The judges also declined to address other potential arguments that are sometimes used to deny asylum in other parts of the world. For example, neither ruling addressed the possibility that the claimant might be able to avoid persecution by living in a different part of his home country or by hiding his sexual orientation, although in the Nigerian claimant’s case the court did state that “if a person cannot express his sexuality due to the fear of being persecuted, it can be regarded as a sort of persecution”, thus implying that it would be inappropriate to return someone to a country where they could remain secure only by disguising their sexuality.

The importance of these two single cases to Korean refugee law should not be overstated. However, these decisions are significant in that they show that, despite being relatively new to refugee jurisprudence, the Korean judiciary is willing to grant asylum based on sexual orientation persecution to applicants coming from countries that are considered to be hostile to gays.

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1. With the exception of men in the military.

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**Challenges to producing LGB-specific Country of Origin Information**

Christian Pangilinan

Evaluations of whether lesbian, gay and bisexual (LGB) asylum claimants have a well-founded fear of persecution frequently require Country of Origin Information (COI) on the state of LGB people in the country of origin. However, information on LGB populations in countries where being LGB is criminalised is often difficult to obtain and frequently anecdotal. First-hand accounts from LGB people themselves are rare.

In order to help address this lack of information in Tanzania, I interviewed 40 self-identified LGB people in Dar es Salaam. Some organisations and individuals – primarily those who advocate for shielding LGB advocacy within advocacy for HIV/AIDS prevention and treatment – advised me that people would refuse to answer direct questions regarding their sexual orientation. However, I did not find that direct questions alienated respondents (even those who did not self-identify as LGB).

Those whom I interviewed had experienced discrimination by family members, removal from school, derogatory and hate language, harassment by police, humiliating treatment by medical providers, fear of accessing public transportation and, in one case, corrective rape. Obtaining this information presented some unexpected as well as expected challenges, which others seeking COI information might do well to bear in mind.

Access to LGB organisations can be restricted, especially since many such organisations tend to operate underground in order to evade government scrutiny or to ensure activists’ personal safety. Careful referrals may be needed in order to collaborate with such organisations.

Information gathered will inevitably depend on which stakeholders are contacted. In addition, it should not be assumed that all LGB activists are on the ‘same side’. LGB organisations may be in active competition or even in conflict. While differences of strategy may be expected, LGB organisations in Dar es Salaam also compete for legitimacy as representatives of LGB people, driven in part by competition over access to funds. Any inquiry into LGB people should take care to obtain insight into the organisation’s credibility with LGB people themselves.

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