

COVID-19 AND THE HUMAN RIGHTS OF LGBTI PEOPLE

WHAT IS THE IMPACT OF COVID-19 ON LGBTI PEOPLE?

Lesbian, gay, bisexual, trans and intersex (LGBTI) people may be particularly vulnerable during the COVID-19 pandemic. People living with compromised immune systems, including some persons living with HIV/AIDS, face a greater risk from COVID-19. Homeless persons, a population that includes many LGBTI people, are less able to protect themselves through physical distancing and safe hygiene practices, increasing their exposure to contagion.¹

Access to Health Services: LGBTI people regularly experience stigma and discrimination while seeking health services, leading to disparities in access, quality and availability of healthcare. Laws that criminalize same sex relations or that target trans persons due to their gender identity or expression, exacerbate negative health outcomes for LGBTI people, as they may not access healthcare services for fear of arrest or violence. Examples of health care discrimination based on sexual orientation and gender identity/expression have been extensively documented in many countries. This discrimination can elevate the risk for LGBTI people from COVID-19.

De-prioritization of required health services: Given overloaded health systems, treatment of LGBTI people may be interrupted or deprioritized, including HIV treatment and testing, hormonal treatment and gender affirming treatments for trans people. Decisions about scaling back services should be medically-based and data-driven, and should not reflect bias against LGBTI people.

Stigmatization, discrimination, hate speech and attacks on the LGBTI community: LGBTI people have previously been blamed for disasters, both manmade and natural, and there are scattered reports of this happening in the context of the COVID-19 pandemic.² In some countries, reports suggest an increase in homophobic and transphobic rhetoric.³ There are also reports of police using COVID-19 directives to attack and target LGBTI organizations.⁴ In at least one country, the State of Emergency has been used to propose a decree that would prevent transgender people from legally changing their gender in identity documents.⁵ A few countries have put in place restriction of movement based on sex, with women and men allowed to leave their homes on alternate days, which have put non-binary and trans people at risk of heightened discrimination, as they may get stopped and questioned.⁶

Domestic violence and abuse: Due to stay-at-home restrictions, many LGBTI youth are confined in hostile environments with unsupportive family members or co-habitants. This can increase their exposure to violence, as well as their anxiety and depression.

Access to work and livelihood: LGBTI people are more likely to be unemployed and to live in poverty than the general population. Many in the LGBTI community work in the informal sector and lack access to paid sick leave, unemployment compensation, and coverage.⁷ Additionally, due to discriminatory paid leave policies that do not cover all genders equally, LGBTI people may not be able to take time off from work to care for family members.

What are some of the key actions that States and other stakeholders can take?

States should recognize that LGBTI people are among those particularly vulnerable in this crisis, and take targeted steps to ensure that they are taken into consideration and their voices heard when addressing the pandemic:

- 1) Specific efforts should be made to ensure that LGBTI people are not subjected to discrimination or fear retribution for seeking healthcare. Health services that are particularly relevant to LGBTI people should not be deprioritized on a discriminatory basis.**
- 2) Measures to address the socio-economic impacts of the pandemic should consider the particular vulnerabilities of the LGBTI people, including older persons and the homeless, and ensure that LGBTI people are fully covered.**
- 3) Political leaders and other influential figures should speak out against stigmatization and hate speech directed at the LGBTI people in the context of the pandemic.**
- 4) Shelters, support services and other measures to address gender-based violence during the COVID-19 pandemic should take steps to include the LGBTI population.**
- 5) States should not use states of emergency or other emergency measures to roll back existing rights and guarantees that apply to LGBTI people.**
- 6) Measures restricting movement should provide protection for trans and gender non-conforming persons. Law enforcement officials should be instructed and trained not to discriminate against this population.**

¹ See open letter by the Independent Expert on Sexual Orientation and Gender Identity: <https://www.ohchr.org/en/issues/sexualorientationgender/pages/index.aspx>

² In Iraq, writing on his Twitter account on 28 April, Muqtada al-Sadr - Shia cleric warned that the global outbreak would not subside unless governments repealed laws legalising same-sex marriages. See <https://english.alarabiya.net/en/News/middle-east/2020/03/28/Coronavirus-Iraqi-Shia-cleric-blames-gay-marriage-for-coronavirus>. In **Israel**, Rabbi Meir Mazuz reportedly called Gay Parades “parades against nature,” and stated that the coronavirus is the “revenge”. <https://www.lgbtqnation.com/2020/03/rabbi-blames-coronavirus-pride-parades/>. In the **Caribbean Cayman Islands** legislator Anthony Eden proposed that the Caribbean island should officially affirm Christian values in response to disasters and epidemics that he considers warnings from God not to allow same-sex marriage. <https://www.caymancompass.com/2020/02/04/mla-eden-calls-earthquake-coronavirus-warnings-over-gay-lifestyle/?fbclid=IwAR26-RuhU8LueGkCF8RRiqwitQLvuAhrWMMdcdpEcfvgmjQXRJnGIe0hK8>

³ See also Human Rights Watch Press Release <https://www.hrw.org/news/2020/04/03/uganda-lgbt-shelter-residents-arrested-covid-19-pretext>
⁴ <https://76crimes.com/2020/03/30/ugandan-fear-of-covid-19-leads-to-23-arrests-at-lgbt-shelter/>

⁵ See <https://www.hrw.org/news/2020/04/03/hungary-seeks-ban-legal-gender-recognition-transgender-people>

⁶ <https://www.cbsnews.com/news/trans-woman-fined-for-violating-panamas-gender-based-coronavirus-lockdown-rights-group-says-2020-04-10/>;
<https://www.nst.com.my/world/world/2020/04/580816/peru-restricts-movement-gender-during-covid-19-lockdown>; https://twitter.com/victor_madriral?lang=en

⁷ See, for example, <https://www.openlynews.com/i/?id=41c7d175-c144-4e08-b0a0-c1060c78bcc5>. See also <https://www.aa.com.tr/en/americas/peru-panama-introduce-gender-based-rules-for-covid-19/1790453>