

## NGO JOINT STATEMENT ON SEXUAL ORIENTATION, GENDER IDENTITY & HUMAN RIGHTS

Canadian HIV/AIDS Legal Network; International Service for Human Rights, Human Rights Watch, COC Netherlands, International Commission of Jurists, Lesbian and Gay Federation in Germany LSVD, International Gay and Lesbian Human Rights Commission, The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights – RFSL, Solidaritas Perempuan (Women's Solidarity for Human Right), Human Rights First, ILGA-Europe (European Region of the International Lesbian and Gay Association), Shirkat Gah- Women's Resource Centre, Center for Women's Global Leadership, Human Rights Council of Australia, Corporacion Humanas, LBL Denmark, International Rehabilitation Council for Torture Victims (IRCT), Association for Women's Rights in Development (AWID), International Women's Rights Action Watch Asia Pacific, Commonwealth Human Rights Initiative, OMCT.

Madame Vice-President, I am pleased to speak to issues of sexual orientation, gender identity and human rights, on behalf of 119 NGOs (**21 ECOSOC-accredited**) **from over 60 countries (see attached list)**, and more than 300+ participants from 23 countries who endorsed the Joint Statement during the Asia Pacific Outgames Conference last week.

We welcome the statement on **violence and related human rights violations based on sexual orientation and gender identity**, delivered by **Colombia** on behalf of a **broad grouping of 83 States** from all UN regions. We also welcome the comments from the delegate from Nigeria, on behalf of the African Group that "laws that criminalize sexual orientation should be expunged."

**We commend the large core group of states advancing this initiative** and we are particularly encouraged by the **measurable increase in cross-regional support** for these issues in recent years. It is hard to imagine that any State committed to human rights could disagree with the principle that **States have a collective responsibility to end human rights violations against all those who are marginalized.**

Numerous Special Procedures and Treaty Bodies have documented or commented on violations based on sexual orientation and gender identity, including use of the **death penalty, killings, torture, criminal sanctions, police harassment, rape, beatings, and disappearances.**<sup>1</sup> We urge all Special Procedures, treaty bodies and other stakeholders to continue to integrate these important issues across all of their mandates.

As **UN Secretary General Ban Ki Moon** stated in this room in January of this year:<sup>2</sup>

"I understand that sexual orientation and gender identity raise sensitive cultural issues. But cultural practice can not justify any violation of human rights...(W)hen our fellow humans are persecuted because of their sexual orientation or gender identity, we must speak out...(H)uman rights are human rights everywhere, for everyone."

And as High Commissioner stated to the Council during this session:<sup>3</sup>

"We are not trying to create new or special rights. We are simply trying to address the challenges that prevent millions of people from enjoying the same human rights as their

<sup>1</sup> International Commission of Jurists: [http://www.icj.org/IMG/UN\\_references\\_on\\_SOGI.pdf](http://www.icj.org/IMG/UN_references_on_SOGI.pdf).

<sup>2</sup> Remarks by UN Secretary General Ban Ki-moon on 25th January 2011, during a special sitting of the UN Human Rights Council:

<http://www.arc-international.net/global-advocacy/generalassembly/un-sg-statement-to-hrc-on-sogi-issues-.htm>

<sup>3</sup> Interactive Dialogue with the UN High Commissioner for Human Rights, Navi Pillay, Item 3, 16<sup>th</sup> session of the HRC.

fellow human beings just because they happen to be lesbian, gay, bisexual or transgender.”

In closing, Madame Vice-President, we would like to reiterate that the Council cannot simply refuse to address or discuss human rights violations against any individuals, without **violating its own mandate**, as provided in GA resolution 60/251. We look forward to **future dialogue within this Council**, with the support of those States which did not yet feel able to join the statement, but which share the concern of the international community at these systemic human rights abuses.