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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Joint written statement* submitted by International Planned Parenthood Federation, a non-governmental organization in general consultative status, International Lesbian and Gay Association, Allied Rainbow Communities International, Amnesty International, Asistencia Legal por los Derechos Humanos, Asociación Civil, Associacao Brasileira de Gays, Lesbicas e Transgeneros, Association Humanity First Cameroon, Balance Promoción para el Desarrollo y Juventud, Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos, Conectas Direitos Humanos, European Region of the International Lesbian and Gay Federation, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland, Human Rights Council of Australia, Inc., International Bar Association, International Planned Parenthood Federation, East and Southeast Asia and Oceania Region (IPPF ESEAOR), International Service for Human Rights, Lesbian and Gay Federation in Germany, LGBT Denmark - The National Organization for Gay Men, Lesbians, Bisexuals and Transgendered People, OutRight Action International, Stichting CHOICE for Youth and Sexuality, Swedish Association for Sexuality Education, Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights - RFSL, Youth Coalition for Sexual and Reproductive Rights (YCSRR), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 June 2020]

* Issued as received, in the language(s) of submission only.



The impacts of COVID-19 outbreak on LGBTI persons' human rights

This joint statement is submitted on behalf of a coalition of 187 organizations working for the global protection of human rights of persons of diverse sexual orientation, gender identity and expression and sex characteristics (SOGIESC).¹ It seeks to draw the attention of the Human Rights Council, its members and observers, to the human rights situation of lesbian, gay, bisexual, trans and intersex (LGBTI) persons and those that defend their rights in the context of the COVID-19 pandemic outbreak.

The current public health crisis caused by the spread of COVID-19, is a global emergency with far-reaching social, economic, and ecological implications for us all. At the same time, there is clear and growing evidence that State responses in the delivery of healthcare, the implementation of lockdown measures and policies designed to mitigate economic consequences have disproportionate and discriminatory impacts on marginalised groups, including LGBTI persons.² The pandemic is exposing and deepening existing discrimination, violence and other human rights violations on the basis of SOGIESC.

Right to health

The pandemic exacerbates existing challenges in access to health by LGBTI persons, who often face obstacles in accessing this right due to stigma, discrimination, pathologization, and criminalization of same-sex conducts and/or diverse gender identities.

LGBTI persons suffer from higher rates of underlying health conditions than the general public,³ which have shown to exacerbate the morbidity and mortality rate of those contracting COVID-19. Of grave concern are older LGBTI people who fall under multiple risk categories, are more susceptible to suffer mortality from contracting the virus, and may not have access to financial security, basic healthcare, or family and support systems.

Gender-affirming medical care may be deemed non-urgent and postponed or cancelled in the light of COVID-19, imposing serious threats to the right to health of trans and intersex persons. Delays or interruptions of hormonal therapy and surgical aftercare for previously-conducted surgeries can lead to infection, chronic pain and hormone imbalances. These physical consequences are coupled with psychological effects, including anxiety, depression and self-harm. The reallocation of health resources has also created or exacerbated shortages of antiretrovirals for those living with HIV/AIDS, and restricted access to contraception and abortion services.

LGBT people, and intersex people in particular, are exposed to revictimization due to prior experiences of torture and ill treatment in medical system.

In a context where access to health is at the core of a human rights approach to the pandemic, States must uphold their obligations⁴ to ensure the accessibility of health care and services to every person, including sexual and reproductive health,⁵ without discrimination of any kind.

¹ For the complete list of organizations signing this statement, please check: https://docs.google.com/document/d/1UV83Frp_KoOh5IRPFzYBDUdj5CPCucEeHcZrJOfmkL4/edit?usp=sharing.

² United Nations (UN) Secretary General. COVID-19 and Human Rights: we are all in this together. <https://bit.ly/2zh7IRV>. United Nations Special Procedures and Covid-19 Working Document Covering Information as of 28 April 2020 [available on HRC extranet]. Secretary-General's message on the International Day against Homophobia, Biphobia and Transphobia <https://bit.ly/2XhXOYA>. OHCHR. COVID-19: The suffering and resilience of LGBT persons must be visible and inform the actions of States <https://bit.ly/2XjFIoK>.

³ A/74/181, para. 19.

⁴ E/C.12/2000/4. Para. 18; A/HRC/32/32, para. 94.

⁵ E/C.12/GC/22, para. 22.

Rise of stigma and discrimination and scapegoating of LGBTI persons

LGBTI people have been scapegoated by public and religious figures and blamed for the pandemic, and that results in increased animosity, stigma, and violence against the community and those that defend their rights. Reports of social and State-sponsored discriminatory acts have been raised in different regions, including Asia,⁶ Africa,⁷ Central⁸ and North America⁹ and Europe.¹⁰

Some emergency measures are fueling human rights violations. In Latin America, lockdown measures allowing people to leave their house based on their gender are triggering violence and discrimination, including by State actors, against trans and gender non-binary persons, placing them in positions of particular vulnerability.

LGBTI asylum seekers are reporting increased discrimination, prejudice, resentment, fear of mass transmission rates and death due to overcrowded camps and inadequate living conditions. Border closures are preventing those facing danger or persecution based on SOGIESC from accessing safety, while countries are scapegoating immigrants as vectors of COVID-19 to implement hardline migration policies or threaten refoulement. Suspension of resettlement processes forces LGBTI refugees and asylum seekers to stay in detention, or hostile host countries, where they face homophobic or transphobic violence.

States must comply with international human rights laws and standards when implementing emergency measures, following requirements of legality, necessity, proportionality and non-discrimination, including on the basis of SOGIESC. States must refrain from targeting specific individuals or groups, using measures to roll back existing rights protecting LGBTI persons and combat hate speech aiming to connect the outbreak with the LGBTI community.

Access to housing, water and sanitation, and consequences of social distancing

The LGBTI community are disproportionately represented among those living with homelessness¹¹ and inadequate housing and are often relegated to marginal and unsafe areas.¹²

Policies mandating lockdowns and isolation do not take into consideration the widespread vulnerability, transience, and homelessness among this community, particularly in youth¹³ and older LGBTI persons. They have even less access to shelter and housing, medicine and other healthcare, water and sanitation, social support services, and, in places where non-compliance to isolation policies are punishable, have less recourse against arrest, violence and harassment.

Further, the lack of access to housing and shelters is forcing LGBTI persons into hostile environments during social distancing and lockdown measures, exposing them to domestic

⁶ Human Rights Watch. Covid-19 Backlash Targets LGBT People in South Korea. <https://www.hrw.org/news/2020/05/13/covid-19-backlash-targets-lgbt-people-south-korea>; Rappler. Barangay captain makes LGBTQ+ quarantine violators do lewd acts as punishment <<https://bit.ly/2X9Z3ZC>>; Homophobic rabbi claims coronavirus outbreak is God's divine punishment for Pride parades - <https://www.pinknews.co.uk/2020/03/09/israel-rabbi-coronavirus-pride-parade-gay-god-divine-punishment-covid19-meir-mazuz/>.

⁷ Reuters. Uganda charges 20 LGBT+ people with risking spread of coronavirus <<https://reut.rs/2xCWNRs>>.

⁸ UNAIDS and MPact are extremely concerned about reports that LGBTI people are being blamed and abused during the COVID-19 outbreak https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/april/20200427_lgbti-covid.

⁹ Right-wing pastor blames coronavirus on 'LGBT sin', because someone had to we guess - <https://www.pinknews.co.uk/2020/03/08/coronavirus-outbreak-blame-lgbt-steven-andrews-right-wing-pastor/>.

¹⁰ Reuters. LGBT+ group sues Ukraine religious figure linking coronavirus to gay marriage <<https://reut.rs/34CswP5>>.

¹¹ A/74/181, para. 14 -18.

¹² A/HRC/43/43, para. 44.

¹³ OHCHR, Scourge of homelessness adds to hardships faced by LGBT youth <<https://bit.ly/3bV13gk>>.

violence.¹⁴ Situations are worse in countries where SOGIE are directly or indirectly criminalized, limiting access to justice or support for fear of persecution. Children and adolescents are particularly vulnerable.

States should guarantee that shelters are inclusive for all persons regardless of their SOGIESC¹⁵ and implement measures allowing LGBTI persons to report violence and discrimination suffered in a private context, including at homes and shelters.

Right to Work and impacts on livelihood

The LGBTI community is overrepresented in the informal sector, facing various barriers in accessing social services and being more vulnerable to the loss of income. Social distancing policies and an overall economic downturn mean greater risks of slipping into, or for some, slipping back into food insecurity, poverty and homelessness. These persons are facing serious threats to their livelihood and wellbeing during the outbreak and may continue to face this scenario in the absence of State redress. Even for those in the formal sector, LGBTI persons are more likely to experience cuts in their working hours and unemployment.

Workers in informal sector or precarious employment face barriers to reporting or accessing redress for discrimination and harassment and unfair termination based on SOGIE. LGBTI people, especially sex workers, experience barriers in accessing social services, face drastic impacts on their livelihood and wellbeing, and may be forced into unsafe situations to cope with financial instability. With the loss of income and without savings, social security or aid these persons often lack access to food, water and sanitation.

States should ensure that emergency measures to address the socio-economic impacts of the pandemic, as well as recovery plans, are inclusive to LGBTI persons, especially to trans, older and homeless LGBTI persons.

Civic space restrictions

While we recognize the necessity for travel restrictions and social distancing measures during the outbreak, we are already witnessing State responses neglecting to take a human rights approach. We must be vigilant to ensure this pandemic is not used to shut down civil society, silence dissent, or accrue unchecked executive power. In a context where several States already prohibit or impose serious challenges to the registration, operation and work of CSOs and human rights defenders (HRDs) working on LGBTI issues, the temporary emergency measures should not be used to further hinder or impede civil society activities and participation in decision-making spaces. Further, the economic consequences of the crisis impose serious challenges to the maintenance, functioning and sustainability of CSOs.

At the UN level, and specifically regarding the Human Rights Council, while we appreciate efforts to hold the 44th session of the Council, this crisis should not be used as a way to limit civil society participation in Council sessions. Travel restrictions and social distancing measures themselves impose challenges to CSO engagement at the Council; and recently announced procedures, including no informals or side-events in the 44th session of the Council, impose serious limitations to transparency of discussions and the ability of CSO engagement. We consider it integral that measures are taken to ensure equitable and adequate civil society participation is maintained; the work of those supporting victims of human rights violations, including on the basis of SOGIESC, needs to be safeguarded.

It is imperative that as this crisis ensues, governments and multilateral institutions maintain transparency, live up to their obligations, do not side-line genuine civil society participation, and ensure access to national, regional and international systems of accountability. States

¹⁴ OutRight Action International. Vulnerability Amplified <<https://bit.ly/2XdPXep>>.

¹⁵ A/HRC/43/43, para. 48.

*and stakeholders should implement lines of action designed to sustain and ensure the continuity of the engagement of civil society and HRDs in UN bodies and mechanisms.*¹⁶

Conclusion

While acknowledging that actions to combat the COVID-19 pandemic are urgent and necessary, States must ensure compliance with international human rights obligations in responses to the outbreak and the vulnerabilities of specific groups, including LGBTI persons must be taken into account. To achieve this, the design, implementation and evaluation of State responses to this emergency must be done in consultation with civil society. In line with the call to action signed by 96 human rights experts,¹⁷ we urge States and stakeholders to ensure that this public health emergency will neither exacerbate existing misconceptions, prejudices, inequalities or structural barriers, nor lead to increased violence and discrimination against persons with diverse SOGIESC.

¹⁶ OHCHR. COVID-19: The suffering and resilience of LGBT persons must be visible and inform the actions of States <<https://bit.ly/2XjFIoK>>.

¹⁷ Ibid.