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Statement submitted by Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit — COC Nederland, International Gay and Lesbian Human Rights Commission, International Lesbian and Gay Association, International Service for Human Rights and Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights — RFSL, non-governmental organizations in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

Social Protection Systems, Access to Public Services and Sustainable Infrastructure for Gender Equality and the Empowerment of all Women and Girls

The 2030 Agenda for Sustainable Development commits to end poverty in all its forms and dimensions and states that all people must enjoy a basic standard of living including through social protection systems. The 2030 Agenda also calls on United Nations Member States and entities to implement nationally appropriate — in accordance with the Universal Declaration of Human Rights — social protection systems and measures for all and to ensure that all people have equal rights to economic resources, as well as access to basic services, and a good quality of life.

Further, the Agreed Conclusions of 61st Session of the Commission on the Status of Women urged governments and entities to work towards establishing or strengthening inclusive and gender-responsive social protection systems to ensure full access to social protection for all people without discrimination of any kind.

Barriers to accessing social protection systems, public services and sustainable infrastructure result when people face violence and discrimination based on their real or perceived sexual orientation, gender identity, gender expression or sex characteristics. In particular lesbian, bisexual, transgender and intersex women and gender non-conforming people continue to experience human rights violations on these grounds. These violations include killings, violent attacks, sexual violence, torture, arbitrary detention, forced marriage, denial of rights to assembly and expression and discrimination, including due to systemic structural barriers in accessing health care, education, employment and housing. Those defending the rights of lesbian, bisexual, transgender and intersex women and gender non-conforming people continue to face reprisals and attacks for their work.

In order to ensure full compliance with Agenda 2030 and Agreed Conclusions of the Commission on the Status of Women 61st Session on social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of all women and girls, the violence and discrimination faced by lesbian, bisexual, transgender and intersex women and gender non-conforming people must be urgently addressed.

Elimination of All Forms of Violence and Discrimination

Lesbian, bisexual, transgender and intersex women and gender non-conforming people in every region of the world are subjected to daily violence and discrimination based on their real or perceived sexual orientation, gender identity, gender expression or sex characteristics, an experience often amplified by multiple and intersecting forms of discrimination. This violence is directly linked to structural discrimination that reduces access to social protection systems, public services, and sustainable infrastructure. Access to these resources which include housing, education, employment, services, and health care are vital to the fulfilment of human rights and human potential and any impact on access halts the realization of these rights.

In particular, punitive and violent environments that marginalize people on the basis of their real or perceived sexual orientation, gender identity, gender expression or sex characteristics create significant barriers to health resources for those individuals. In such contexts service providers that work with these individuals are also impacted and in many cases are forced to stop working due to retraction of funding, harassment or fear of persecution. Additionally, individuals may fear disclosing their sexual orientation or gender identity or intersex status to medical

professionals out of fear of judgement, malpractice, harassment, exclusion or detention.

Lesbian, bisexual, transgender, and intersex women and gender non-conforming people in particular lack health insurance coverage, a secure income, access to culturally competent health and social service providers, and face cultural beliefs that decrease utilization of available services. As such they are less likely to seek routine medical care such as mammograms and pap smear tests. HIV and sexual health testing services are particularly important for this group given the high rates of targeted sexual violence towards lesbian, bisexual, and transgender women. One alarming manifestation of these barriers to healthcare access are the high rates of HIV infection in transgender women, which is up to 49 times higher than that of gay men in some contexts. Lack of access to preventative health services also places this group is at a higher risk for heart disease, cancer and depression.

Discrimination and violence on the basis of real or perceived sexual orientation, gender identity or gender expression act as a barrier to education. Young people who are gender non-conforming in particular are subjected to elevated rates of violence, harassment and bullying on the basis of their real or perceived sexual orientation, gender identity or gender expression. These experiences often occur before the young person in question has had the opportunity to form their own identity in relation to their sexual orientation and gender identity. For example, in many countries young girls have reported being expelled from school or beaten by peers for appearing too masculine.

Lesbian, bisexual and transgender women have reported losing housing, employment or job opportunities due to their gender expression or for being open about their sexual orientation or gender identity. Evictions or refusal of accommodation to tenants based on their real or perceived sexual orientation, gender identity or gender expression are commonly reported as well.

In some settings, discrimination in education, housing, health, and employment can make this group further economically dependent on male relatives and coerces them to enter into heterosexual relationships. This results in an increased risk of physical abuse and sexual violence by partners or family members, further decreasing the access to public services, social protection systems, and sustainable infrastructure. Due to this compounding stigma, isolation, and the acute mental stress it causes, studies indicate that suicide or attempted suicide by this group is relatively common.

Human Rights at the United Nations

The human rights of lesbian, bisexual, transgender and intersex women and gender non-conforming people is not a case for new international law or 'special rights'. The human rights of lesbian, bisexual, transgender and intersex women and gender non-conforming people only requires the application of existing international law equally to everyone irrespective of their sexual orientation, gender identity, expression and/or sex characteristics.

Over the past 20 years, six United Nations treaty bodies including the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee Against Torture, and the Committee on the Elimination of all Forms of Violence against Women, Committee on the Rights of the Child, and the Committee on the Rights of Persons with Disabilities have addressed violence and discrimination based on sexual orientation and gender identity.

The United Nations Human Rights Council appointed its first Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, as confirmed by the General Assembly in 2016. The Human

Rights Council has approved 3 resolutions on Violence and Discrimination based on Sexual Orientation and Gender Identity. Regional human rights systems have also supported human rights claims related to sexual orientation and gender identity.

Multiple reports from the Human Rights Council, United Nations Secretary General and Special Procedures Mandate holders across the United Nations system have highlighted violence and many other forms of direct and structural discrimination against lesbian, gay, bisexual, transgender and intersex people; there have been multiple General Assembly resolutions on extrajudicial executions that note these concerns, as well as regional resolutions and conventions from the Organization of American States, the African Commission and the Council of Europe. It is worth noting that even the Holy See has stated its concern about violence against homosexual persons during the General Assembly in 2009.

Conclusion

The international human rights and sustainable development frameworks agree that the violence, discrimination, stigma, and the social and economic exclusion of lesbian, bisexual, transgender and intersex women and gender non-conforming people must stop. The silence of the Agreed Conclusions of the Commission on the Status of Women on these issues must end now.

The challenge of the 2030 Agenda for Sustainable Development must take into account the marginalization process in which lesbian, bisexual, transgender and intersex women and gender non-conforming people become vulnerable because of discriminations they face in almost all development areas..

We call on governments to commit to ending all violence and discrimination on the grounds of sexual orientation, gender identity, gender expression and sex characteristics gender expression and sex characteristics and to clearly reflect this commitment in the Agreed Conclusions.
