

LGBT Persons with Disabilities

We, the United Nations Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, and the United Nations Special Rapporteur on the Rights of Persons with Disabilities, united in our commitment to upholding human rights, equality, and non-discrimination for all, wish to address a matter of utmost concern: the violence, stigma, and discrimination that disproportionately impact the human rights of persons with disabilities who also are of diverse sexual orientations and gender identities.

27 October 2023

Under international human rights law all individuals, regardless of their sexual orientation, gender identity, or disability, are entitled to the full enjoyment of their human rights. Yet persons with disabilities who are lesbian, gay, bisexual, trans and otherwise gender diverse often experience discrimination, face stigma, and suffer violence based on both their sexual orientation and/or gender identity, as well as their disability: an intersection in which perpetrators seek to negate their inherent dignity and equal participation in society.

The data and policy requirements of persons with disabilities, irrespective of their sexual orientation and gender identity, are already often ignored within societies, compounding a multitude of barriers in access to education, healthcare, employment, and participation in public life. When combined with the stigma and discrimination rooted in deeply ingrained stereotypes and prejudices related to sexual orientation and gender identity, the challenges are exacerbated, creating a hostile environment that can marginalize, isolate, and perpetuating discrimination and violence against members of these communities and populations.

Sexual pleasure and fulfillment must be available to LGBT persons with disabilities; a healthy sexual life includes receiving information, support, and care. However, the possibilities and need of persons with disabilities to lead lives that are sexually fulfilling is often denied due to not only the stigma and silence around sexual health for LGBT persons, but also for those with disabilities. This generates particular impact to lesbian, gay and bisexual persons or to gender diverse persons - including trans, all of whom are perceived in many contexts as challenging societal norms concerning sexual orientation and gender identity.

Violence against persons with disabilities who identify as LGBT is an alarming global concern. This violence, which can take various forms, including physical, sexual, psychological, and economic abuse, is underreported and frequently goes unaddressed by both authorities and society at large. The compounded and persistent stereotype that persons with disabilities and persons who are LGBT are both “less than” in society at large opens them up to experience cycles of violence and discrimination, leaving survivors without recourse and reinforcing the systemic oppression they face.

We are deeply concerned about some underlying preconceptions that lie at the base of much violence and discrimination that impacts both LGBT persons and persons with disabilities. A pervasive perception is that, unless they are “cured” or “corrected” they are lesser or somewhat inferior to other human beings. This prejudice lies at the root of violence against them. Including practices of correction or conversion and the denial of agency in decisions about their bodies, forced sterilization, and interventions— medical or otherwise – to which they are subjected: this includes the heinous practice of forced sterilization, which constitutes one of the worst forms of violence against women with disabilities.

The realization of human rights for all persons, regardless of their disability or sexual orientation and gender identity, is as much a moral imperative as a matter of international human rights law, as has been highlighted by both our mandates and the Committee on the Rights of Persons with Disabilities. For example, it is central to the fulfillment of the protection against torture and cruel inhuman and Degrading treatment and punishment that stems from practices of conversion, unnecessary and/or non-consensual medical interventions; of the recognition of freedom of expression of gender-diverse persons with disabilities; and – as shown before – of the right to the highest attainable standard of health.

We therefore call on States and other stakeholders to:

- recognize the common intersections that face persons who have disabilities and persons of diverse sexual orientations and gender identities and develop appropriate joint and intersecting law and policy responses;
- enact and enforce comprehensive anti-discrimination and hate crime laws that explicitly include disability, sexual orientation, and gender identity as protected characteristics;
- develop public awareness programs to combat stigma, stereotypes, and prejudice based on both disability and sexual orientation and gender identity, highlighting the joint challenges these communities and populations face;

- ensure that public services, facilities, and information on sexual orientation and gender identity are fully accessible to persons with disabilities, including access to legal remedy at local, national, regional, and international levels;
- establish support services for survivors of violence, with a specific focus on those with disabilities who are LGBT, to ensure they receive the necessary care and assistance;
- train law enforcement agencies, healthcare providers, and social workers to recognize and respond effectively to cases of violence and discrimination faced by persons with disabilities who are LGBT;
- collect, in accordance with international standards, disaggregated data on disability, sexual orientation, and gender identity to better understand the intersectional challenges faced by these individuals and to inform policy design and to evaluate progress in policy implementation,
- Consult with organizations that work on the rights of persons with disabilities and those of LGBT persons to ensure their meaningful participation in the development, implementation and monitoring of policies and programs.
- Ensuring legally requiring informed consent of persons in any decisions about medical, psychological, or other interventions

We also exhort organizations that are led or serve the human rights of persons with disabilities and LGBT persons, in response to the call of solidarity, to urgently adopt inclusive approaches, recognize the differentiated impacts for persons living in the intersection of disability and sexual orientation and gender identity.

We therefore encourage all parties to approach the human rights of persons with disabilities and LGBT persons as groups that are part of the rich and diverse fabric of human society. Upholding human rights means embracing this rich diversity of humanity and ensuring that no one is left behind.

Geneva, 27 October 2023