

# The Impact of COVID-19 on the Human Rights of LGBT Persons, Communities and/or Populations

*Submission to the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*

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This paper has been prepared by ILGA World and endorsed by ILGA regions, as a response to the [call for submissions](#) published by several special mandate holders, including the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. It provides an overview of various state and civil society actions done in response to COVID-19 as well as a discussion of the specific harms and challenges LGBT persons have encountered during the pandemic. It also provides recommendations on how to protect LGBT persons during future emergency situations.

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## Introduction

The current public health crisis caused by the spread of COVID-19, is a global emergency with far-reaching social, economic, and ecological implications for us all. At the same time, there is clear and growing evidence that State responses in the delivery of healthcare, the implementation of lockdown measures and policies designed to mitigate economic consequences have disproportionate and discriminatory impacts on marginalised groups, including LGBTI persons. The pandemic is exposing and deepening existing discrimination, violence and other human rights violations on the basis of SOGIESC.

## Methodology

The information in this report is derived from ILGA World’s media database, which collects, documents, and categorizes news articles from around the world that discuss LGBT individuals, issues, or anything impacting the LGBT community. Additional information was accessed from articles available on internet news and media sources. All the utilized information was taken from mass media articles available on the internet.

## 1. Problems faced by LGBT individuals during the COVID-19 pandemic

### 1.1. Interpersonal Relationships

In response to COVID-19, nearly every nation has imposed strict stay-at-home and quarantine mandates on their populations. These orders have resulted in LGBT persons having to spend extended periods of time in their homes, often with family that may not accept their sexual orientation, gender identity or gender expression. With very little personal privacy being stuck indoors all day, many have either been inadvertently outed to their families, been forced to hide their identities by not expressing their sexuality or gender how they normally would or have had to spend all day with homophobic or transphobic family members.<sup>1</sup>

Many LGBT individuals have experienced domestic violence<sup>2</sup>, and these instances are growing, as people are required to stay at home.<sup>3</sup>

With many shelters closing due to the virus, LGBT persons have been forced to choose between staying in harmful housing situations or having to sleep in various friends’ homes or on the streets.<sup>4</sup>

COVID-19 has exacerbated the tensions between many LGBT persons and their homophobic relatives and created a heightened risk of interpersonal violence by preventing individuals from escaping harmful spaces or homes they share with abusers.

### 1.2. Healthcare

COVID-19 has also had a tremendously harmful effect on LGBT persons’ health and access to healthcare.

With the global pandemic pushing hospitals to their brink of capacity, many so-called “elective” procedures have been postponed indefinitely, including gender-affirming surgeries in the United States<sup>5</sup> and other places.

For LGBT individuals living with HIV, the pandemic poses an even starker risk. Across the world, individuals living with HIV are having greater difficulty accessing lifesaving medications as hospitals, pharmacies, and clinics either shut down, run low on medication, or become testing and treatment sites for the virus, forcing many to have to risk a greater threat to COVID-19 exposure in order to access their medication.<sup>6</sup>

Additionally, many LGBT individuals delay seeking medical treatment out of fear of discrimination from healthcare providers, which puts them at a greater risk of death when experiencing severe coronavirus symptoms.<sup>7</sup> This is further exacerbated in states that allow healthcare workers to deny treatment to LGBT patients for personal or religious beliefs, as it is the case for example in the legislation introduced by the U.S. Trump administration.<sup>8</sup>

The pandemic is also having a heavy impact on the mental health of many LGBT persons. One study that surveyed participants all over the world found that nearly one in three gay and bisexual men feel unsafe at home during the coronavirus lockdowns.<sup>9</sup> Additionally, a study conducted in Israel found that the trauma of living in threatening homes with no chance to get outside and find relief has led to increased reports of depression and suicidal ideation amongst LGBT teens in particular.<sup>10</sup> The limited access to healthcare and mental health providers is only further compounding these issues.

### 1.3. Economic and Financial Issues

Across the world, COVID-19 has also shut down nearly all in person industries. This has particularly affected the LGBT community, especially transgender individuals.

In Latin America<sup>11</sup> and India<sup>12</sup> in particular, trans individuals, who work predominantly in informal economies, as sex workers or live from begging, are facing extreme economic hardship as they struggle to find clients or job opportunities.

Additionally, in South Africa, many migrants have escaped there in order to flee persecution for their sexual orientation, gender identity or expression in their home countries. Many of the migrants rely on jobs in the service industry and have been unable to find jobs during the lockdown.<sup>13</sup> Furthermore, many lack access to government aid because they do not have South African identity or social security cards, which only further worsens the issue.

### 1.4. Discrimination and State-Sponsored Homophobia & Transphobia

As the pandemic has grown, many have sought to scapegoat the LGBT community and place blame for the virus on marginalized communities.

In the U.S., there have been numerous instances of people blaming the pandemic on what they claim to be “sexual sins”<sup>14</sup> and utilizing homophobic rhetoric to protest stay-at-home mandates.<sup>15</sup>

Similarly, in Iran, one academic has also blamed the LGBT community for the pandemic.<sup>16</sup>

The head of the Directorate of Religious Affairs agency in Turkey publicly insinuated that COVID was a punishment for homosexuality.<sup>17</sup>

Additionally, in Poland, religious leaders are also citing coronavirus as a divine punishment for homosexuality as well as abortion.<sup>18</sup>

In South Korea, due to a cluster of coronavirus cases being traced back to Itaewon, a LGBT-friendly neighborhood, there has been a rise in stigmatization and the false association between testing positive for COVID-19 and being LGBT.<sup>19</sup>

Various States have used the pandemic to espouse homophobic or transphobic rhetoric.

In Uganda, the police arrested over 20 people staying in a LGBT shelter under the guise of social distancing violations.<sup>20</sup> Abuses have continued once in jail, with LGBT individuals living with HIV being denied medication and instances of beatings being common.<sup>21</sup> Following their detainment for over fifty days, the Ugandan Courts ordered their release and freedom in mid-May.<sup>22</sup>

In El Salvador, law enforcement has targeted LGBT individuals and arrested and detained them for testing, although many remained in custody without ever receiving a coronavirus test.<sup>23</sup>

Additionally, there have been instances of inadvertent harm from the state. In response to COVID-19, numerous Latin American countries have established gender-separated days where individuals can go outside. Known as “separation by sex” or “peak and plate” policies, these mandates have created extremely tenuous situations for trans and non-binary individuals.

In Peru, a number of trans women were detained by the police when they tried to go out on the “women-only” days.<sup>24</sup>

In Colombia, many trans persons have been denied access to stores<sup>25</sup> or even attacked by police and non-state actors when they went outside.<sup>26</sup>

Similar harms and attacks have also occurred in Panama.<sup>27</sup>

Fortunately, many of the states with these policies have recently reversed or replaced them with non-gendered curfews to ensure protections for the trans communities.<sup>28</sup>

## 1.5 Anti-LGBT Policies

Amidst the increased uncertainty of the COVID-19 pandemic, numerous States have enacted or began the process of enacting anti-LGBT policies.

In Hungary, the government implemented a law preventing trans people from legally changing their gender after President Orban received extraordinary power for the duration of the pandemic under the “Enabling Law”.<sup>29</sup>

Similarly, Polish President, Andrzej Duda, has increased his anti-LGBT rhetoric over the last three months and has pledged to implement a number of anti-LGBT policies as the upcoming presidential election gets closer. Included in his “Family Card” proposal, a document of pledges to uphold “traditional family values”, these promises contain a plan to prohibit the teaching of LGBT issues in schools as well as a pledge to prevent same-sex couples from marrying or adopting children in Poland.<sup>30</sup> The Polish presidential elections, originally scheduled for the beginning of May, were pushed back to the end of June in response to safety concerns regarding COVID-19.<sup>31</sup> Although the anti-LGBT promises are not a direct response to COVID-19, Duda made them following the election extension that enabled his main competitor, Rafal Trzaskowski, to enter the race.<sup>32</sup>

Additionally, Russian President Vladimir Putin has proposed a constitutional amendment to limit marriage to a heterosexual relationship between a woman and a man.<sup>33</sup> While the amendment is not a direct response or result of COVID-19, the pandemic and concerns of contracting the virus will affect the Russian peoples’ ability to vote on the amendment.

## 2. Good practices

The following section lays out examples of good practices different States and members of civil society have implemented in response to the COVID-19 pandemic. This list is not exhaustive but rather provides examples that news and media sources have highlighted.

### 2.1. Good practices in the State interventions in relation to COVID-19 and LGBT persons

A number of States have formulated safeguards for the LGBT populations in response to the heightened threat of COVID-19.

#### Latin America

In Venezuela, the government has presented a draft agreement to guarantee equality in the law for LGBT people.<sup>34</sup>

Peru<sup>35</sup>, Panama<sup>36</sup>, and Colombia<sup>37</sup> have all lifted their gender separated quarantine laws in response to trans activists' concerns about the danger they inflict on the trans community.

Argentina has taken strong steps to protect the rights of LGBT communities. The Minister of Gender and Diversity created a guideline outlining the rights of trans and non-binary individuals seeking assistance, including the requirement that any detained individual be placed in a room that corresponds to their gender identity and that hormone treatments be guaranteed and continued.<sup>38</sup> Additionally, the Ministry is taking efforts to disseminate information regarding access to medication, mental and sexual healthcare, and contact numbers for assistance inquiries.<sup>39</sup> The Argentinian government is also creating exceptions to its stay-at-home orders for LGBT individuals who need to escape domestic violence situations at home and thus violate the quarantine. The exception allows individuals to leave home to file complaints, reflecting an awareness by the State of the heightened risk of domestic violence that the quarantine is creating.<sup>40</sup> The State is also extending welfare and aid programs to include transgender individuals to ensure that those affected by COVID are protected.<sup>41</sup>

In Peru, the Ministry of Women along with the Ministry of Justice and Human Rights has created a booklet in celebration of the International Day against Homophobia, Transphobia, and Biphobia (IDAHOBIT) that provides a guideline to help protect LGBT people during the pandemic.<sup>42</sup> The document provides guidance to citizens on how to contribute to the promotion and protection of the rights of LGBT persons. It gives information on how to aid LGBT victims of violence and discrimination, how to support LGBT persons within the family and how to advocate for their acceptance and respect inside the family. It also mentions that the COVID-19 pandemic has exacerbated the discrimination that LGBT persons face.

In Manizales, Colombia, the Women and Gender Equity's Secretariat with the support of the Technology and Communications Secretariat launched a pilot project to help sex workers, and in particular trans sex workers, to continue doing their job through the internet during the COVID-19 lockdown.

Additionally, in Mexico, the National Council for the Prevention of Discrimination (Conapred) created an LGBT inclusive guiding document for healthcare workers.<sup>43</sup> The document aims at instructing medical staff on how to treat LGBT persons in an inclusive manner in order to create an environment of trust and inclusivity that facilitates the decision-making processes of LGBT persons in regard to their health issues, particularly amidst the COVID-19 pandemic.

## Africa

Some African states have also intervened to mitigate the specific harms facing by their LGBT populations.

In South Africa, the State extended visas temporarily for migrants and asylum seekers during the national lockdown to ease some of the obstacles facing those seeking work with expiring documents.<sup>44</sup>

## North America

In North America, there have been efforts on all levels of government to provide aid to LGBT communities.

In the United States, the federal government has made improvements to its blood donation requirements. As of 2015, gay and bisexual men had to wait one year from engaging in sex before they could donate blood- a highly discriminatory practice that grew out of stigmatization and fear during the HIV/AIDs epidemic in the 1980s.<sup>45</sup> The U.S. has shortened the waiting period to three months,<sup>46</sup> and there is a push by medical professionals to eradicate the discriminatory ban in entirety.<sup>47</sup> However, the discriminatory ban does remain in place at the current moment.

In Florida, after the remote learning platform utilized by schools presented students' deadnames that had not been changed in the administrative system, one local school district changed the platform to enable their trans students to use their preferred name in online learning settings and prevent deadnaming.<sup>48</sup>

The U.S. federal government also released numerous LGBT asylum seekers and those living with HIV who had been incarcerated in immigration detention centers due to their heightened risk of COVID-19.<sup>49</sup>

In Pennsylvania, Governor Wolf expressed government plans to collect data on sexual orientation, gender identity and gender expression when studying the coronavirus to ensure that the specific needs of the LGBT communities were taken into account when formulating policy.<sup>50</sup> This plan was implemented in response to the Pennsylvania's Health Disparity Task Force which sought to address the needs of vulnerable populations.

Finally, recognizing the disproportionate risks LGBT individuals face from COVID-19, a number of U.S. legislators have put pressure on the Trump administration to include protections for LGBT individuals in the U.S.'s aid abroad.<sup>51</sup>

## Europe

In Europe, there have been efforts to assist and protect the LGBT communities.

Hungary eliminated the ban on blood donation by gay and bisexual men.<sup>52</sup>

Spain's Department of Equality and Social Welfare has collaborated with non-governmental organization (NGO), *Roja Directa LGTBI*, to launch an online platform to provide advice and support to individuals in need.<sup>53</sup> The platform will provide assistance and recommendations on social, psychological, legal, and health issues.

Finally, in France, the Secretary of State for Equality between Women and Men has implemented plans to address the hardships facing the LGBT communities. These plans include allocating funds to allow LGBT people housing in hotels to escape homophobic violence in their homes as well as reopening an emergency hotline for victims of abuse.<sup>54</sup>

## Oceania

Australia has implemented reforms to its blood donation requirements, decreasing the waiting period from one year to three months.<sup>55</sup>

## Asia

In India, local and national government agencies have implemented policies to assist at-risk LGBT individuals. The Ministry of Social Justice and Empowerment has provided stipends to trans individuals<sup>56</sup> and has opened a counseling service for LGBT communities dealing with mental health issues. However, individuals who would like to receive the aid must have proper documents and identification or nominate someone with proper identification to receive the relief on their behalf. This requirement excludes many who lack the necessary documents, including undocumented workers, and leaves many without access to the relief measures. Additionally, many of the forms to receive the aid are in English, further excluding individuals who do not speak English or lack access to someone who can translate on their behalf.

In the Indian state of Manipur, local government has established quarantine centers and facilities for trans individuals who are returning to the state and must self-isolate to ensure that they can receive safe and non-discriminatory housing.<sup>57</sup> The government of Tamil Nadu is providing financial aid and special services to trans individuals.<sup>58</sup> Additionally, the state government of Kerala, has provided food kits to trans individuals who are food insecure to ease the economic burden of COVID.<sup>59</sup>

In Pakistan, one police department is working to set up a specific department to deal with issues that are affecting the trans community and have hired a trans woman to assist it.<sup>60</sup>

Finally, in South Korea, after a cluster of cases was traced to a prominent gay club in Itaewon resulting in a flood of homophobic sentiment nationally, the government has sought to mitigate the risk to individuals by pushing to protect the identities of individuals who may have attended the club. Due to heavy homophobic sentiment throughout the country, many gay men who had been to Itaewon fear that being publicly outed could create extreme risks to their livelihood and safety. The government has subsequently urged journalists and media personnel to enact caution to prevent personal information from leaking.<sup>61</sup>

## 2.2. Good practices stemming from civil society actions

In response to the extreme risks and dangers presented by the pandemic, civil society has stepped up to fill the gaps left by incomplete state action and assist the LGBT community.

### Internationally

There have been myriad efforts by international civil society to assist the LGBT community during COVID-19, focusing predominantly on research/data collection, placing pressure on global governance, and pressuring states. Many organizations have conducted and published studies and reports to document the ways the LGBT community is particularly harmed by COVID. These organizations include the *Thomas Reuters Foundation*<sup>62</sup>, the *Commonwealth Equality Network* in collaboration with the *Kaleidoscope International Trust*<sup>63</sup>, and *OutRight Action International*<sup>64</sup>.

Additionally, LGBT advocacy groups from Iran, Lebanon, South Korea, Philippines, and Sri Lanka have reached out to the United Nations to call on the global confederation to assist in protecting at-risk LGBT communities.<sup>65</sup>

### North America

In North America, NGOs and civil society members have been stepping up to provide support.

In Puerto Rico, numerous organizations are providing assistance remotely, collecting donations and funds to assist those in need, providing necessary healthcare, medication, HIV/STI services, and online educational and counseling services.<sup>66</sup>

In Canada, the *Gay Straight Alliance* has maintained programming online in their school chapters.<sup>67</sup>

In the United States, the *Transgender Legal Defense and Education Fund* has created an online guide for transgender and non-binary individuals providing information on how to stay safe during the pandemic.<sup>68</sup> The guide covers concerns dealing with employment, housing, and healthcare and provides a list of health and advocacy resources.

### Europe

European civil society have responded similarly. Throughout Europe, NGOs have continued to provide support to LGBT communities.

In Ireland, numerous NGOs are providing remote and online services such as healthcare recommendations and resources, self-care and support groups, as well as educational initiatives.<sup>69</sup>

In Slovenia, NGOs *Legebitra* and *Transakcija* are also providing remote resources such as counseling and therapy.<sup>70</sup> Similar work is also being done by organizations in Catalonia.<sup>71</sup>

In Rome, the Catholic Church has also stepped in to provide aid, with Cardinal Konrad Krajewski providing funds and donations to a group of transgender sex workers.<sup>72</sup>

Additionally, in France, the collective *ToutSEXplique* provides accommodations for young LGBT adults who have been rejected by their families or are facing other forms of discrimination.<sup>73</sup>

### Africa

In Africa, civil society is working to provide direct services to at risk LGBT individuals.

In South Africa, organizations like the *Scalabrini Centre*, are assisting LGBT migrants and asylum seekers who do not have access to food, government aid, or other forms of essential goods.<sup>74</sup> Additionally, organizations like *Femme Projects*, are fundraising to help support shelters and buy goods, such as sanitizers, toiletries, and food, to be delivered to those in need.<sup>75</sup>

The Urgent Action Fund for Women's Human Rights is providing grants to support collective and health care to communities across Africa.<sup>76</sup>

## Asia

In Thailand, the *Foundation of Transgender Alliance for Human Rights* released a guide on how LGBT individuals can protect themselves.<sup>77</sup>

## Latin America

Latin American civil society have been incredibly active in assisting the LGBT community. A number of NGOs and non-profit organizations are working to provide direct services to individuals in need.

In El Salvador, the *Trans Culture Collective* monitors and tracks LGBT individuals who have been incarcerated to provide support to them where possible.<sup>78</sup>

In Mexico, the NGO *Trans Ensenada, Una Lucha Con Valor* assists trans sex workers who have been unable to work due to the pandemic by providing medical care and financial support.<sup>79</sup> *Casa Frida*, also in Mexico, has created a shelter for LGBT persons who are facing violence and discrimination in their households during the pandemic.<sup>80</sup>

The Colombian NGO, *Red Comunitaria Trans*, has created an emergency fund to assist trans sex workers who have lost their jobs.<sup>81</sup> So far, the fund has helped 250 sex workers in the city of Bogota and has assisted trans women who have also been detained. The group also offers free psychological support to trans persons, cisgender women, and LGBT persons.<sup>82</sup>

Similar groups are working in Ecuador<sup>83</sup> and Brazil<sup>84</sup> to provide relief funds to LGBT individuals in need.

## 2.3. Good practices from international agencies and organizations

International governing bodies, such as UNAIDS, have responded to the pandemic by reaching out to individual states and regions to pressure them to provide better protections for LGBT individuals.<sup>85</sup>

The Inter-American Commission for Human Rights (IACHR) put out a statement calling on States to improve their protections of these vulnerable communities and highlighted the specific harms individuals face including access to healthcare, access to medication, domestic violence, and abandonment of elders.<sup>86</sup>

Additionally, 96 international human rights experts, including the Council of Europe, IACHR, and various UN independent experts<sup>87</sup>, submitted a declaration highlighting the harm and dangers the LGBT community faces from COVID-19 and calling on states and global governance to protect these vulnerable populations.<sup>88</sup> The statement also explained the roll civil society has been playing throughout the pandemic to provide necessary support and urged States to increase their protections.

The Secretary General of the Council of Europe also put out a statement addressing specifically the harms LGBT youth face from COVID and the consequential lockdowns.<sup>89</sup>

## 3. Lessons learned from the pandemic on how not to leave LGBT persons behind in emergency situations

The COVID-19 pandemic has illustrated the dangers LGBT persons face in emergencies and how the specific challenges normally faced by this community can be quickly exacerbated during emergencies. There are a number of lessons to be learned by both States and civil society from this experience.

The most important lesson is that of preparedness and the need for pre-existing infrastructure. Many of the issues facing by the LGBT community stemmed from direct and systemic discrimination resulting in a lack of resources, be that housing, employment, healthcare, medication or food. These problems were

compounded by a lack of aid from States, the discriminatory practice of many humanitarian aid providers and the limited capacity of civil society to address every single issue faced by those in need. The COVID-19 pandemic shed light on the lack of resources and support allocated to LGBT communities during non-emergency times. This lack of resources only grew exponentially with the global shutdown of jobs, shelters, clinics, and in person direct services provided by civil society. Communities that are pushed to the margins of societies in non-crisis times are pushed across the edge in times of global crisis. Measures have to be taken already before crisis hits such that LGBT communities and their organisations can respond to emergencies. There needs to be available resources during non-emergency situations that can then be expanded upon as needed when emergencies arise.

These resources can include:

- State funded food and housing initiatives to combat poverty and homelessness
- Education and employment training opportunities
- Accessible and non-discriminatory healthcare and HIV/STI treatment facilities

Additionally, States need to make concerted efforts to combat homophobia and transphobia. Discrimination in healthcare, housing, employment, and interpersonal relationships prevents LGBT individuals from achieving security. Homophobic and/or transphobic violence by families pushes LGBT individuals into homelessness, while discrimination in housing, education, and employment precludes LGBT individuals from accessing necessary resources. Discrimination in healthcare during non-emergencies grew during COVID-19 and put individuals already at risk (persons living with HIV, trans persons) at an even greater risk of danger. Police and law enforcement all over the world specifically targeted LGBT individuals and brutalized them through arrests and detainment. States must take a powerful stance against homophobia and transphobia in order to prevent and discourage hate from its citizenry, which directly harms LGBT persons. Humanitarian aid providers need to be trained and sensitized such that their responses are inclusive of the needs of marginalised communities including LGBT persons. Creating a climate of acceptance and diversity will enable LGBT persons to achieve security and success and in turn precludes much of the harm that occurred during the pandemic.

This can be done through:

- State led policies that punish hate crimes and discrimination based on sexual orientation, gender identity and gender expression;
- The implementation of initiatives to promote LGBT inclusive education and representation, creating training for government officials, healthcare workers, law enforcement, teachers, and workers across trades on implementing inclusive and anti-homophobic/transphobic practices into their work;
- The creation mechanisms for trans individuals to access gender-affirming care and legal aid; and
- The establishment of legal protections for LGBT individuals.

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