
Foreign Nationals and LGBT issues

Even though we refer to the lesbian, gay bisexual and transgender (LGBT) community there is no sense that this is a single homogenous group. On the contrary, it is made up of people from a diversity of cultural, ethnic, racial, class, generational, faith and ability backgrounds. LGBT people from black and minority ethnic communities (BME) are liable to experience more profound levels of discrimination by mainstream society than their white English counterparts.

In this context, a 'politics of intersectionality' comes into play (Brah, 1996) as sexual orientation intersects with how people are racially situated to give rise to particular and complex experiences of discrimination. It is not a case of experiencing one or the other but rather a complex amalgam of both or several. A white gay man's experience of homophobia will not be the same as that of a black lesbian woman, who can be a target for discrimination not only because of her sexual orientation but also for her gender and racialised 'otherness'.

This is not to suggest that every LGBT person from a BME community is going to necessarily experience prejudice. Many who identify this way live lives where their sexual orientation is not a source of marginalisation but accepted positively as part of who they are. For others, however, the combined effect of homophobia and racism, which thrive on ignorance and fear, remain a potent and deadly phenomenon in our society. In the closed environment of a prison these factors can be aggravated.

LGBT people from BME backgrounds often find themselves very isolated and ostracised by their own communities. In many BME communities a gay or lesbian identity is categorically rejected and is seen as a source of great shame and hurt for the community. Patriarchal and conservative religious and cultural values, as defined by older and traditional members of the community consider lesbianism, homosexuality, bisexuality or transgender identity as unacceptable aberrations of normalcy. Extreme forms of intolerance can take the form of honour killings, which are rare in the UK.

Domestic Violence and Self harm

Evidence available points to relatively high levels of violence in same sex relationships. Explanations offered for this include the extreme isolation of same sex couples, where there is a lack of supportive networks, such as family and friends,

which many straight relationships take for granted. If there is a problem, the feeling is that there is nowhere to turn. The internalisation of expressions of negativity and hatred towards people who are LGBT, which are pervasive in society, can manifest itself in violence towards the self or a partner.

Religion

Most orthodox forms of Christianity, Islam and other major religions consider same sex relations a sin and traditional believers are likely to be vehemently opposed to homosexuality or transgender identities and reluctant to engage in any understanding of either. It is important to bear in mind, however, that within all these religious belief systems there are challenges to traditional thinking and not all Muslims, like not all believing Christians, are opposed to LGBT identities.

Some Muslims believe it is possible to negotiate an LGBT Muslim identity through a broad-minded and liberal faith interpretation and would welcome the opportunity for discussion and dialogue with more orthodox members of the community. Moreover, it would be inaccurate to understand homophobia as an exclusively religious phenomenon. From a historical perspective, it is worth remembering that two of the most oppressively homophobic regimes in the last century, those of Stalin and Hitler, were avowedly atheist.

Muslims

For an individual who identifies as LGBT who has been brought up in an Islamic belief system the struggle to marry a cultural and religious identity with sexual orientation can be immense, with damaging consequences for mental and physical health. For many in this situation they feel there is no alternative but to choose one or the other, which leads to a traumatic split and renouncement of sexual or cultural/religious identity with the latter incurring community scorn and rejection.

Muslim Women

For Muslim women, assigned the role of culture bearers and carriers for the next generation, the taboo around lesbianism and gender diversity is perhaps most acute. A report into the difficulties experienced by LGBT Muslim women in accessing social and legal services in the UK sets out some of the issues starkly. These can include, 'total or partial rejection by family and friends leading to isolation; intense pressure to get married, sometimes leading to force marriages; domestic violence; homelessness; losing custody of children; and/or abduction of children.' (Safra Project 2003). The vulnerability of LGBT Muslim women seeking asylum is particularly highlighted.

Mental Health

According to research into LGBT experiences of mental health services carried out by PACE, an organisation that promotes health and well-being for the general LGBT community, there is a striking lack of appropriate, informed and safe services

for this community. Good practice is random and the result of action by informed individuals rather than viewed holistically as part of general equality frameworks. The report notes that, 'even where respondents did not observe or experience physical or sexual assault, evidence nevertheless showed that homophobic, heterosexist and biphobic attitudes from both service users and staff create environments which can be abusive, invalidating, marginalising and emotionally damaging for lesbian, gay and bisexual service users' (PACE, 1998).

Identifying Homophobia

The PACE report defines homophobia as being based on the belief that heterosexuality is the only normal, valid and moral basis for partnerships. Clearing up any equivocation it presents a spectrum of homophobic expression covering its various nuance from blatant to more subtle forms:

- Stereotyping
- Pathologising (not normal/deviant – mad, bad or sick)
- Hostile/aggressive (verbal and physical abuse)
- Ridiculing (jokes, offensive slang)
- Pitying ('what a shame')
- Ignorance/confusion/embarrassment, voyeuristic (i.e. prurient interest in what lesbians do in bed)
- Sexist ('not a real man/woman', 'all she needs is a good ****')
- Marginalising/seeing as 'other'
- Rejecting
- Indifferent to suffering caused
- Confusion of homosexuality with paedophilia, leading to belief that lesbians and gay men should not be around children.
- Discriminatory – aware or unaware, formal, institutionalised or informal
- Overcompensating (insincerely 'nice', some of my best friends...)

Homophobia – International Context

In some countries, violent intolerance towards same sex relations and transgender identity is actively tolerated and sometimes led by the state. In Jamaica, for instance, violence targeting especially gay men occurs widely and people living with HIV/AIDS also experience significant discrimination and difficulty in accessing healthcare. Extreme homophobic lyrics are a regular feature in some reggae and rap music. Homophobia isn't confined to the Caribbean; Amnesty International notes that over 70 countries criminalise same sex relations.

In some parts of Latin America, where the Catholic Church exerts a strong social influence and traditional patriarchal values hold sway, homophobic attitudes actively prevail. As a fitting reminder of the dangers of generalisation, however, Hugo Chavez, the late president of Venezuela, showed a commitment to equal rights for the LGBT community and declared Caracas the capital city a homophobic free territory. Closer to British jurisdiction, the Republic of Ireland only decriminalised

homosexuality in 1993.

Elsewhere, in many parts of the Middle East there is a strict cultural opposition to homosexuality and there are accounts of gay men being tortured to death. In Iraq, for instance, a UN report confirmed that gay Iraqis have been targeted for kidnapping and murder because of their sexual orientation (Ireland, 2006).

A number of asylum seekers who are LGBT come to the UK because they have been targets of state-led violent attacks because of their sexual orientation in countries of origin. On September 3rd 2003, Israfil Shiri set himself alight in the offices of Refugee Action in Manchester. He died five days later. He was unable to return to Iran, although his asylum application has been refused, and he feared persecution because he was gay. He had no legal representation at his appeal and was ill but unable to get medication because he was homeless and destitute. He had slept in a skip.

Positive Engagement with LGBT Offenders

For probation and prison staff working with offenders who are LGBT and from BME backgrounds, a complex set of sensitivities and issues can be involved. A service in which staff who are LGBT and BME feel valued and safe at work, where they can be open about their own sexual orientation and even feel drawn to joining the service, is a service in which these issues can be broached with offenders. There are a number of key points to facilitate positive and competent engagement with offenders who are LGBT:

- Clear guidance and training for staff on LGBT issues in general, and particularly in relation to BME communities, needs to be a starting point for effective engagement. It is important that LGBT awareness and training is incorporated into general equality frameworks.
- There needs to be a clear understanding of LGBT terminology and a comfort and confidence about using it appropriately.
- Awareness of probation and prison guidance and strategy that aims to meet the legal and ethical obligations to LGBT staff, victims, offenders and stakeholders through a range of measures which include monitoring and training.
- Services need to present an unequivocal message of positive recognition of lesbianism, homosexuality and gender diversity and any attempts to undermine this by staff, stakeholders or offenders needs to be dealt with appropriately and rigorously in the same way as racist attitudes behaviours.
- It is crucial that there is no presumption that all offenders are heterosexual, which will have the effect of isolating and making disclosure more difficult for anyone who is not. Ideally staff should feel sufficiently informed, supported and confident about when it is appropriate and necessary to ask about an offender's sexual orientation and gender identity and have the tools required to do this. Asking an offender outright, 'are you gay?' is not appropriate and may in some cases induce a violent response from him. A more subtle investigative route is advised, where

questions such as, 'do you have partner?', 'where do you like going to drink?', or 'tell me about your friends' can be posed to elicit information on whether the offender is LGBT or not. Pursuing this line of questioning will require subtlety, skill and confidence on the part of the officer as well as some understanding of LGBT lifestyles. If it transpires that the offender is gay, it is important that the officer knows how to handle this information sensitively and supportively, is fully aware of confidentiality issues and policies and able to reassure the offender about them.

- Even though the question of sexual orientation and/or gender identity may have no direct bearing on the crime, in some cases it may be relevant to the safety and management of the offender's rehabilitation process and management within the prison. Prison can be a very heterosexual environment and even though it should be a safe and homophobia-free environment, this may not be the case. If there is uncertainty over the offender's sexual orientation or gender identity and there are concerns about his/her safety it may be necessary to consider carefully where the offender is placed and what work he or she does. The key question is addressing the risk of harm.
- Sexual orientation and gender identity can be of relevance in deportation cases as there may be an asylum claim to be made. A prisoner may need specialist advice on this area.
- Sexual orientation issues highlight one of the many reasons why it is imperative to use a professional interpreter rather than relying on other offenders.
- Managed confidentiality is critical if an offender discloses his/her sexual orientation, gender identity or HIV status. A clear confidentiality policy needs to be in place and actively understood by all staff.

Resources

If you are seeking further support for an LGBT BME offender you may wish to explore the resources below. This is not an exhaustive list of support agencies, many of the resources listed offer extensive links to other relevant organisations.

Black Gay Men's Advisory Group

52-54 Gray's Inn Road, London WC1X 8JU

Tel: 020 7816 4653

e-mail: admin@bgmag.org.uk

www.bmag.org.uk

Support group for black gay and bisexual men of African and Afro Caribbean descent. The group provides advice to individuals and organisations wishing to work with black gay and bisexual men; provides information and support to black gay and bisexual men who are in detention or seeking asylum; gives guidance on developing training programmes specific to issues facing black men who have sex with men; lobbies for change in legislation, policy and practice; supports black gay and bisexual men wishing to organise and create social spaces for themselves and others.

Black Lesbian UK (BLUK)

Unit 10, 10-11 Archer Street, London W1D 7AZ

Tel: 0870 737 9165

e-mail: admin@bluk.org.uk

www.bluk.org.uk

Black Lesbian UK (BLUK) is a social network and voluntary organisation for lesbians of African and Afro Caribbean origin who live in the UK. BLUK was established to redress the experiences of marginalisation black lesbians faced within their own black and lesbian communities.

Kiss

www.plantetkiss.org.uk

Social group which offers support to women of SE Asian, Middle East or North African origin who identify as lesbian or bisexual.

GALOP

PO Box 32810, London N1 3ZD

Tel: 020 7704 6767

e-mail: info@galop.org.uk

www.galop.org.uk

Addresses and monitors policing and safety issues of general LGBT communities. Offers advice and support to those affected by homophobic and transphobic violence or hate crime.

Jewish Gay and Lesbian Group

Tel: 020 8952 0137

info@jgig.org.uk

www.jgig.org.uk

Provides friendship and support for Jewish gays, lesbians, bisexuals and their partners.

Naz Project London

Palingswick House, 241 King Street, London W6 9LP

Tel: 020 8741 1879

e-mail: npl@naz.org.uk

www.naz.org.uk

Culturally and linguistically appropriate services on HIV/AIDS, sexual health and sexuality for the South Asian, Middle Eastern, North African, Horn of African, Latin American and other excluded communities. Education, prevention and support services.

Safra Project

PO Box 45079, London N4 3YD

e-mail: info@safraproject.org

www.safraproject.org

Research and information project which works on issues relating to lesbian, bisexual

and/or transgender women who identify as Muslim religiously and/or culturally. Includes excellent resources on LGBT refugees and asylum seekers and Middle East country reports in relation to LGBT communities.

Stonewall

46 Grosvenor Gardens, London SW1W 0EB

Tel: 020 7881 9440

e-mail: info@stonewall.org.uk

www.stonewall.org.uk

Equality and lobbying organisation that works in partnership with other agencies to promote LGBT equality, undertakes research and lobbies. Website includes range of information resources.

UK Lesbian and Gay Immigration Group

Helpline: 020 7620 6010

e-mail: info@uklgig.org.uk

www.uklgig.org.uk

For information on immigration and asylum legislation and a list of solicitors dealing with same sex and asylum applications please visit their website.