



## The right to housing of LGBT youth: an urgent task in the SDG agenda setting

### Statement by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Mr. Victor Madrigal-Borloz, and the Special Rapporteur on adequate housing as a component on the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Leilani Farha on International Youth Day

Geneva, 12 August 2019. Deeply concerned by the situation of young persons who are experiencing homelessness every day, on this International Youth Day we call on States to urgently adopt measures to prevent and end this scourge. We also make this exhortation in the awareness that, when it comes to LGBT young persons, measures to prevent and ultimately eradicate homelessness must include addressing the phenomena of negation, criminalisation and stigma based on sexual orientation and gender identity. As a result of religious and cultural intolerance that may include sexual and other forms of violence, lesbian, gay, bisexual, trans and gender diverse (LGBT) youth around the world face socio-economic exclusion, including from within their own homes and communities, and family disapproval and punishment can force them to leave home, which renders them more vulnerable to yet more violence and discrimination, a factor that is compounded with their age and economic dependence and reliance on family and community networks. This explains why LGBT youth are overrepresented in populations experiencing homelessness and why, once homeless, they experience additional discrimination.

Homelessness can further result as a consequence of other forms of exclusion from fundamental human rights. At school many LGBT youth suffer bullying, which results in drop-out rates that are higher than the average and has severe long-term consequences to their life project. LGBT youth are less likely to have the education levels and skills to find employment and reach economic security, which on the other hand affects their opportunity to find adequate housing. In certain contexts, the choices available to LGBT youth to sustain themselves are severely limited and in some cases only consist of informal activities such as sex work or criminal undertakings.

The impact of such a grave situation of exclusion cannot be underestimated, with one recent study finding that almost two-thirds of LGBT youth experiencing homelessness had grappled with mental health issues, and studies suggest they are more likely to report depression, bipolar disorder and suicidal ideation and attempts.<sup>1</sup> They are also less likely to have access to healthcare, and are extremely vulnerable to alcohol and drug abuse.

Under international human rights law<sup>2</sup> and in keeping with the Sustainable Development Goals, States have an immediate obligation to effectively address homelessness, and must take immediate steps to address as a matter of priority its underlying structural causes towards its elimination by 2030. Within that context, the measures adopted by national and local governments must prevent LGBT youth from becoming homeless, ensure that housing policies and programmes be inclusive of LGBT persons and address the needs of LGBT youth.

The disastrous situation notwithstanding, very few States have prioritized the provision of shelters for LGBT communities, including youth. LGBT youth are often denied access to emergency shelters, whereby trans youth in particular may be excluded from sex-segregated shelters or if allowed entrance are subject to harassment and violence. LBT women may be at particular risk of violence, including in shelter settings. Laws that directly or indirectly penalise homelessness, including vagrancy and loitering laws, often target these youth, and may lead to abuse in detention settings. Arrest and criminalisation further entrench the cycle of social exclusion and poverty. Any laws or policies that serve to criminalize homelessness must be eliminated.

Effectively preventing and ending homelessness translates into eliminating any laws or policies that discriminate against LGBT population. In a context where sexual orientation and gender identity is criminalised, social exclusion, stigmatization, discrimination or violence against LGBT youth is more likely considered acceptable within families, social groups, communities, including when LGBT person want to rent or buy a home, as discriminatory landlords, estate agencies and credit providers turn down their request.

Non-discrimination legislation should explicitly protect all persons from violence and discrimination on the grounds of sexual orientation and gender identity. The housing status itself should be a prohibited ground for discrimination and actors who violate the right to adequate housing as a result of discrimination on the basis of sexual orientation and gender identity should be held accountable. Creating a culture of diversity within the State, raising awareness on equality and non-discrimination on the grounds of sexual orientation and gender identity in education settings and investigating all incidents of violence and discrimination against LGBT youth, holding perpetrators accountable will be necessary measures to effectively address the underlying causes of homelessness.

States should further ensure sufficient accessibility of shelters, including for residents from rural areas and informal settlements, that can safely and securely accommodate LGBT youth. Any decision that

results in homelessness must be regarded as unacceptable and contrary to human rights. Outreach should be undertaken to provide for the health care needs of homeless youth, including access to gender affirming care for trans youth, and access to safe sex information and materials.

Finally, in order to track progress towards attaining SDG target 11.1, States must ensure ongoing monitoring and data collection on access to adequate, safe and affordable housing for LGBT persons, including LGBT youth. States must implement rights based housing strategies which address homelessness. These strategies must be cross-sectoral and they must clearly allocate and coordinate responsibilities of all levels of government and address the structural causes of homelessness, including those that are particular to the needs of LGBT youth.

1. [https://www.ohchr.org/Documents/Issues/Housing/Homelessness/CSOs/28102015-HRW\\_LGBT\\_US.pdf](https://www.ohchr.org/Documents/Issues/Housing/Homelessness/CSOs/28102015-HRW_LGBT_US.pdf)

2. This right is found in Article 25 of the Universal Declaration on Human Rights, as well as in Article 11 of the International Covenant on Economic, Social and Cultural Rights, and in a number of other treaties including the and the Convention on the Rights of the Child and the Convention on the Rights or Persons with Disabilities. Under Art. 11 ICESCR effectively addressing homelessness is an immediate obligation of States, including sub-national governments.

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