

Response to SOGI Human Rights Statement, read by Syria
18 Dec 2008
UN General Assembly

Mr. President,

I have the honor to make the following statement on behalf of Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Cameroon, Chad, Comoros, Cote D'Ivoire, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Guinea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan*, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, St. Lucia, Solomon Islands, Somalia, Sudan, Swaziland, Syria, Tajikistan, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan*, Yemen, and Zimbabwe following the statement previously delivered by Argentina, on behalf of a group of member states on Human Rights and the so-called notions of "sexual orientation" and "gender identity".

On 10 December 2008, the human rights family celebrated the 60th anniversary of the adoption of the Universal Declaration of Human Rights and once again made an unequivocal commitment to the principles enshrined therein. On that august occasion, we reiterated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing. There was also a universal acknowledgment that in no country or territory can it be claimed that all human rights have been fully realized at all times for all. Member states declared that the full realization of all human rights for all remains a challenge that they shall not shy away from its magnitude.

The principles of non-discrimination and equality are two faces of the same coin. They are indeed cross-cutting principles in the vast areas related to the full realization of all human rights and fundamental freedoms for all. Such principles are well-entrenched in the Charter of the United Nations and internationally-agreed human rights instruments, as they all reaffirm the faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women without distinction.

Mr. President, in this context, we are seriously concerned at the attempt to introduce to the United Nations some notions that have no legal foundations in any international human rights instrument. We are even more disturbed at the attempt to focus on certain persons on the grounds of their sexual interests and behaviors, while ignoring that intolerance and discrimination regrettably exist in various parts of the world, be it on the basis of color, race, gender, or religion to mention only a few.

Our alarm does not merely stem from concern about the lack of legal grounds, or that the said statement delves into matters which fall essentially within the domestic jurisdiction of States counter to the commitment in the United Nations Charter to respect the sovereignty of States and the principle of non-intervention. More importantly, it arises owing to the ominous usage of those two notions. The notion of orientation spans a wide range of personal choices that expand way beyond the individual's sexual interest in copulatory behavior with normal consenting adult human beings, thereby ushering in the social normalization and possibly the legitimization of many deplorable acts including pedophilia. The second is often suggested to attribute particular sexual interests or behaviors to genetic factors, a matter that has been scientifically rebuffed repeatedly.

Mr. President, we affirm that those two notions are not and should not be linked to existing international human rights instruments. We believe that people are not inherently vulnerable but some individuals are made vulnerable due to the socio-economic setting that they live in. It follows that vulnerable individuals and groups are those women, children, elderly, peoples under foreign occupation, refugees, asylum-seekers and internally displaced persons, migrants, persons deprived of their liberty, and persons belonging to national or ethnic, religious and linguistic minorities, who become vulnerable as a result *inter alia* of intolerance and discrimination against them.

We strongly deplore all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals on any ground whatsoever, wherever they occur.

We also reaffirm Article 29 of the Universal Declaration of Human Rights and the right of Member States to enact laws that meet “just requirements of morality, public order, and the general welfare in a democratic society”.

We recognize that the enumerated rights contained in the Universal Declaration of Human Rights were codified in subsequent international legal instruments. We note with concern the attempts to create “new rights” or “new standards” by misinterpreting the Universal Declaration and international treaties to include such notions that were never articulated nor agreed by the general membership. These attempts undermine not only the intent of the drafters and the signatories to these human rights instruments, but also seriously jeopardize the entire international human rights framework.

We call upon all Member States to continue and step-up their efforts towards the total elimination of all forms of racism, racial discrimination, xenophobia and related intolerance.

We also call upon all Member States to refrain from attempting to give priority to the rights of certain individuals, which could result in a positive discrimination on the expense of others’ rights and thus run in contradiction with the principles of non-discrimination and equality.

Mr. President, we urge all Member States, the United Nations system, and non-governmental organizations to continue to devote special attention and resources to protect the family as “the natural and fundamental group unit of society” in accordance with article 16 of the Universal Declaration of Human Rights.

To conclude, Mr. President, we also urge all States and relevant international human rights mechanisms to intensify their efforts to consolidate the commitment to the promotion and protection of human rights of everyone on an equal footing without exception.

I would like to mention something that Uzbekistan and Kyrgyzstan are not in the list. Thank you, Mr. President.

*Afterwards it was announced that Kyrgyzstan and Uzbekistan were not signatories to this statement, reducing the total to 57 signatories.