

Human Rights Council
7 July 2020

Item 3
Interactive Dialogue: IE on SOGI

Statement by: International Lesbian and Gay Association

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Madam President,

We welcome the Independent Expert's report on 'conversion therapies'. We specifically commend the inclusion of data on so-called 'corrective rape' against LGBT persons, particularly, women.

'Corrective rape' refers to a rape in which the perpetrator intends to "correct" the sexual orientation or gender identity and/or punish the victim. While such crimes are committed against LGBTI persons, lesbian, bisexual and queer (LBQ) women are disproportionately subjected to them.¹

Most states do not have adequate legislation to prevent and combat 'corrective rape'. For example, the very definition of rape may not be gender-neutral or may be limited to only certain acts thus excluding sexual violence against LBT women and persons.

Most countries do not recognize hatred based on sexual orientation or gender identity as an aggravating circumstance. Only 46 countries in the world enacted laws on hate crimes based on sexual orientation.² In Europe, sexual orientation is covered by penal codes in only 28 countries, and gender identity – only in 19.³

From a legislative point of view, a good example is the Penal Code of Brazil. In 2018, it introduced a definition of 'corrective rape' as a rape committed "to control the victim's social or sexual behavior" and established increased penalties for it.

'Corrective rape' may be considered as committed under mitigating circumstances. For example, when LBT women are forcedly married and then subjected to systemic sexual violence, the marriage may exclude liability of the perpetrator.

Other factors, such as barriers to accessing legal and psychological aid or shelters, family pressure, lesbophobic or transphobic attitudes of police or doctors, even contribute to the problem.

There are many examples of support services provided to survivors of 'corrective rape' by LGBTI groups, but states usually do not do this.

Official statistics on 'corrective rape' is also rarely collected, while civil society documents such cases. '*Colombia Diversa*' recorded 71 cases of sexual violence against lesbian and bisexual women and trans persons in 2015-2018.⁴ In Brazil, 568 rapes of LBT women were documented in 2014-2017.⁵

The problem of 'corrective rape' is real and urgently needs robust measures, including legislative and policy changes, organization of support services for survivors and data collection.

Thank you.

¹ 'Corrective rape' (also referred to as 'curative rape', 'punitive rape' or 'homophobic rape') is a term reportedly coined in South Africa to describe the practice of rape committed against lesbian women in order to "cure" or punish them. Lately, the term began to be used in other parts of the world and in relation to LGBTI and gender non-conforming women and persons.

² ILGA World: Lucas Ramon Mendos (2019), *State-Sponsored Homophobia 2019: Global Legislation Overview Update*.

³ ILGA-Europe (2020), *Rainbow Europe: Index 2020*.

⁴ Data provided by '*Colombia Diversa*'.

5 *Mapa da violência de gênero*. Available at: <https://mapadaviolenciadegenero.com.br/lgbt/>.