



## Diploma Thesis Evaluation Form

Author: Jon Landaluze Aurre

Title: LGBTQ issues of the right to asylum and the refugee status

Programme/year: MAIN/2019

Author of Evaluation (supervisor): JUDr. Milan Lipovský, Ph.D.

Criteria	Definition	Maximum	Points
<b>Major Criteria</b>			
	Research question, definition of objectives	<b>10</b>	10
	Theoretical/conceptual framework	<b>30</b>	25
	Methodology, analysis, argument	<b>40</b>	15
<i>Total</i>		<b>80</b>	50
<b>Minor Criteria</b>			
	Sources	<b>10</b>	5
	Style	<b>5</b>	2
	Formal requirements	<b>5</b>	3
<i>Total</i>		<b>20</b>	10
<b>TOTAL</b>		<b>100</b>	60



## Evaluation

Major criteria:

*The research question of the thesis (whether LGBTQ people fit into the definition of refugees under the 1951 UN Convention and what can be done to help them?) is a relevant one, well defined and current topic.*

*In general, chapters 2 and 3 that describe the basic legal framework are legitimately structured but would need some improvement. First of all, in order for these chapters to be separated (because they both deal with definition issues), the second one should be more general. It should also include the definitions of terms like “migrants, internally/externally displaced persons” etc. Otherwise chapter 3 is more or less just a more detailed version of chapter 2.*

*Also, it is necessary to say that while the author is generally going in the right direction in his ideas, he often fails to finish to the most important issue. Unfortunately, this creates confusion and sometimes it is not clear at all what the author intends to say. It may also be caused by stylistical errors.*

*The definition of “persecution” on page 15 is rather vague. In that relation, I would like to ask the author to describe what exactly would persecution mean in relation to the LGBTQ community and in particular, is it persecution if same-sex sexual relations are prohibited? The author should support his claims by doctrine.*

*When the author discusses the relevant sources of law, he refers to the Universal Declaration of Human Rights. Though it is indeed a relevant source, I would like to ask whether the topics he discusses are not reflected in some binding sources of international law? If so, which ones and where are the topics discussed in them?*

*Of the third chapter, the best part is the sub-chapter on social groups. I would recommend the rest of the chapter to be given similar enthusiasm.*

*Chapter 4 focuses on application of the previously defined legal tools in the EU. The author has chosen the countries of the EU due to their proximity and also due to the specific secondary EU legislation. That is a legitimate goal though at least a mentioning of the situation in other parts of the world would be good for comparison.*

*I need to make a comment as to the goals set by the thesis and the results. The author claims that chapter four will analyse the situation in various European countries. That means various case-law should have been studied, presented and generalised points concluded (as it was suggested by the supervisor). That has unfortunately been only done in minimal extent (it relates to the work with sources, see bellow).*



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Minor criteria:

*The author has used relevant sources of both hard and soft law. Still there could be some more of them. Sometimes use of too few sources makes the impression that they are being relied on too much. That definitely applies to chapter 4 and the document called Fleeing homophobia. While using the same criteria is legitimate, referring to the same sources or taking them over is worth criticisms. A preferred way would be the use of this source as accompanying an original research. This is a serious problem that is reflected not just in evaluation of minor criteria, but also in the major ones.*

*The sources should also be identified more rigorously. Both in the text and in the bibliography, the identifications often miss certain information (such as publishing house for books, UNTS code for international treaties etc.). At the minimum they should be completely present in the final list of bibliography.*

*As previously mentioned, the writing style would deserve some improvement. It sometimes causes confusion and makes it harder to understand the text.*

Overall evaluation:

*As summarized above.*

*Questions to be answered during the defence are included in the above-text.*

Suggested grade:

3

Signature:

JUDr. Milan Lipovský, Ph.D.