19 June 2020

No place safe

Response to joint questionnaire of special procedures: The impact of COVID-19 on the human rights of LGBT persons, communities and/or populations

The purpose of this report is to inform the Special Procedures mandate holders, especially the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, on the impact of COVID-19 on the situation of trans people in Europe and Central Asia. Given the position of Transgender Europe (TGEU) as the umbrella organisation for trans organisations and communities in the European and Central Asian region, this report does not address the situation of any specific country, nor does it report on human rights questions during Covid-19 in general. Instead, this report firstly provides an overview on the situation of trans people in the region in general and secondly provides links to additional resources, such as country-specific information by our member organisations as well as external sources.

**General situation of trans people during COVID-19 in the region**

Due to constraints in scope and time this section addresses only the questions by the IE SOGI specifically addressing the situation of LGBT people and communities as well as the impact on human rights for the trans community.

TGEU has 145 member organisations across Europe and Central Asia in 44 different countries. These include a variety of groups from trans-led groups to LGBT organisations working on a range of issues. Since April 2020, TGEU’s Community Building Officer has been conducting a membership assessment of challenges trans communities and LGBTQ-led organisations are facing as well as one-on-one consultations with key members and partners. These meetings have been useful for assessing the situation of local trans communities; documenting challenges faced by our member organisations; and informing TGEU’s own response and programmatic priorities. The results of these assessments can be found on a [dedicated page](https://tgeu.org/covid-19/responses-of-our-members/) that we will continue to update throughout the crisis.

Up to this date more than 25 member organisations have provided data regarding the situation of at least 18 countries in the region. After consultations with our members and partners, it has become clear that trans communities are – and will continue to be – disproportionately affected by this massive-scale crisis. Its impact is being felt most severely by trans people who are sex workers, migrants, refugees, asylum seekers, poor, homeless, disabled, and/or elderly. These communities are negatively affected by the virus itself, by the health care system and providers, and by the socio-economic consequences of this crisis. While this situation increases the risk of transphobic violence and abuse within the home, restrictive measures and social inequalities diminish possibilities to reach support and services. Most of our trans-led member organisations are going through major organisational difficulties and lack the skills and capacity to make sure they will survive this unprecedented crisis. Some have stopped their activities until further notice, while others have pivoted towards direct community support, focusing particularly on those most vulnerable and harshly impacted by the health and socioeconomic consequences of the crisis.

While our data is by no means exhaustive, the existing data suggests that:

* Most states did not evaluate the specific situation of trans people nor their specific vulnerabilities when responding to the pandemic;
* Little or no measures were adopted by states to ensure that trans people would not be subjected to discrimination in the implementation of COVID-19 related interventions;
* Trans civil society were mostly not included in the design of measures taken to respond to the pandemic;
* The COVID-19 pandemic has worsened the general situation of trans persons and their access to education, housing, health and employment as well as their living conditions considerably;
* Good practices can be identified stemming mostly from civil-society actions; many civil society organisations (CSO) have stepped in during the pandemic to offer essential services to trans people which should fall under the responsibilities of the states.

It is noteworthy however, that only those of our member organisations with the capacity to do so have responded to our questionnaire. Our assumption is that many of our member organisations and their communities may suffer even harsher from the pandemic than reported here. TGEU analysed the submissions of our members with regards to Covid-19 and identified five areas, in which trans communities feel the negative effects of the Covid-pandemic especially. These areas are:

1. Housing and food
2. Healthcare access
3. Police violence
4. Domestic violence & Social isolation
5. Impact on human rights

**Housing and food**

Many trans people are struggling to cover bare necessities at the moment. Since the community is already facing hardship in accessing employment, many have lost their jobs and/or homes. Many suffer decrease or loss of income (esp. undocumented migrants and/or sex workers). Many are forced to shelter in place with unaccepting or abusive families. Out of the 25 organisations who provided written input, 10 organisations (working in France, Kazakhstan, Kyrgyzstan, Malta, Romania, Russia, Serbia, Slovenia, Tajikistan and one regional network) are reporting that they have shifted their work focus to support members with basic necessities, such as food packages or crowdfunding campaigns to provide financial support to those who struggle paying their food or rent.

**Healthcare access**

Many trans people struggle with access to health care and are not receiving the health care they need, esp. trans specific health care. Continued access to hormonal treatment is a big problem across the region. Many public health services have closed down. Many people cannot afford their hormones any more. Some trans people are dependent on freedom of movement across borders, because the necessary hormones are not available in their country and they buy across borders. Gender identity clinics have closed down and diagnostic processes, which are already lengthy, have come to a stop. Surgeries that have taken years to secure are being delayed or cancelled, as is pre- and post-surgical care. This does not only take an extraordinarily toll on mental health, for some trans people the crisis is putting their lives, health and safety directly at risk.

Ten member organisations covering nine countries in the region have reported that access to hormone therapy is a pressing issue for their trans communities right now. Many have started to supply their communities with hormones due to a lack of medical providers to do so. Other challenges are sexual and reproductive healthcare, esp. for those engaged in sex work, and lack of access to preventive and curative healthcare (esp. those living with HIV, chronic pains, or with compromised health conditions and immune systems).

In addition, trans people are more likely to have existing health conditions and economic instability than the general population due to the discrimination they face. This situation puts them at higher risk to become exposed to the virus and to develop severe symptoms (see also our list "[Trans people: who's at risk](https://tgeu.org/covid-19/trans-people/)"). Also it has been reported by many members that the state of emergency categorisations of "Urgent medical needs" versus "Non-urgent medical needs" have left out trans care. In most States, trans-specific healthcare needs have not been considered as urgent, creating distress among local trans communities by, for example, cutting access to ongoing treatments such as hormone therapy and interrupting post-operative care.

On a last note, trans people's concerns and experiences of suffering from discrimination in healthcare settings have affected their access to care and their health in general during the crisis. Many trans people are already hesitant to go to the doctor, which only increased with the additional pressure and surveillance during the crisis. COVID-19 itself may be affecting more trans people just because they have avoided getting help.

**Police violence**

Trans people are at the best of times vulnerable to police violence and severe discrimination. A large proportion of trans people do not have identification documents that adequately reflect their gender identity or gender expression. Non-matching documents often lead to suspicions on the side of police against trans people and is often seen as invitation for discrimination and violence. Now, during COVID-19, many states have declared states of emergency and have significantly increased their police presence and police controls in public spaces to enforce shelter-in-place orders. Also police and other law enforcement agencies have emergency powers to reinforce control over the population in many countries (in the number of police on duty but also the legal power of police to intervene and violate rights that have been suspended for the time of the crisis). This makes public spaces even more dangerous for trans people than during regular times. These dangers increase for black trans people and trans people of color, undocumented migrants, and trans people who engage in sex work. Member organisations out of France, Greece, Kazakhstan and Romania have reported various forms of increased police abuse.

**Domestic violence and social isolation**

Lockdowns and quarantine measures take a hard toll on the trans community. Self-isolation and social distancing has forced many community members to shelter with abusive or unsupportive relatives. This is particularly affecting trans children and youth. This also leads to increased situations of bullying, pressure, physical and psychological violence and abuse. At the same time, community contact with supporting peers might be impossible, due to movement and travel restrictions and social-distancing rules. This leads to a meaningful decline in psychological wellbeing and mental health for many trans people in the region.

**Impact on Human Rights**

While the pandemic in itself is challenging enough, we are observing the largest rollback in trans rights over the past few years. Various governments are using this crisis in order to further restrict trans rights or use attacks against the trans community to distract from their own mishandling of the pandemic.

In the United Kingdom, after years of strong backlash, the government has announced their intention to [not support self-determination](https://www.theguardian.com/uk-news/2020/jun/14/trans-rights-government-reported-to-be-dropping-gender-self-identifying-plans?CMP=Share_iOSApp_Other&fbclid=IwAR3n0OXGCVSKsPgU0CTfDHfmgu0xw5bt3ihZr4JmndzuK_LQB8G8yTI5qFg) for the revision of the Gender Recognition Act and [withdraw access to healthcare for minors](https://www.lgbtqnation.com/2020/04/uk-moves-ban-trans-youth-getting-gender-affirming-health-care/). In Spain, we are observing historical allies like the PSOE (Spanish Socialist Workers’ Party) publicly turn their back on trans people by publishing a [transphobic paper](https://www.eldiario.es/politica/argumentario-PSOE-conflicto-Unidas-Podemos_0_1036596464.html) last week that invalidates trans people’s gender and explicitly rejects the right to self-determination. At the end of May, the Hungarian government [outlawed legal gender recognition](https://tgeu.org/hungarian-government-outlaws-lgr/) for trans people. In Mid June, Romania passed a law banning [discussion, education or courses about gender identity in schools and universities](https://www.reuters.com/article/us-romania-lgbt-rights/romanian-rights-groups-condemn-ban-on-gender-identity-studies-idUSKBN23O22G). In the same week, Kazakhstan has raised the [minimum age for trans specific health](https://tgeu.org/joint-call-on-parliament-of-kazakhstan/) care from 18 years to 21. The bill has been adopted by the Parliament and will be sent to signature by the president.

In addition to that, access to existing legal gender recognition (LGR) procedures is problematic in these times. While the procedures in itself are often lengthy and tedious and don’t comply with human rights standards to be quick, transparent and accessible and based on self-determination, during the pandemic many countries have put LGR procedures completely on hold, leaving trans applicants in challenging situations

**Additional reading:**

TGEU has dedicated several pages to the Covid pandemic:

* Find our main COVID-19 page [here](https://tgeu.org/covid-19/).
* See “COVID-19” and trans people” [here](https://tgeu.org/covid-19/trans-people/).
* Find TGEU’s recommendations to member organisations [here](https://tgeu.org/covid-19/recommendations/).
* Find the responses of our members and partners with country-specific information [here](https://tgeu.org/covid-19/responses-of-our-members/).

Trans coalition has published an [Interim analysis of cases of trans\* people rights violations in the CAEE countries since the beginning of the COVID-19 pandemic](https://www.transcoalition.net/interim-analysis-of-cases-of-trans-people-rights-violations-in-the-caee-2020/).

The University Medical Center Hamburg-Eppendorf, Interdisciplinary Transgender Health Care Center has published first results of an international survey regarding the impact of COVID-19 on the trans community, unfortunately so far only on German-speaking countries: “[The impact of COVID-19 on transgender health in German speaking countries](https://www.bundesverband-trans.de/wp-content/uploads/2020/05/TransCareCovid-19_Germany_Fact_Sheet__ENGL_V1.0_FINAL.pdf)”. The questionnaire is available in many languages and additional results are expected soon. Please be aware that the preliminary results in German-speaking countries are not representative for the European and Central Asian region. We expect further results to paint a much darker picture.