

**Statement by human rights experts on the International Day against
Homophobia, Transphobia and Biphobia**

**COVID-19:
The suffering and resilience of LGBT persons must be visible
and inform the actions of States**

17 May 2020

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On the eve of the International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT) on 17 May 2020, a group of United Nations and international human rights experts* call on States and other stakeholders to urgently take into account the impact of COVID-19 on lesbian, gay, bisexual, transgender and gender diverse (LGBT) persons when designing, implementing and evaluating the measures to combat the pandemic.

The failure to respect and fulfill the right to life obligations for LGBT individuals is near ubiquitous in many parts of the world, a shortcoming that also affects data gathering, resource allocation and support to civil society. As a result, the fight against the pandemic is not waged on a level playing field. In all latitudes, LGBT persons are disproportionately represented in the ranks of the poor, people experiencing homelessness, and those without healthcare, meaning that they may be particularly affected as a result of the pandemic. In many countries, every time a trans woman leaves her home she does so with the awareness that there is a distinct possibility that before the end of the night she will be tortured or killed, lesbian women have worse health outcomes when compared to others, and bisexual persons are condemned to live their lives concealing their orientation. The discrimination suffered by gay men and transgender women results in them representing a significant proportion of those living with HIV whose immune systems may be compromised, and who may be at higher risk of developing severe symptoms of COVID-19. However, criminalization, stigma and discrimination against these persons will play against them, making it impossible to fully document and understand how they are being impacted by the pandemic.

These experiences of inequality and discrimination are compounded by disability, age, ethnicity/race, sex, indigenous or minority status, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, migration or situation of displacement, marital and/or maternal status, urban/rural location, health status, and property ownership. If States and other stakeholders, including businesses and faith-based organizations, are to meaningfully address the impact of the pandemic, they must unreservedly acknowledge that LGBT persons represent a meaningful cross-section of all of these identities, and they must act accordingly.

COVID-19, and the measures taken to address it, exacerbate inequalities and discrimination. The existence of criminalization laws, for example, makes LGBT persons more vulnerable to police abuse and arbitrary arrest and detention in the context of movement restrictions and curfews. While contributing to the fight against the pandemic by staying at home, LGBT children, youths and elders are forced to endure

prolonged exposure to unaccepting family members, which exacerbates rates of domestic violence and physical and emotional abuse, as well as damage to mental health. In many jurisdictions, LGBT persons, particularly those most impoverished or without proper documentation, rely overwhelmingly on informal economies made impossible by COVID-19 restrictions. The socio-economic consequences of the pandemic and the loss of income might also increase the vulnerabilities of LGBT persons to human trafficking and sexual exploitation. The reallocation of health resources has also created or exacerbated shortages of antiretrovirals for those living with HIV, while also impacting the ability of trans men and women to receive hormonal therapy or gender-affirming care. Gender-based curfew laws and policies have reportedly condemned gender-diverse persons to permanent seclusion while making trans individuals targets for humiliation and violence when going out.

The pandemic has also created a context conducive to increased persecution. Some States have enacted measures which intentionally target LGBT persons under the guise of public health, including proposing legislation to deny transgender and gender diverse persons of their legal recognition. Hate speech explicitly or implicitly inciting violence against LGBT persons has been on the rise, including discourse by prominent political or religious leaders blaming the pandemic on the existence of LGBT persons in the community. Surveillance and other digital technologies enacted to track COVID-19 carriers increase risks of infringing privacy and exacerbating stigma.

Civil society organizations, which operated under duress before the pandemic, have been frantically working to fill in the gaps left by States: organizing the collection and distribution of food and water, hygienic materials and masks; activating communication, solidarity and social protection networks; and supporting each other. Local and global organizations have also created best practices through rapid response funds that allow advocates to keep their phone lines open and their computer screens lit and connected, thus providing vital lifelines of communication. This complex system of early warning, sense of community, advocacy and follow-up that has been forged over the last five decades by the dedication of human rights defenders who advocate for the human rights of LGBT persons all over the world is an asset of profound value for the global community. It has demonstrated its unique capacity to effectively and efficiently respond to needs at the most intimate and local levels, and demonstrate those needs in national, regional and global terms, and it has been instrumental in the unique global alliances created to address the HIV/AIDS pandemic, to ensure recognition of the rights of LGBT persons as human rights, to condemn and eradicate the scourge of criminalization, and to initiate social transformation of unprecedented depth and width by promoting their inclusion in education, health, employment, housing, water and sanitation and all other realms of society.

We therefore urge States and other stakeholders, on the eve of this 17 May 2020 and in times of COVID-19, to give visibility to and protect LGBT persons in the context of the pandemic. We call on States to pursue all means necessary - including conducting research, adopting legislation, public policy, and ensuring access to justice mechanisms - 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 sexual orientations and gender identities. We urge all stakeholders, particularly States, to urgently implement lines of action designed to sustain and ensure the continuity of the work of civil society and human rights defenders - the capacities existing within this sector must not be put in peril. And, to effectively meet these objectives, we urge States to engage with LGBT persons, organizations and communities in the design, implementation and evaluation of the measures adopted to respond to the pandemic.

The history of LGBT persons, like others subjected to discrimination and violence, has been one of suffering, endurance and hope - a vital struggle for freedom and equality in the face of singular adversity. During the COVID-19 pandemic, we call upon State authorities to listen to the particular concerns of LGBT persons, respect their expertise over their own lives and communities, and accept their solidarity in the construction of new realities of freedom and equality for humankind.

ENDS

(*) The experts:

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Council of Europe: Ms. Dunja Mijatović, [Commissioner for Human Rights](#)

UN [Committee on the Rights of the Child](#)

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