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Protecting human rights during and after the COVID-19 Joint questionnaire by Special Procedure mandate holders

Introduction

OutRight Action International is an ECOSOC accredited civil society organization working at the international, regional and national levels to research, document, defend, and advance human rights for lesbian, gay, transgender and intersex (LGBTI) people. This submission is a response to the joint questionnaire by Special Procedure mandate holders on the topic of Protecting human rights during and after the COVID-19. OutRight published the report [“Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTIQ people”](#) on the impact of COVID-19 and the responses to the pandemic on LGBTI persons lives around the globe. Following there is a summary of the main findings of the research that was done by the organization.

“Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTIQ people”

Declared a global pandemic by the World Health Organization (WHO) on March 11, 2020, Coronavirus disease-2019 (COVID-19) continues to sweep across the globe. Aside from the serious health threat that this pandemic poses to people everywhere, it is also beginning to take a devastating toll on global and local economies. The potential for human rights violations is escalating in some regions under the guise of disease control measures, and fear and a search for answers are leading to a proliferation of myths and rumors about causes and cures.

At the time of publication, the pandemic remains a moving target: we still don’t know how many people ultimately will be stricken or when this pandemic will end. Yet we do know, as history has shown us, that in times of crisis those most marginalized tend to suffer disproportionately compared to the broader population. Among the most marginalized groups in societies across the world, even in the absence of a global pandemic, are lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ¹) people, who experience higher levels of violence, exclusion, and deprivation, especially where stigma, discrimination, and criminalization of same-sex relations or transgender identities prevail. In times of crisis these vulnerabilities are amplified.

Literature Review

¹ OutRight Action International uses the acronym LGBTIQ to denote the lesbian, gay, bisexual, transgender, queer and intersex community. We believe this acronym is inclusive of a broad range of people across our community. It is not exhaustive, nor is it universally accepted or used. Where interviewees have used a different version of the acronym, or where quoting sources which use a different acronym, we have opted to use the version used by the source.



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The background literature review confirms that emergencies tend to exacerbate vulnerability for those already struggling against inequality in its many forms. The challenges in accessing justice, health, education, employment, housing, and other services due to discrimination and exclusion are amplified during times of crisis. In countries that criminalize same-sex relations or transgender lives, the risk of detainment and imprisonment may be a continuous threat.

Well documented experiences from the Indian Ocean tsunami in 2004, the plight of the warias² after the 2010 eruption of Mt. Merapi in Indonesia, the Haitian earthquake in 2010, and Tropical Cyclone Winston in 2016, among others, highlight how “social sidelining” of LGBTIQ individuals occurs before, during, and after emergencies

Such sidelining is due to discrimination and stigma, with roots in prejudices based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC), combined with difficulties that LGBTIQ people face in accessing support during emergencies, effectively pushing them further towards the margins. Most global frameworks that guide emergency response use a narrow gender framing, restricting the definition to “women and girls.”

Such framing overlooks the specific barriers to support that LGBTIQ people may be facing due to their sexual orientation, gender identity and expression, or sex characteristics and can often explicitly exclude them from being able to access this support.

In-depth Interviews

OutRight’s findings point to specific challenges being faced by LGBTIQ people globally during this unprecedented pandemic—whether directly from the virus or from the economic fallout that has resulted in job loss, hunger, lack of access to other critical health care, increases in violence, and threats to the survival of LGBTIQ organizations. Repression, exclusion, militarization, and criminalization are all on the rise in countries prone to authoritarianism and regressive gender ideologies, putting marginalized populations at greater risk. Even in countries that have made progress in recognizing the human rights of LGBTIQ people, LGBTIQ community members are experiencing a higher level of vulnerability, barriers to accessing health care not related to COVID-19, and threats to the survival of community and advocacy organizations. At the same time, LGBTIQ communities are mobilizing to provide material and emotional support as best they can.

Seven key themes emerged from the interviews with 59 LGBTIQ people from 38 countries:

Devastation of Livelihoods and Rising Food Insecurity

In many countries, LGBTIQ people predominantly work in the informal sector, relying on daily wages and surviving without job protections, making them especially vulnerable to economic slowdowns and restrictions on movement. Indeed, our interviews revealed that



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many LGBTIQ people must choose between risking infection to earn enough money to pay for food and shelter or adhering to lockdown requirements and risk going without basic necessities.

Disruptions in Health Care Access and Reluctance to Seek Care

The COVID-19 pandemic has overwhelmed even relatively functional health systems around the world, which have been plagued with shortages of personal protective equipment, test kits, and specialized equipment such as ventilators. In countries where health systems are weak and already overwhelmed, the prospect of effectively addressing the COVID-19 pandemic is daunting. Even in the absence of a pandemic, LGBTIQ people around the world face discrimination, stigma, refusal of services, and confidentiality breaches within health services. It is no wonder, then, that LGBTIQ people may be reluctant to seek care now, even when the situation is dire.

Elevated Risk of Family or Domestic Violence

LGBTIQ people who face discrimination from family members due to actual or perceived gender identity or sexual orientation are at higher risk of domestic violence during a time of lockdown and quarantines. Indeed, interviewees reported either feeling at increased risk themselves or knowing others at increased risk of violence and abuse within their homes due to forced cohabitation with with unsupportive family or abusive partners.

Social Isolation and Increased Anxiety

The majority of LGBTIQ respondents described the challenges of increased isolation, which left many cut off from chosen families and support networks. The inability to physically connect with their LGBTIQ communities and friends during this time of physical distancing is causing acute feelings of isolation and even fear.

Fears of Societal Violence, Stigma, Discrimination, and Scapegoating

There is an unfortunate history of LGBTIQ populations being blamed for crises, often by conservative religious leaders, leading to heightened stigma, discrimination, and sometimes violence. Sadly, starting in the earliest days of the COVID-19 pandemic, the scapegoating of LGBTIQ people began in countries such as Ghana, Guyana, Kenya, Liberia, Russia, Uganda, Ukraine, the United States, and Zimbabwe, among others.

Abuse of State Power



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The unprecedented health crisis has led countries to announce states of emergency and take drastic measures to contain the spread of the disease. While some countries reportedly have acted in good faith with appropriate transparency and effective communication, several people interviewed expressed concerns that governments are using or will use the pretext of disease control to seize power under states of emergency; crack down on certain populations, such as LGBTIQ people, by prohibiting events or protests; propose harmful legislation; and/or to undertake invasive surveillance resulting in significant privacy breaches. Initial reports from countries such as Hungary, Poland, Uganda, and the Philippines indicate that abuse of state power under the pretext of disease control may disproportionately harm LGBTIQ people.

Concerns about Organizational Survival, Community Support, and Unity

Many interviewees spoke of the existential threat that the COVID-19 pandemic is posing to LGBTIQ movement-building and organizational survival. This is due to slow-downs or stoppages in critical advocacy work such as strategic litigation, as well as in provision of community support. Interviewees expressed uncertainty about meeting current donor expectations when they can no longer implement activities, and concern about donors shifting away from supporting LGBTIQ movement-building priorities and community needs. LGBTIQ human rights defenders and organizations fear their work could be set back years.

Conclusions and Recommendations

The picture painted by the interviews conducted by OutRight Action International is both grave and hopeful. The COVID-19 pandemic is posing unprecedented challenges to human resilience and the world economic order. While everyone is susceptible to infection, the world will not experience the pandemic equally. Among those hit hardest are many LGBTIQ people, whose lives in numerous places across the world are already shamefully devalued by stigma, discrimination, exclusion, and criminalization. The interviews also shed light on the strength, determination, and selflessness of many within LGBTIQ communities who are finding ways to continue supporting each other.

Such support should not only come from within the community. We must insist that LGBTIQ people around the world are included in all health, humanitarian, and economic relief efforts to mitigate the threats of hunger, homelessness, and health impacts brought on by the pandemic. Drawn largely from the narratives of the 59 people interviewed, the recommendations on the following page map out specific areas that governments, donors, UN agencies, relief organizations, and non-governmental organizations (NGOs) must address.

For Governments at All Levels

- Consult LGBTIQ communities in all planning and implementation of national pandemic control strategies.



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- Address food shortages urgently.
- Resolve delays and disruptions in access to health care for people living with HIV, transgender people, intersex people, and others - including LGBTIQ people - with long-term health and wellness needs.
- Ensure access to justice for all those enduring family or domestic violence.
- Ensure law enforcement agencies provide SOGIESC inclusive, appropriate, and sensitive services.
- Condemn anti-LGBTIQ hate speech and scapegoating.
- Prioritize decriminalization and anti-discrimination provisions in law and policy.

For UN Agencies, Humanitarian Relief Organizations, NGOs, and PrivateSector Entities Involved in Pandemic Response

- Ensure inclusive emergency relief health services by engaging LGBTIQ communities, understanding their needs, forging partnerships, and tailoring programming to LGBTIQ realities.
- Develop safe, respectful, sensitive, and secure approaches to ensuring access to relief commodities and services.
- Collaborate with LGBTIQ communities to develop tailored information that addresses infection control, availability of safe health services and safe spaces, and availability of social support.
- Include LGBTIQ issues when describing the gendered impacts of the COVID-19 pandemic.
- Document lessons learned from inclusive emergency relief and pandemic control efforts.
- Develop global guidance on ensuring an inclusive response to pandemics and other health emergencies.