



# The Rights of LGBTIQ+ Applicants for International Protection in Slovenia

Contribution to the International Seminar "The Rights of LGBTIQ+ Applicants for International Protection"



Mestna občina  
Ljubljana



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Applicants for International Protection"



Ljubljana Parade Association, 2025



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# ABSTRACT

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Applicants for international protection are only one group within the group of forcibly displaced people. LGBTI+ applicants for international protection are a sub-group that are legally guaranteed the same rights in Slovenia as other applicants for international protection. When implementing these rights, it is important for the authorities to be aware of the additional vulnerability of LGBTIQ+ forcibly displaced people and their additionally traumatizing experiences on their journey to safer countries.

Over the last ten years the Court of Justice of the European Union, the European Court of Human Rights and the national courts of the EU Member States have established a broader body of caselaw on the granting of international protection to LGBTIQ+ people, which can strengthen the legal protection of their human rights.

In a relatively wealthy country like Slovenia, what measures, if any, will be taken by political decision-makers and implemented by the competent authorities depends primarily on the political will. With the new EU Pact on Migration and Asylum, which is expected to enter into force in spring 2026, the risks of restricting access to international protection are increasing, including for LGBTIQ+ applicants.



# 1. Introduction: Forcibly Displaced People

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LGBTIQ+<sup>1</sup> applicants for international protection are only one group within the group of forcibly displaced LGBTIQ+ people, and the latter are only one within the broader group of forcibly displaced people.<sup>2</sup> According to the International Protection Act, an applicant for international protection is a third-country national or a stateless person who has filed an application for international protection in the Republic of Slovenia.<sup>3</sup> LGBTIQ+ persons may apply for international protection if they are persecuted in their country of origin by state or non-state actors due to their sexual orientation, gender identity, gender expression or sex characteristics.<sup>4</sup> They may also apply for international protection if they are persecuted by these same actors due to their race or membership of a particular ethnic group, religion, nationality or political opinion. People who are forced to leave their country of origin or part of that country, LGBTIQ+ persons included, also do so because of armed conflicts, wars, natural disasters, hunger, poverty, etc. Like all other people, LGBTIQ+ persons may be granted international protection following the examination of their application on a case-by-case basis, thereby acquiring a refugee or subsidiary protection status.

## 1.1. The Rights of LGBTIQ+ Applicants for International Protection

The rights of LGBTIQ+ applicants for international protection are the same as those of all applicants for international protection, namely the right to:

- residence in the Republic of Slovenia and movement within the municipality in which they have a temporary residence address,
- material care (food, clothing and footwear, hygiene supplies) in the case of accommodation in the Asylum Centre, a branch thereof or an accommodation facility established at or near the border, an airport or on board a ship at anchor in a port or harbour,
- emergency medical treatment,
- education,
- access to the labour market,
- humanitarian aid,

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<sup>1</sup> The text uses the acronym LGBTIQ+, which is also used by the Pride Association in its activities. Other acronyms, such as LGBTI, are used only when summarising the writings of certain institutions.

<sup>2</sup> The broader group of forcibly displaced people are: people who expressed the intention to apply for international protection; people who filed an application for international protection (applicants for international protection); people with refugee or subsidiary protection status; people whose application for international protection was denied; people without a status (e.g. without any kind of status to stay and reside in Slovenia), etc.

<sup>3</sup> Article 2 of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 16/17 – official consolidated version, 54/21 and 42/23 – ZZSDT-D)

<sup>4</sup> As regards persecution for reasons of sexual orientation, gender identity, gender expression or sex characteristics by state actors, the authorities responsible for considering applications for international protection aim to establish whether LGBTIQ+ persons in the country of origin form a particular social group. More on this in Chapter 2.1. LGBTIQ+ People as a Particular Social Group.

- an allowance.<sup>5</sup>

Applicants for international protection also have the right to a fair and timely consideration of their application. Furthermore, they are entitled to the protection of all human rights and freedoms arising from legally binding international documents, the Charter of Fundamental Rights of the European Union (the EU Charter) and the Constitution of the Republic of Slovenia.

## 1.2. The Vulnerability of Forcibly Displaced LGBTIQ+ People

When implementing the rights of LGBTIQ+ applicants for international protection, it is important for the authorities to be aware of the additional vulnerability of LGBTIQ+ forcibly displaced people and their additionally traumatizing experiences on their journey to safer countries. Only with this awareness can conditions for the equal treatment of all applicants be established.

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the most vulnerable among forcibly displaced people are LGBTI persons. Furthermore – although there is not yet accurate data on the number of LGBTI and gender-diverse persons forcibly displaced globally – many reside in countries that do not substantively provide strong human rights protections for LGBTI and gender-diverse persons, or that actively discriminate against them.<sup>6</sup> Three quarters of all forcibly displaced people are hosted in countries of the Global South,<sup>7</sup> where laws criminalising LGBTIQ+ people and other (non)formalised practices of persecution against LGBTIQ+ people are also remnants from colonial times.

According to the OHCHR, many forcibly displaced LGBTI persons who cross an international border – more than two thirds of forcibly displaced people around the world do not cross any state border – arrive in countries where they encounter similar or higher risks of violence, xenophobia, racism, misogyny, ageism, socioeconomic marginalisation, and isolation from traditional support networks than in their country of origin. At all stages of their journey, they may be at particular risk of violence, abuse and exploitation from numerous actors, including though not limited to immigration and security authorities, traffickers, and smugglers.<sup>8</sup>

The UN High Commissioner for Refugees (UNHCR) estimates that there are 110 million forcibly displaced people around the world.<sup>9</sup> Their number is rising, including that of forcibly displaced LGBTIQ+ persons. The reasons that force people into leaving their home are rooted in historic imperialism and colonialism and modern-day geopolitical interests at play between superpowers. All these processes have been and still are degrading the

<sup>5</sup> Paragraph one of Article 78 of the International Protection Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 16/17 – official consolidated version, 54/21 and 42/23 – ZZSDT-D)

<sup>6</sup> Official website of the Office of the United Nations High Commissioner for Human Rights: <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/lgbti-and-gender-diverse-persons-forced-displacement> (28 April 2024)

<sup>7</sup> UNHCR assessment: <https://www.unhcr.org/refugee-statistics/> (28 April 2024)

<sup>8</sup> Official website of the United Nations High Commissioner for Human Rights: [Forcibly displaced LGBT persons face major challenges in search of safe haven | OHCHR](https://www.ohchr.org/en/press-releases/2024/04/forcibly-displaced-lgbt-persons-face-major-challenges-in-search-of-safe-haven-ohchr) (28 April 2024)

<sup>9</sup> The most recent UNHCR assessment from October 2023: <https://www.unhcr.org/refugee-statistics/> (28 April 2024)

environment and societies in all parts of the world and contributing to climate change, forcing people to search for a decent life elsewhere.

## 2. European and National Caselaw on Applications for International Protection Based on Persecution Due to Non-normative Sexual Orientation

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The importance of caselaw in ensuring international protection for LGBTIQ+ applicants is reflected in the first cases identified by LGBTIQ+ organisations in Slovenia. One such case was closely followed by the ŠKUC Association. In the matter in question, two Kosovan citizens applied for international protection in Slovenia in 2009 due to persecution based on sexual orientation. The procedure lasted several years and their application was denied more than once, finally leaving them without international protection in Slovenia.

The first known successful application for international protection in which the person claimed and proved persecution based on sexual orientation was recorded by Legebitra, which participated in the procedure. This was in January 2014, only a few months after the Court of Justice of the European Union (CJEU) adopted a decision defining LGBTIQ+ as a particular social group. This decision will be examined in greater detail below.

In the case in question, the Ministry of the Interior granted the status of refugee to a person who applied for international protection in Slovenia in December 2013 for being persecuted and tortured in their country of origin because of their sexual orientation. In the refugee's home country, homosexuality is a crime carrying a prison sentence of up to one year and a high fine, and the authorities actively pursue and torture homosexual people.

Over the last ten years the CJEU and the European Court of Human Rights (ECHR) have established a broader body of caselaw on the granting of international protection to LGBTIQ+ people. This caselaw is supplemented by that of the national courts of EU Member States.<sup>10</sup> Under the Common European Asylum System, the common standards for LGBTIQ+ applicants for international protection are set out in recast Directives, which specify:

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<sup>10</sup> More on this in the publication of the European Union Agency for Asylum, "Jurisprudence on LGBTIQ applicants in international protection", which is based on the EUAA Case Law Database. Available at: [https://euaa.europa.eu/sites/default/files/publications/2023-09/AR2023\\_factsheet21\\_case\\_law\\_LGBTIQ\\_applicants\\_EN\\_0.pdf](https://euaa.europa.eu/sites/default/files/publications/2023-09/AR2023_factsheet21_case_law_LGBTIQ_applicants_EN_0.pdf) (28 April 2024)





- the standards for the qualification of applicants as beneficiaries of international protection (a refugee or subsidiary protection status)<sup>11</sup>,
- the procedures in which the competent authorities assess whether a person is eligible for subsidiary protection (a refugee or subsidiary protection status<sup>12</sup>), and
- how applicants for international protection are received.<sup>13</sup>

National courts in several EU Member States have established caselaw in key areas to ensure appropriate international protection for LGBTIQ+ persons persecuted in their country of origin by state or non-state actors. These areas are:

- LGBTIQ+ people as a particular social group,
- assessing the existence of persecution,
- assessing the credibility of the applicants' statements and evidence,
- special procedural guarantees and safeguards,
- safe countries of origin and the consequences of repatriation,
- minors and the best interests of the child,
- conditions in reception centres,
- the right to family life.

Below is an overview of what I consider the most important decisions adopted by the CJEU and Slovenian courts.

## 2. 1. LGBTIQ+ People as a Particular Social Group

With its 2013 judgment in *Minister voor Immigratie en Asiel v X, Y and Z*,<sup>14</sup> the CJEU established the legal basis for the consideration of applications for international protection filed by persons persecuted due to their sexual orientation, gender identity, gender expression or sex characteristics. In the judgment, the court provided an explanation for the concept of membership of a particular social group. It established that a person's sexual orientation is a characteristic so fundamental to their identity that they should not be forced to renounce it and, according to the conditions prevailing in the country of origin, a specific social group may be a group whose members have sexual orientation as the shared characteristic.

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<sup>11</sup> 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): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0095> (28 April 2024)

<sup>12</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast): <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0032> (28 April 2024)

<sup>13</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0033> (28 April 2024)

<sup>14</sup> The CJEU judgment is available at: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=144215&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=22414973> (28 April 2024)

The court also held that the existence of criminal laws which specifically target homosexuals supports a finding that those persons form a separate group which is perceived by the surrounding society as being different, adding that the criminalisation of homosexual acts alone does not, in itself, constitute persecution. However, a term of imprisonment which sanctions homosexual acts and which is actually applied in the country of origin constitutes an act of persecution. With this, the court also set the framework for determining the existence of persecution.

The court also held that where an applicant for asylum relies on the existence in their country of origin on legislation criminalising homosexual acts, it is for the national authorities to undertake an examination of all the relevant facts concerning that country of origin, including its laws and regulations and the manner in which they are applied.

## **2.2. CJEU Guidelines for Assessing the Credibility of the Applicant's Statements Regarding their Sexual Orientation**

In December 2014, in joint cases A., B. and C. v Staatssecretaris van Veiligheid en Justitie,<sup>15</sup> the CJEU deliberated on the assessment of the credibility of statements regarding sexual orientation by three third-country nationals who filed applications for international protection in the Netherlands that were rejected for failure to prove their sexual orientation.

The CJEU noted that the declarations of an applicant claiming to be of a particular sexual orientation constitute the starting point for the competent authorities who must then examine these statements while ensuring respect for the applicant's dignity and private life.

The court provided the following guidelines for assessment methods to be used by the national authorities:

1. The assessment of applications for international protection based solely on stereotyped notions as to the behaviour of homosexuals does not allow the authorities to take account of the individual situation and personal circumstances of the applicant. The applicant's inability to answer such questions cannot, in itself, constitute sufficient grounds for concluding that the applicant lacks credibility.
2. While the national authorities are entitled to carry out, where appropriate, interviews in order to determine the facts and circumstances as regards the declared sexual orientation of an applicant, questions concerning details of the sexual practices of that applicant are contrary to the fundamental rights guaranteed by the Charter and, in particular, to the right to respect for private and family life.
3. The submission of the applicants to possible 'tests' in order to demonstrate their homosexuality or even the production by those applicants of evidence (such as films of their intimate acts) does not necessarily have probative value and would of its nature infringe human dignity, the respect of which is guaranteed by the Charter.

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<sup>15</sup> The CJEU judgment is available at:

<https://curia.europa.eu/juris/document/document.jsf?docid=160244&doclang=en> (28 April 2024)



4. Having regard to the sensitive nature of information relating to a person's personal identity and sexuality, it cannot be concluded that the declared sexuality lacks credibility simply because, due to their reticence in revealing intimate aspects of their life, that person did not declare their homosexuality at the outset.

Below are two cases relating to the last point of the guidelines.

### **2.3. Late Disclosure of Sexual Orientation in Procedures to Establish Qualification for International Protection**

In 2018, XY, an Iraqi national, filed a subsequent application for international protection in Austria after the competent Austrian authorities rejected his first application in 2015 and his appeal against the rejected application in 2018. In the first application and the appeal against the decision rejecting that application, the applicant claimed that he feared for his life if he returned to his country of origin on the grounds that he had refused to fight for Shiite militias and his country was still at war. In the subsequent application for international protection, the applicant claimed that he was at risk of persecution in his country of origin because of his sexual orientation. The Austrian authorities dismissed his subsequent application as inadmissible. The applicant lodged an appeal against that decision before the Federal Administrative Court, which found that, since he failed to disclose his homosexuality during the examination of the first application for international protection, the court's decision on his application for international protection had the force of *res judicata*.

In September 2021, the CJEU interpreted the concept of new elements or findings that have arisen or have been presented by the applicant.<sup>16</sup> The court ruled that the concept must be understood in the sense that it includes elements or findings which arose after the procedure relating to a previous application for international protection, as well as elements or findings which already existed before the procedure was concluded, but which were not relied on by the applicant. The CJEU also held that EU Member States cannot themselves set time limits for the lodging of a subsequent application for international protection.

With regard to late disclosure of sexual orientation, the Administrative Court of the Republic of Slovenia reached a decision in June 2018 in case A. A. v the Republic of Slovenia, in which the applicant only disclosed his sexual orientation in a subsequent application, while presenting other grounds in his first application. The court rejected the application, holding that the claimed fact (same-sex orientation) already existed in the first procedure and the applicant has not established why it was not disclosed earlier, even though he had professional assistance at all times, was informed about his rights and duties, and was repeatedly reminded that he had to state all the reasons for granting international protection,

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<sup>16</sup> The CJEU judgment is available at:

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=245748&pageIndex=0&doclang=EN&mode=lst&dir=&occ=firts&part=1&cid=2106608>

which must be true and precise. He was also well aware of the confidential nature of proceedings.<sup>17</sup>

#### **2.4. The National Authorities' Unwillingness or Inability to Provide Effective protection**

In 2021, the Slovenian Ministry of the Interior rejected the application for international protection filed by a third-country national, but the Administrative Court overturned the decision and granted the applicant international protection on grounds of persecution in the country of origin based on gender identity. The Administrative Court found that the applicant had suffered physical violence, severe psychological violence in the form of death threats, and repeated verbal violence and humiliation because of their gender identity. The Administrative Court held that these facts constitute human rights violations that amount to persecution. It also noted that transgender people in the country in question represent a particular social group and the applicant's statements consistent with information about the situation of LGBTIQ+ people in that country. The Administrative Court also noted that the law enforcement authorities in the country of origin did not provide the applicant with effective protection against acts of persecution, which was consistent with the information about the country of origin. The court further stated that, in case of return, the applicant would be exposed to persecution from non-state actors, and the state would be unable to protect them.

The Ministry of the Interior appealed, alleging procedural shortcomings and conflicting information on the effectiveness of law enforcement in the country of origin, stating that the court did not sufficiently consider the possibility of internal flight. The Supreme Court dismissed the appeal and upheld the decision of the Administrative Court, finding that the latter had analysed updated country of origin information, concluding a lack of effective protection throughout the country.<sup>18</sup>

The decision of the Constitutional Court of the Republic of Slovenia is also significant because it highlights the importance of updated country of origin information (COI). This information is a tool of the European Union Agency for Asylum (EUAA) that is tasked with providing the authorities responsible for considering applications for international protection with accurate, reliable and up to date information on the applicants' countries of origin. Based on this information, the competent authorities determine whether the relevant country of origin or part thereof is safe for the applicant to return to without being persecuted, tortured, exposed to degrading treatment or punishment or threatened by indiscriminate violence in situations of international or internal armed conflict. It is therefore essential that COI information also contains information about respect (or lack thereof) for the human rights of persons of various sexual orientations, gender identities, gender expressions and sex characteristics.

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<sup>17</sup> More about the case at: <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1633> (28 April 2024)

<sup>18</sup> More about the case at: <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2175> (28 April 2024)



## 2.5. Special Procedural Guarantees and Safeguards

In August 2021, the Administrative Court of the Republic of Slovenia set aside the negative decision of the Ministry of the Interior on an application for international protection due to procedural shortcomings in the assessment of fears of persecution based on the applicant's sexual orientation.

The applicant contested the negative decision, claiming that he should have been treated as vulnerable due to his mental state and his poor physical condition and that he was unable to obtain sufficient evidence from his country of origin. The Ministry of the Interior stated that since the claims of homosexuality were not considered credible, there was no further examination of this topic in the country of origin information.

The Administrative Court upheld the appeal and reiterated that while the applicant has the duty to make efforts to provide sufficient information and evidence, the determining authority has the obligation to conduct the procedure in such a way as to enable the applicant to exercise their rights efficiently, including in the personal interview. In its decision, the Administrative Court referred to the CJEU caselaw setting out the guidelines for assessing the credibility of the applicant's statements regarding their sexual orientation.<sup>19</sup>

The above overview of cases before various courts shows that the development of caselaw can enhance the protection of LGBTIQ+ applicants, bearing in mind that provisions must be unambiguous and based on the highest possible respect for the human rights and fundamental freedoms of applicants for international protection.

# 3. Ensuring the Equal Treatment of LGBTIQ+ Applicants for International Protection

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LGBTIQ+ applicants for international protection are not a homogenous group. They define their sexual orientation and gender identity differently, express their gender in different ways and have different sex characteristics. They also differ in age, race, ethnicity, religious affiliation, political opinion, socioeconomic status, education and other characteristics. This variety of personal circumstances and characteristics may affect a person's vulnerability in a specific, distinct way. Only by taking into consideration all of these personal circumstances and characteristics and by developing appropriate measures can the equal treatment of LGBTIQ+ applicants for international protection in a hetero- and cis-normative environment be ensured.

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<sup>19</sup> More about the case at: <https://caselaw.euqa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2172> (28 April 2024)

They require:

- appropriate legal assistance – a counsellor who understands the legal specificities of applications for international protection filed by LGBTIQ+ people;
- appropriate accommodation – a safe environment where they can express their sexual orientation and gender identity without fear of violence;
- access to appropriate medical care, including:
  - gender-affirming treatments and procedures,
  - antiretroviral therapy for people living with HIV,
  - services for the prevention and treatment of sexually transmitted infections,
  - mental health services;
- appropriate information about various LGBTIQ+ support and community-building organisations and groups.

With regard to this, I received written assurances from the Ministry of the Interior<sup>20</sup> that regular training is provided to officials conducting procedures and interviews with applicants for international protection to ensure that they are properly qualified to work with vulnerable applicants and follow the EUAA's guidelines. The Ministry added that the (social, health or accommodation) needs of LGBTIQ+ persons who have applied for international protection in Slovenia are addressed by the personnel of the Government Office for the Support and Integration of Migrants, who are also able to identify their specific needs that differ from those of non-members of gender and/or sexual minorities.

Furthermore, the Ministry of the Interior explained that the record of applicants for international protection prescribed in Article 115 of the International Protection Act and the record of persons under international protection prescribed in 116 thereof does not include information about:

- the number of persons granted refugee status due to persecution based on a person's membership of the LGBTIQ+ minority group;
- the number of current applications for international protection in which at least one of the cited reasons for persecution is membership of the LGBTIQ+ minority group;
- the number of LGBTIQ+ persons currently living in Slovenia whose application for international protection is under examination, regardless of the reasons cited in their application.

With regard to this, the Ministry also reported that it was unable to provide an assessment.

### **3. 1. Further Measures to Ensure Decent Living Conditions for Applicants for International Protection**

The type of measures, if any, that are adopted by political decision-makers and implemented

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<sup>20</sup> Response to the request for information about LGBTIQ+ people in forced migration, Ref. No. 092-312/2024/2 of 16 April 2024.



by competent authorities in a relatively rich country, such as Slovenia, depend first and foremost on political will. Based on my experience from years of providing support to LGBTIQ+ applicants for international protection and LGBTIQ+ refugees, I believe such political will does not exist. Ensuring the equal treatment of LGBTIQ+ applicants for international protection therefore depends mainly on individual dedicated officials and social workers at the Government Office for the Support and Integration of Migrants, as well as volunteers from various NGOs and the empowerment of applicants themselves.

As LGBTIQ+ applicants are only one part of the group of applicants for international protection and, as indicated in the introduction, the number of forcibly displaced people is increasing, procedures to determine qualification for international protection can be unreasonably long, I believe that Slovenia needs:

- additional properly qualified officials conducting procedures for international protection;
- additional properly qualified professionals in all branch facilities of the Asylum Centre;
- additional properly qualified lawyers representing the applicants in procedures for international protection;
- additional financial and material support for NGOs providing legal, psychosocial and other services to applicants for international protection;
- a renovation of the existing Asylum Centre facilities;
- additional appropriate accommodation facilities, which are not located on the outskirts of Ljubljana or at a state border<sup>21</sup>;
- better access to appropriate healthcare services, especially for transgender people;
- a greater availability of Slovenian language classes and other services that facilitate integration in the local environment;
- immediate access to the labour market and enabling applicants to obtain legal residence in the country based on employment.

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<sup>21</sup> Accommodation facilities removed from the local population reinforce the prejudice against applicants for international protection as dangerous criminals that threaten the local residents. At the same time, applicants require access to various communities, groups and NGOs to ease the potential distress caused by undue delays in application procedures, inappropriate, even dangerous accommodation facilities and the lack of opportunities to socialise with the local population.

## 4. Fortress Europe

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In my assessment, the new EU Pact on Migration and Asylum, which is expected to become applicable in spring 2026 and will also be binding on Slovenia, does not provide a basis for developing and implementing the measures specified above. The European Commission claims that the Pact “is designed to support Member States that face important migratory pressures and that protect our external borders. At the same time, it provides certainty and clarity for people arriving in the EU. It also allows Europeans to trust that migration is managed in an effective and humane way, fully in line with our values and international laws.”<sup>22</sup>

Among other things, the Pact introduces a screening of third-country nationals who fail to meet the EU entry conditions already at the external borders which, according to the EU, ensures more efficient procedures. Border authorities would thus have seven days to determine whether a person qualifies for the procedure for international protection or should instead be returned to their country of origin. Based on my experience, I assume the accelerated procedure will restrict access to the procedure for international protection, which is the right of all people, putting members of vulnerable groups, such as LGBTIQ+ persons, in an even worse position, although the EU ensures that screening will include a vulnerability check.

The Pact also provides for continued cooperation between the EU and third countries that host a large number of forcibly displaced persons and do not necessarily respect the human rights of all people. Among other things, the EU will provide various incentives enabling these countries to retain forcibly displaced people on their territory. This provision will further restrict access to the procedure for international protection for all people in forced migration, once again putting members of vulnerable groups, such as LGBTIQ+ persons, in a particularly bad position.

If we want to ensure a decent life for all forcibly displaced people, countries, including Slovenia, must establish legal, accessible and safe migration routes for everyone who is forced to leave their home due to persecution, armed conflicts and wars driven by the geostrategic, imperialist interests of the Global North, as well as climate change and increasingly more common and severe natural disasters. At the same time, the exploitative international policies and economies of the Global North must be transformed into a single international policy and economy based on solidarity, sustainability and equality of all persons, peoples and nations.

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<sup>22</sup> More on this at: [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/migration-and-asylum/pact-migration-and-asylum\\_sl#:~:text=Evropska%20komisija%20je%20kot%20skupen%20evropski%20odziv%20predlagala,velikimi%20migracijskimi%20pritski%20in%20varujejo%20na%C5%A1e%20zunanje%20meje](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/migration-and-asylum/pact-migration-and-asylum_sl#:~:text=Evropska%20komisija%20je%20kot%20skupen%20evropski%20odziv%20predlagala,velikimi%20migracijskimi%20pritski%20in%20varujejo%20na%C5%A1e%20zunanje%20meje) (28 April 2024)





## 5. About the author

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Eva Gračanin is a former employee of the Legebitra NGO, where she worked between 2009 and 2022. Among other things, she provided support to LGBTIQ+ applicants for international protection and education about their needs and rights to other actors in the field of international protection. In cooperation with the International Organization for Migration (IOM), she developed a training course for first-responders to the needs of forcibly displaced people, specifically LGBTIQ+ persons.

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