

Countries that Name Sex/Gender As a Basis for Protection in their Domestic Asylum & Refugee Laws

LATIN AMERICA	
<u>Argentina</u>	“Article 53 of General Law No. 26,165 (2006) on Refugee recognition and protection: The Commission shall, when it comes to women or minors - especially unaccompanied minors, who have been victims of violence, provide them with psychological care. In the process, the UNHCR recommendations contained in the guidelines for the protection of refugee women and the guidelines on gender-based persecution shall be applied. ”
<u>Chile</u>	Article 3 “In the interpretation of each element of the concept of refugee established in the preceding article, a perspective sensitive to gender , age or other special vulnerability condition shall be applied.”
<u>Costa Rica</u>	“ARTICLE 106: Refugee is an individual who: 1) Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, gender , membership of a certain group or political opinion....” “ARTICLE 115.- A Refugee or an Asylum Seeker may not be deported to his country of origin when there is a well-founded fear of persecution due to race, religion, nationality, gender , membership of a certain group or political opinion...”
<u>Ecuador</u>	“Article 2: No Deportation. An individual may not be deported or expelled to another country - whether or not the country of origin - where his rights to life, freedom or integrity and that of his relatives are under the risk of being violated due to ethnicity, religion, nationality, ideology, gender, sexual orientation , belonging to a certain social group, political opinions...”
<u>El Salvador</u>	“Article 4, Law to Establish Refugee Status No. 918 (2002): For the purposes of applying this Law, a Refugee is any individual who: a. Owing to a well-founded fear of being persecuted due to race, ethnicity, gender , religion or beliefs, nationality, belonging to a certain social group or political opinion....well-founded fear of being persecuted for reasons of race, ethnicity, gender , religion or beliefs, belonging to a certain social group or political opinion...”
<u>Honduras</u>	“Article 42, 3), Immigration and Alien Law No. 208-2003 (2004) Refugee status shall be recognized for an individual who: (...) (e) Has suffered persecution through sexual violence or other means of gender persecution based on the violation of human rights enshrined in international agreements.”
<u>Mexico</u>	“Refugees and Supplementary Protection Law (2011) Article 13...I. Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, gender , belonging to a certain social group or political opinion...III....well-founded fear of being persecuted for reasons of race, religion, nationality, gender , belonging to a certain social group or political opinion...”
<u>Nicaragua</u>	“Article 1, Law No. 655 for the Protection of Refugees (2008) For the purposes of this Law, a Refugee is considered to be any individual for whom an authority with jurisdiction has acknowledged a Refugee condition due to any of the following circumstances:

	A) Due to a well-founded fear of being persecuted for reasons of race, religion, nationality, gender , belonging to a certain social group or political opinion...”
Panama	“Executive Decree 5, January 16, 2018, on the approval of the Refugee Status Convention and Protocol, establishes new provisions for the protection of Refugees Article 5.1. (A well-founded, gender-based , fear of persecution).”
Paraguay	“Article 1, General Law on Refugees No. 1,938 (2002): For the purposes of this Law, the term Refugee shall apply to any individual who: a) Is outside his country of nationality due to a well-founded fear of being persecuted for reasons of race, sex , religion, nationality, membership of certain social group or political opinion.”
Uruguay	“Article 2, Law on Refugee Status No. 18.076 (2006) Any individual who: A) Owing to a well-founded fear of being persecuted for reasons of belonging to a certain ethnic or social group, gender , race, religion, nationality, or political opinions...”
Venezuela	“Organic Law on Refugees and Refugee Status, Article 5. The Venezuelan State shall consider any individual a Refugee when an authority with jurisdiction has recognized such condition, and the individual entered Venezuelan territory due to a well-founded fear of being persecuted for reasons of race, gender , religion, nationality, belonging to a certain social group or political opinion.”
EUROPE	
Bulgaria	Law on Asylum and Refugees In force from 01.12.2002 Chapter Two TYPES OF PROTECTION (TITLE AMENDED – SG No. 80/2015, IN FORCE FROM 16.10.2015) Art. 8. (5) The acts of persecution can take the form of: 1. acts of physical or mental violence, including acts of sexual violence; ...6. acts against persons on the grounds of their gender or against children...
Czech Republic	The Asylum Act provides in s. 12 that asylum shall be granted where it is established that an alien “(b) has a well-founded fear of being persecuted for reasons of race, sex , religion, nationality, membership of a particular social group or political opinion...”: Act of 11 November 1999 Asylum and Amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act).
European Union	Article 9. “Acts of persecution as qualified in Paragraph 1 may, inter alia, take the form of: (f) acts of a gender-specific or child-specific nature.”
Finland	Aliens Act Section 87a (323/2009) ... (2) Acts of persecution may take the form of: 1) acts of physical or mental violence, including acts of sexual violence; ...6) acts of gender-specific or child-specific nature. Section 87b (422/2014) Reasons for persecution... (4) A common characteristic of a social group may also be sexual

	orientation...When determining membership of a social group or the characteristics of such a group, gender identity and other gender-related aspects shall also be taken into account...
France	Article L711-2: “With regard to the grounds for persecution, gender and sexual orientation aspects are duly taken into account for the purposes of recognizing membership in a certain social group or identifying a characteristic of such a group.” (See also here at p. 121)
Germany	Asylum Act 2 September 2008 (Federal Law Gazette I, p. 1798), last amended by Article 2 of the Act of 11 March 2016 (Federal Law Gazette I, p. 394) Section 3b: “(1)...4. a group shall be considered to form a particular social group where in particular...a particular social group may include a group based on a common characteristic of sexual orientation ...if a person is persecuted solely on account of their sex or sexual identity , this may also constitute persecution due to membership of a certain social group.”
Ireland	Refugee Act 1996 (Ireland), No 17/1996, s. 1, defining the phrase “membership of a particular social group: “membership of a group of persons whose defining characteristic is their belonging to the female or the male sex or having a particular sexual orientation. ”
Kosovo	Article 1.18. of Law No. 06/L-026 of 2018, Law on Asylum defines a refugee as “a person who owing to the well founded fear of persecution for the reasons of race, religion, nationality, political conviction or belonging to a particular social group”, and Article 1.18.4 provides that “...related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group.”
Liechtenstein	Article 2 of Asylgesetz (AsylG), 14 December 2011, provides that refugees include those persons “who, owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, sex/gender or political opinion, are outside the state of which they are nationals and are unable or unwilling to avail themselves of its protection.” (as translated from German).
Macedonia	Article 4c “Acts of persecution in paragraph 1 of this Article, can, inter alia, take the form of: acts of a gender-specific or child-specific nature.”
Moldova	“Article 45. Acts of persecution that can be qualified as such, pursuant to para. (1), may be in the form of: f) acts and abuses of gender-specific discrimination nature , as well as acts and abuses of child-specific discrimination nature.”

Montenegro	Grounds for Persecution Article 23 Art 26... Depending on the circumstances in the country of origin, a particular social group referred to in para 1 item 5 above, can denote a group which has the common characteristics of sexual orientation ...The features related to gender identity, including sex , shall be taken into account when examining membership to a particular social group...
Norway	Act of 15 May 2008 On the entry of foreign nationals into the kingdom of Norway and their stay in the realm (Immigration Act), Chapter 4 Section 29: The form of persecution may include: (a) physical or mental violence, including sexual violence ...(f) acts of a gender-specific or child-specific nature.
Portugal	<i>Portugal: Act 27/2008 of June 30, Asylum Act [Portugal], 30 June 2008, Article 5</i> Acts of persecution...2. The acts of persecution mentioned in the previous paragraph can take the following forms...f) Acts committed specifically on grounds of gender or against minors
Romania	Decision No 653/2013 - amending the Methodological Norms for the enforcement of Law No 122/2006 on asylum in Romania, approved through the Government Decision No 1.251/2006, Article 9. (d)...iii) depending on the circumstances in the country of origin, a particular social group may include a group based on the common characteristics of sexual orientation . Sexual orientation shall not be understood to include acts considered to be criminal in accordance with the national legislation of the Member State. Aspects referring to gender may be included in the notion of sexual orientation...
Spain	Under the Law 12/2009 of 30 October Regulating the Right of Asylum and Subsidiary Protection, Article 3, a refugee is an individual from a non-EU country with a “well-founded fear of being persecuted in his or her country for reasons of race, religion, nationality, political opinion, membership of a certain social group, gender , or sexual orientation ...” (See also here)
Sweden	Sweden is a signatory to the Geneva Convention Relating to the Status of Refugees and its Protocol. Refugees are defined in Swedish law as persons who are refugees according to this Protocol, that is, a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, sex , sexual orientation or membership of a particular social group or political opinion...”
Switzerland	Article 3.2 Definition of the Term Refugee: “... Motives for seeking asylum specific to women must be taken into account. 17.2 “The Federal Council shall issue supplementary provisions on the asylum procedure, in particular to give consideration to the special situation of women and minors in the procedure.
AFRICA	
Kenya	The Refugees Act recognizes two classes of refugees: statutory and prima facie refugees. The former category applies to a person who has “a well-founded fear of being persecuted for reasons of race, religion, sex , nationality, membership of a particular social group or political opinion...

<u>South Africa</u>	The 1988 Refugees Act Chapter 1. Section 1 (xxi) includes “ gender ” as a category listed under the particular social group definition.
<u>South Sudan</u>	“(d) based on well- founded fear of persecution due to gender discriminating practices, ” “ Gender discriminating practices includes strict and forced adherence to a dress code, obligatory pre-arranged marriages, physically harmful facial or genital mutilation, rape, domestic violence and other gender related negative activities ”
<u>Uganda</u>	“(d) owing to a well-founded fear of persecution for failing to conform to gender discriminating practices, ” “ Gender discriminating practices includes strict and forced adherence to a dress code, obligatory pre-arranged marriages, physically harmful facial or genital mutilation, rape, domestic violence and other gender related negative activities.”