



Human Rights Council, 47<sup>th</sup> session  
25 June 2021

**Item 3**  
**ID with WG on discrimination against women**

Statement by International Lesbian and Gay Association

*Delivered by: Paulina Klik*

Madam President,

This statement has been prepared in consultation with MozaiQ LGBT Association and with inputs from Identity.Education.

We welcome the **Working Group's thematic report on women's and girls' sexual and reproductive health rights in crisis**. Indeed, certain groups of women and girls are at increased risk of violations of their sexual and reproductive health rights, and their situation is worsened in times of crisis, due to multiple and intersecting forms of discrimination.

The report does not mention lesbian, bisexual, trans, intersex and queer (LBTIQ) women and persons explicitly. However, their sexual and reproductive health rights are affected by crises disproportionately.

For example, the relocation of health resources in the current pandemic left many trans persons without gender-affirming care. Intersex persons have been unable to access treatment related to their sex characteristics or consequences of damaged interventions conducted in their childhood. LBTIQ persons who had started fertility treatment before the pandemic, had to interrupt or delay the process, even when it caused serious health and financial consequences.

At the same time, legislative, judicial and policy initiatives aimed at improving LBTIQ persons' situation in sexual and reproductive health, have been delayed because of the pandemic. For instance, in France, the extension of medically assisted procreation to single and lesbian women has been postponed 'because of the health crisis, provoking outraged reactions from parliamentarians'<sup>1</sup>.

Criminalisation of consensual same-sex sexual acts between women has particular effects on lesbian and bisexual women, including their lack of autonomy over sexual and reproductive health and choices, forced or pressured marriage, sexual violence and discrimination in health<sup>2</sup>. Yet, challenging criminalising laws in courts has been delayed due to the COVID-19, particularly in Botswana, Antigua and Barbuda, Barbados and Saint Lucia, all criminalising consensual same-sex sexual acts between women<sup>3</sup>.

In many countries, LGBTIQ persons only or mostly have access to sexual and reproductive health goods and services, including HIV and STI prevention and consultations, via civil society organisations. The pandemic has forced these organizations to close their offices and stop doing outreach work.

For all these reasons, we firmly believe that intersectional approach to sexual and reproductive health rights must include LGBTIQ persons as beneficiaries, right-bearers and agents of change. States should consider and respond to their needs properly.

We also welcome the **Working Group's report on Romania** and its attention to discrimination faced by LGBTIQ+ women and transgender persons. We support the recommendations made to Romania, including on ensuring participation of LGBTIQ+ women in public and political life, full access to quality health-care services, and SOGI-inclusive measures.

To implement these recommendations, we urge Romania to:

- Ensure effective anti-discrimination approaches for women experiencing multiple discriminations such as Roma LGBTIQ+ women and trans sex workers;
- Expand the efforts of the National Council for Combating Discrimination to effectively collect, document and address the structural and specific discrimination cases of LGBTIQ+ women;
- Develop an LGBTIQ Strategy, based on the European LGBTIQ Equality Strategy 2020-2025, with a gender-specific focus;
- Include gender identity as a protected category within the Ordinance no. 137 of August 31, 2000 on the prevention and sanctioning of all forms of discrimination, as well as the concept of intersectionality;
- Ensure that transgender people have access to legal gender recognition, especially in the context of recent decision by the European Court of Human Rights<sup>4</sup>;
- Ensure, through legislation and governmental policy, access to age-appropriate inclusive sexual health education for pre-university students, as well as inclusive university policies for LGBTIQ+ university students, especially for trans students; and
- Enhance the capacity of law enforcement to adequately document and address hate speech and hate crimes targeting LGBTIQ+ women.

Finally, we deplore the systemic underfunding of the UN human rights system leading to the cancellation of general debates in June. General debates are a vital part of the agenda by which NGOs can address the Council without restrictions. We call for their reinstatement at all sessions.

I thank you, Madam President.

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<sup>1</sup> 'Gille Le Gendre juge "impossible" d'adopter la PMA pour toutes "avant l'été"' (*France 24*, 21 May 2020) <<https://www.france24.com/fr/20200521-gille-le-gendre-juge-impossible-d-adopter-la-pma-pour-toutes-avant-l-ete>>.

<sup>2</sup> Human Dignity Trust, *Breaking the Silence: Criminalisation of Lesbians and Bisexual Women and its Impacts* (May 2016) 19 <<https://www.humandignitytrust.org/wp-content/uploads/resources/Breaking-the-Silence-Criminalisation-of-LB-Women-and-its-Impacts-FINAL.pdf>>.

<sup>3</sup> The Commonwealth Equality Network & Kaleidoscope International Trust, *LGBTI+ in the Commonwealth in the COVID-19 Era* <<https://www.commonwealth-covid19.com>>.

<sup>4</sup> *X et Y c Roumanie*, requêtes nos 2145/16 et 20607/16, 19 janvier 2021.