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Statement submitted by Action Canada for Population and Development, Allied Rainbow Communities International, Amnesty International, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland, International Lesbian and Gay Association, International Service for Human Rights, Let's Breakthrough, OutRight Action International, and Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights, 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

The Commission on the Status of Women's 65th Session priority theme, "women's full and effective participation in decision making and public life as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls" provides an opportunity for the international community to discuss and commit to ensuring fuller participation of lesbian, bisexual, transgender, intersex and gender non-conforming women, girls and people. They continue to face systematic barriers in public life and participation, disproportionate levels of gender-based violence, and systematic exclusion from women's leadership opportunities, circumscribing their ability to fully and visibly engage in public life and decision-making. This Session, we must deepen our collective understanding of the importance of an inclusive and gender-responsive approach to policy formulation and development for eliminating all forms of violence.

The Beijing Declaration outlines twelve critical areas of concern and makes comprehensive commitments in each area to achieve gender equality and empowerment of all women. The 2030 Agenda amplifies the spirit of the Beijing Declaration, with the guiding principle of "leave no one behind" universally applicable to all without discrimination on any basis. However, full implementation of these commitments and the achievement of gender equality remains unattainable due to continued exclusion of marginalized communities. To ensure full realization of the Beijing Declaration and achieve the 2030 Agenda, violence and discrimination faced by lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls, and people must be urgently addressed.

Lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls, and people continue to experience human rights violations including killings, attacks, sexual violence, 'corrective' rape, torture, arbitrary detention, 'conversion therapies', forced marriage, among others. Human rights defenders who defend their rights suffer specific, escalating violence, and restrictions are imposed on their organizations, mirroring broader patterns of closing civic space. Additionally, members of these communities face pervasive discrimination and onerous barriers to accessing social protection systems, public services, and sustainable infrastructure. To eliminate all forms of gender-based violence, achieve full and effective participation in decision making, and guarantee freedom of expression, association and assembly in public life for all lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls and people, these challenges must be integrated and understood as core elements of the mandate of the Commission.

Violence and Discrimination

The multiple, intersecting forms of violence and discrimination faced by lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls and people are directly linked to structural discrimination. Laws that criminalize consensual same-sex sexual conduct and diverse gender identities and their expression, among other punitive laws, hamper the ability of members of these communities to exercise their right to public participation and decision making, as well as their access to social protection systems, public services, health care, education, labor, sustainable infrastructure and the freedom to assemble and associate. Their exclusion is further exacerbated based on other intersecting identities or factors, like race, color, class, caste, religion, ethnicity, disability, migrant status, or chosen form of labor.

Criminalization and lack of access to protective legal structures leave lesbian, bisexual, transgender, intersex and gender non-conforming women, girls and people, as well as human rights defenders defending their rights, highly vulnerable and without access to mechanisms for recourse and redress. They face targeted violence and discrimination when seeking refuge from persecution and in humanitarian emergencies and are re-victimized by police and other authorities when applying for protection. These violations are underreported, and rarely investigated and prosecuted, leading to widespread impunity, lack of accountability, remedies, or support for victims.

Young people commonly face discrimination and violence based on real or perceived sexual orientation, gender identity, gender expression and sex characteristics in educational, cultural and family settings. Homophobic, lesbophobic,

biphobic, and transphobic bullying, including cyberbullying, creates unsafe environments for youth who are or are perceived to be lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls and people. They are subjected to elevated rates of violence, harassment, and bullying by peers and educators leading to increased absence that negatively impacts their performance in school as well as their mental and physical well-being resulting in self-esteem issues, depression, and suicide, experiences made worse by the lack of family empathy.

Full & Effective Participation in Public Life

Full and effective participation in public life is a prerequisite for assuring that the interests of every group are adequately represented and no community is left behind. The near absence of lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls and people from local councils, political parties, trade unions, professional or industry associations, women's organizations, community-based organizations and other organizations concerned with public and political life has resulted in them facing barriers in accessing and exercising these rights. This results in further denial of their social-economic rights to healthcare, education, employment, among others, effectively resulting in the abrogation of their rights to equal citizenship.

Studies reveal that the inclusion of all groups in the design and implementation of policies promotes socio-political accountability and enactment of evidence-based policies, while contributing to public support in policy implementation. Formulating policies through inclusive public processes promotes economic prosperity and development. Lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls, and people's rights and access to public life must be protected, without which the goal of securing substantive equality will never be met.

Covid-19

Recent developments in the wake of Covid-19 have further revealed the risks and vulnerabilities of lesbian, bisexual, transgender, intersex and gender non-conforming women, girls, and people. In addition to facing misogynistic, homophobic, and/or transphobic environments at home and in public, they are particularly vulnerable during the crisis. They are also disproportionately affected by intra-family violence, including intimate partner violence, as most countries do not include families formed by them in legal and policy frameworks aimed at prevention of and protection from domestic violence.

The lack of representation of lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls and people in public life results in the erasure of their experiences of violence and discrimination and hinders the development of policies that address their concerns. Covid-19 has restricted their access to public and political spaces where they could advocate for their rights and call for accountability, including at the international level. Many important processes and meetings have been cancelled and postponed, and others have limited or excluded civil society participation. It is imperative that the United Nations ensures the functioning of mechanisms for women's protection during the response and recovery measures and also guarantee civil society access to all mechanisms. The response to this pandemic cannot be an excuse to further shrink the space of civil society.

New measures to adapt to remote working allow for the inclusion of civil society groups who would have been excluded in such spaces. Opportunities tested and discovered during this crisis for distant participation should be integrated into existing mechanisms to ensure wider involvement of civil society. This would allow important engagement and open access to the system for marginalized and underfunded communities, such as lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls and people, especially those based outside of the Global North. It is imperative that as new modalities of working are enacted and promises of building back better are realized, governments and multilateral institutions maintain transparency, deliver on their obligations, do not side-line civil society involvement, and ensure access to national, regional, and international systems of accountability.

Conclusion

The Beijing Declaration and the 2030 Agenda require that violence, discrimination, and political, social, and economic exclusion of any individual or group must end. These frameworks must address and combat the marginalization of lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls and people. A better world for everybody is only possible if we consider human diversity. There is a rise in systematic attacks on all women's human rights, including sexual and reproductive health and rights, driven by extremist conservative agendas, and fueled by sexism, racism, and xenophobia. Without an explicit commitment to pushing back against these trends, and efforts to ensure more participation by lesbian, bisexual, transgender, intersex, and gender non-conforming women, girls and people in public life, the full implementation of the Beijing Declaration and the promise of the 2030 Development Agenda to "leave no one behind" will never be realized.