

Persecution, Protection and Immutable Identity: Contextualising Asylum Claims Based on Sexual Orientation in Canada and Finland

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INTRODUCTION

- Particular social group (PSG)
- Actual or **perceived** sexual orientation or gender identity

Questions:

- How can one's sexual orientation be determined?
- How can an individual prove his/her sexuality when, in most cases, they have been forced to hide it?

GLOBAL CONTEXT

- Illegality of same sex relations
- Mental disease, crime, sin, torture, execution
- Iran, Afghanistan, Mauritania, Nigeria, Pakistan, Saudi Arabia, Sudan, United Arab Emirates and Yemen
 - ICCPR & CAT signatories

True North, Strong and Free?

- Why Canada and Finland?
- **Similarities:** bilingual, northern, democratic, progressive, etc.
- **Differences:** population sizes, level of diversity, language, accessibility, historical experiences, etc.

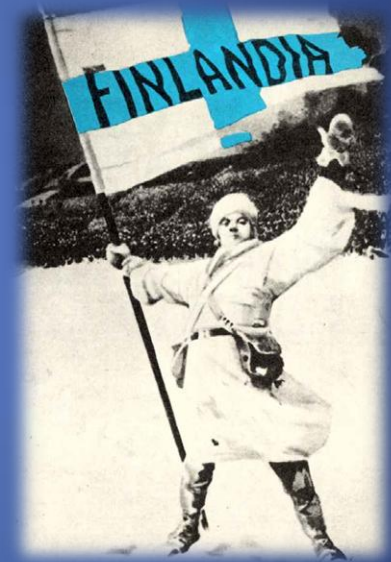
CANADA

- 1976 to 1992
- Canada (Attorney General) v. Ward
- Proving sexual orientation
- Claimant assessor training



FINLAND

- Emigration not Immigration
- Geopolitical location
- Goncharev case
- Asylum case law and privacy



A SHIFTING TIDE

- UNHCR Gender Guidelines
- EU Council Directive
- Yogyakarta Principles
- Safe 3rd Country Agreements

CONCLUSION

Canada vs. Finland

➤ Far enough?

Recommendations:

- Greater international community pressure on governments to stop violations
- Continued research, education and awareness (i.e. LGBT rights = human rights)
- Strengthen and clarify systems of protection for those fleeing persecution

FUTURE RESEARCH CONSIDERATIONS

- Safe countries of origin
- Safe third country agreements
- What impacts do these agreements have on those seeking asylum?
- How do they affect the global refugee system?
- Are similar agreements growing? If so, why?

“We cannot allow our confusion or ignorance of sexual minorities to permit the continued persecution of these vulnerable groups. If we turn the other way, we are no greater than the persecutors.”

THANK YOU