



47th session of the Human Rights Council
5 July 2021

Annual Discussion on Women's Rights (res. 6/30)
Panel 1: Violence against women and girls with disabilities

Statement by International Lesbian and Gay Association

Delivered by: Margherita Coppolino

Madam President,

As a lesbian woman with disability and as the ILGA Oceania Disability Sub-Committee Chair, I am thrilled to contribute to this discussion.

Intersectionality is a core principle of disability justice. It opens the list of 10 Principles of Disability Justice by Sins Invalid¹, a disability justice performance project that centres people of colour, queers, nonbinary and trans people with disabilities.

We experience our lives on the intersections of genders, sexualities and disabilities – but also patriarchy, ableism and cisheteronormativity. Therefore, we highly value the growing attention to intersectionality at the United Nations (UN) in general and the Human Rights Council in particular.

The Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities, the Special Rapporteur on the rights of persons with disabilities, and the Independent Expert on sexual orientation and gender identity² have indicated that the intersections of gender, disability and sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) lead to higher risks of violence and abuse against lesbian, gay, bisexual, trans and intersex (LGBTI) persons with disabilities, including women.

As LGBTI women and persons with disabilities we face hate crimes and domestic abuse; bullying and harassment; 'conversion therapies' and 'corrective rapes'; online hate speech; intersex genital mutilations; and parental rights' restrictions.

A survey of LGBT persons with disabilities conducted in Russia showed that 48.3 per cent of the participants experienced psychological violence because of their disability, and 49.1 per cent – because of their sexual orientation. The rates of economic violence amounted to 16.4 and 6 per cent, and those of physical violence to 11.2 and 12.1 per cent, respectively.³

According to an Australian research, LGBT persons with disabilities, compared to their counterparts living without disability, are more likely to have been subjected to verbal abuse, written threats of abuse, harassment, threats of physical violence or physical assault.⁴

A study of LGBT persons in the United Kingdom revealed that 51 per cent of LGBT persons with physical disabilities and 42 per cent of D/deaf LGBT persons had experienced domestic violence, as opposed to 36 per cent of women and 27 per cent of men overall.⁵

The COVID-19 crisis and its impact on gender-based violence, characterized as 'pandemic within a pandemic', has severely affected LGBTI women and persons with disabilities. According to a recent research by the EuroCentralAsian Lesbian* Community (EL*C) conducted in Europe and Central Asia, lesbians with disability experienced domestic violence almost three times more frequently than non-disabled lesbians during the COVID-19 pandemic.⁶

Appropriate responses to gender-based violence should include access of survivors to health care. However, health care is not accessible for many of us. According to the EL*C research, during the COVID-19 pandemic, the majority of lesbians with a disability based in Europe and Central Asia experienced difficulties in accessing general health care,⁷ as well as in accessing special medical treatment.⁸

Moreover, the health care services can be places of violence and abuse. According to one woman from a small city in Poland, '[w]hen I was in hospital, from the moment I said I was a lesbian, they stopped responding to my requests for pain medicine. They ignored me. Disregarded me. And sometimes reviled me.'⁹

Another aspect of effective response to gender-based violence from which LGBTI women and persons are excluded is access to justice. In 44 countries in the world, consensual same-sex sexual acts between women are still criminalized.¹⁰ When LGBTI women and persons are criminalised, we cannot rely on police for their protection, and even when LGBTI groups exist they simply do not have resources for projects aimed at LGBTI women and persons with disabilities.

In 48 countries around the globe, there is legislation on hate crimes based on sexual orientation¹¹. Yet, when laws and procedures on SOGIESC-based hate crimes exist, they are hardly ever accessible.

Article 16 of the Convention on the Rights of Persons with Disabilities (CRPD Convention) obliges States Parties to take all measures to protect persons with disabilities from all forms of violence and abuse, including their gender-based aspects. In May 2021, the CRPD Committee has issued its first recommendation under this article addressing violence against women and LGBTI persons with disabilities. Estonia was called on to adopt a strategy to prevent and combat all forms of violence against persons with disabilities and ensure that the violence prevention plan and its related programmes explicitly include women with disabilities and LGBTI persons with disabilities¹². We encourage all States to implement article 16 of the CRPD Convention in an intersectional and LGBTI-inclusive manner and to report to the CRPD Committee about measures taken to protect LGBTI women and persons from violence.

We also recommend all the States to support civil society groups working on the intersections of gender, disability and SOGIESC. One example of good practice in this regard is represented by Australia. For example, in Australia, the Victorian State Government has recently provided a grant to set up an LGBTIQ+ Disabled People's Organisation. We encourage all States to follow this example.

Finally, we call on all the States and United Nations (UN) entities to facilitate dialogues between different stakeholders to ensure that our - LGBTI women and persons' - needs are recognised and protected. In this regard, we would like to thank the Office of the High Commissioner for Human

Rights (OHCHR), as well as the Permanent Missions of Mexico and Aotearoa/New Zealand for their co-sponsoring of the side event on LGBTI persons with disabilities in March this year. We also thank the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on sexual orientation and gender identity for their invaluable contribution to the panel during this side event. This is a perfect example of joint efforts to address human rights challenges through intersectional lenses and, in a long-term perspective, to make the lives of LGBTI women and persons free from violence and discrimination.

Thank you.

¹ Sins Invalid, *10 Principles of Disability Justice* (2015) <<https://www.sinsinvalid.org/blog/10-principles-of-disability-justice>>.

² See eg CEDAW, General recommendation No. 35 on gender-based violence against women, updating general recommendation No 19 (26 July 2017) UN Doc CEDAW/C/GC/35 [12]; CRPD, General comment No 3 on women and girls with disabilities (25 November 2016) UN Doc CRPD/C/GC/3 [4], [5], [32], [44]; Special Rapporteur on the rights of persons with disabilities, Sexual and reproductive health and rights of girls and young women with disabilities (14 July 2017) UN Doc A/72/133 [21] and [35]; Independent Expert on sexual orientation and gender identity, Socio-cultural and economic inclusion of LGBT people: thematic report (17 July 2019) UN Doc A/74/181 [50].

³ Prava cheloveka v Rossii, *Pervoe v Rossii issledovanie o pravah invalidov iz chisla LGBT* (2017) <<https://hro.org/node/25950>>.

⁴ William Leonard and Rosemary Mann, *The everyday experiences of lesbian, gay, bisexual, transgender and intersex (LGBTI) people living with disability* (La Trobe University 2018) 54 <<https://www.disabilityrightswa.org/wp-content/uploads/2018/09/GAFLA-Report-Final-Version.pdf>>.

⁵ Kath Browne, *Count Me In Too: LGBT Lives in Brighton & Hove* (University of Brighton & Spectrum 2007) iii-iv <https://www.brighton.ac.uk/_pdf/research/ssparc/cmit-dv-report-final-dec07.pdf>.

⁶ 13.75 and 4.92 per cent respectively. See Magdalena Siegel and EL*C, *EL*C Data explorer on the survey on Lesbians lives through the COVID-19 Pandemic* [Shiny App] (2021) <https://elc-org.shinyapps.io/lesbian-covid-survey/?fbclid=IwAR1ohBlS-5Xp6WYzuMForCEfij9HYLb4Cm4drFCw_ExxY4EQRo4GfyxsCFw>.

⁷ 55 per cent of respondents with disability versus 27 per cent of respondents without disability. See EL*C, *Resistance as a Way of Living: Lesbian lives through the COVID-19 Pandemic* (2021) 20, <<https://europeanlesbianconference.org/wp-content/uploads/2021/06/Covid-Report-2.pdf>>.

⁸ 50 per cent of respondents with disability versus 21 per cent of respondents without disability. See EL*C, *Resistance as a Way of Living: Lesbian lives through the COVID-19 Pandemic* (2021) 20, <<https://europeanlesbianconference.org/wp-content/uploads/2021/06/Covid-Report-2.pdf>>.

⁹ Agnieszka Wołowicz, Agnieszka Król and Justyna Struzik, 'Disabled Women, Care Regimes, and Institutionalised Homophobia: A Case Study From Poland' (2021) *Sexuality Research & Social Policy*, doi: 10.1007/s13178-021-00586-7.

¹⁰ Lucas Ramon Mendos, *State-Sponsored Homophobia 2019* (ILGA World 2019) <https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019_light.pdf>.

¹¹ Lucas Ramon Mendos et al, *State-Sponsored Homophobia 2020: Global Legislation Overview Update* (ILGA World 2020) <https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf>.

¹² CRPD, Concluding observations: Estonia (5 May 2021) UN Doc CRPD/C/EST/CO/1, para 33(a).