

Statement at 39th session of the Human Rights Council

Annual Discussion on Integration of a Gender Perspective

**Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit - COC Nederland.
Joined by International Lesbian and Gay Association**

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Violence and its impacts are often gendered and related to power dynamics. This is already the case in times of peace, but exacerbated in times of conflict and disaster. Armed conflicts deepen inequalities and increase the historic, structural and institutionalized violence towards LGBT persons. In this sense, a gender sensitive and victim-centered approach and the interplay with other factors of discrimination are fundamental to highlight during an investigation and consequently to promote equality.

Special procedures have highlighted the particular vulnerability of LGBT people in conflict, post-disaster and post-conflict situations. During times of turmoil (armed conflicts, natural disasters or widespread violence) stigmatization and discrimination on the basis of gender, sexual orientation, gender identity and expression increases, often leaving LGBT people to experience a level of violence and exclusion beyond that borne by others.

Torture and ill-treatment are rampant in armed conflict and perpetrated by State and non-state actors, including rape and other forms of sexual violence. Reports show examples of 'moral cleansing' and scapegoating of LGBT people e.g. Colombia, Iraq and Syria. The collapse of a state apparatus allows anti-LGBT groups to act with impunity and creates unique threats to their safety.

When LGBTI persons find refuge in third countries, they face an increased risk of discrimination and violence in migration processes by state and non-state actors, such as in refugee camps and asylum facility settings. Examples include trans people being denied access to camps, because their ID did not match their appearance, denial of housing, medical care and access to toilets. As noted by the UNHCR Guidelines, asylum seekers fleeing from persecution based on SOGI may increase their vulnerability status due to discrimination based on gender.

Therefore, we would like to:

- Recall that international human rights law still applies during armed conflict, and therefore SOGIESC are prohibited grounds for targeting individuals
- Include LGBTI persons and their organizations in responses to conflicts and natural disasters, processes of transitional justice and create protective legal frameworks post-conflicts that also recognise the intersecting forms of discrimination
- Repeal discriminatory laws and practices that target specific groups such as LGBTI persons and provide protection for all
- Provide safe spaces for LGBT refugees and respect the principle of non refoulement, especially where their lives or freedom are threatened on the basis of SOGI

I thank you Mr. President