

Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity: Report on gender, sexual orientation and gender identity

SUBMISSION

At all stages of migration, LGBTIQ+ migrants face a heightened risk of human rights violations, including violence, exploitation and abuse,¹ particularly at the hands of immigration officers, traffickers and smugglers. A study based on an analysis of 22,326 survivor records² reported that 83 percent of transgender and gender non-conforming people were trafficked for the purposes of sexual exploitation.³

The contributions LGBTIQ+ migrants make to countries of origin, transit and destination are vast, but the pervasive discrimination they face places them at a disadvantage in the labour market; LGBTIQ+ migrants are more likely to work in the informal economy, with higher rates of unemployment and poverty.⁴ Owing to pervasive discrimination, compounded by homophobia, transphobia, racism and high competition for scarce jobs, transgender migrant women often struggle to find legal employment, instead relying largely on informal and often dangerous work to survive.⁵

Same-sex couples and their families risk separation at borders and may be treated without due consideration of their rights or denied provision of services. LGBTIQ+ migrants who are detained often face social isolation and a heightened risk of sexual and gender-based violence. These experiences are often compounded for transgender migrants, who are

¹ United Nations Independent Expert on Protection Against Violence and Discrimination Based On Sexual Orientation and Gender Identity. 2019. [Report on Socio-Cultural And Economic Inclusion](#).

² See <https://polarisproject.org/2019-us-national-human-trafficking-hotline-statistics/>

³ See CTDC. n.d. [Human Trafficking and Gender: Differences, Similarities and Trends](#).

⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR). 2020. [COVID-19 and the Human Rights of LGBTI People](#). Topics in Focus. 17 April.

⁵ Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Durham, United States, Duke University Press, 2015).

too often detained in spaces that do not correspond to their self-identified gender.⁶ One study carried out in a prison system in California in 2007 revealed transgender persons are 15 times more likely to be sexually assaulted than the general detention population, and transgender women are the most vulnerable to this abuse.

While data on the experiences of LGBTIQ+ migrants is scarce and often anecdotal, it provides a snapshot of a troubling picture of human rights abuses against LGBTIQ+ people at all stages of migration. However, too many such abuses go unreported for fear of reprisals, including arrest, abuse, or deportation. The onset of the COVID-19 pandemic has only worsened the situation for many LGBTIQ+ people who may be unable to leave an unsafe country because of lockdown measures or without the means or information to access the critical services and healthcare that they may need in countries of transit or destination.

⁶ See United Nations. 2019. [*Protection against violence and discrimination based on sexual orientation and gender identity: Report of the Secretary General*](#). A/74/181