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Protecting the rights of LGBT people during and after the COVID-19 pandemic

Response to joint questionnaire by Special Procedure mandate holders

Emergency and crisis situations such as the Covid-19 pandemic exacerbate pre-existing structural inequalities, including for lesbian, gay, bisexual, and transgender (LGBT) people. While struggles with stigma, discrimination, and violence are not exclusively experienced by LGBT people, these communities may be disproportionately impacted in specific ways.

Health/Health care

Discrimination in accessing health care can affect access to testing and treatment for chronic diseases, including HIV, which can make LGBT people with chronic conditions more vulnerable to serious illness or death. In many places, health care for LGBT communities is delivered through informal networks or a hybrid between community-driven care and official clinical care. During the Covid-19 pandemic, Human Rights Watch has documented how people living with HIV, including LGBT people, in Egypt struggled to access their medication as the government designated their typical points of medication distribution (“fever hospitals”) as Covid-19 centers, meaning immuno-compromised people would be taking extra risks to go there to retrieve medication.¹

Documentation and Gender Identity Discrimination

Many transgender people worldwide do not carry ID documents that match their identity and expression. This means any situation in which they have to show ID to an official to travel, or access health care or aid, is potentially risky for them. Situations where services are distributed in a sex-segregated manner are often discriminatory for people who express one gender, and carry an ID that lists another.



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¹ Human Rights Watch, “Egypt: Covid-19 Threatens Treatment for HIV Patients,” April 22, 2020, <https://www.hrw.org/news/2020/04/22/egypt-covid-19-threatens-treatment-hiv-patients>.

During the Covid-19 pandemic, some governments have instituted measures that impinge on the rights of transgender people. For example, the government of Panama put into effect a gender-based quarantine schedule,² requiring women and men to remain quarantined on alternate days. This resulted in transgender people being singled out for profiling by police and private security guards and in some cases being arrested and fined or prevented from buying essential goods. This happened regardless of whether they attempted to follow quarantine measures based on the sex marker on their ID or based on their gender identity.³ Similar curfews have been instituted in Peru and cities in Colombia, where there have been reports of police harassment despite trans-sensitive directives from governments.

Political Exploitation of the Pandemic to Target LGBT People

Around the world, LGBT people as well as advances in LGBT rights have been blamed for natural disasters. Covid-19 is no different. Some religious leaders have scapegoated LGBT people for Covid-19, for example, in Iraq,⁴ Ghana,⁵ and the United States.⁶ Where LGBT people are blamed for Covid-19 outbreaks, they may be at risk of losing their jobs, evicted from their homes, or publicly exposed, especially in places where inclusive nondiscrimination protections are not in place.⁷

Politicians and government officials have also used the pandemic as a pretext for rolling back basic rights protections for LGBT people. This includes officials in the Philippines humiliating LGBT people who were caught out after curfew.⁸ Police in Uganda used the pandemic regulation against public gatherings of more than 10 people to arrest and detain 20 LGBT people who were living in a homeless shelter, accusing them of “a negligent act likely to spread infection of disease,” as well as

² Cristian González Cabrera (Human Rights Watch), “Panama’s Gender-Based Quarantine Ensnarers Trans Woman,” April 2, 2020, <https://www.hrw.org/news/2020/04/02/panamas-gender-based-quarantine-ensnarers-trans-woman>.

³ Human Rights Watch, “Panama: Set Transgender-Sensitive Quarantine Guidelines,” April 23, 2020, <https://www.hrw.org/news/2020/04/23/panama-set-transgender-sensitive-quarantine-guidelines>.

⁴ “Prominent Iraqi Cleric Moqtada al-Sadr Blames Coronavirus Pandemic on Gay Marriage,” *Al Araby*, March 28, 2020, <https://english.alaraby.co.uk/english/news/2020/3/28/prominent-iraqi-cleric-blames-coronavirus-pandemic-on-gay-marriage> (accessed June 18, 2020).

⁵ “Muslim Leaders of Ghana Blame Coronavirus on ‘Transgender and Lesbianism’. Again,” *Pink News*, March 27, 2020, <https://www.pinknews.co.uk/2020/03/27/ghana-coronavirus-muslim-mission-pandemic-transgender-lesbian-homophobia/> (accessed June 18, 2020).

⁶ Brooke Sopelsa, “Trump Cabinet’s Bible Teacher Says Gays Cause ‘God’s Wrath’ in COVID-19 Blog Post,” *NBC News*, March 25, 2020, <https://www.nbcnews.com/feature/nbc-out/trump-s-bible-teacher-says-gays-among-those-blame-covid-n1168981> (accessed June 18, 2020).

⁷ Ryan Thoreson (Human Rights Watch), “Covid-19 Backlash Targets LGBT People in South Korea,” May 13, 2020, <https://www.hrw.org/news/2020/05/13/covid-19-backlash-targets-lgbt-people-south-korea>.

⁸ Ryan Thoreson (Human Rights Watch), “Philippines Uses Humiliation as COVID Curfew Punishment,” April 8, 2020, <https://www.hrw.org/news/2020/04/08/philippines-uses-humiliation-covid-curfew-punishment>.

“disobedience of lawful orders.”⁹ Hungary’s parliament passed a law making it impossible for transgender or intersex people to legally change their gender. It falls into a pattern of the government using the Covid-19 pandemic as a pretext to grab unlimited power and using parliament to rubber-stamp problematic non-public health related bills.¹⁰

Older People

LGBT older people are less likely than their heterosexual and cisgender peers to reach out to health and aging providers, like senior centers, meal programs, and other programs designed to ensure their health, because they fear discrimination and harassment.¹¹ They are also less likely to be connected to a network of extended family, including children, who can support them and advocate for them in accessing appropriate medical care.¹²

Housing

LGBT people face discrimination by landlords that may result in homelessness,¹³ and state authorities and shelters sometimes refuse to assist them. Where data are available, such as in the US, LGBT youth make up a disproportionate percentage of the homeless population.¹⁴ As homeless shelters close or limit attendance to protect clients from Covid-19, LGBT people and others experiencing homelessness are at risk of being exposed to all of the negative impacts of not having housing, in addition to sexual orientation and gender identity-based harassment and discrimination. LGBT people forced to shelter at home with family members may face emotional or physical abuse.¹⁵

Economic Impact

In many places, it is common for LGBT people to work in service industries, such as hospitality, grooming and sex work, which have been drastically impacted by Covid-

⁹ Neela Ghoshal (Human Rights Watch), “Uganda LGBT Shelter Residents Arrested on COVID-19 Pretext,” April 3, 2020, <https://www.hrw.org/news/2020/04/03/uganda-lgbt-shelter-residents-arrested-covid-19-pretext>.

¹⁰ Kyle Knight and Lydia Gall (Human Rights Watch), “Hungary Ends Legal Recognition for Trans and Intersex People,” May 21, 2020, <https://www.hrw.org/news/2020/05/21/hungary-ends-legal-recognition-transgender-and-intersex-people>.

¹¹ Ilan H. Meyer and Soon Kyu Choi, “Vulnerabilities to COVID-19 among Older LGBT Adults in California,” *The Williams Institute*, April 2020, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Older-LGB-COVID-CA-Apr-2020.pdf>.

¹² *Lambda Legal*, “The Cost of COVID-19 for LGBT Older Adults,” April 28, 2020, <https://www.lambdalegal.org/blog/lgbt-older-adults-seniors-elders-coronavirus>.

¹³ Human Rights Watch, “Letter to the UN Special Rapporteur on Adequate Housing on Homelessness and the Right to Adequate Housing,” November 12, 2015, <https://www.hrw.org/news/2015/11/12/letter-un-special-rapporteur-adequate-housing-homelessness-and-right-adequate>.

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¹⁵ “Coronavirus: ‘I’m Stuck in Isolation With my Homophobic Parents,’” *BBC News*, March 26, 2020, <https://www.bbc.com/news/uk-52039832> (accessed June 18, 2020).

19. For transgender women in particular, the sex work industry is among their only viable career options. With lockdowns and quarantines, as well as with the general order to physically distance from other people, this community will be economically vulnerable. The service industry, sex work, and other informal economies could remain deflated for months or years. As pandemic-related restrictions on movement and economic activity continue for longer periods of time, some might start taking risks, and get sick or entangled in punitive regimes; both those related to Covid-19 lockdowns and general inhibiting legal environments, such as places where “cross dressing” or same-sex conduct is illegal.¹⁶ Harm reduction measures should be targeted and communicated to marginalized communities so they can survive.

In South Africa, Human Rights Watch documented how pandemic-related government food aid programs excluded refugees and asylum seekers, including LGBT people who traveled to South Africa in search of safety and security.¹⁷ In Lebanon, Human Rights Watch documented LGBT community organizations having to struggle to provide support amid the economic crisis and the pandemic, while government aid excluded LGBT people.¹⁸ Government entities in Pakistan¹⁹ and Bangladesh²⁰ have called for specific economic and food relief to be distributed to transgender communities; however, news reports have indicated that implementation has been ad hoc and piecemeal.

¹⁶ “‘If I Don’t Have Sex I’ll Die of Hunger’: Covid-19 Crisis for Rio’s Trans Sex Workers,” *The Guardian*, May 21, 2020, <https://www.theguardian.com/global-development/2020/may/21/if-i-dont-have-sex-ill-die-of-hunger-covid-19-crisis-for-rios-trans-sex-workers> (accessed June 18, 2020).

¹⁷ Human Rights Watch, “South Africa: End Bias in Covid-19 Food Aid,” May 20, 2020, <https://www.hrw.org/news/2020/05/20/south-africa-end-bias-covid-19-food-aid>.

¹⁸ Rasha Younes (Human Rights Watch), “In Lebanon’s Covid-19, Aid the Vulnerable, Including LGBT People,” *The New Arab*, April 16, 2020, <https://www.hrw.org/news/2020/04/16/lebanons-covid-19-aid-vulnerable-including-lgbt-people>.

¹⁹ Human Rights Watch, “Pakistan Official Supports Transgender Community Amid COVID-19,” March 25, 2020, <https://www.hrw.org/news/2020/03/25/pakistan-official-supports-transgender-community-amid-covid-19>.

²⁰ Kyle Knight (Human Rights Watch) and Tan A., “Bangladesh Should Support Hijra, Trans Under Covid-19,” *The Advocate*, <https://www.hrw.org/news/2020/05/08/bangladesh-should-support-hijra-trans-under-covid-19>.