



49th Human Rights Council session

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ITEM 3 – Interactive dialogue with the Special Rapporteur on adequate housing

Statement by International Lesbian and Gay Association

Delivered by Shima Esmailian

Mr. President,

We welcome the thematic report of the Special Rapporteur on adequate housing and celebrate its references to LGBTI and SOGI. We acknowledge that the mandate has been instrumental in recognizing and protecting the right to housing of LGBTI persons. Since 2011, the mandate has addressed problems faced by LGBTI people in accessing housing, in 9 thematic and 7 country visit reports.

We commend the intersectional approach of the report on spatial segregation, and particularly support its understanding of discrimination based on sexual orientation and gender identity as a relevant aspect that results in unequal access to housing for LGBTI communities

In this line, we would like to highlight the particular struggles lived by LGBTI refugees in accessing proper housing. LGBTI refugees hold a specific positionality in which they not only flee due to external factors such as war or conflict, but also because of their identities.¹ For instance, discrimination, violence and criminalization of same-sex relations² and gender diverse identities force LGBTI individuals to seek refuge in other countries. However, the intersection of being LGBTI and a refugee plays a crucial role in their lack of access to adequate housing even in their new host countries. Spatial segregation goes hand in hand with the often-common division and proliferation of informal settings defined by race, gender, SOGI, among other characteristics. Spatial segregation can also be applied through policies, housing programmes and social isolation. LGBTI refugees are more vulnerable to this issue since they tend to be invisibilised by housing systems because of their status. There is also a lack of understanding of their particular needs since they can face racial discrimination, poverty and homophobic and transphobic harassment.³

For example, the current situation in Ukraine forced LGBTI people to move to other parts of the country and abroad. Because of the risk of hostility and violence, they need suitable LGBTI-specific shelters. In many places there are no such shelters at all. Where they exist, there is already not enough space.

¹ Huethorst, L. (2018) *Show Must Go On. A Study of the Social Navigation of Queer Refugees in the Netherlands*. [Master thesis Wageningen University] Wageningen University and Research Centre. <https://edepot.wur.nl/444152>

² For example, as of 2020, 69 States criminalized same-sex sexual behavior (67 by explicit provisions of law, two *de facto*) and homosexuality was explicitly punishable by death in at least six of these countries. For more information see Mendos L R., Botha, K., Carrano Lelis, R., López de la Peña, E., Savelev, I., and Tan, D., (2020) *State-Sponsored Homophobia 2020: Global Legislation Overview Update*. Geneva: ILGA World. Retrieved from <https://ilga.org/state-sponsored-homophobia-report>

³ World habitat report (2018) Left out: Why many LGBTQ+ people aren't accessing their right to housing in the UK



We call on policy makers and governments to implement housing programmes and policies for LGBTI individuals, especially LGBTI refugees, with an intersectional approach that considers their particularities and needs. We also recommend the Special Rapporteur to raise awareness on LGBTI housing issues as a way to combat spatial segregation for these communities and provide evidence-based information to member states, to change policies and guarantee the right to adequate housing for LGBTI individuals.

I thank you Mr. President