**Information for asylum seekers and refugees who are homosexual, lesbian, bisexual or transgender**

**Who are we?**

In Belgian society, but also in the rest of the world, there are people who can feel sexually or romantically attracted to persons of the same sex. In Belgium people are free to enter into such relationships. Such people usually identify ourselves (but not always) as **homosexual, lesbian or bisexual people** (Dutch: "holebi").

Some people do not identify with the gender they are assigned at birth. For this reason they want to adjust their body and/or appearance in order to live according to their desired gender. In Belgium they can choose to change their legal gender marker. They usually identify themselves, but not always, as **transgender people** (Dutch: "transgender").

Are you gay, lesbian or bi? Are you transgender? Are you both? Or do you doubt about it? We are here for you!

For 40 years, our organization "çavaria" in Belgium has stood up for the rights and well-being of people who are lesbian, gay, bisexual and/or transgender (LGBT). We ensure that we can meet each other, that our society listens better to our needs and that our government respects our rights. Lumi is the support and info line connected to çavaria. Lumi works with Dutch speaking volunteers, but you can also email us in English.

**Looking for safety**

Do you recognize yourself in the above text? Have you fled for that reason and/or other reasons? Lumi can’t provide legal advice, but we can help you find people who can. We can help you look for specialized support, such as a lawyer, a therapist or a doctor. Want to get to know other people like you? We can tell you where there’s groups so you do not have to be alone.

Your privacy and security are important to us. We will not let you do anything that you do not want to do.

**Contact**

Contact us via mail: vragen@lumi.be.



In this document we collect all the information you need:

- Our support services

- Information about the asylum procedure

- Information about our organization

- Information about your rights

- Information about medical and psychological care

- Information about the lives of LGBT people in Belgium

If you live in a shelter, you can also show this site to your assistant. There is also important information available for them on the site. With this information they will also be able to help you better.

**Useful terms**

**Sexual orientation**: Which gender you prefer, fall in love with, have sex with... Sexual orientation can be behavior, feelings and an identity. Often all of those components coincide. But that is not necessary. You could identify yourself as heterosexual, while you already have engaged in homosexual acts. In Belgium, almost 8% of the population identify themselves as a gay or bisexual person.

**Gender identity**: Your inner feeling: do you mostly feel female, male, both or neither? This feeling usually coincides with your physical gender. This is not always the case, and if this is not, people usually identify themselves as a transgender person.

**Gender expression**: The extent to which you express yourself in terms of femininity and masculinity. It is about clothing choice, language use, gestures, make-up, hair, use of perfume, dealing with emotions and other expressions. A female-looking (gender expression) man (gender) is not necessarily homosexual (sexual orientation). That is why we use different words.

**YOUR RIGHTS DURING THE ASYLUM PROCEDURE**

**Protection of refugees**

Belgium is internationally obliged to protect people who have fled their country and who have a justified fear of being persecuted because of their race, religion, nationality, political opinion or because they belong to a particular social group, without being protected in the country of origin.

If you fear persecution because you are a LGBT person, then you belong to a social group that is protected.

**Which country deals with your asylum application?**

If you want protection, you need to apply for asylum on arrival in Belgium at the Immigration Office in Brussels or at the border police at the airport. They will note why you fled your country. The Immigration Office then examines whether Belgium needs to treat your asylum application. After all, there is a European law that stipulates that only one European country shall deal with your asylum application. Usually this is the first country in the European Union that you passed on your way to our country. That may also be the country where spouses or children have already received or seek protection.

This European law does not take into account couples of the same sex. There is no guarantee that both partners in Europe can apply for asylum in the same country, especially if they have not fled together. Fortunately, the Immigration Department can decide to handle an application anyway and you can appeal against a transfer to another European country.

**How do you tell your story?**

If Belgium treats your application, you will be invited for an interview by the Commissioner-General for the Refugees and Stateless.

The protection officer will ask you why you have fled your country and why you are afraid to return to your country.

What do you have to do?

* Try to prepare the conversation by writing down your story or talking to someone about it, for example.
* Always try to tell the truth as faithfully as possible. If you are caught lying, then the chance is smaller that they will believe the rest of your story.
* Be as complete as possible.

What the protection officer is not allowed to do

* The protection officer must adhere to rules. A protection officer, for example, has professional secrecy and can never tell someone else what you have entrusted to him or her.
* A protection officer may never ask details about sexual acts. This is private and does not contribute to establishing your credibility.
* A protection officer may not ask or accept pornographic images of you (photo, video) for the same reason.

**More information**

More information about the asylum procedure and the reception centers: www. asyluminfo.be. This website is available in Dutch, English, French, Arabic, Somali, Farsi and Pashtu.

**SEXUAL HEALTH AND RELATIONSHIPS**

**What is a sexually transmitted disease (STD)?**

A sexually transmitted disease is a bacterium, virus or parasite that you can get from an infected person by sex. You can get some diseases by sharing a toothbrush, sheet or towel.

There are many different conditions. Some are easy to cure, others can be cured with a heavy treatment, and some not at all.

**What is HIV?**

HIV is a virus that destroys the natural immune system. If you do not treat HIV, the disease will continue to evolve. At some point, your immunity will be so weak that your body will have a hard time to defend itself against infections (this is called "AIDS").

HIV is present mainly in blood or semen. If this comes into contact with damaged mucous membranes or wounds, HIV can be transmitted.

Condoms protect against HIV and reduce the risk of getting other STDs. Do not take blood or semen in your mouth when having oral sex.

There are not always complaints in case of infection. Two to four weeks after infection, 2 out of 3 people feel mild to fierce flu-like symptoms such as: fever, painful joints, fatigue, headache, swollen glands in the neck and or groin, skin rash, sore throat. This flu-like reaction will end by itself. You feel healthy and do not notice that the virus is present in your body. That is why it is important having yourself tested for HIV when in doubt. An infection can be detected with a test on a blood sample after 6 weeks after you had a risky contact.

Medications can keep HIV under control, but **you cannot cure HIV**. With medication, someone with HIV can live a normal life. If you do not strictly follow your treatment, you can transfer HIV to other people, even if you do not have any symptoms yet.

**How to stay healthy?**

Always use a condom in case of penetration (also when sharing sex toys). If you also use a gel or liquid to make penetration easier, never use oil or lotion, because that makes the condom weak.

Test yourself regularly. A condom protects against most diseases, but not against all. You can get tested at a doctor. In addition, you can be vaccinated against certain diseases.

Do not let yourself be tempted into unsafe sex with someone when you are not sure that this person has no STD.

Doctors have professional secrecy. They are not allowed to pass on medical information or whatever information you entrust to them.

**How much does it cost?**

In many establishments (like bars) that target gay men, you can get free condoms. Sometimes you can also get free condoms via associations. You can also buy condoms in the supermarket or pharmacy. They cost around € 0.2 each.

If you have yourself tested by your doctor, you often have to pay a part of the laboratory costs. The price depends on how many STDs you want to test. You will have to pay the visit as well.

If you live in a reception center, Fedasil will give or pay your medical care. Ask your assistant. If you live in a Local Reception Initiative, then it’s the OCMW. Ask your social worker.

You can get a free and anonymous test for HIV at the ITG Help Center in Antwerp or via a saliva test that you can order at home.

**Need more information?**

More information about sexual health and testing: [www.zanzu.be](http://www.zanzu.be). This website is available in Dutch, French, English, Arabic, Bulgarian, German, Spanish, Farsi, Polish, Portuguese, Romanian, Russian, Albanian and Turkish.

**TRANSGENDER CARE AND TRANSGENDER RIGHTS**

**Care for transgender people**

For transgender people who need specific care, finding accurate information is sometimes difficult. The Transgender Information Point collects information about all possible aspects of transgender care, such as masculinisation or feminisation.

Website: www.transgenderinfo.be (only in Dutch).

**What does it cost?**

If you are an asylum seeker, Fedasil or the OCMW will pay the costs for continuing your hormone treatment if you have started hormone treatment before your arrival. Attention: not just every treatment is paid, so ask your assistant. If you want to start your treatment here, you will have to pay the costs yourself.

Only when you get granted international protection, you can rely on the public health insurance, which partially repays psychological and medical care. You should contact your health insurance or the Transgender Information Point.

**Change of your name and your legal gender**

Once you have received your residence permit, you can easily change your name and your gender identification on your Belgian papers. You have to go to the civil registry for this.

**GAY, LESBIAN, BISEXUAL RIGHTS**

**Marrying**

In 2003 Belgium was the second country in the world where two men or two women were allowed to marry each other. They then have the same rights as a couple of a man and a woman. This is a civil marriage, for the Belgian State. You must be of age and both partners must agree. You may not have close blood ties and you may not already be married.

Belgium is predominantly Catholic, but marrying for the Church is not possible for same-sex couples. Yet there are priests who are willing to do a ceremony, but that is not recognized by the Church. Within the Christian community, some communities want to acknowledge same-sex marriages.

**Divorce**

Some couples in Belgium will divorce again. This happens to both couples of the same and of a different gender. Divorce hurts, but can sometimes be better than staying married. A divorce is regulated by law. Consult a lawyer or mediator.

**Legal cohabitation**

Two people who share a home in Belgium can also legally live together. Two persons who live together and make a statement for the civil servant of their municipality are legally cohabiting. This applies to heterosexual or homosexual partners or even someone with whom you have no sexual relationship. A legal cohabitation has consequences in the field of tax returns, residence rights, inheritance law, debts, ...

**Relationships**

A few generations ago, the family often arranged the relationships. People were sometimes forced to marry, for example if the woman was pregnant. Nowadays, Belgians attach more importance to individual wishes. You choose who you start a relationship with and what that relationship looks like. The norm is that partners should love each other.

Many forms of relationships are possible. A part of the people is monogamous and only has sex within the relationship ("closed relationship"). Some have a relationship where the partners also have sex with other people. There should be some necessary mutual agreements, including safe sex ("open relationship"). Some have a relationship with more than one other partner ("polyamory"), even though the Belgian State recognizes only relationships of two people.

Make good mutual agreements with your partner(s) and respect each other's safety, well-being and health. Those who have relationship problems can talk to a professional who knows how relationships work (for example at a Center for General Welfare Work: www.caw.be).

**Adoption**

Since 2006 you can also adopt a child together as a couple of the same sex. However, there is a long waiting list. You also have to go through a procedure, just as this is the case with couples of different gender. Adoption of a domestic child is the simplest option. Adoption of a foreign child is more difficult because few countries allow adoption by same-sex couples. Currently, Belgium has agreements with adoption agencies in South Africa and the USA that allow couples of the same sex.

**Foster care**

Foster care is also possible for couples of the same sex. You then provide a stable home for a child that cannot be brought up by its own parents for a short or long time. Again, you have to go through the same procedure as that for couples of different gender.

**Surrogacy**

It is not forbidden in Belgium to ask someone to give birth to a child for a couple who can’t conceive children themselves. But it is also not regulated by law. Legally, the person who gives birth to a child is automatically the mother. You can’t simply transfer that legal position of the mother to someone else, even if that mother wants to. Inform yourself about the legal risks.

**Need more information?**

As a homosexual man or woman you can build an family with as many rights as families of heterosexual people. You do not have to remain alone and/or childless. Contact Lumi for more information about your rights.

**WHAT CAN YOU DO AGAINST DISCRIMINATION AND VIOLENCE?**

**Discrimination**

Discrimination is the unequal or unfair treatment of another person on the basis of personal characteristics. Belgian law prohibits unfair discrimination because of your origin, color, religion, age, gender, sexual orientation, gender identity, and more than ten other personal characteristics. You are entitled to equal treatment when you look for work or at the workplace, when you buy or rent something, when you rely on social security or health care, when you want to take part in education or social, cultural, political and economic activities that are public.

The law allows a distinction only when it serves a legitimate purpose, and if it is appropriate and necessary. For example, you may not make a distinction based on someone's skin color when you rent out a home, but you do when you hire actors to play black characters.

Do you think you have experienced discrimination? Let us know. We will put you in touch with the institutions that fight discrimination. They first mediate between the parties involved. If necessary, legal proceedings can be started and you can demand compensation.

**Hate crimes**

You are the victim of a crime when someone hits you, threatens you, blackmails you, rapes you, assaults you, chases you, etc. You can then file a complaint with the police during an interrogation. You are entitled to an interpreter via the police, or you may record statements in your own language. You are also entitled to correct information, respectful treatment, legal assistance, psychosocial assistance and protection of your privacy.

Do you think the perpetrator committed the crime out of hatred because of a protected characteristic such as origin, sexual orientation, gender identity, and so on? Report this during the interview. This is called a hate crime, and these are more heavily punished. This is how the legislator protects minorities who are more often the target of crimes. Did you become a victim of a hate crime, or did you go to the police and you were not treated properly? Let us know.

**Hate speech**

Everyone can have an opinion and announce it, even if it is hurtful or shocking. But it is a crime to distribute messages publicly, also via the internet, with the intention of inciting people to discrimination, hatred or violence towards people because of a protected characteristic. If you hear, read or see someone committing the crime of hate speech, let us know.

**PSYCHOLOGICAL ASSISTANCE**

**Psychological well-being**

Do you need to talk to someone who is also LGBT? Do you feel isolated or lonely? Do you have questions about your sexual orientation or your gender identity?

Contact Lumi via mail: vragen@lumi.be.

