safe inclusion in health services;
- Access to rehabilitation from torture;
- Livelihood and sustainable economic inclusion;
- Solutions, including third-country resettlement, complementary pathways for admission to third countries and integration;
- Strengthening organisational capacity and accountability.

In conclusion, while the global landscape for LGBTIQ+ rights remains complex, significant progress has been made in recognising and protecting the rights of LGBTIQ+ asylum seekers and refugees. International and regional legal frameworks have evolved to provide a foundation for LGBTIQ+ asylum claims, primarily through the interpretation of “membership in a particular social group” as a protected ground. Despite these advancements, challenges remain in fully recognising and meeting the unique needs of LGBTIQ+ asylum seekers and refugees. The work led by UNHCR, along with ongoing efforts by other international organisations and stakeholders, provides a strong foundation for continued progress in this critical area of human rights and refugee protection.

# 03 Protection of LGBTIQ+ Refugees in Serbia's Asylum Framework

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Serbia, situated on the Western Balkan route, has received more than 1.5 million refugees, asylum seekers, and migrants since the European refugee crisis began in 2015.

*Since 2008, at least 2.1 million refugees, asylum seekers, and migrants have transited through Serbia. However, only 4,216 people lodged their asylum application. In the period from April 1, 2008, to December 31, 2023, the asylum authorities in Serbia rendered 164 decisions granting asylum (refugee status or subsidiary protection) to 235 persons from 26 different countries. Out of these 235 persons, at least half of them left Serbia.*

The country's legislative framework for asylum, while evolving, still does not provide adequate protection to LGBTIQ+ individuals in need of international protection. The primary legislation governing asylum in Serbia is the Law on Asylum and Temporary Protection<sup>27</sup>. Serbian law does not explicitly mention sexual orientation, gender identity, or sexual characteristics as grounds for asylum. However, these can be interpreted under the "membership of a particular social group" category, as the law prescribes, in a manner similar to the Qualification Directive, that "depending on the circumstances in the country of origin, a particular social group can also refer to a group based on shared characteristics of sex, gender, gender identity, and sexual orientation"<sup>28</sup>. This allows for the potential interpretation of sexual orientation and gender identity as grounds for refugee status, aligning with emerging international norms. However, significant obstacles remain, especially regarding reception conditions and support during the asylum procedure.

While Serbian law mandates an assessment of special protection needs, it falls short in establishing a standardised procedure for conducting the assessment, and there are no defined mechanisms for adjusting reception conditions based on the assessment outcomes. These gaps can lead to inappropriate accommodation arrangements, lack of access to specialised medical or psychological care and insufficient protection from discrimination or harassment within the reception system. Also, there is no mechanism for case management and coordination of support to asylum seekers during asylum procedure.

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<sup>27</sup> Law on Asylum and Temporary Protection, "Official Gazette of RS", no. 24/2018, available at: <https://shorturl.at/nLRX3>

<sup>28</sup> Ibid. Article 26.

*In Serbia, there are 6 Asylum Centres (AC) and 11 Reception Centres (RC) under the jurisdiction of the Commissariat for Refugees and Migration of the Republic of Serbia. However, not all centres were consistently operational throughout 2023.*

*While no strict regulations dictate placement, LGBTIQ+ individuals are typically placed in the AC Krnjača. This centre also accommodates families and other vulnerable groups.*

This gap in the law translates directly into practice, with the state offering no specific services tailored to the unique needs of this vulnerable group, and interventions by civil society organisations (CSOs) are also restricted in number and scope. Some notable efforts include:

- IDEAS, in partnership with UNHCR, provides legal assistance to refugees and asylum seekers, including LGBTIQ+ individuals. In 2022 and 2023, IDEAS represented nine LGBTIQ+ asylum seekers and refugees.
- The IDEAS Refugees Council, established in 2022, brings together over 40 refugees and asylum seekers, including an LGBTIQ+ group, to share experiences and participate in advocacy activities.
- The Refugee Buddy Program, implemented by IDEAS, aims to increase social inclusion by matching refugees with local volunteers. In 2022 and 2023, sixteen refugees were matched, four from the LGBTIQ+ community.
- The Rainbow Migration Network (RMN), established in December 2022, is a non-formal group of 16 organisations aiming to provide comprehensive support to LGBTI refugees. While promising, its effectiveness remains to be seen due to its recent establishment.

Despite these efforts, there remains a significant gap in knowledge about the position of LGBTIQ+ asylum seekers in Serbia. The only published analysis, “Towards Inclusion of LGBT Refugees in Service Provision in the Western Balkans”<sup>29</sup>, offers a critical examination of challenges faced by LGBTIQ+ refugees in Serbia. However, this report falls short of providing actionable recommendations, making it difficult for stakeholders to act on the information effectively. It relies heavily on service provider viewpoints and lacks substantial input from LGBTIQ+ refugees themselves.

In conclusion, while some progress has been made in addressing the needs of LGBTIQ+ refugees and asylum seekers in Serbia, significant challenges persist. The absence of state-provided specialised services, the limited scope of CSO interventions and gaps in the legal framework highlight the need for a more comprehensive approach.

<sup>29</sup> Dubow, T, Merkle, O, Raicevic, V. (2022). Towards Inclusion of LGBT Refugees in Service Provision in the Western Balkans, September 2022, available at: <https://shorturl.at/OK3MR>

# 04 Methodology

## 4.1 Research Approach

This study employed a qualitative, participatory action research (PAR) approach to investigate the experiences of LGBTIQ+ refugees and asylum seekers in Serbia. PAR was chosen to emphasise collaborative knowledge production and its potential to empower marginalised communities. This method aligns with our research questions, which sought to understand the lived experiences of LGBTIQ+ asylum seekers and identify areas for improvement in reception conditions while actively involving participants in the research process.

In line with PAR principles, participants were involved in multiple stages of the research process. The research process began with forming a research team that included LGBTIQ+ community members. This diverse team collaboratively developed the research framework and interview guide. The questionnaire covered four key areas: access to information, assessment of special reception needs, accommodation, and access to services and support. Participation has been addressed as a cross-cutting issue. Legal counselling, asylum procedure and quality of translation were not covered in depth due to the lengthy interview and the focus on reception conditions.

Given the sensitive nature of LGBTIQ+ research and the potential risks associated with disclosure, we opted for repeated individual meetings with each participant instead of joint sessions. This decision was made collectively with the participants to ensure their comfort and safety. Researchers explained the study's purpose and obtained informed consent from interested participants, indicated through a signature.

## 4.2 Research Framework

The conceptual framework was grounded in the human rights-based approach. Specific attention was given to intersectionality, recognising that LGBTIQ+ individuals can easily be exposed to multiple, intersecting forms of discrimination and oppression. The research is positioned within the context of international human rights standards, including The 1951 Refugee Convention and its 1967 Protocol, the Yogyakarta Principles, and relevant EU directives. Based on a review of internal and regional legislative frameworks, as well as soft standards, a conceptual framework for analysis was developed, encompassing eight key dimensions: information, assessment of special reception needs, accommodation, participation, access to mainstream services, legal counselling and representation, asylum procedure, and translation services.



### Access to information

This dimension encompasses the availability and quality of information resources for LGBTIQ+ asylum seekers and refugees. It includes both physical and digital materials, the strength of community networks, and the effectiveness of information dissemination by various stakeholders including frontline workers, reception staff, and representatives from UNHCR and partner organizations.

### Assessment of special reception needs

This area focuses on the processes and practices used to identify and address the unique needs of LGBTIQ+ individuals. It covers the use of inclusive language, creation of safe spaces, respect of privacy, and implementation of appropriate questioning techniques. A key aspect is respecting an individual's choice regarding disclosure of their SOGIESC, while creating welcoming atmosphere.

### Accommodation

This include both general and specialised accommodation. General accommodation standards should ensure safety from violence and offer different placement options such as placement with same-sex partners, placement in individual rooms, and placement of transgender persons based on their self-determined gender. Additionally, there should be measures to support the inclusion of LGBTIQ+ asylum seekers. Staff should receive training to effectively support LGBTIQ+ applicants, and there should be appointed staff to monitor their well-being. Specialized accommodation refers to options tailored to specific security or community needs, ranging from high-security areas in larger centres to housing outside of centres, in community-based arrangements. It's important to acknowledge that some LGBTIQ+ refugees may prefer to live separately from their communities of origin. In some cases, they may not have disclosed their sexual orientation or gender identity to their families, and living in close proximity to these communities could result in privacy risks

### Participation

This area examines the opportunities for LGBTIQ+ individuals to share their experiences and contribute to policy development. It focuses on the creation of safe spaces and the establishment of mechanisms that enable meaningful participation in decision-making processes.

### Access to rights and services

This dimension covers several key service areas:

- Healthcare: Including primary care, mental health support, specialized services like hormone therapy, and HIV/AIDS treatment.
- Employment: Focusing on inclusion and protection from discrimination in the workplace.
- Education: Encompassing access to both formal and informal learning opportunities.
- Support Services: Covering various community and institutional support mechanisms, including trust-building with key personnel.

### Legal counselling and representation

This area addresses the quality and sensitivity of legal services provided to LGBTIQ+ asylum seekers. It emphasizes the importance of appropriate language, safe environments, privacy, and ethical questioning practices that avoid invasive or inappropriate inquiries.

### Asylum procedure

This dimension focuses on the conduct of asylum interviews, including language use, atmosphere, privacy, and questioning techniques. It also covers the provision of relevant country-of-origin information and the need for a culturally sensitive, holistic assessment approach.

### Translation services

This area examines the quality and appropriateness of translation services in the asylum process, with a focus on maintaining privacy and ensuring translators are equipped to handle LGBTIQ+-specific issues sensitively.

The research primarily focused on information, assessment of special reception needs, and accommodation. However, the study remained open to other areas of the conceptual framework, allowing asylum seekers and refugees to share their experiences on topics they found particularly important or impactful, thus providing a more comprehensive understanding of their lived experiences within the Serbian asylum system.

## 4.3 The sample

The sample consisted of 10 LGBTIQ+ refugees and asylum seekers in Serbia, meeting the following criteria:

- Self-identify as LGBTIQ+
- Currently seeking asylum in Serbia or granted refugee status within the last two years
- Aged 18 or older
- Able to provide informed consent

Participants were recruited by legal counsellors and researchers. The sample included six gay men, three transgender individuals, and one bisexual person, with ages ranging from 24 to 42. Seven participants have asylum seeker status, one had been granted refugee status, one had been granted subsidiary protection, and one had a humanitarian stay. Four clients' asylum claims were based on their sexual orientation or gender identity as a primary ground. The sample represented a diverse range of countries of origin, including India, Cuba, Iran, Burundi, Syria, and Bangladesh. This diversity in backgrounds, SOGIESC identities, and legal statuses allowed a broad spectrum of experiences to be captured. The sample encompasses a wide range of experiences within Serbia's asylum system, with participants arriving between mid-2018 and late 2022. The time between arrival and formal asylum application submission varied significantly, from two months to over two years, illustrating diverse challenges in initiating the asylum process.

At the time of the research, eight participants had received first-instance decisions, and two applications were pending. The duration of first-instance procedures ranged from 168 to 626 days, with an average of 414 days. Outcomes varied, with two positive decisions, five rejections, and one case in which the procedure was suspended.

## 4.4 Data analysis and developing conclusions

In line with PAR principles, data analysis was a collaborative process involving researchers and participants. Qualitative data from interviews were initially analysed using thematic analysis based on interview notes. Data were anonymised using codes to ensure privacy, with access restricted to researchers and the team leader. Researchers, themselves members of the LGBTIQ+ community, conducted preliminary analyses. Participants were then engaged in repeated meetings to review, validate, and interpret findings. This approach allowed for the integration of participants' perspectives throughout the analysis phase, ensuring the research remained grounded in their lived experiences.

## 4.5 Limitations

While this study provides valuable insights into the experiences of LGBTIQ+ asylum seekers and refugees in Serbia, it is important to acknowledge several limitations:

The relatively small sample size of 10 participants limits the generalizability of findings. However, it's worth noting that this sample represents a significant portion of known LGBTIQ+ asylum seekers in Serbia, enhancing its representativeness within this specific context. Also, participants were recruited through IDEAS, which may have introduced some selection bias, but to our knowledge, IDEAS represented almost all LGBTIQ+ asylum seekers and refugees present in Serbia. While efforts were made to include all known LGBTIQ+ asylum seekers, two potential participants could not be contacted, potentially skewing the sample slightly.

The study covers experiences from 2018 to the present, so it may not fully reflect the current situation. However, this broader timeframe allows for identifying persistent issues and trends over time. Nevertheless, the retrospective nature of the interviews, where some of the participants recount experiences from several years ago, may have been affected by recall bias or changes in perception over time.

This study primarily reflects the experiences of LGBTIQ+ individuals who remained in Serbia. However, it's crucial to acknowledge that a significantly more significant number of LGBTIQ+ asylum seekers and refugees have passed through Serbia since 2015. Their experiences cannot be captured by this research, although their experiences could provide valuable insights into why they chose not to remain in Serbia, potentially highlighting critical gaps in the reception system.

Despite these constraints, the study provides crucial insights by elevating the voices and experiences of LGBTIQ+ asylum seekers and refugees in Serbia, offering valuable recommendations for enhancing their position. The participatory nature of the research also helps to ensure that the findings accurately represent the lived experiences of the participants.

# 05 Findings from the research

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This section presents the main findings from our research, divided into four key areas:

- Access to information
- Assessment of Special Reception Needs
- Accommodation
- Access to Healthcare

Healthcare was added as a specific section because participants frequently discussed their experiences in this area, even though it was not initially a focus of the research. Each of these areas is explored in depth, beginning with an overview of the legislative and institutional framework. Then, the lived experiences of LGBTIQ+ asylum seekers are presented, offering valuable insights and giving voice to LGBTIQ+ asylum seekers. These personal accounts are followed by an analysis that interprets what these experiences reveal about the current state of affairs. Finally, each section concludes with recommendations for moving forward, proposing concrete steps to address the identified gaps and challenges.

## 5.1 Access to information

### Legislative and institutional framework

Asylum seekers have a right to be informed of their rights and responsibilities throughout the asylum process.<sup>30</sup> The law also prescribes that they should be informed within 15 days of applying for asylum about material reception conditions and organisations that can provide them assistance. Additionally, they have the right to free legal aid, ensuring they have the necessary support to navigate the asylum procedure in Serbia. Information can be provided by a wide range of state and non-state actors—primarily CRM and social protection staff, UNHCR, cultural mediators, and other support staff in asylum and reception centres. In practice, community members also play a significant role.

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<sup>30</sup> Law on asylum and temporary protection, Article 56

## Lived experiences

The report highlights significant challenges faced by LGBTIQ+ asylum seekers in accessing information upon arrival in Serbia. Many individuals report a lack of clear guidance on the asylum procedure and their rights, both from state and non-governmental organisations. Additionally, there's a notable lack of information about LGBTIQ+ rights and the general situation for LGBTIQ+ persons in Serbia. The quality and quantity of information provided vary significantly between reception and asylum centres, civil society organisations and even on the level of the same organisation, showing a lack of standardised procedures.

*"I was in camp but did not start the asylum procedure because I had no information on how."*

*"They (staff from the organisation the participant had contacted upon arrival in Serbia but cannot remember the name) asked if I wanted asylum and nothing else. I said yes, but they didn't explain anything to me. They just told me that the camp would provide a lawyer, but they didn't give me any information or explanation".*

*"At the entrance of the camp, there was someone who received us. She took the paper and then showed me the room. That person did not provide any information. The only thing I have been told was the time limit for returning to the camp."*

*"For example, in Principovac, they gave me more information than in Sombor, and in Krnjača, they gave me a lot more information than in Principovac. It's not consistent."*

*"Zero information. They give you a bed and a room because that is what they need to do, but they do not give you any information. At least in my case."*



*"They told me from CRPC that the camp was good for me, but I didn't know why. They did not tell me anything else, nothing about asylum. Anyway, I listened to them and went."*

*"I talked to HCIT for three hours, after which they called me again the next day; I went there and stayed for another three hours. They wanted to know what happened, and we talked about it. They told me I had to wait to change camps. I didn't get any information; I just told my story. They just told me I had to go back to camp".*

*"I remember it was two girls. It was a shitty thing; they did not give me any information. I think they did not believe what I was saying, both of them. They wanted to know my story, how I came here, this and that. They did not hear anything. For me, it was like I was speaking with a wall. I was 8 months in this office (IDEAS) doing interviews for nothing, the same thing repeatedly. I was at some point happy: okay, I have a lawyer; he will help me and hear me and everything. I think that the Commissariat called Nikola and asked him to be involved in the case. Then I got in contact with Nikola, and that was the first time that I felt safe because he was speaking with me directly, as I expected. We started to speak about my life, from the beginning, since I was a baby, until the end. And he did not move from there until I finished. And he was really amazing because he was like funny, not funny, but he was making me comfortable to speak without problems. Nikola was the one that I trusted to feel safe. He was the one who gave me that thing to open myself to speak with him. After he told me, yes, you have a case, and I will take it."*

*"I contacted the Pride Info Center, wrote to them, and saw them online. I went there and talked to them, but they told me – Sorry, you're not from Serbia, we can't help you; we only help people from Serbia."*

*"I felt completely in the dark. This is the darkest side of the asylum process in Serbia—there's no information available. No one knows what to do or what's happening, literally no one. Even now, I know only a little about the asylum procedure, but there are many people who have been in the asylum process for years and still don't know the status of their case."*

Some individuals express confusion about the difference between registration and asylum applications, often believing they have started the asylum process when they have only been registered.

*"When I arrived, I wanted to apply for asylum. I thought I had submitted the application, but they had only registered me and told me to go to the camp. I didn't know how to apply for asylum because I had never done it before."*

*"I was walking, and I saw people from Iran and Afghanistan. They told me I could get information from CRPC. I went there and asked for asylum. They wrote down my name, after which we went to the police. I handed over my passport, and they took my fingerprints, registered me, and told me which camp to go to. Later, I realised that they only registered me. I thought I had applied, but they just registered me and told me to go to the camp. I didn't know how to apply for asylum because I had never applied for asylum before."*

The report also identifies one positive experience in Bogovađa, demonstrating the potential impact of proactive and comprehensive support. In this case, a staff member from the CRM took the initiative to guide an asylum seeker through the entire process. She provided clear, step-by-step explanations of the asylum procedure, beginning with the initial police registration and fingerprinting. Importantly, she didn't stop at verbal instructions but followed through by assisting with the necessary paperwork. This instance serves as a model of good practice, illustrating how informed, language-appropriate and hands-on assistance can dramatically improve an asylum seeker's experience and understanding of the process.

*"She explained that we needed to go to the police station first to sign and give the fingerprints. And then we returned to the camp, and she said – Tomorrow, I will give you the papers. She gave me asylum papers in Spanish."*

Nevertheless, in most cases, a lack of information creates a state of uncertainty and anxiety among asylum seekers. Many report feeling isolated, scared, and unsure about their prospects in Serbia. The information gap often leads to delayed submission of asylum requests, leaving many without proper identification documents or legal protection for extended periods.

*"I had a question in my mind: How will I survive? Because I was alone in this country and didn't even know where I was, literally. I knew I was in Serbia, but that was it. I knew nothing about this country."*

*"I did not know how to apply for asylum. They did not provide me with information. I was scared. How can I live there...? I did not have any idea how can I stay in Serbia."*

*"I was in my room all the time. I did not go out, and I did not eat because the camp food was the worst. I did not try to work. I did not know anybody, and I did not know how to find a job."*

*"So I met that guy, and I met another person who told me there is a camp here where you can apply for asylum. With that person, I started learning a little about everything and how it was. So, I spoke with that person, and that person brought me to that camp. But after that, it was nothing. I was living in a camp where I did not get any information. She just told me you don't have to pay your rent when you can live in a camp, and then maybe you can apply for asylum."*

In the absence of official guidance, asylum seekers frequently turn to peers for information. This informal knowledge transfer, while helpful in some cases, can lead to misinformation and misunderstandings about the asylum process and available services.

*"I often met Burundians there. I would hear them talk about seeking asylum and similar topics. When I came here, I had no idea what to do; I just listened to others. They said, 'If you want to seek asylum, you can do this and that. Some people were seeking asylum, so I followed them."*

*"I met a guy who told me about a camp where I could apply for asylum. Through him, I learned a little about how things worked here. I didn't have any contacts and knew nothing about Cubans living here. He brought me to the camp, but after that, I received no information."*

*"For asylum, I got information from a friend in the camp who told me about HCIT. However, he advised me to wait until his procedure was finished so I would not affect it".*

*"In camp, I think most of the refugees who come are new people. They know me because I always speak to them and ask, 'What is the problem? Do you have a lawyer, or what are you trying to do? Are you staying? Why are you moving?'... It is me who always gives the information; they never give the information from the office."*

The report indicates that comprehensive information is often only received after asylum seekers meet with legal counsellors, which frequently occurs long after their arrival.

*"I didn't have any knowledge about asylum until I met my current legal representative, which happened by accident – I came to IDEAS with my friend, who was also an asylum seeker. Before that, I did not know anything about asylum."*

*"We understood everything because first one legal counsellor gave us a small explanation, an intro to everything, then in Bogov-  
ađa field worker told us everything we needed to know, and then the other legal counsellor came and explained."*

*"They only noticed when I got beaten by the police, once, and they noticed it, and they sent Bojana from DRC. Bojana came, and she spoke with me. At that moment, she was the one who literally saved me at some point by bringing me to the IDEAS office. Because I did not know what asylum was. I was just living in the camp for no reason. It was after four months I was in the camp."*

*"I went first to the APC, where I spoke with one guy who provided a brief overview of the asylum process. He explained that I would need to start by obtaining a document from the police and that I should go to the reception centre or asylum centre. Then I started. It was helpful, I understood, and I thought every piece of information was useful because I did not have any idea; I was desperate at that moment. I wanted to ask for asylum, and every piece of information was helpful."*

*"I met someone who gave me Lazar's contact information. Before that, I went to the other organisation seeking help. They told me they could assist me only if I applied for asylum, but they didn't explain how the asylum process worked. I was afraid to proceed because I didn't understand the pros and cons. They mentioned that if I decided to apply, I could work with them, but I didn't share my full story with them. Anyway, after I spoke with Lazar for the first time, I felt like I received the correct information."*

*“My lawyer provided me with books on human rights and the legal rights of asylum seekers, and he explained everything to me in detail. We spent long hours discussing what I could expect, what I should do, and what I should avoid. He gave me all the information I needed.”*

*“My lawyer explained the situation regarding Pride and LGBT organisations, telling me that while the situation isn’t ideal, it’s better than in my home country. He informed me to go to the Belgrade Pride Info Centre and various LGBTIQ+ events, introducing me to many people and places where I could feel safe. From the beginning, he convinced me that I could ask him anything, that he was there to support me, and that I didn’t have to feel alone. It made me feel like I finally had someone I could talk to.”*

The data shows that the regular presence of legal counsellors in asylum and reception centres is vital in ensuring asylum seekers can access the legal advice they need.

*“So when I came to Krnjača, there were some days when they (lawyers) used to come to the camp. They came once, and I was sleeping, so I did not know. Then the other time I saw you came, that is when I approached. Because I was really in need. Because I was in the camp, I did not know anything – I am just in the room coming out, coming in, going to eat, coming back, and I don’t know anything that is going on.”*

Regarding the provision of information, research also shows that while some efforts are being made, there are significant gaps in the reach, relevance, and effectiveness of civil society organizations (CSOs) activities. Some participants reported being unaware of LGBTIQ+ organisations or information-sharing activities, indicating that CSOs may be struggling to effectively reach LGBTIQ+ asylum seekers.



*"I never attended workshops regarding the rights of LGBTIQ+ asylum seekers. I wasn't aware of any organization. I never received any information about my rights in Serbia as an asylum seeker who is LGBT."*

*"I have never had contact with any LGBTIQ+ organisation. I never saw them visiting the camp nor received their support."*

Even in an instance when an asylum seeker proactively sought help from a local LGBTIQ+ organisation, he was informed that their services were limited to Serbian nationals.

*"I contacted one organisation, found them online, it was Pride Info Centre and wrote to them. I visited their office and spoke with them, but they said they can only assist people from Serbia."*

Some of the participants in interviews have been attending information sessions for LGBTIQ+ asylum seekers and refugees. While workshops organized by CSOs provided general information about LGBTIQ+ rights and equality, asylum seekers noted a lack of specific, practical information relevant to their circumstances in Serbia. Despite these shortcomings, some positive feedback emerged regarding information on workplace discrimination protections.

*"I went to one event organised by one organisation – it was like a meeting, four people were sitting on and they talked. I did not understand anything that was going on. I had a couple of questions – like, what about hormonal therapy and transition."*

*"I went one time, and we went with my boyfriend another time. They spoke about human rights, and there were other asylum seekers. It was a normal meeting. It was the first time we heard about LGBT rights in Serbia; however, it was just normal information, not particularly relevant or revolutionary and new to me. They did not tell us about Serbian law, getting married here, or other things. They talked more about general things, like equality... Nothing concrete."*

*"I went to the Pride Info Centre once. CRPC called us, and the topic was asylum seekers who are LGBT. There, I learned that when you work, the owner cannot fire you because you are gay..."*

## What does this tell us?

The experiences of asylum seekers in Serbia reveal a contrast between the legal framework and the lived reality on the ground. While Serbian law stipulates that asylum seekers have the right to be informed about their rights, responsibilities, and available services, implementing these provisions falls significantly short. This information gap exists from their arrival and persists throughout their stay, showing systematic failure to provide timely and comprehensive information to asylum seekers. The CRM is best positioned to provide this information, as evidenced by the support provided in Bogovađa. However, this capacity is not fully utilised, leading to inconsistent information provision across different asylum and reception centres. Also, the lack of LGBTIQ+ specific information suggests a gap in addressing the unique needs and concerns of this vulnerable group.

Lack of information leads to delayed asylum applications, with some individuals waiting up to 27 months before submitting their requests. During this prolonged period, they remain in legal limbo, leaving them in an extremely precarious position. In addition, the lack of knowledge about available services, including medical and psychological support, means that vulnerable individuals are not receiving the care they need.

The reliance on informal peer networks for information, while a normal response to uncertainty, often leads to the spread of misinformation. This can result in misguided decisions that may have long-term impacts on an individual's asylum procedure and overall well-being, where many only gain access to accurate information after meeting with legal representatives. The lack of information has a negative impact on the psychological well-being of asylum seekers. Reports indicate heightened fear, isolation, and helplessness among this population, potentially limiting integration prospects.

The experiences of LGBTIQ+ asylum seekers show that failures in information sharing are primarily systematic and affect all asylum seekers, regardless of sexual orientation or gender identity. However, LGBTIQ+ individuals face unique challenges and vulnerabilities. For example, without access to information about LGBTIQ+ friendly services and safe spaces, LGBTIQ+ asylum seekers are at a higher risk of social isolation. This not only negatively affects their mental health but also hinders their integration prospects. The lack of information about specialised support services can also cause delays in accessing crucial treatments such as HIV medication or gender-affirming treatments for transgender individuals. Additionally, the general uncertainty about the asylum process combined with specific concerns related to their LGBTIQ+ identity often leads to heightened stress and anxiety.

These findings underscore the urgent need for a more structured, consistent, and comprehensive information dissemination approach, with particular attention to the specific needs of LGBTIQ+ individuals.

## How to move forward?

LGBTIQ+ asylum seekers in Serbia consistently emphasise the critical importance of understanding their rights, available resources, and pathways to integration in their new environment.

*"Of course, I am interested in my rights. One thing leads to the other. Knowing my rights, I can go to the end of the world."*

*"I'm interested in information about the next step because am I going to live my whole life in the camp? Or what will I do? Is there information about someone helping me find an apartment, which I could pay for, or what the next step is if I want a job and to work? Nobody told me that. For a room, I need a job, and I also need money, and I need information, I need contacts, and I don't have them."*

Notably, asylum seekers suggest that information provision should be tailored to specific groups, including LGBTIQ+ individuals. They propose that upon arrival at reception centres, authorities should provide targeted information about relevant service providers for different categories of asylum seekers. Furthermore, they express a need for practical support in accessing these services, such as assistance with transportation to service providers when necessary.

*"It is not like I should be received differently from the rest of the people. Everybody that just came there, they all have their problems that made them move, to come to another country to seek asylum. But I think, when you have somebody coming in a camp, maybe there should be a day where you say to those who want to seek asylum: This is the contact; you need to consult these people; to those who belong to some different category, you need to consult these people, and these are the addresses; if you cannot find those addresses on your own, we can maybe organize maybe transport for you. But that never happened, I have never seen it. For the 1,5 years I have been there."*

A key point asylum seekers emphasise is the importance of early access to legal representation. They view this as a crucial first step, highlighting the need for legal counsel who can not only represent them in the asylum process but also empower them to understand their rights and how to achieve them. This underscores the importance of legal aid in helping asylum seekers understand and navigate the complex asylum and integration processes.

*“First and foremost, you need a lawyer to represent you. The lawyer should then explain the basics of the asylum process and what you need to do. For instance, when you will receive your work permit and ID card, as well as the benefits of having them. This will help you understand the timeline of what you can expect. Having someone to represent you is crucial. Without representation, you will not receive any assistance.”*

The testimonies highlight that for LGBTIQ+ asylum seekers, comprehensive and tailored information is not merely about compliance with legal requirements. Access to information impacts their ability to envision the future in Serbia and consequently apply for asylum and stay in Serbia during the procedure. The absence of such information leaves them unable to take concrete steps towards protection and integration.

### **To move forward, it is needed to:**

- Develop and implement standardised Standard Operating Procedures on the level of CRM on providing information about asylum and integration, including a specific module on LGBTIQ+ asylum seekers.
- Improve access to legal aid, ensuring that comprehensive counselling is available to asylum seekers immediately upon arrival at reception and asylum centres through more frequent field presence of legal counsellors and improved cooperation between CRM and organisations providing legal aid.
- Ensure that legal counsellors are equipped to provide LGBTIQ+ specific information and support.
- Increase availability of different information materials, both printed and online, covering different topics, including access to asylum, housing options, job seeking, and long-term perspectives. These materials should be displayed and readily available at all asylum and reception centres, ensuring that individuals have access to essential information from their arrival. Proactive measures should be taken to ensure that these resources are disseminated efficiently and effectively.
- Develop a comprehensive, up-to-date information toolkit tailored to LGBTIQ+ asylum seekers. This toolkit should provide detailed and culturally sensitive information on the legal rights and position of LGBTIQ+ individuals in Serbia, available support services and organisations specialising in LGBTIQ+ issues, the social and cultural context, and resources to facilitate access to legal, medical, and other support services.
- Involve asylum seekers in designing information materials to ensure that the information provided meets their actual needs and is presented in an accessible manner.

- Implement a feedback mechanism where persons in need of international protection and asylum seekers can regularly evaluate the effectiveness of information provision and suggest improvements.
- Train all actors on the specific needs of LGBTIQ+ asylum seekers, including CRM and civil society organisations.
- Formalise and support existing informal information-sharing networks among asylum seekers.
- Organise frequent community meetings where asylum seekers can voice their concerns, ask questions, and provide feedback on the information and support they receive. Use these forums to continuously improve information dissemination strategies.
- Offer workshops to asylum seekers and persons in need of international protection on skills that can help them access and understand information, such as digital literacy, language classes, and critical thinking skills.

## 5.2 Assessment of Special Reception Needs

### Legislative and institutional framework

The Law on Asylum and Temporary Protection establishes the concept of “special reception guarantees”. It requires the identification of personal circumstances that may hinder individuals from exercising their rights and obligations without assistance<sup>31</sup>. This aligns with international standards, recognising the need for individualised assessment of the special reception needs.

The law acknowledges a comprehensive range of vulnerable groups that may require special reception guarantees. These include children, unaccompanied and separated children, persons with disabilities, older persons, pregnant women, single parents with children, victims of human trafficking, severely ill persons, individuals with mental disorders, as well as those who have been subjected to torture, rape, or other severe forms of psychological, physical, or sexual violence, such as women who are victims of female genital mutilation<sup>32</sup>. Although the legal formulation in Serbian law does not explicitly prohibit considering SOGIESC as a basis for the assessment of special reception needs, the absence of clear referencing to this group can potentially result in overlooking or underestimating the unique vulnerabilities of LGBTIQ+ individuals.

The Law on Asylum and Temporary Protection establishes CRM as the institution responsible for conducting assessments of special reception needs<sup>33</sup>. However, it lacks clear guidelines on the assessment process, expected outcomes, specific types of support available and referral pathways based on assessment results, potentially compromising the effectiveness of special reception guarantees.

<sup>31</sup> Law on Asylum and Temporary Protection, Article 17

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

Regarding the timeline of assessments, the law uses terms such as “as soon as reasonably possible” and “continuously”<sup>34</sup>. This lack of specificity could delay identifying special needs, potentially exposing vulnerable individuals to inappropriate reception conditions or procedures. While the EU initially had a similar approach, recent revisions to its legislative framework have introduced a requirement that the assessment shall be completed within 30 days<sup>35</sup>. Furthermore, there are no defined standards for the qualifications or training required for personnel conducting these assessments, potentially affecting their quality and consistency.

In conclusion, while the Serbian legal framework acknowledges the need for special reception guarantees, it lacks the specificity and operational clarity necessary for effective implementation. The absence of developed procedures at the CRM level for assessing special reception needs further exacerbates this issue. This combination of legal ambiguity and lack of operational procedures can result in inconsistent implementation and significant gaps in identifying and addressing the special reception needs of vulnerable asylum seekers, including LGBTIQ+ individuals.

## Lived Experiences

The lived experiences of LGBTIQ+ asylum seekers reveal that there is practically no assessment of special reception needs. Upon arrival, the CRM staff typically focus solely on collecting basic identification information, overlooking potential vulnerabilities or special needs. This practice carries serious risks, including an increased likelihood of placing LGBTIQ+ individuals in unsafe or inappropriate accommodations and missed opportunities for early intervention and support.

*“I entered Krnjača and went to the Commissariat office, and they asked about my information. My name, my birth, they asked about my passport, they did the photo for the card. They did not ask about sexual orientation, gender identity, or any concerns. They gave me a pillow, one thing to cover, and took me to the barrack. They showed me the guy I will live with, and that is it.”*

*“In Preševo, they asked about my passport; they took my pictures to make a card for the camp. They took my information; I had a paper from the police, and they also took it as well as my passport to make me ID for the camp. They did not ask many questions.”*

<sup>34</sup> Ibid.

<sup>35</sup> European Union: Council of the European Union, European Union: European Parliament, Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (recast) “Reception Conditions Directive”, Article 25



*"At the entrance of the camp in Sombor, there was nobody. The camp was open. I did not have a conversation with the Commissariat when I arrived. Later, they just asked my name, last name, country of origin..."*

*"It was nearly midnight when we arrived, and two guys from the Commissariat were there to receive us. That night, they gave us everything they could. They provided us with a room to rest and told us that in the morning, we would discuss how they could accommodate me and the person I was with. We were hungry, and they offered us some dry food they had. It was a warm welcome. They took our papers, and the next morning, they gave us ID cards, but we did not talk about anything."*

Furthermore, CRM did not recognise specific vulnerabilities of asylum seekers, even in later phases of their stay or even when asylum seekers pointed out that they needed specific support. This lack of recognition is attributable to insufficient staff training. Even when individuals disclose their identity, the response is frequently inadequate due to a lack of sensitivity among personnel. Furthermore, the absence of a safe space for disclosure significantly impedes the staff's ability to identify and address the unique needs of this vulnerable population. This ongoing lack of recognition exposes LGBTIQ+ asylum seekers to prolonged potential discrimination or harassment, exacerbation of mental health issues due to lack of appropriate support, and an increased risk of re-traumatization.

*"In Krnjača they did ask about my gender, and I told them, 'female.' They ignored it and said, 'I'm sorry, you are male'."*

*"When I was living with those guys, I felt uncomfortable due to my orientation. I was in a room with four men older than me. Initially, I went to the office to express my discomfort but hesitated to explain the real reason as I'm not used to opening up. I just mentioned that I was uncomfortable, and when pressed, I covered it up by saying, 'No, I just don't like it.' They instructed me to see a doctor, to explain the situation, get a document from him, and then bring it back to them. I went to the doctor, and I told him I am ... this... and I do not feel comfortable sleeping in the same room with other men. Because when somebody comes from the bathroom... He said – it is okay, but that is not a doctor's job; you need to find a therapist..."*

In line with this, many LGBTIQ+ asylum seekers report a sense of insecurity regarding the disclosure of their sexual orientation or gender identity because of a lack of confidential and supportive environments within asylum and reception centres.

*“People did not know about my sexual orientation and gender identity. Not even Commissariat. I was trying to act macho; it does not help, but anyway, I was trying to act a little bit more manly because I was afraid something would happen.”*

*“I did not say anything more about my sex or gender. I did not because I was in stress.”*

*“They did not ask. So I did not tell anybody about my sexuality because I knew there is discrimination; even my friend he said don’t tell anybody.”*

### What does this tell us?

While the Law on Asylum and Temporary Protection establishes the concept of “special reception guarantees” and mandates the identification of personal circumstances that may impede individuals from exercising their rights, the research findings indicate a failure in implementing these provisions regarding LGBTIQ+ asylum seekers.

The lack of clear guidelines for assessment, coupled with the absence of LGBTIQ+ individuals being explicitly recognised as a vulnerable group, has created a reception system that is ill-equipped to identify and address their specific needs. This shortcoming is further compounded by the failure to create a safe and trusting atmosphere necessary for LGBTIQ+ individuals to disclose their identity and specific vulnerabilities. The research shows that despite legal provisions, the lack of clear procedures, staff training, and a supportive environment has resulted in a system that fails to recognise and address the unique challenges faced by LGBTIQ+ asylum seekers.

The lack of clear guidelines on the assessment process, coupled with the omission of LGBTIQ+ individuals as a vulnerable group with potential special reception needs, has resulted in a system that fails to recognise the specific vulnerabilities of this group.

### How to move forward?

To address these issues, Serbia needs to develop a comprehensive approach for assessing special reception needs. Participants in proposed practical solutions that align with recent changes in EU legislation and international best practices.

The participants stressed the need for clear identification and flagging of special cases within reception centres to ensure that tailored care and support are provided. They also proposed, in their wording, that information about special reception needs and vulnerabilities should be documented and included in personal files. This documentation could then be shared during transfers between facilities, as well as among CRM staff to ensure continuity of care amidst personnel changes.

This is in line with the latest changes of the Reception Conditions Directive that require to “include information concerning the nature of the applicant’s special reception needs in the applicant’s file held by the competent authorities, together with a description of the visible signs or the applicants’ statements or behaviour relevant for the assessment of the applicants’ special reception needs as well as the measures that have been identified to address those needs and the authorities responsible for addressing those needs”<sup>36</sup>.

*“All centres should have special cases flagged, highlighting those who need extra care. Although we’re all people, each case is different. For instance, if someone is ill, they receive appropriate treatment. Similarly, if someone is LGBTIQ+, that should be recognised so they can receive the necessary support.”*

*“There should be a list of people needing extra support. You shouldn’t just encounter someone and act without prior knowledge. If such a list exists, the Commissariat should review it to understand each person’s unique needs and know how to approach them appropriately.”*

Participants also proposed establishing a confidential mechanism for self-identification based on written forms rather than requiring individuals to openly discuss their sexual orientation or gender identity. The CRM could then use this information to establish a referral mechanism to a focal point for LGBTIQ+ clients.

*“If during the reception, I can tell my sexuality, if we have some people from our community who work at the camp or organisations who can handle us properly ... One person from the LGBT should be there when I enter so I can talk with them properly, about the problems...”*

<sup>36</sup> Law on Asylum and Temporary Protection, Article 25

The experiences shared by LGBTIQ+ asylum seekers highlight the need for a comprehensive and LGBTIQ+ sensitive assessment procedure. Implementing such a procedure is not only a legal obligation but also essential for creating a safe environment for every LGBTIQ+ person and ensuring they receive the support they need. Additionally, properly identifying special reception needs is crucial to guarantee that LGBTIQ+ asylum seekers can fully exercise their rights and apply for asylum, knowing they have support and a future in Serbia.

By addressing the gaps in the current system and implementing targeted improvements, Serbia has the opportunity to not only fulfil its legal obligations but also to set a standard for the inclusive treatment of LGBTIQ+ asylum seekers. This approach will not only benefit the individuals directly affected but will also contribute to a more just asylum system overall.

**To move towards this goal, the following concrete steps are recommended:**

- Amend the legislative framework to:
  - Explicitly include LGBTIQ+ individuals as a vulnerable group requiring special reception guarantees;
  - Establish clear timelines for completing assessments of special reception needs within 30 days of arrival;
  - Establish clear procedures and prescribe competencies of staff responsible for conducting assessments of special reception needs.
- Develop and implement a comprehensive approach at the CRM level for assessing the special reception needs of LGBTIQ+ asylum seekers, including a system for documenting and sharing information about special reception needs and vulnerabilities as part of personal files, ensuring continuity of care.
- Create a standardised, confidential mechanism for self-identification, using written forms that allow individuals to disclose their sexual orientation or gender identity without verbal discussion. Ensure that all policies and practices respect the privacy of LGBTIQ+ asylum seekers, particularly regarding the disclosure of their SOGIESC.
- Provide mandatory training for all CRM staff on LGBTIQ+ issues, cultural sensitivity, and appropriate responses to disclosures of sexualorientation or gender identity.
- Facilitate the presence of LGBTIQ+ persons or specialised organisations during or immediately after the reception process. This could involve partnering with local organisations to provide on-site support during key reception times, establishing a roster of trained LGBTIQ+ community volunteers who can be called upon to assist during the reception process or strengthening LGBTIQ+ community networks among refugees and asylum seekers.
- Establish an LGBTIQ+ focal point at the CRM level, tasked with conducting assessments of special reception needs, providing information and support, and monitoring the position of LGBTIQ+ asylum seekers.
- Develop a referral mechanism within CRM to connect LGBTIQ+ asylum seekers with specialised support services and focal points.
- Establish safe spaces within or outside reception centres where LGBTIQ+ asylum seekers can confidentially discuss their concerns and receive support.

- Implement regular monitoring and evaluation of the assessment process, including feedback mechanisms for asylum seekers to improve services continuously.
- Create a dedicated helpline or online platform where LGBTIQ+ asylum seekers can seek confidential advice and support.

## 5.3 Accommodation

### Legislative and institutional framework

While the Law on Asylum and Temporary Protection contains provisions prohibiting discrimination<sup>37</sup>, including based on sex, gender, sexual orientation, and gender identity, and requires that specific situations of persons have to be taken into account when arranging for accommodation,<sup>38</sup> these general provisions do not translate into specific, actionable protections for LGBTIQ+ asylum seekers in the context of accommodation. Regarding accommodation standards, the law provides a general framework for the reception of asylum seekers<sup>39</sup>. It states that material reception conditions should be provided to asylum seekers upon submission of their asylum application, including housing, food, clothing, and a cash allowance for personal needs. The law does not provide any general safeguards regarding protection from violence or security measures, nor does it predict any standards for adjusting general reception conditions for vulnerable groups, including LGBTIQ+ asylum seekers. This omission is particularly concerning given the heightened risks of discrimination and violence that LGBTIQ+ individuals often face.

When it comes to specialised accommodation, the law provides the possibility for the placement of asylum seekers in social protection institutions<sup>40</sup> that provide a higher standard of protection, but it is available just for children and persons in a “specific psycho-physical state”. The law does not extend this consideration of specialised accommodation to LGBTIQ+ individuals. The option of living at a private address, while available, is dependent on the asylum seeker having sufficient financial resources. This arrangement is not supported by state funds, potentially limiting access to safer or more suitable accommodation options for LGBTIQ+ asylum seekers who may not have the means to provide private housing. In addition to the lack of regulation on the level of the law, the bylaws do not further detail any standards for the reception of LGBTIQ+ asylum seekers, leaving a significant gap in the practical implementation of accommodation arrangements.

In conclusion, while the Serbian legislative framework contains some general provisions that could potentially allow for the adjustment of reception standards for LGBTIQ+ asylum seekers, there are no clear provisions or standards that would ensure their adequate accommodation. The absence of specific safeguards for safety, a major concern for LGBTIQ+ persons, is particularly notable. This lack of protection leaves LGBTIQ+ asylum seekers potentially vulnerable within the current system, highlighting a need for more targeted and comprehensive legal provisions to ensure their safety, dignity, and well-being in accommodation settings throughout the asylum process.

<sup>37</sup> Law on Asylum and Temporary Protection, Article 7

<sup>38</sup> Ibid. Article 17

<sup>39</sup> Ibid. Article 50

<sup>40</sup> Ibid. Article 52

## Lived Experiences

The testimonies reveal widespread safety concerns in the Serbian reception system. While general security issues are prevalent and impact the entire asylum-seeking population, LGBTIQ+ asylum face verbal harassment and social isolation connected to their SOGIESC. It's important to note that the research did not uncover evidence of severe violence connected to SOGIESC. Nevertheless, many LGBTIQ+ individuals feared potential problems if their sexual orientation or gender identity became known. This led to a common practice of concealing their identity or modifying their behaviour to avoid potential threats. While this self-censorship is a response to perceived security risks, it places additional stress on LGBTIQ+ individuals. Research shows inconsistency in safety measures across different reception and asylum centres. Asylum seekers reported varying experiences, feeling relatively secure in some centres while facing threats and discrimination in others. This points to a lack of standardised security protocols throughout the accommodation system.

A critical issue highlighted in the testimonies is the inadequate response from both camp authorities and police when incidents were reported. This systemic failure to protect leaves asylum seekers feeling vulnerable and unprotected.

*"They didn't physically attack me, but they wanted to have a problem with me. That was my worst experience. I can't say how it was there, but there's no law, nothing [Referring to RC Subotica]"*

*"Banja Koviljača was the best camp for me. I felt safe there. When I arrived, there were three people from Tunisia who were gay. "I felt safe. The camp was okay, and the people from the camp were okay. The woman who worked as security was great. My Serbian teacher also knew I was gay. I had no problem; it was the best camp for me."*

*"We have never been discriminated against because of our sexual orientation, but we are not together in public; we do not hold hands. We are as friends, two guys..."*

*"I was in my room at the camp when a group of guys came in, even though I had locked the door. They just have the same key for every room. They took my stuff. I reported it to security, and they went to the other guy's room and searched it, but nothing came of it. They told me the police would be called and I'd be contacted, but nothing happened. After that, those guys threatened me. I was so scared I decided to apply to move out of the camp. The next week, I saw one of the guys who had threatened me, and he looked at me in a way that really freaked me out. I'm worried he might attack me. He's a cruel guy, really unstable, and I've seen him with knives. He even cuts himself sometimes and shows people. It's terrifying that no one seems to care or do anything about it."*

*"In the camp also, one woman from Bangladesh pulled my hair and harassed me. When I talked with the Commissariat, they said you don't go outside of the room."*

*"How to feel safe when I had 3 phones stolen and 1500 EUR taken in Krnjača."*

*"Nobody's safe; they do whoever they want in that camp. Police only come and bring some people and take them to different camps... That's what the police do."*

The research also identified a severe incident of violence occurring outside an asylum centre, committed by local nationals. This attack highlights the vulnerability of asylum seekers beyond asylum centre premises and the lack of adequate security measures in surrounding areas. While the specific motivation for the attack is not clear from this account, the targeting of an asylum seeker raises concerns about potential hate crimes or xenophobic violence in the areas surrounding reception centres. The victim's account of the assault and the subsequent lack of response from authorities underscores the need for comprehensive safety strategies that protect asylum seekers both within and outside reception centres.

*"It was around 9 o'clock in the evening, and I needed to go to the store. Although I wasn't allowed to go out after 6 pm, the Commissariat let me go because they knew me, and I knew them. I asked for permission, and they allowed it. I went out, bought what I needed, and was on my way back, and the road was really dark. I think there were four guys who caught me from behind and grabbed me. After that, I don't remember anything. I don't even know how I made it back to the camp. I was unconscious for a few hours, and when I finally came back, it was midnight. When I looked in the mirror, my face was broken. I was in pain, covered in blood, and had scratches everywhere. They had beaten me. I reported the incident—first to the Commissariat and then to the police—but I never received any response."*

The research reveals varied experiences regarding accommodation placement for LGBTIQ+ asylum seekers in Serbian reception centres. While there are some positive examples of authorities attempting to accommodate specific needs, the overall approach lacks consistency and often fails to consider the unique vulnerabilities of LGBTIQ+ individuals.

In many cases, asylum seekers were placed in shared rooms, primarily based on nationality rather than considering SOGIESC factors. This approach, while potentially providing cultural familiarity, does not address the specific needs or safety concerns of LGBTIQ+ individuals.

However, there were instances where authorities showed some flexibility and consideration. For example, some LGBTIQ+ asylum seekers were able to secure individual rooms or be placed with other LGBTIQ+ individuals in rooms that can be locked, providing some privacy and security. In some cases, same-sex couples were accommodated together, providing a degree of privacy and recognition of their relationship.

The research also highlighted the role of external support in securing more suitable accommodation, primarily by legal counsellors. This suggests that while the system may not proactively address LGBTIQ+ needs, it can be responsive to interventions from legal representatives or support organisations.

*"The room was okay. There were four of us. We were all from Iran."*

*"First, I was alone, and after 7 days, I was transferred to a room with a man I did not know. I asked to change the room, and they put me in the same room with one of the LGBTIQ+ asylum seekers, which was much better."*



*"It was a couples room, with the toilet inside, and they gave us paint to paint the walls and some decorations. The security gave us an aquarium, so we had a fish."*

*"When I was in the camp, two Afghani people came to my room because an Afghani guy stayed with me. I was crying because I was afraid."*

*"They give me a pillow, one thing to cover, and they took me to barrack. They showed me the guy who I am going to live with, and that is it."*

*"We came to Krnjača while she was there, so she gave us everything new, beds, sheets, everything new. She said the only thing that we need to do is paint the room "I will give you tomorrow the white paint, and you can paint the room, you can decorate". We never changed the room."*

*"At first, they put me in a room with bunk beds and a bunch of people who were all related. It was too noisy, so I asked if I could switch rooms. They moved me to another room where I had to share with just one other guy. It was better because he was often at work, so I had more privacy. IDEAS helped me get moved again, and this time, I got my own room! Finally, some peace and quiet."*

*"I didn't feel safe. I'm a social person, but I don't like crowds, and there were too many people in a small space. That doesn't mean I dislike people—I enjoy being social. During the first days, I did not feel safe, but after a while, the girl with whom I came and I created our own safe space. We realised there were many people around us who were homophobic, but we also knew we had to live there, so we just managed as best we could. The Commissariat gave us a small room that we didn't have to share with anyone else, just the two of us, and they provided us with a key to lock the door. We had requested this from the Commissariat."*

*"In Krnjača, I told them that I am LGBT at the beginning. They said, 'Don't be afraid; nobody will touch you in here, nobody will harm you, and we will do anything to keep you separated.' They put me in a small room; you must enter from the side to reach the door. I looked outside; everyone was from Burundi, and there were no Syrians. All of them Burundians, and all of them males."*

The research reveals significant challenges faced by transgender asylum seekers. The experiences reported highlight a systemic failure to adequately address the specific needs of trans individuals, often resulting in situations that compromise their dignity, safety, and well-being. A recurring issue is the failure to recognise and accommodate trans individuals according to their self-expressed gender identity. This practice results in inappropriate placement, where trans women are housed together with men.

Trans women reported having to use bathrooms and showers designated for men, leading to severe privacy issues and safety concerns. Some individuals resorted to using facilities at late night hours to avoid potential confrontations or discomfort. While there were some attempts by staff to provide safety measures, these efforts often fell short of addressing the core issues. For instance, offering a separate room within male accommodations did not fully address the safety and dignity concerns of trans women.

While Serbian regulations do not currently allow for legal gender recognition based solely on self-expression, having in mind barriers faced by trans asylum seekers, this should not preclude CRM from implementing more inclusive and respectful accommodation practices.

*"You are a girl, and you are in a barrack with all males... So, when do you shower? When do you feel safe to shower? Put yourself in my shoes; how would you feel?"*

*"I did not leave my room, not even to go and take a shower. I was afraid. I was thinking about how they would come to me while I was showering. I showered at 3 am or 4 am."*

*"Actually, when I take a shower during the night, I use the women's, if nobody's there. If nobody's there, I also use the men's. It was a big problem."*

*"Privacy is the first thing. When I saw I was going to live with somebody else, I was like, 'Oh my God, no way.' I can't change my clothes, I can't do anything."*

*"I was in a barrack with all men, we used the same bathroom, there was no female bathroom. And this is not going to change; I've tried multiple ways, but it's not going to change. The only way it will change is by earning my own money and finding my own place, decorating it how I want."*

*"The Syrian people came recently, but Commissariat from the start, they don't care if you are transgender. They put me in the barrack with all the males. I explained to them multiple times and told them I don't want to be in the barrack with all males cause I am not, and they said that is the only place they have and that I should speak with my lawyers."*

The research also identified positive examples of taking into account specific vulnerabilities of LGBTIQ+ asylum seekers when deciding about their placement in specific asylum or reception centres. In one instance, a staff member of CRM intervened to ensure an asylum seeker was sent to a more suitable camp with better access to necessary medical services.

*"When I was registered, they took my prints and all my data and pictures, and then they said that I had to go to the camp, but they told me to go to the camp near the border with North Macedonia. The officer from the Commissariat told them that it was not possible, that I could not go there because of their medical system, so they sent me to Krnjača."*

The research reveals a significant lack of specific measures to support the inclusion of LGBTIQ+ asylum seekers. Many LGBTIQ+ asylum seekers reported feeling isolated and unable to openly express their identities.

There is a prevalent fear among LGBTIQ+ asylum seekers of potential negative reactions from other residents if their identity were to become known. This fear is often rooted in perceptions of cultural differences and anticipated hostility towards LGBTIQ+ individuals

from other asylum seekers. As a result, many choose to keep their LGBTIQ+ status private, avoiding any situations that might require disclosure. Because of this, they frequently mentioned avoiding interactions with other asylum seekers to prevent questions about their reasons for seeking asylum or other questions which could potentially lead to the disclosure of their LGBTIQ+ status. This avoidance extends to limiting their social interactions within the centres, with many preferring to stay in their rooms and only leaving when necessary for essential tasks. The research also indicates that this constant need for concealment of their identity can have significant psychological impacts. Some individuals reported seeking therapy to cope with the emotional burden of keeping their identity hidden. This highlights the additional mental health challenges faced by LGBTIQ+ asylum seekers in an environment where they feel unable to be open about their experiences or identity.

*"I didn't want to talk to people much, because when you talk to them they ask you why you came here. So I was more by myself. They then started to make assumptions and say "I think it is because you are gay."*

*"We always like to be alone. We are leaving our place only when we need to buy something. We are always in our room."*

*"For now I feel like the information is private, because there is no instance that requires for you to come and say... I am not trouble in the camp, I go to work and come home and go to sleep and that is, I never meet with other in camp"*

*"I know they hate gay people because of their culture and I did not want any trouble."*

*"I know people who faced discrimination. I was always quiet. I did want to speak about it, and that is why I went to therapy because it was killing me. That is why I went to therapy because I kept it inside of me."*

The research reveals significant concerns regarding the treatment of LGBTIQ+ asylum seekers by staff members in Serbian reception centres, including both CRM, officials and security personnel. Many LGBTIQ+ asylum seekers reported experiencing discriminatory or offensive behaviour from staff members. Instances of staff making derogatory comments about individuals' appearance or gender expression were frequently noted, which constitute clear violations of professional conduct expected of public officials and amount to discrimination. Such actions create an unwelcoming and potentially hostile environment for LGBTIQ+ individuals, directly contradicting the mandate of asylum centres to provide safe and supportive accommodation for all asylum seekers.

Equally concerning is the perception among LGBTIQ+ asylum seekers that even when staff are not actively discriminatory, they are either ill-equipped or unwilling to provide necessary support and protection. This lack of confidence in staff capabilities or commitment to assist LGBTIQ+ individuals is a serious issue that undermines the support systems meant to protect vulnerable asylum seekers.

The role of security personnel in perpetuating this problematic environment cannot be overlooked. As they are in frequent interactions with asylum seekers, their involvement in discriminatory practices or their failure to provide a safe environment for LGBTIQ+ individuals is particularly concerning. The inclusion of security staff in any efforts to improve conditions for LGBTIQ+ asylum seekers is crucial.

*"I never went to Commissariat and say that open up to them. Because one time when we were coming from... I think we had a performance somewhere... so we came a little bit late. It was about 8:30, and they he said something in Serbian, he said 'you guys look like you are from a gay parade'. That is what he said, the guy from the gate. So I was always scared, it is like they hate them or something, so I could not just open up to them."*

*"I heard when they used to speak to one guy when he goes inside and saying how he looks famine and things like that, criticising... Even in the restaurant, they spoke about him till the day he told me he was beaten up by police."*

*"Every week we were getting some staff. It was separate for the girls and for the men. They were talking, they were laughing at me, and asking which package they should give to me."*

*"I did not even try because I was afraid as I did not know what am I doing with my life. And even if I tried, I don't think they would tell me – Okay, you are special, let me put you somewhere else I don't think tha."*

*"The staff will not do anything to you, but they will not be able to help you either."*

*"Our relationship with the Commissariat depends on the shift. There is a good and a bad shift. I do not speak with the bad shift. They scream..."*

However, the research also identified positive example of staff interaction. In one instance, a CRM staff member displayed acceptance and professionalism, allowing them to open up and talk about their sexual orientation. This example underscores the potential for positive outcomes when staff are sensitised to LGBTIQ+ issues.

*"Treatment was different... It was like we were not asylum seekers; it was very good treatment like we were their family. The woman from CRM was completely normal; she told us that she did not care, but yet asked why we did not tell her at the beginning. We explained we were scared, but she explained she worked with has experience in working with LGBTIQ+ persons before and that she does not have a problem with that."*

### **What does this tell us?**

The Law on Asylum and Temporary Protection, while prohibiting discrimination based on sexual orientation and gender identity, falls short in providing specific safeguards or guidelines for adjusting accommodation to meet the unique needs of LGBTIQ+ individuals and regarding protection of violence. This legislative shortcoming is reflected in practice, resulting in a systemic failure to adequately address the specific situations of LGBTIQ+ asylum seekers in accommodation arrangements.

The lack of clear guidelines and options for tailored accommodation has led to inconsistent and often inadequate responses to the needs of LGBTIQ+ asylum seekers. While some isolated positive examples exist, showing attempts to provide more suitable living

arrangements, these are exceptions rather than the norm. The variability in accommodation practices across different centres underscores the absence of standardised protocols, leaving the quality of accommodation largely dependent on individual staff initiatives.

LGBTIQ+ asylum seekers often feel compelled to hide their identity, living in constant fear of discovery and experiencing chronic stress. These conditions can be deeply traumatic and detrimental to their mental health and overall well-being. However, the situation for transgender asylum seekers is notably more severe. They face additional challenges, such as being unable to use appropriate bathroom facilities, lacking privacy for changing clothes, and being placed in accommodations that do not align with their gender identity. This not only violates their dignity but also exposes them to heightened risks of discrimination and violence.

A particularly alarming aspect of the findings is the inadequate response to violence and the general lack of safety measures in accommodation facilities. This leaves LGBTIQ+ asylum seekers vulnerable to both targeted aggression and general insecurity within their living spaces.

The research also highlights a critical lack of staff training and awareness regarding LGBTIQ+ issues. Instances of discriminatory behaviour by staff, including security personnel, indicate a pressing need for comprehensive sensitivity training and clear guidelines for professional conduct. The absence of such training contributes to an environment where LGBTIQ+ asylum seekers feel unsafe and unsupported even by those tasked with their protection.

In conclusion, these findings demonstrate a systemic failure to provide safe, dignified, and appropriate accommodation for LGBTIQ+ asylum seekers in Serbia. The gap between non-discrimination policies and actual practices not only affects the immediate safety and well-being of these individuals but also potentially impacts their long-term integration prospects and the overall asylum procedure. Addressing these issues requires a comprehensive approach, including legislative reforms, standardised protocols for LGBTIQ+ inclusive accommodation, targeted staff training, and the implementation of robust safety measures and response mechanisms to violence.

## How to move forward?

The research reveals several key areas of concern and proposals for improvement from the LGBTIQ+ asylum-seeking community regarding accommodation.

The question of establishing a separate part of the asylum centre dedicated to LGBTIQ+ asylum seekers was one of the central ones. While some participants strongly advocate for separate barracks to ensure safety and freedom of expression, others worry that this could lead to further discrimination and isolation. There is, however, a consensus on the critical importance of privacy, especially for transgender individuals. The need for private rooms, including bathrooms and spaces where LGBTIQ+ individuals can feel safe and comfortable, is consistently emphasised. This highlights the necessity for a flexible accommodation system prioritising privacy and safety while avoiding unnecessary segregation.

*"Definitely, we need a barrack for us, so we can, like at first feel safe to go shower, feel safe to go around and dress however they want, inside the barracks, nobody can get in..."*

*"I think privacy should be the first thing. That is the reason why we need barrack."*

*"Yes, if we had that, I would prefer that; I would stay with my friends, we can understand each other ... We already spoke with somebody from the Commissariat about where we can stay, the LGBT. They have different family barracks, children's barracks, so many different barracks, so why are there no LGBT barracks?"*

*"I do not believe that separation of the barracks is a solution because when you are putting us in another barrack, you are already discriminating against us, and we are not like everybody else; we are different. Just accept us."*

*"I think that the people, especially those who are trans, require their own rooms, not their own barrack, but their own room that should not be mixed with different straight people."*

Participants strongly emphasise the need for comprehensive and mandatory training for all staff on LGBTIQ+ issues and cultural sensitivity. They stress the importance of staff being prepared to work with diverse populations, including LGBTIQ+ individuals from various cultural backgrounds.

*"First of all, people need to be prepared; they need to have a course, because... I understand totally and respect your religion, but you have to understand that you are going to work with Muslim people; for example, you are going to work with gay people, homosexuals, lesbians, trans people."*



*"There should be a list of names of people who need extra consultancy; you don't just bump into him and just do something. So, when you are trying to speak with them, this is how you approach them; this is how you do this. Commissariat should be trained on that."*

In addition, the introduction of dedicated LGBTIQ+ focal points within the reception system is proposed as a solution to address the specific needs and concerns of LGBTIQ+ asylum seekers.

*"I think there should be people who will deal with us to know what is going on, like the same they are dealing with people who are sick. I think there should be people to whom when I have a problem I can speak to. Now I have to go through this and this and this, and sometimes I cannot just go to Commissariat because those guys frighten me, I cannot just go tell them. Because I do not know how it will end."*

Participants suggest implementing regular workshops and training sessions for all persons accommodated in reception centres to promote understanding and respect for LGBTIQ+ individuals. They believe that educating the broader asylum-seeking community about LGBTIQ+ issues and clearly emphasising that harassment and violence against LGBTIQ+ persons is punishable could lead to greater acceptance and reduced discrimination.

*"I think there should be teachings in the camp; there should be training for all people. They need to do something like – we must respect each other."*

*"Maybe if there were like – if you know somebody of this gender and you attack him or you criticise him, there will be consequences ... people would respect that."*

*"If there was a training to show them how we feel or react to such actions that they do to us, I think they would change."*

These proposals reflect the LGBTIQ+ asylum-seeking community's desire for a more inclusive, safe, and supportive environment within reception centres. In order to achieve this, further concrete steps should be taken:

- Amend the Law on Asylum and Temporary Protection to:
  - Explicitly introduce specific legal provisions for the accommodation of LGBTIQ+ asylum seekers, including safety measures and adjusted general accommodation, including the introduction of high-security areas within larger asylum centres.
  - Establish a legal basis for specialised accommodation options for LGBTIQ+ individuals, particularly transgender asylum seekers.
  - Incorporate protections for violence in reception and asylum centres, including a) clear definitions of prohibited behaviours, specifically mentioning those targeting LGBTIQ+ individuals and other vulnerable groups; b) establishment of prevention and protection mechanisms within reception and asylum centres; c) legal obligation for reception and asylum centres to implement and maintain reporting systems for incidents of violence and harassment; d) statutory requirement for reception and asylum centres to have response protocols in place for addressing reported incidents; e) legal basis for imposing consequences on perpetrators, including warnings, mandatory education, relocation and potential removal from the asylum system for serious or repeated offences; f) explicit protection for individuals who report incidents, including legal safeguards against retaliation; g) mandatory regular training for staff on preventing and addressing violence, harassment.
  - Introduce requirements for reception and asylum centres to conduct and report on regular assessments of safety and inclusion measures for LGBTIQ+ individuals.
- On the level of CRM, implement and regularly monitor the implementation of the zero-tolerance policy against violence, including effective protection measures for those who report incidents and sanctions for staff who fail to uphold the zero-tolerance policy.
- On the level of CRM, develop procedures for placement of LGBTIQ+ asylum seekers, including:
  - Individual rooms for those who require enhanced privacy, especially transgender individuals.
  - Shared rooms with other LGBTIQ+ asylum seekers for those who prefer a community setting.
  - Placement with same-sex partners.
  - Placement based on their self-determined gender while ensuring their safety and privacy.

- High-security areas within centres with 24/7 presence of trained security officers. To implement this also, a formal procedure for placement of asylum seekers in high-security areas should be developed, allowing for self-referral enabling asylum seekers to request high-security accommodation if they feel unsafe.
  - Explore community-based housing options outside of reception centres for LGBTIQ+ asylum seekers who may face risks living near their communities of origin.
- Develop and implement comprehensive, mandatory training programs for all CRM staff and security officers on LGBTIQ+ issues, cultural sensitivity, and appropriate responses to disclosures of sexual orientation or gender identity. Establish a system of regular refresher courses and evaluations to maintain and improve staff competency.
  - Develop a position of LGBTIQ+ focal point, with clear competencies and responsibilities within the CRM to monitor well-being and provide specialised support to LGBTIQ+ asylum seekers.
  - Create dedicated safe spaces within reception centres where LGBTIQ+ asylum seekers can freely express themselves without fear of prejudice.
  - Implement regular workshops and training sessions for all residents in reception centres to promote understanding and respect for LGBTIQ+ individuals.
  - Conduct periodic reviews of accommodation policies and practices involving LGBTIQ+ asylum seekers and advocacy organisations in the process.

## 5.4 Access to Healthcare

### Legal framework

The Law on Asylum and Temporary Protection establishes the right to healthcare for asylum seekers<sup>41</sup> and refugees<sup>42</sup>. The law prescribes special attention to providing healthcare for vulnerable persons, including seriously ill individuals, those who have experienced severe violence, and those with mental disorders<sup>43</sup>. However, it does not specifically mention LGBTIQ+ asylum seekers and refugees as a vulnerable group requiring special attention.

Medical units within asylum and reception centres provide basic healthcare. Upon arrival, asylum seekers should undergo an initial medical examination, including a medical history review and a general physical examination<sup>44</sup>. For more complex medical issues, asylum seekers are referred to local health centres and hospitals.

While the state budget covers the costs of medical care for asylum seekers, this funding is not comprehensive, leaving some essential healthcare needs unaddressed. This gap is

<sup>41</sup> Law on Asylum and Temporary Protection, Article 54

<sup>42</sup> Ibid., Article 63

<sup>43</sup> Law on Asylum and Temporary Protection, Article 54

<sup>44</sup> Regulation on Health Examinations of Asylum Seekers upon Admission to the Asylum Center or Another Facility for the Accommodation of Asylum Seekers ("Official Gazette of the Republic of Serbia", No. 57/2018), available at: <https://shorturl.at/tzCLP>

partially addressed through NGO donations, but not all health needs can be met this way. For specific treatments, such as HIV care, asylum seekers and refugees should obtain health insurance<sup>45</sup>. Regarding health insurance, asylum seekers and persons granted asylum can obtain it through employment<sup>46</sup>, or by paying for it themselves<sup>47</sup>. However, asylum seekers cannot work for the first six months, and many don't work even later on. The high cost of self-paid health insurance and the complexity of the procedures can create barriers to healthcare access.

In conclusion, while the Serbian legal framework provides a basis for healthcare access for asylum seekers and persons granted asylum, there are gaps in the specific provisions for certain groups and treatments. The practical implementation of these laws, including the extent of coverage and the process of obtaining health insurance, may present challenges for all asylum seekers and refugees, including LGBTIQ+ individuals.

## Lived Experiences

Participants discussed various aspects of their healthcare experiences in Serbian reception and asylum centres, even though it was not the focus of the research. Their accounts covered several key areas, including HIV treatment, access to hormone therapy, access to medication and dietary requirements for managing chronic diseases and psychosocial support.

Regarding access to HIV treatment, the research reveals a lack of consistency and adequacy in care and support. The experiences reported by asylum seekers highlight both positive efforts and significant shortcomings in the provision of HIV care.

In some instances, CRM staff showed initiative in supporting HIV-positive asylum seekers. One positive example includes a staff member at AC Bogovađa actively seeking information about the asylum seeker's previous HIV therapy and ensuring its continuation. This approach demonstrates an understanding of the importance of treatment continuity for HIV patients. However, it's crucial to note that while continuing previous therapy is important, the support should also address testing before confirming or adjusting treatment regimes. Although the research reveals regular health checks had been conducted at Bogovađa, the description lacks specifics on whether these checks included the necessary HIV-specific tests and assessments.

Another case shows the neglect of HIV care at the different asylum centres. In this instance, the asylum seeker was required to locate clinics for HIV testing and specialist care without support from the CRM or medical professionals employed in asylum centres. The only support that the participant got was from legal counsellors after coming in contact with IDEAS.

*"One week, a person from CRM inquired about the therapy we were taking, and we provided him with the name of the therapy. The following week, he visited us in Bogovađa, bringing the therapy with him. This continued monthly for three months."*

<sup>45</sup> Law on Health Insurance, "Official Gazette of RS", Nos. 25/2019 and 92/2023, available at: <https://shorturl.at/qQISE> accessed 13/05/2024

<sup>46</sup> Ibid., Article 11

<sup>47</sup> Ibid., Article 17

*“Yes, upon our arrival in Bogovađa, we underwent a health check and repeated every Thursday. During the initial check, they asked if we felt well, required any medications, or had any concerns.”*

*“I want to emphasise that the camp itself did nothing, absolutely nothing, for me. It was through my own diligence that I sought to resolve my problem. I independently located the clinic that conducted all the examinations, including the HIV test and consulted with an infectious disease specialist. The camp played no role in this process. I never received any attention or treatment from the camp for my HIV. Throughout this entire process, the only organisations that genuinely cared for my health were IDEAS, especially Mina, who accompanied me to all the necessary institutions. They were the only ones who demonstrated diligence. Even though the camp knew my situation, they took no action. They consistently informed me that the government couldn’t cover my treatment.”*

The research also highlights significant challenges for LGBTIQ+ asylum seekers in accessing specialised care for transgender individuals. A key issue is the difficulty of obtaining hormone therapy, as it is not classified as an emergency intervention, and it requires health insurance. This not only negatively impacts the physical health of transgender asylum seekers but also significantly affects their mental health and overall quality of life.

*“The doctor in the camp told me that hormones are not considered an emergency, and we only apply this kind of staff. We only give medications, work with emergency, and people who are actually in need, and the hormones are not something necessary.”*

The research findings indicate a significant shift in the provision of general medication to asylum seekers in recent years, including LGBTIQ+ individuals. Participants report that previously, they had access to free medication for various health issues. However, the current situation has changed dramatically, with many now required to purchase prescribed medicines themselves. This change in practice raises serious concerns about the accessibility of essential healthcare for asylum seekers. The requirement to buy medications out-of-pocket creates a substantial barrier to health, particularly for those with limited or no financial resources. This situation potentially compromises the right to health care, which should be accessible to all asylum seekers regardless of their economic status. The research also highlights inconsistencies in medication availability, leading to frequent changes in treatment regimens. One participant reported having their psychiatric medication changed six or seven times due to supply issues.

*"When we arrived in Tutin, the doctor was already at the camp. We had a medical examination a few days later, and they took our blood... Later, I went to the doctor on my own because I had some skin problems, but they told me I had to pay for everything because they didn't have the necessary supplies, so I bought them myself."*

*"It was the people from the UNHCR who paid for our healthcare."*

*Previously, in Krnjača, if you had any health problems, you could go to the doctors, and they would give you medicines for free, whether you had a headache or some other pain; they provided everything. I don't know what happened, but for the past year, they haven't been giving you anything. You go to the doctor, and the doctor gives you a prescription to go to the pharmacy and buy it yourself."*

*"I told the staff about my mental health problems in Sombor; the doctor was trying to help me... He prescribed me some medications – Rivotril and Zoloft... However, in Sombor, my therapy was changed a few times because sometimes they had the medicines, and sometimes they didn't. They changed my therapy six or seven times, even later in Principovac."*

The research highlights significant concerns regarding the provision of medically necessary, appropriate dietary requirements for asylum seekers with specific health needs. One participant with diabetes reported that despite having a doctor-recommended dietary plan that included specific foods like bread, fish, eggs, and milk, these items were rarely, if ever, provided in an asylum centre.

*"They provided me with a device to measure my sugar levels, but the treatment was ineffective. The doctor prescribed a very strict diet, detailing foods I could and could not eat. I was supposed to hand this dietary plan to the camp, but the diet was never implemented. The doctor recommended specific items like bread, fish, eggs, and milk for my meals. Despite this, if I received these foods three times during my entire stay at the camp, that would be an overstatement. My dietary needs were never taken into consideration."*

The research findings on psychological support for LGBTIQ+ asylum seekers reveal significant shortcomings in meeting the specific mental health needs of this vulnerable group. The testimonies paint a picture of well-intentioned but often ineffective psychological services.

Participants reported that while psychologists provided a space to talk and listen to them, they often seemed ill-equipped to help them develop coping strategies and overcome the challenges they faced. This gap in specialised care is particularly concerning given the often traumatic experiences and ongoing stressors faced by this population. The discomfort expressed by several participants in discussing their problems with psychologists they didn't know well highlights the importance of building trust and cultural competence in mental health services.

One of the participants also indicated that the current psychological support services caused additional stress. Participants reported feeling worse after sessions, as the discussions brought up painful issues without providing adequate resolution or coping mechanisms. This underscores the critical need for trauma-informed care that is sensitive to the unique experiences of LGBTIQ+ asylum seekers.

*"I went to a psychologist for about two months. She used to ask me, 'Why do you feel like you should hurt yourself?' and I said because I feel pain. Then she said, 'And how do you think we can alleviate that pain?' I said I don't know. Then she sits and waits and thinks, and we don't conclude..."*

*"While in Krnjača, I went to PIN three or four times. I had problems and was thinking about it when I was in Padinska Skela. That's why my lawyer told me to go there and talk to them. I didn't like it; I was nervous, and I stopped going."*

*"My legal representative organised the meeting with the psychologist. It was good to have someone to speak with if I am speaking with someone about my gender, like letting it out—it helps. It helped me because I could speak with her. But solving problems, I think I did that by myself."*

*"I started working with a psychologist who came to the camp once a week, but it didn't help because I didn't feel comfortable. It was great to speak with her but discussing my problems with someone I didn't know made me uncomfortable. Talking about my issues made me feel worse, as it kept me thinking about them all the time. I eventually told the psychologist that I didn't want to continue. I felt it wasn't helpful because she was telling me things I already knew."*

## What does this tell us?

The experiences shared by LGBTIQ+ asylum seekers regarding access to healthcare reveal significant gaps in the provision of health services, both from the state sector and non-governmental organisations.

The research uncovers a concerning lack of adequate treatment protocols and therapy for HIV, as well as insufficient monitoring of asylum seekers with this condition. Access to HIV therapy appears to depend more on the sensitivity of individual CRM staff members, the initiative of asylum seekers, and support provided by legal representatives rather than on a systematic solution. This ad hoc approach leaves persons living with HIV in a precarious situation, potentially compromising their health and well-being.

Transgender individuals face particular challenges in accessing hormone therapy. This oversight not only impacts physical health but also significantly affects mental well-being, highlighting a critical gap in understanding and addressing the specific health needs of transgender asylum seekers.

The management of chronic diseases and access to general medications reveal systemic issues in healthcare provision. A shift from providing free medications to requiring asylum seekers to purchase their prescriptions creates substantial financial barriers. While UNHCR has provided some support, this issue needs to be addressed more comprehensively at a wider level. Moreover, inconsistent medication availability, particularly for mental health conditions, disrupts treatment continuity and effectiveness. The struggle to accommodate specific dietary requirements for conditions like diabetes further underscores the centres' difficulties in providing individualised care.

Psychosocial support, while available, often falls short of addressing problems faced by LGBTIQ+ asylum seekers, making them ineffective. This inadequacy in mental health support can exacerbate the already challenging circumstances faced by LGBTIQ+ asylum seekers.

In general, these findings point to several overarching issues: a significant lack of consistency in healthcare provision across different centres, gaps in specialised care for LGBTIQ+ individuals, and an absence of standardised protocols for addressing their health needs. It's important to note that while these findings provide valuable insights, they do not represent a comprehensive assessment of the right to health. Nonetheless, these experiences highlight the urgent need for reforms to ensure that all asylum seekers, regardless of their sexual orientation or gender identity, receive adequate and appropriate health support in line with international human rights standards.

## How to move forward

The experiences shared by LGBTIQ+ asylum seekers underscore the critical importance of access to comprehensive and sensitive healthcare in the asylum process.

*"For me, the first thing is health. That is the first thing that should matter when somebody new comes into the camp because you don't know the conditions of that person who has been living in these other countries."*



*“What I mostly needed to know about was my health.”*

To move towards a more inclusive and effective healthcare system for LGBTIQ+ asylum seekers, further steps should be implemented:

- Develop and implement comprehensive, LGBTIQ+ sensitive healthcare protocols across all reception and asylum centres, including HIV care protocols that regulate awareness rising, immediate testing, regular monitoring, and uninterrupted access to antiretroviral therapy, as well as clear guidelines for the provision of gender-affirming treatments.
- Develop protocols for accommodating specific dietary needs related to health conditions and ensure coordination between medical staff and camp administration to implement dietary recommendations effectively.
- Create a dedicated budget on the level of the Ministry of Health for LGBTIQ+-specific healthcare needs within the asylum system, including HIV therapy and gender-affirming treatments until access to general health insurance.
- Establish formal partnerships with HIV/AIDS organisations and specialised healthcare providers to ensure all HIV-positive asylum seekers receive comprehensive health assessments, as well as counselling and support.
- Implement mandatory, ongoing training for all healthcare providers and reception centre staff on LGBTIQ+ health issues, cultural sensitivity, and human rights.
- Ministry of Health should reinstate the provision of free essential medications to all asylum seekers and improve supply chain management to ensure consistent availability of necessary medicines.
- Improve the quality of mental health support and establish more culturally appropriate means of providing psychosocial support.
- Provide specialised training for mental health professionals on LGBTIQ+-specific issues and trauma-informed care.

# 06 Conclusions and Recommendations

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This section presents the conclusions and recommendations drawn from research on the experiences of LGBTIQ+ asylum seekers. While the earlier sections of this report focused on sharing the voices and perspectives of LGBTIQ+ asylum seekers, this final chapter combines these insights with IDEAS' expert analysis. The following recommendations are categorized to address key areas of concern: the legislative framework, assessment of special reception needs, accommodation, information provision, social inclusion, healthcare access, and meaningful participation of LGBTIQ+ asylum seekers in decision-making processes. For each area, specific suggestions for various stakeholders, including government bodies, the Commissariat for Refugees and Migration, civil society organisations, and healthcare providers, have been developed. These recommendations are not exhaustive but represent what we believe to be the most crucial and impactful steps towards creating a more inclusive, responsive, and effective asylum system for LGBTIQ+ individuals in Serbia and should be combined with other parts of the report.

Based on the research findings, the legislative framework in Serbia provides some grounds for protecting LGBTIQ+ asylum seekers, but there are significant gaps between the law and its practical implementation. The Law on Asylum and Temporary Protection in Serbia prohibits discrimination based on sexual orientation and gender identity, establishing a foundation for LGBTIQ+ rights within the asylum framework. Although the law does not explicitly identify sexual orientation, gender identity, or sexual characteristics as independent grounds for asylum, these factors can be considered under the broader category of "membership in a particular social group." This interpretation aligns with evolving international standards and allows for the potential recognition of LGBTIQ+ individuals as refugees based on these grounds.

Furthermore, the law introduces the concept of "special reception guarantees" for vulnerable individuals. While not explicitly mentioning LGBTIQ+ individuals as groups that could need special reception guarantees, in line with the prohibition of discrimination, they should also be available to LGBTIQ+ persons as well when needed.

However, the law falls short in several key areas, posing significant risks to LGBTIQ+ asylum seekers:

- While mandated by law, the assessment process lacks standardisation and clear mechanisms for adjusting reception conditions based on individual needs. This can result in the misidentification of vulnerabilities, inappropriate placement, and denial of necessary support, further marginalising LGBTIQ+ individuals within the already challenging asylum context.
- The law's failure to explicitly recognize LGBTIQ+ individuals as a vulnerable group needing special reception guarantees can lead to their unique needs being overlooked or misunderstood.
- The absence of specific legal provisions for LGBTIQ+ accommodation leaves them exposed to potential harm within the reception system. Without clear guidelines on safety measures, appropriate placement, and protection from violence, LGBTIQ+ asylum seekers, particularly transgender individuals, are at heightened risk of discrimination and harassment.
- While the law establishes the right to healthcare for asylum seekers, it does not specifically mention LGBTIQ+ asylum seekers as a group requiring special attention. This can lead to gaps in care, particularly for transgender individuals who may require hormone therapy or other specialised treatment.

In conclusion, while the existing legislative framework in Serbia provides a foundation for recognizing and protecting LGBTIQ+ asylum seekers, significant gaps hinder its effective implementation. Addressing these gaps is crucial to ensure the safety, dignity, and well-being of LGBTIQ+ individuals within Serbia's asylum system. To improve the legislative framework and ensure comprehensive protection for LGBTIQ+ asylum seekers, the following recommendations should be considered:

- Explicitly recognize LGBTIQ+ individuals as a vulnerable group requiring special reception and procedural guarantees.
- Establish standardised procedures for assessing the special reception needs of asylum seekers, including LGBTIQ+ individuals.
- Introduce specific legal provisions for the accommodation of LGBTIQ+ asylum seekers, including safety measures, adjusted general standards, high security areas in larger centres, and options for specialised housing, including support for private accommodation, particularly for transgender individuals.
- Incorporate explicit legal protections against violence and discrimination in reception and asylum centres, with clear mechanisms for reporting and addressing incidents.
- Introduce legal requirements for reception and asylum centres to regularly assess and report on safety and inclusion measures for LGBTIQ+ individuals.
- Establish a legal basis for an independent monitoring mechanism to oversee the implementation of LGBTIQ+-inclusive practices in the asylum system.
- Establish legal requirements for mandatory staff training on LGBTIQ+ issues and cultural sensitivity. This ensures staff are equipped to provide appropriate support and care to LGBTIQ+ asylum seekers.

By implementing the recommended legislative changes, Serbia can significantly strengthen its legal framework and ensure more effective protection for LGBTIQ+ asylum seekers, as well as other vulnerable groups. However, recognizing that legislative reforms take time, the Commissariat for Refugees and Migration, as the competent authority, as well as other stakeholders, should proactively address existing gaps by developing guidelines, standard operating procedures, and internal policies that can be implemented within the current legal framework. To bridge the gap between legislative intent and application, the CRM should prioritise the following actions:

- Develop comprehensive national guidelines for the reception of LGBTIQ+ asylum seekers. These guidelines should encompass best practices for identification, needs assessment, accommodation, service provision, and coordination ensuring a holistic and LGBTIQ+-sensitive approach throughout the asylum process.
- Create detailed SOPs for the CRM to guide staff in consistently implementing LGBTIQ+-sensitive practices across all reception centres.
- Implement a standardised vulnerability assessment tool that includes LGBTIQ+-specific indicators. This tool should be used upon arrival and periodically throughout the asylum process to identify vulnerabilities, tailor support services, and monitor the well-being of LGBTIQ+ asylum seekers.
- Establish a dedicated LGBTIQ+ focal point within the CRM. This focal point should be responsible for overseeing and coordinating LGBTIQ+-specific issues, providing guidance to staff, and ensuring that the needs of LGBTIQ+ asylum seekers are effectively identified and addressed.
- Establish clear definitions of prohibited behaviours targeting LGBTIQ+ individuals, create prevention and protection mechanisms within reception centres, response protocols, and establish consequences for perpetrators.
- Implement a confidential reporting mechanism for LGBTIQ+ asylum seekers to report discrimination, harassment, or safety concerns within reception centres. This mechanism should ensure prompt investigation and appropriate action to address reported incidents.
- Develop and implement comprehensive staff training programs on LGBTIQ+ issues, cultural sensitivity, and appropriate responses to disclosures of sexual orientation or gender identity. This training should be mandatory for all staff interacting with asylum seekers and should foster a welcoming and supportive environment for LGBTIQ+ individuals, including security staff.

These measures, while not a substitute for comprehensive legislative reform, can significantly enhance the protection and support available to LGBTIQ+ asylum seekers within the existing legal framework. Through these legislative changes and strengthening of the internal legislative framework at the CRM level, the system could establish adequate identification of needs and appropriate accommodation for LGBTIQ+ asylum seekers, addressing key areas for improvement under state responsibility.

The research also underscores a failure in providing timely and comprehensive information to asylum seekers, particularly affecting LGBTIQ+ individuals. This information gap spans from initial arrival and registration to understanding the asylum process, rights, available services, and the specific situation for LGBTIQ+ people in Serbia. It also reveals a critical

lack of LGBTIQ+-specific information, leaving them at higher risk of social isolation and contributing to heightened stress, anxiety, and delayed access to essential treatments such as HIV medication or gender-affirming care for transgender individuals. The research also highlights the interconnected nature of information provision with other aspects of the asylum process, where lack of information contributes to delayed asylum applications, leaving individuals in legal limbo for extended periods. Furthermore, it reveals that comprehensive information is often only received after asylum seekers meet with legal counselors, which frequently occurs long after their arrival. This highlights the crucial role of legal counselors in providing necessary information and the systemic failures in the initial information provision.

Addressing these issues requires a more structured, consistent, and comprehensive approach to information dissemination, considering both physical and digital materials, strengthening community networks, and improving the effectiveness of information provision by all stakeholders. To improve access to information:

- Commissariat for Refugees and Migration should:
  - Develop and implement standardised protocol for providing information, with a specific module on LGBTIQ+ asylum seekers.
  - Create a comprehensive, up-to-date information toolkit tailored to LGBTIQ+ asylum seekers, covering their legal rights, available support services, and resources for accessing legal, medical, and other support services.
  - Allocate dedicated funding for the development and distribution of LGBTIQ+-specific information materials.
- Civil society organisations specialised in support to LGBTIQ+ individuals should:
  - Collaborate with CRM to develop and distribute LGBTIQ+-specific information materials.
  - Establish regular presence in reception centres to offer direct information and support to LGBTIQ+ asylum seekers and establish targeted outreach to LGBTIQ+ asylum seekers who may be hesitant to make contact in reception and asylum centres or participate in group settings.
  - Continue to organise regular community meetings and workshops to address information needs among asylum seekers, but focusing on increasing relevance and quality of workshops.
  - Formalise and support existing informal information-sharing networks among asylum seekers, ensuring the dissemination of accurate and up-to-date information.
- Civil society organisations specialised in legal counselling should:
  - Work with CRM to establish a system for early identification and referral of LGBTIQ+ asylum seekers to legal counselling services upon arrival.
  - Ensure all legal counsellors are trained in trauma-informed approaches to better support LGBTIQ+ asylum seekers who may have experienced persecution or violence.

- Increase presence in reception centres, through establishing regular, scheduled visits to all asylum and reception centres to ensure consistent access to legal information and advice.
  - Provide specialised training for all legal counsellors on LGBTIQ+ issues, including the specific challenges and legal considerations for LGBTIQ+ asylum claims.
  - Develop comprehensive, easily understandable information materials specifically tailored to LGBTIQ+ asylum seekers, covering their rights, the asylum process, and available support services.
  - Train LGBTIQ+ individuals who have been through the asylum process to act as peer supporters, working alongside legal counsellors to provide additional guidance and support.
- All stakeholders should:
- Implement a feedback mechanism where asylum seekers, particularly LGBTIQ+ individuals, can regularly evaluate the effectiveness of information provision and suggest improvements.
  - Support existing informal information-sharing networks among asylum seekers, ensuring the dissemination of accurate and up-to-date information.

The research findings also highlight a significant issue of social isolation among LGBTIQ+ asylum seekers. This isolation stems from multiple factors, including fear of discrimination, lack of LGBTIQ+-specific support networks, and the need to conceal their identity for safety reasons. Many LGBTIQ+ asylum seekers reported feeling unable to openly express their identities within reception and asylum centres and the broader community, leading to heightened stress, anxiety, and obstacles to integration. To address the issue of social isolation and promote inclusion of LGBTIQ+ asylum seekers, the following recommendations are proposed:

- Commissariat for Refugees and Migration should:
- Establish an LGBTIQ+ focal point in each reception and asylum centre, responsible for creating safe, confidential channels of communication for LGBTIQ+ asylum seekers to express their identities and concerns and support them to access services.
  - Develop partnerships with local LGBTIQ+ organisations to provide community connections and social integration opportunities for asylum seekers.
  - Implement LGBTIQ+-inclusive social activities and events within centres to promote interaction and reduce isolation, ensuring these activities are designed to be inclusive without requiring explicit disclosure of LGBTIQ+ identities.
  - Foster a culture of diversity and inclusion in reception and asylum centres through visual cues such as posters, informational materials, and symbols of LGBTIQ+ support, creating an environment where LGBTIQ+ individuals feel more comfortable and accepted.

- Establish regular, confidential check-ins with LGBTIQ+ asylum seekers to assess their well-being, social integration, and any emerging needs or concerns.
- Civil society organisations specialised in support to LGBTIQ+ individuals should:
  - Establish mentorship programs pairing LGBTIQ+ asylum seekers with local LGBTIQ+ community members to foster connections and provide guidance on local resources and culture.
  - Organise regular social events and support groups specifically for LGBTIQ+ asylum seekers, both within and outside reception centres.
  - Develop and implement cultural sensitivity training for the broader asylum-seeking community to promote understanding and acceptance of LGBTIQ+ individuals.
- All stakeholders should:
  - Collaborate to create a comprehensive social inclusion strategy for LGBTIQ+ asylum seekers, involving input from LGBTIQ+ individuals themselves.
  - Regularly assess the effectiveness of social inclusion initiatives through feedback mechanisms and adjust strategies accordingly.
  - Work to raise awareness about the challenges faced by LGBTIQ+ asylum seekers among the general public to foster a more welcoming environment.

The research findings reveal several concerning gaps in healthcare provision for LGBTIQ+ asylum seekers: a lack of specialised services, inconsistent provision of essential treatments, and barriers to accessing specialised care. Key issues include inadequate treatment protocols and insufficient monitoring for HIV-positive asylum seekers, and challenges for transgender individuals in accessing hormone therapy and gender-affirming treatments. Systemic issues also affect the management of chronic diseases and access to general medications. Additionally, while psychosocial support is available, it often fails to address the specific needs of LGBTIQ+ asylum seekers, with many reporting current mental health services as ineffective. This underscores the need for LGBTIQ+ affirming and trauma-informed mental healthcare. Based on these findings and considering the responsibilities of different stakeholders, further recommendations for improvement should be explored:

- The Ministry of Health should:
  - Develop and implement comprehensive, LGBTIQ+ sensitive healthcare protocols for all healthcare providers working with asylum seekers, including specific guidelines for HIV care and gender-affirming treatments.
  - Establish a dedicated budget line for LGBTIQ+-specific healthcare needs within the asylum system, including HIV therapy and gender-affirming treatments.
  - Implement mandatory training programs for healthcare providers on LGBTIQ+ health issues, cultural sensitivity, and human rights.



- Create clear referral pathways for LGBTIQ+ asylum seekers to access specialised healthcare services and establish formal partnerships with HIV/AIDS organisations to ensure comprehensive care for HIV-positive asylum seekers.
- The Commissariat for Refugees and Migration:
  - Develop protocols for accommodating specific dietary needs related to health conditions of LGBTIQ+ asylum seekers, ensuring coordination between medical staff and centre administration.
  - Create safe and private spaces within reception centres for LGBTIQ+ asylum seekers to discuss health concerns with medical professionals.
- Mental health service providers should:
  - Develop specialised mental health support programs tailored to the needs of LGBTIQ+ asylum seekers, including access to LGBTIQ+-affirming therapists and support groups.
  - Implement trauma-informed care approaches that are sensitive to the unique experiences of LGBTIQ+ asylum seekers.
  - Implement regular evaluation of mental health services, incorporating feedback from LGBTIQ+ asylum seekers to continuously improve care quality and relevance.

At last, addressing all these issues effectively requires not just action from authorities and service providers but also the active involvement of LGBTIQ+ asylum seekers themselves. Their participation ensures that interventions are relevant, culturally appropriate, and genuinely meet their needs. To foster meaningful participation and create a more inclusive asylum system, we recommend the following:

- Establish formal mechanisms for LGBTIQ+ asylum seeker representation in policy-making processes, such as advisory boards or regular consultation forums. The IDEAS Refugee Council, which provides capacity-building opportunities for LGBTIQ+ asylum seekers to develop leadership and advocacy skills, empowering them to effectively represent their community's interests, could be a model that could be closely examined.
- Involve LGBTIQ+ asylum seekers in the design, implementation, and evaluation of services and programs intended for their community.
- Create opportunities for LGBTIQ+ asylum seekers to provide regular feedback on their experiences within the asylum system, ensuring this feedback informs ongoing improvements.
- Provide resources and platforms for the flourishing of LGBTIQ+ asylum seeker-led initiatives and peer support networks.
- Establish safeguards to ensure that participation does not expose LGBTIQ+ asylum seekers to additional risks or compromise their asylum claims.



By implementing these recommendations, Serbia can create an asylum system that protects and empowers LGBTIQ+ asylum seekers and refugees. Although implementing change is a complex process that requires collaboration across multiple sectors, we believe that by addressing these identified gaps and challenges, Serbia can potentially become a model for inclusive asylum practices in the region and beyond.



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