

## FOR IMMEDIATE RELEASE

### ***UN Human Rights Council: Landmark Report and Panel on Sexual Orientation and Gender Identity***

(March 7, 2012) Today, the Human Rights Council in Geneva held the first-ever formal UN inter-governmental debate on violence and discrimination against lesbian, gay, bisexual and transgender (LGBT) people. The panel discussion (sponsored by South Africa and Brazil) was moderated by the Ambassador of South Africa and featured panelists from Brazil, Pakistan, Sweden and the United States.

The panel arose out of the UN Human Rights Council resolution 17/19 (June 2011) expressing “grave concern” at acts of violence and discrimination based on sexual orientation and gender identity. It requested the High Commissioner for Human Rights to prepare a report on “how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity”, and called for a panel discussion at this (19<sup>th</sup>) session of the Human Rights Council to discuss the findings of the report in a “constructive, informed and transparent dialogue”.

Activists from all continents gathered in Geneva for this historic moment, and others watched from their computers around the world. A video message from UN Secretary-General, Ban Ki-moon, opened the event and set the tone for the members of the Human Rights Council, but also spoke directly to LGBT persons, stating that:

“To those who are lesbian, gay, bisexual or transgender, let me say: You are not alone. Your struggle for an end to violence and discrimination is a shared struggle. Any attack on you is an attack on the universal values the United Nations and I have sworn to defend and uphold. Today, I stand with you....and I call upon all countries and people to stand with you, too”

Following the video message, the UN High Commissioner for Human Rights, Navanethem Pillay, presented her groundbreaking report documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, released in late 2011. Ms. Pillay noted in her speech that:

“The story of the United Nations is a story of progress in the fight against discrimination. It is a story that is incomplete, as we continue to work to make good on the promise enshrined in our Universal Declaration: a world where ‘all human beings are born free and equal in dignity and rights.’ Today we all have an opportunity to begin together a new chapter dedicated to ending violence and discrimination against all people, irrespective of their sexual orientation and gender identity.”

All panelists commended the OHCHR report, and noted that abuses on these grounds occur in every country of the world, and that every government without exception is duty-bound to protect the rights of all of its citizens. Lesbian, gay, lesbian, bisexual and transgendered people are not exempt from these protections. Hina Jilani (Pakistan) highlighted the Supreme Court of Pakistan’s decision around transgendered persons concerning their right to identity, noting that solutions can emerge from countries where violations are still occurring. Other panelists included Laurence

Hefler (United States), Hans Ytterberg (Sweden) and Irina Bacci (Brazil). Ms. Bacci, a civil society representative on the panel, highlighted the work of NGOs noting that if there were no networks to mobilize complaints of violations of LGBTI people, we would not have knowledge of these tragedies.

Powerful civil society statements were delivered in response to the panel and report, beginning with a statement on behalf of 11 National Human Rights Institutions, including those from Mongolia, New Zealand, Thailand and Nicaragua. NHRIs affirmed the legal analysis of the OHCHR report which “makes it clear that the prohibition of discrimination on the grounds of sexual orientation and gender identity is integrated and reflected in the existing international legal framework that States have committed to respecting.”

Kasha Jaqueline from CAL (Coalition of African Lesbians) delivered a statement, noting that “(W)e as African LGBTI activists are not asking for any new or special rights, we are simply asking that our African governments live up to their obligations under international and regional instruments and their own national constitutions; all of which recognise equality and non-discrimination for all citizens.”

Highlighting particular experiences of violence and discrimination based on gender identity, Justus Eisfeld from GATE (Global Advocate for Trans Equality) noted in their statement to the Council that “(T)rans\* people get beaten, raped and murdered in the streets and in our homes, by strangers and by our own families.”

Linda Baumann, delivered a statement, on behalf of ILGA’s 917 members worldwide, and jointly endorsed by 284 NGOs from 90 countries, from diverse cultures and religions, and by mainstream allies and supporters. In it, she welcomed the High Commissioner’s Report stating “it poignantly addresses human rights violations that have been highlighted by UN Special Rapporteurs and treaty bodies for close to two decades.” Ms. Baumann also commented on the walk-out by some States during the panel. “States may walk out of this room, but they may never walk away from the responsibility to protect their own citizens from discrimination and violence.”

“Human rights are universal,” stated Alli Jernow, in a statement on behalf of ICJ, Human Rights Watch and Amnesty International. “This means that everyone, including those who are lesbian, gay, bisexual or transgender, is entitled to the full range of all human rights, including the rights to life, to be free from arbitrary detention, to security of person and protection from torture. These rights belong to all of us.”

Ambassador Abdul Minty from the Permanent Mission of South Africa concluded the panel by picking up on comments from the African NGO statement affirming the African philosophy of *ubuntu* and further articulating its meaning being “I am because you are.” The Brazilian Ambassador also noted in her concluding remarks that even though many have highlighted the panel as historic, addressing these violations should be part of the regular ongoing work of the UN.

Other activists participating in this Human Rights Council in Geneva from a diversity of regions offered the following comments concerning the panel:

Germaine Leonin, with the Rainbow Rights Project in the Philippines stated, “As Asian LGBTQIs, we

are reclaiming our rightful space in our respective countries and call on the United Nations system and international human rights mechanisms to ask all its member States to promote and protect of the equal rights of all people regardless of SOGI."

Cynthia Rothschild, a sexual rights activist based in the United States notes, "Violations against lesbians are often invisible, whether in the global north or the south. Today the highest levels of the UN human rights machinery publicly acknowledged that abuses of lesbians must be prevented and punished."

Chrystabelle Beaton, LGBT Platform Suriname, affirms that "Human rights are universal and also in Suriname LGBT persons should be able to enjoy that right free from stigma and discrimination. Therefore the LGBT Platform Suriname combines its forces to undertake steps in assuring each LGBT individual to live in peace and security."

Otgonbaatar Tsedendemberel, from the LGBT Centre of Mongolia noted that, "We are silently suffering under familial and social pressures, threats from ultra-nationalists, lack of knowledge on sexual orientation and gender identity among the general public and most important of all, under the lawless environment. It is Member States' job to represent every single citizen of their countries in the Human Rights Council and they must not let the sexual minorities suffer silently any longer than we have been."

"We affirm the need to bear diverse religious and cultural backgrounds in mind as stated in the Vienna Declaration, but we are increasingly concerned that the OIC is passing from the principle that religion must be 'borne in mind' with regard to human rights, to making supreme a single interpretation of religion in international laws. As powerfully expressed by Navi Pillay at the start of this panel discussion, the Vienna Declaration comes out clearly on the side of human rights," stated Sunila Abeysekera on behalf of ISHR, in solidarity with Women Living Under Muslim Laws, the Coalition for Sexual and Bodily Rights in Muslim Societies, among others.

John Fisher, with ARC International in Geneva, noted that "Although some States expressed their disagreement with the panel, support for the rights of those facing violations because of their sexual orientation and gender identity continues to increase, thanks to the tireless advocacy of courageous human rights defenders around the world."

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