

Human Rights Council
3 March 2021

Item 3
ID with SR disabilities

Statement by: International Lesbian and Gay Association

Delivered by: Margherita Coppolino

Madam President,

This statement was prepared in consultation with ILGA Oceania and Matthew Bowden.

We welcome the report of the Special Rapporteur on the rights of persons with disabilities and support his vision of the mandate, particularly intersectionality as one of the key elements.

Being a lesbian, gay, bisexual, trans or intersex (LGBTI) person with a disability means living intersectionally both because of our identities and the forms of oppression we are subjected to. Ableism, combined with prejudice against LGBTI people, contributes to stigmatisation of our bodies, minds, sexualities, gender identities and expressions.

While data on challenges faced by our communities are still fragmented, we have evidence of human rights violations experienced by LGBTI persons with disabilities. This includes higher rates of violence, discrimination and reduced service access; greater restrictions on freedom of sexual expression; and reduced social support and connection from both LGBTI and disability communities.¹

Intersex bodies are viewed as “deformed” and disabled and in need of fixing or cosmetically normalizing, leading to forced and coerced medical interventions and surgeries without consent, including sterilization, that amount to torture and ill-treatment.²

From another perspective, diverse sexual orientations and gender identities as such are still considered sometimes as disability or illness to be cured. This leads to the practices of so-called “conversion therapies” only prohibited in a few countries.³

The previous mandate holder addressed the situation of LGBTI persons with disabilities in several thematic and country reports.⁴ The Committee on the Rights of Persons with Disabilities has mentioned LGBTI persons with disabilities in its periodic reviews of almost 40 State Parties, and in five general comments since 2015.⁵

We encourage the Special Rapporteur to rely on these developments in his future work, but also to contribute to new solutions to ensure that we can be free and equal. We are looking forward to engaging with the Special Rapporteur in the upcoming years.

Thank you.

¹ See e.g. W. Leonard and R. Mann (2018), *The everyday experiences of lesbian, gay, bisexual, transgender and intersex (LGBTI) people living with disability*, available at: <https://www.disabilityrightswa.org/wp-content/uploads/2018/09/GAFLA-Report-Final-Version.pdf>; N. Gale (2017), *Oppression Squared: D/deaf and disabled trans experience in Europe*, available at: <https://tgeu.org/wp-content/uploads/2018/02/Oppression-Squared.pdf>.

² See e.g. Committee on the Rights of Persons with Disabilities, General comment No. 3 (2016) on women and girls with disabilities, CRPD/C/GC/3, paras. 32 and 44.

The WHO definition applies to intersex, in that the medical profession regards intersex people as having an impairment ("disorder") in body function or structure, a "disorder of sex development". (Morgan Carpenter, *Intersex intersectionalities with disability*, Intersex Human Rights Australia. Available at: <https://ihra.org.au/21214/intersex-and-disability/>).

³ See e.g. A/HRC/44/53; ILGA World: L.R. Mendes (2020), *Curbing Deception: A world survey on legal regulation of so-called "conversion therapies"*, available at: <https://ilga.org/Conversion-therapy-report-ILGA-World-Curbing-Deception>.

⁴ A/70/297, para. 40; A/HRC/31/62, paras. 25 and 60; A/71/314, para. 5; A/HRC/34/58, para. 42; A/72/133, paras. 21 and 35; A/73/161, para. 43; A/74/186, paras. 27 and 62; A/75/186, para. 64; A/HRC/43/41/Add.2, para. 94(c).

⁵ See ILGA World's Treaty Bodies Annual Reports, available at: https://ilga.org/treaty_bodies_annual_reports.