

# THE RIGHT TO



# BE YOURSELF

Information for LGBTI+ people and all those seeking asylum in Belgium due to their sexual orientation, gender identity, gender expression, or sex characteristics



## POINT OF ATTENTION FOR RECEPTION STAFF

This brochure is intended for people with diverse sexual orientations, gender identities, gender expressions, and sex characteristics residing in an asylum reception facility. In Belgium, we often speak of 'LGBTI+ people'. You can give the resident a hard copy of this brochure, but be mindful of the resident's safety when doing so. The brochure and the information it contains may give other residents a presumption of the resident's identity. This could potentially lead to unsafe and dangerous situations for the resident.

Discuss this risk with the resident. If it is not safe to give the resident a hard copy of this brochure, then the resident can also access the brochure online at [cavaria.be/brochure-the-right-to-be-yourself](https://cavaria.be/brochure-the-right-to-be-yourself) or by scanning the QR code.



## INTRODUCTION

It is possible to apply for asylum in Belgium if you are not free to be yourself in your country because of who you are or who you love. The basis of your asylum application is then your sexual orientation, your gender identity, your gender expression, or your sex characteristics. What exactly this means and what rights you have in Belgium are further explained in the first part of this brochure. We then provide more information on how gender and sexual diversity are understood in Belgium, with terms such as LGBTQIA+, LGBTI+, queer, etc. LGBTI+ refers to lesbian, gay, bi+, transgender, intersex, and other people with diverse sexual orientations, gender identities, gender expressions, and sex characteristics.

This brochure aims to offer you some tools to help you find your way. The brochure is not a comprehensive overview. The information we provide includes some important elements but is not exhaustive.

# YOUR RIGHTS IF YOU APPLY FOR ASYLUM BASED ON YOUR SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, OR SEX CHARACTERISTICS

As an LGBTI+ person and as a person with a diverse sexual orientation, gender identity, gender expression, or sex characteristics, you have a lot of rights in Belgium so that you can live your life the way you want. In this section of the brochure, you will find an overview of some of the rights you have in Belgium.

Unfortunately, this does not mean that LGBTI+ people and people with diverse sexual orientations, gender identities, gender expressions or sex characteristics are accepted by everyone in Belgian society for who they are. However, these rights do allow you, for example, to file a complaint if you are discriminated against or are the victim of hate or violence.

## RIGHT TO SEEK ASYLUM

International protection is the protection given by a country to people who had to leave their own country because they are in danger there, for example, due to persecution, war, or violence. This protection is also called 'asylum'.

Everyone has the right to apply for asylum in Belgium. For that, you have to follow a procedure. The Belgian authorities will then examine your situation and decide whether you are eligible for protection.

## ASYLUM BASED ON YOUR SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, OR SEX CHARACTERISTICS

You can apply for asylum in Belgium if you left your country because you were persecuted or at risk of persecution because of:

**YOUR SEXUAL ORIENTATION**

**YOUR GENDER IDENTITY**

**YOUR GENDER EXPRESSION**

**YOUR SEX CHARACTERISTICS**

You can also apply for asylum on other grounds, such as persecution or fear of persecution because of your race, religion, nationality, or political opinion.

If you apply for asylum based on your sexual orientation, gender identity, gender expression, or your sex characteristics, it is important to report this to the asylum authorities as soon as possible. A late notification of this could make your asylum procedure more difficult. Also discuss this with your lawyer, who can assist you in this.

More information for **intersex asylum applicants** can be found here:



## SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, AND SEX CHARACTERISTICS: WHAT DOES IT ALL MEAN?

The words we use here, such as sexual orientation, gender identity, gender expression, or sex characteristics, may be new to you or may be confusing. That's why we briefly explain what they mean:

### SEXUAL ORIENTATION

is about who you are romantically or sexually attracted to.

The way people in Belgium (and in many other countries) view romantic and sexual relationships is often very black and white. People often assume that a relationship is only possible between a man and a woman. But there is more than that: men can also be with other men and women with other women. Even people who do not feel like women or men can fall in love or be attracted to someone. And then there are those who rarely fall in love or are rarely sexually attracted to someone else.



### GENDER IDENTITY

is about how you feel, the deep inner feeling you have about your gender: do you feel like a man, a woman, neither, or even differently? That feeling does not always coincide with the sex you were assigned at birth.

Gender and sex are not the same thing. In Belgian society, but also in many other places, people are often divided into two groups. You are either a man or you are a woman. This involves looking at your body, at your (biological) sex. We call this division in which there are only two possibilities a binary division.

Certain expectations are linked to this biological division. For example, it is expected that anyone who is born a girl will feel like they are a girl. And that boys feel like they are boys. But as we said, your feelings about your gender may not coincide with the sex you were assigned at birth. For instance, you may have been born with male sex characteristics but feel like a woman.

### GENDER EXPRESSION

is about how you express yourself to the outside world, through your clothing, your behaviour, your voice, or your body language.

Based on a person's sex and gender, assumptions are also often made about their interests, character traits, job choices... These are called gender roles. For example: <<While dad goes outside to play football with his son for a while, mum and daughter cook together.>> Then, it is also often assumed that you will adapt your clothes, your behaviour, and even your attitude to these gender roles. Indeed, some people express themselves in a way that is typically seen as 'feminine' or 'masculine', but there are also those who express themselves in a different way than what is expected by society.

### SEX CHARACTERISTICS

are physical features such as genitals, hormones, and chromosomes.

For some people, it is not clear at birth whether they fit into the 'male' or 'female' box biologically because they have both male and female sex characteristics. We call this intersex.

In English, the acronym **SOGIESC** is often used, which stands for '**Sexual Orientation,**

**Gender Identity and Expression, and**

**Sex Characteristics**'.

So with this acronym, we are talking about the terms we explained above: sexual orientation, gender identity, gender expression, and sex characteristics. We also use this acronym in this brochure for ease of reading.

In Belgium, terms such as LGBTI+, LGBTQIA+, queer, etc. are often used. Later in the brochure, we will discuss exactly what this means.



## RIGHTS DURING THE ASYLUM PROCEDURE

**AFTER YOU HAVE FILED AN ASYLUM APPLICATION, YOU ARE ENTITLED TO AT LEAST THE FOLLOWING THINGS:**



**RIGHT TO RECEPTION:** you have the right to be accommodated in a collective reception facility. This facility will provide you with a bed, access to sanitary facilities (showers and toilets), and food. You are also entitled to guidance from a social assistant. Vulnerable people, such as trans people, can be accommodated in places with more privacy than in a collective reception facility. Your social assistant can give you more information about this.



You can usually turn to a **SOCIAL ASSISTANT** with questions about the asylum procedure, but also with questions about gender and sexual diversity or if you are struggling with your identity. You can also tell your social assistant if you have complaints about the reception facility or your fellow residents. Your social assistant is bound by professional confidentiality. This means that your social assistant is not allowed to share any information you give or request with others without your permission. This certainly applies to personal matters such as your sexual orientation, gender identity, gender expression, or sex characteristics. Do you notice that your social assistant is not complying with these obligations? Please report this to your lawyer or another trusted person.



**POINT OF CONCERN:** Currently, not every asylum applicant is given shelter immediately because there are not enough places in the reception facilities. This is not legal, and thus, the Belgian state is not fulfilling its obligations. As a result, mainly single men are forced to survive on the streets or stay with acquaintances.



If you, as an LGBTI+ asylum applicant or as an asylum applicant with diverse SOGIESC, do not receive reception, it is important to contact the Legal Helpdesk of Vluchtelingenwerk Vlaanderen (Flemish Refugee Aid Network) immediately: [vluchtelingenwerk.be/startpunt/legal-help-desk](https://vluchtelingenwerk.be/startpunt/legal-help-desk).



**RIGHT TO A LAWYER:** during your asylum procedure, you have the right to a lawyer. Your social assistant must ensure you get a lawyer. A good lawyer is especially important when applying for asylum based on your SOGIESC. If you feel your lawyer is not assisting you properly, you can also change lawyers.

Your lawyer is also bound by professional confidentiality and may not share personal info such as your sexual orientation or gender identity with others without your permission. It is important to talk to your lawyer about your sexual orientation, gender identity, gender expression, or sex characteristics, even if this feels scary or uncomfortable. This is necessary so that your lawyer can assist you in the best possible way.



**RIGHT TO AN INTERPRETER:** during your interviews with the asylum authorities, you have the right to an interpreter, who translates the conversation for you. You can also request an interpreter during meetings with your social assistant at the reception facility or with your lawyer.

It can feel scary or uncomfortable to discuss very personal matters such as your sexual orientation, gender identity, gender expression, or sex characteristics while an interpreter is present. It is important to know that an interpreter has a duty of confidentiality. An interpreter is not allowed to share anything from a conversation with anyone else. The interpreter may not express their own opinion about the conversation. Do you notice during or after the conversation that the interpreter is not complying with these obligations? Please report this to your social assistant, lawyer, or another trusted person.

You can indicate your preferences for an interpreter. For example, you can ask that the interpreter be of a certain gender (e.g. male or female) and that the interpreter is not from your country. If possible, your social assistant, lawyer, or the asylum authorities will take your request into account.

### FOR MORE INFORMATION ON THE ASYLUM PROCEDURE,



contact your lawyer, the Legal Helpdesk of Vluchtelingenwerk Vlaanderen at [vluchtelingenwerk.be/startpunt/legal-help-desk](https://vluchtelingenwerk.be/startpunt/legal-help-desk) (webpage only in English, but you can contact the Legal Helpdesk in several languages),



or the info line of Vluchtelingenwerk Vlaanderen at [vluchtelingenwerk.be/infolijn](https://vluchtelingenwerk.be/infolijn) (in Dutch, English, French, Ukrainian, Pashtu, or Dari).

## PROHIBITION OF DISCRIMINATION

Belgian law prohibits discrimination on the basis of sexual orientation, gender identity, gender expression, and sex characteristics in a whole range of areas: at your job, to rent or buy a house, at the doctor's office or in the hospital, while attending school or in training, etc.

Discrimination means treating individuals or groups differently based on protected characteristics without justification. Protected personal characteristics include, among others, a person's sexual orientation, gender identity, gender expression, and sex characteristics. So, discrimination means that you are treated less favourably than other people in a similar situation, without a valid reason.

### Examples of discrimination based on your SOGIESC are:

- ☹️ A woman is fired after telling people at work that she is a lesbian
  - ☹️ A landlord refuses to rent a property to a gay couple
  - ☹️ A man is beaten up because, in the eyes of the perpetrator, he is not behaving manly enough
  - ☹️ A translator refuses to translate a document for a trans woman
- ➔ This is prohibited in Belgium. Here, as an LGBTI+ person and as a person with diverse SOGIESC, you have the right to live, work, go to the doctor, walk down the street hand in hand with your partner, and much more.

Even as an asylum applicant, you may not be discriminated against because of your SOGIESC. But it is important to know that during your asylum procedure, some rights – like the right to work – are subject to extra conditions. For more information about your rights as an asylum applicant you can contact your lawyer.

## FREEDOM OF EXPRESSION AND HATE SPEECH

In Belgium, you have the right to freedom of expression. This means that you are allowed to say and write what you want, read, listen to, and watch what you want, and can gather information from any source - because that's how you can form your own opinion.

Freedom of expression is a very important right, but it also comes with duties and responsibilities. Freedom of expression is also subject to certain legal limitations. Some opinions and statements can be punishable because they cause harm to society. Crossing the legal limits of freedom of expression is called hate speech. Hate speech is punishable.

**For example, the following statements are punishable in Belgium:**

- ☹ Someone calls for violence against gay men via social media
  - ☹ Someone hands out flyers with hurtful and hateful texts about trans people
- ➔ These examples deal with gender and sexual diversity, but other forms of hate speech are also punishable in Belgium. For example, calls for violence against Black people.

## CONVERSION PRACTICES

Conversion practices are punishable in Belgium. These are practices where people try to suppress or change your sexual orientation, gender expression, or gender identity.

**Examples of conversion practices are:**

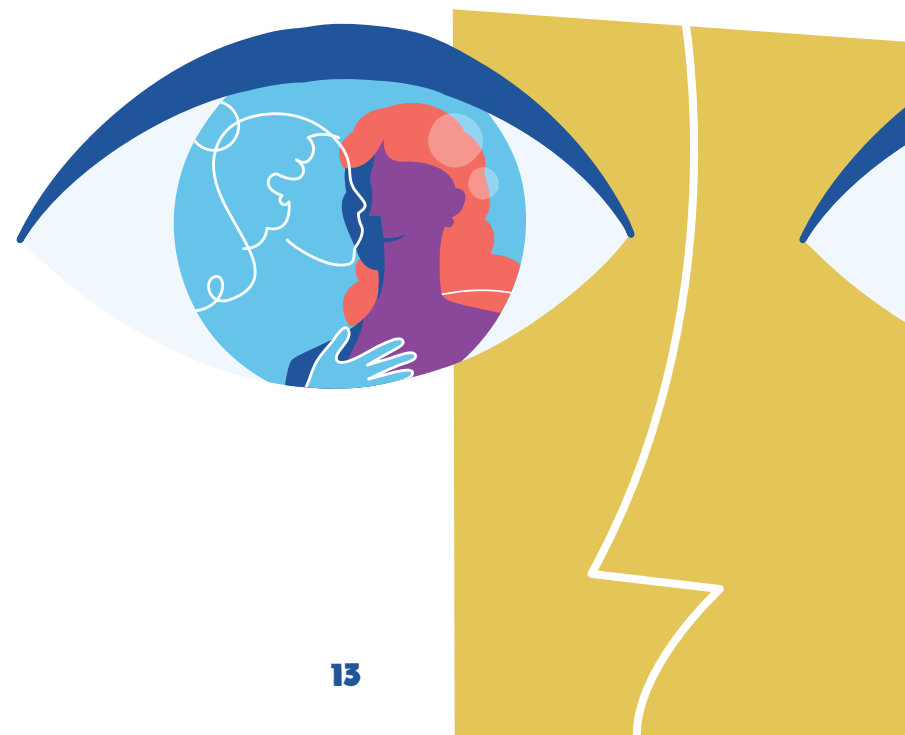
- ☹ A so-called exorcism performed by a religious leader on a lesbian woman
- ☹ Parents who want to send their gay son to a 're-education camp' to 'cure him of his homosexuality'
- ☹ Conversation sessions in which a 'therapist' seeks to restore a trans woman's 'true gender identity' through 'psychotherapy sessions'

## FAMILY

In Belgium, everyone is free to choose their own partner, as long as the legal minimum age is respected. This means that you are also free to have a relationship with a person of the same sex. So, for example, a man can have a romantic or sexual relationship with another man. As an asylum applicant, you are also free to choose your partner.

People of the same sex can also (legally) live together or marry each other. So two men or two women can marry each other. Trans people can also marry or (legally) live together with their partner. To (legally) live together or get married as an asylum applicant, there may be additional conditions and requirements linked with your residence status.

Same-sex couples and trans persons also have the right to adopt children in Belgium. The adoption law is very complicated and the adoption procedure usually takes several years. To be able to adopt in Belgium, you usually need to have Belgian nationality. It is therefore not possible to adopt in Belgium during the asylum procedure.



## CHANGING YOUR GENDER REGISTRATION

Any Belgian or person registered in the Aliens' Register can request a change of gender registration on their official documents. When your gender registration is adjusted, 'M' is changed to 'F' or vice versa. An 'X' or other gender registration is not possible in Belgium.

So trans people can have their gender changed on their official documents. Changing your gender registration is based on self-identification. That means you just have to give a declaration and then your registration will be updated. So trans people do not have to undergo gender-affirming surgery or hormone therapy before they can change their gender registration. This change cannot be made during the asylum procedure, but only after you have been recognised as a refugee or granted subsidiary protection.

Trans people can also enter a transgender care pathway. Several medical steps are possible in this pathway, such as counselling sessions and steps to change physical characteristics, in order to affirm your gender identity. Waiting lists for transgender care pathways are long and access to a transgender care pathway during the asylum procedure is limited.



**For more information,  
please visit**

[transgenderinfopunt.be](https://transgenderinfopunt.be)



## FREEDOM OF ASSOCIATION

You have the right to associate freely. This means, among other things, that you are allowed to join existing associations or initiatives, establish them yourself, and attend and organise peaceful gatherings of people (such as protests).

Restrictions or prohibitions on meetings (for example protests or certain associations) are possible. Such restrictions, however, can only be imposed under strict conditions.

In Belgium, it is therefore allowed to gather with other LGBTI+ people and people with diverse SOGIESC. You are allowed to take to the streets to demand equal rights. A Pride march is legal. You are free to display the rainbow flag and show that you are part of this community or show that you support equal rights for this group.

## HATE CRIMES

Certain crimes (such as damage to property or verbal and physical violence) are punished more severely in Belgium if the motive is hatred towards LGBTI+ people or people with diverse SOGIESC. This means, for example, that if an offender physically assaults a trans person out of hostility towards trans people, the offender may receive a harsher punishment.



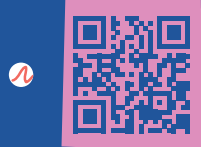
## WHAT IF YOUR RIGHTS ARE NOT RESPECTED?

Even if you have the above rights, they may not always be respected. Certain individuals may not respect your rights, but this can also happen with institutions such as the Belgian government. As an LGBTI+ person or as a person with diverse SOGIESC, you may also experience violence.

### IT IS IMPORTANT TO REPORT IF YOUR RIGHTS ARE NOT RESPECTED.

You can do this by, among other things:

📞 talking to your **LAWYER**

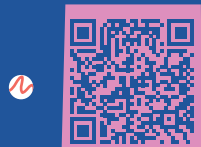


contacting the **LUMI** help and listening line (available in Dutch and English only): [lumi.be](https://lumi.be)

📞 if you experience violence, you can also go to the **POLICE**. If you do not want to go to the police or if you have questions about how to make the report in a supported way, you can also contact **LUMI** (see above)



file a report with **UNIA** ([unia.be/en/report-discrimination](https://unia.be/en/report-discrimination) or call 0800 12 800) if you are a victim of discrimination, hate speech, or a hate crime. Unia staff can then inform you of your rights and provide advice and/or assistance. Unia may also refer you to others, such as the Institute for the Equality of Women and Men or the Flemish Human Rights Institute.



for questions concerning your asylum procedure: contact the **VLUCHTELINGENWERK VLAANDEREN LEGAL HELPDESK** ([vluchtelingenwerk.be/startpunt/legal-help-desk](https://vluchtelingenwerk.be/startpunt/legal-help-desk))



or the Vluchtelingenwerk Vlaanderen info line ([vluchtelingenwerk.be/infolijn](https://vluchtelingenwerk.be/infolijn)).

## WHAT IS LGBTI+?



In the first chapter of this brochure, we already explained what we mean by the words sexual orientation, gender identity, gender expression, and sex characteristics.

You may also have heard of terms such as LGBTI+, LGBTQIA+, queer, etc. These are umbrella terms often used in Belgium and other Western countries to refer to people with diverse sexual orientations, gender identities, gender expressions, and sex characteristics. We use the term LGBTI+ in this brochure, but all other terms are also correct.

We know that these words and terms may not exist or are not used in every country. The other way around, people in Belgium may not always be familiar with terms that are widely known elsewhere in the world. So it is good to know that this brochure was prepared by a Belgian organisation, where Dutch is one of the official languages.

Maybe you use different words to describe yourself, or you don't want to label yourself at all. That's totally okay. In this part of the brochure, we briefly explain the terms LGBTI+ to give you a better idea of how this topic is understood in Belgium.

## WHAT DO THE LETTERS LGBTI+ MEAN?

Each letter in LGBTI+ stands for a word that says something about a person's romantic or sexual orientation, gender identity, gender expression, or sex characteristics:

**L**

### LESBIAN:

If you are a woman who falls in love with other women and/or are sexually attracted to women, you can call yourself a lesbian.

**G**

### GAY:

If you can fall in love with and/or be sexually attracted to people of the same gender as you, you can call yourself gay. The term is mostly used by men who are attracted to men.

**B**

### BI+

is an umbrella term for several words: If you can fall in love with and/or be sexually attracted to not only women or only men, but to people of different gender identities, you can call yourself bisexual. The plus represents everyone who shares this experience and feeling but who does not describe themselves as bisexual.

**T**

### TRANS

is a term that describes that your sense of self does not (fully) match the sex, male or female, that was assigned to you at birth. For example, if you were registered as a woman at birth, but you do not feel like a woman, you can call yourself trans(gender).

**Cis(gender):** You are called cisgender if the sex you were assigned at birth matches your sense of self. Were you given the label man at birth and do you feel like a man? Then you are a cisgender man.

**Non-binary:** people who do not feel like a woman but also do not feel like a man can identify as non-binary.

**Pronouns:** pronouns exist in a lot of languages. A pronoun is a word that refers to people (or animals or things) without mentioning them by name.

Some examples in English are:

- The woman bikes to the bakery. She has a blue bike. In this example, 'she' is a personal pronoun referring to 'the woman'.
- Do you know that singer? No, I don't know him. In this example, 'him' is a personal pronoun referring to 'that singer'.
- The people are having lunch. They are enjoying their food. In this example, 'they' is a personal pronoun referring to 'the people'. 'Their' is a possessive pronoun indicating that the food belongs to the people.

In the English language, pronouns exist to talk about someone if you don't know whether that person wants to be addressed as male, female, or neither. The pronouns 'they' and 'them' have long been established for this.

In Belgium and other Western countries, some people mention their pronouns when they introduce themselves, to make it clear how they want to be addressed. People can also ask for other people's pronouns so they can address them correctly. Not everyone does this, and this mostly happens within the LGBTI+ community.

## INTERSEX:

Hair colour, eye colour, nose size... We have no doubt that not everyone looks the same. Some people have brown eyes, while others have blue eyes. There is also much more variation possible when it comes to sex characteristics.

People who are born with a variation in their sex characteristics are called intersex people. In Western countries, it has long been a custom to medically intervene and make these people male or female. So they then fit better within the division we are used to in society. But this is often not necessary at all. Like other congenital variations, such as hair colour or eye colour, variations in sex characteristics almost never cause problems. Intersex people oppose unnecessary and involuntary medical interventions. As a result, attention is growing about the harmful effects of such interventions.

Did you know? Worldwide, about 1 to 2 out of every 100 people are born with intersex variations.

For more information,  
please visit

[interseksevlaanderen.be](https://interseksevlaanderen.be)  
and [oii europe.org](https://oii europe.org).

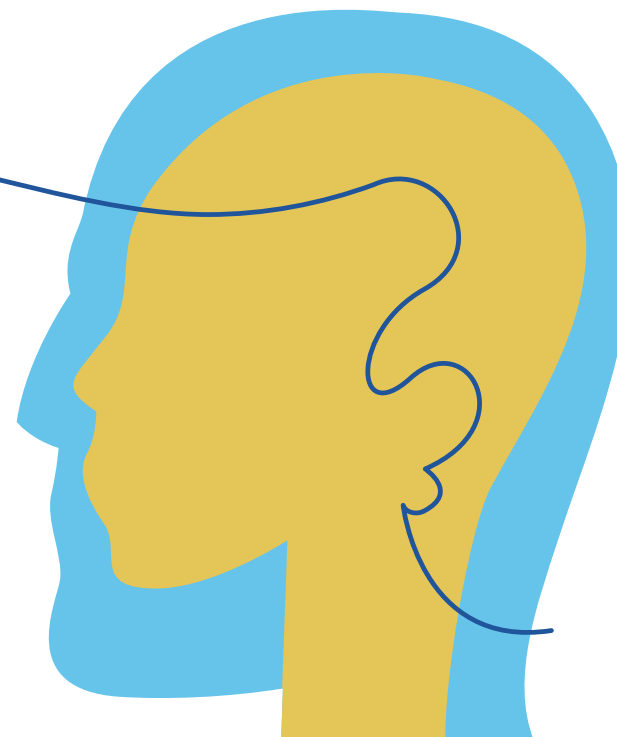


The + represents everyone who is not heterosexual and/or does not fit within the male-female binary, but who does not identify with one of the letters in LGBTI+.

One example is queer. Queer is another word to describe your sexual/romantic orientation and gender identity, instead of using LGBTI+. It is often used as an umbrella term for people who are still searching for their place within the LGBTI+ community. It is also often used by people who want to make a clear statement against the norm of male/female couples and the male/female gender binary.

## SELF-IDENTIFICATION

There are many different terms you can use label or describe yourself. Some people consciously choose not to use a label at all. Others choose a very specific label. You decide whether and which label to use for yourself.



## LANGUAGE

Language is always changing. Not all languages have terminology for the LGBTI+ terms that are commonly used in English, for example. Some terms that were hugely popular in English five years ago are now no longer used. Terms that are unknown now might become widely used again within a year.



For information on terms and definitions in different languages, please take a look at our webpage:

[cavariala.be/informatie-over-gender-en-seksuele-diversiteit-in-verschillende-talen](https://cavariala.be/informatie-over-gender-en-seksuele-diversiteit-in-verschillende-talen)

## USEFUL LINKS



You can find information about organisations and initiatives you can turn to as an LGBTI+ person and as a person with diverse SOGIESC on this website: [kligvzw.be/sociale-kaart](https://kligvzw.be/sociale-kaart)





**Sources:** Çavaria, KLIQ, Lumi, Transgender Infopunt, Vluchtelingenwerk Vlaanderen, Unia, Amnesty International

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