

HUMAN RIGHTS COUNCIL, 10th SESSION
ITEM 8: Follow-up and implementation of the
Vienna Declaration and Programme of Action

Joint statement by: International Lesbian and Gay Association-Europe, Canadian HIV/AIDS Legal Network, COC Netherlands, Danish National Organisation for Gay Men and Lesbians (LBL), FELGTB, Global Rights, International Service for Human Rights, Lesbian and Gay Federation in Germany (LSVD), Public Service International, Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL)¹

- delivered by John Fisher, 24 March, 2009

Thank you Mr. President, Excellencies, distinguished delegates,

I am pleased to take the floor on behalf of 10 ECOSOC-accredited NGOs working to address human rights violations, including those based on sexual orientation and gender identity, as well as a number of supporting NGOs which do not yet enjoy ECOSOC status.

The Vienna Declaration and Programme of Action affirms the principles of universality and non-discrimination, and yet many people continue to be denied their rights solely because of their sexual orientation and gender identity. At this session of the Council alone, Special Rapporteurs have identified numerous human rights violations on these grounds, including arrests, death threats, violent attacks, violations of freedoms of expression and assembly, raids on homes and offices, and torture.

We therefore welcome the joint statement on human rights, sexual orientation and gender identity, delivered at the General Assembly last December by Argentina on behalf of 66 States from all UN regional groups, including 21 Members of this Human Rights Council, and we applaud today's announcement by the United States that it is joining the growing cross-regional support.

It is worth noting that an additional 57 States delivered a further joint statement which, while expressing some concerns, nonetheless "strongly deplore[d] all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals on any ground whatsoever, wherever they occur." In a separate statement, the Holy See called for an end to criminal laws penalising homosexuality. The fact that the statement has attracted support from States in regions as diverse as Latin America, Asia, Eastern Europe, Africa and the West provides a strong basis for building bridges of understanding and enhancing the protection of human rights for all.

We also take this opportunity to sincerely commend the High Commissioner for Human Rights, Ms. Pillay, for her strong video message on human rights, sexual orientation and gender identity, delivered last December to a high-level parallel event at the UN General Assembly. There is particular resonance for the future work of this Council in the High Commissioner's comments that:

"There are those who argue that because sexual orientation or gender identity are not explicitly mentioned in any of the conventions and covenants, there would be no protection. My response is that such a position is untenable in legal terms. ... It is our task and our challenge to move beyond a debate on *whether* all human beings have rights – for such questions were long ago laid to rest by the Universal Declaration - and instead to secure the climate for *implementation*".

We therefore look to the Council to implement these commitments, and recall the statement delivered in 2006 on behalf of 54 States, urging the Council "to pay due attention to human rights violations based on sexual orientation and gender identity", and requesting the President of the Council "to provide an opportunity, at an appropriate future session of the Council, for a discussion of these important human rights issues".

We look forward to continuing to work with this Council, and the increasing number of States in all regions which are committed to addressing these human rights concerns, towards the day when the VDPA's promise of equal human rights for all can become a reality.

¹ This statement is also supported by the following non-ECOSOC accredited NGOs: ARC International, Council for Global Equality International, Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), International Gay and Lesbian Human Rights Commission (IHLHRC), and Heartland Alliance.