



**UN Commission on Human Rights, 61st session
Geneva, April 2005**

Canadian HIV/AIDS Legal Network

Oral Intervention by Mr. Carlos Perera

Agenda Item 14(d): Other vulnerable groups and individuals

Mr Chairman

My name is Carlos Perera and I represent the Canadian HIV/AIDS Legal Network and Lesbian, Gay, Bisexual, Transgender and Intersex communities in the South Pacific. I am here to talk about the discrimination that members of our communities face.

Human Rights are for all humans, but we usually do not enjoy these fundamental freedoms, because we are not perceived as having rights or humanity.

On a daily basis, we face abuse ranging from being cursed and sworn at; to being made to feel that we are less human than others; rejected by our families, ostracized from society, loss of work and homes, denied health care and other services; through to violence leading to hospitalization or even death.

A clear example, Mr. Chairman, happened two weeks ago in Saudi Arabia. Men had been attending a private party celebrating a birthday where they had the audacity to 'dance and behave like women'. A hundred of these men were arrested and sentenced to imprisonment and in several cases to such severe flogging that it could lead to the very real possibility of death - all for so-called 'Deviant Sexual Behaviour.'

Another incident happened only last week in Fiji. Two men were arrested and sentenced to two years imprisonment for unnatural offences and indecent practices. The Presiding magistrate during the sentencing made abusive comments, accusing the couple of taking part in "shameful acts" and adding that their conduct was "something so disgusting that it would make any decent person vomit." He also wrongly accused one of the men of pedophilia. In fact, both men were over 21 years of age and engaged in consensual sex in a private place.

Currently Fiji's Constitution, quite similar to that of South Africa, in its Bill Of Rights has an anti-discrimination clause which includes sexual orientation and a right to privacy section. Thus the Magistrate who made these offensive and derogatory comments was in clear breach of his obligation to uphold the Constitution with impartiality.

Cases like this utterly destroy our lives and our families. In far too many cases, such persecution has driven those targeted to suicide, given the intense stigma and widespread discrimination they encounter once they have been held up for public targeting through criminal proceedings that violate the most fundamental rights to privacy and equality.

Mr Chairman, we call upon the Commission to recognize the importance of sexual orientation and gender identity throughout its work and we call on the Commission to consider a particular resolution dedicated to this topic.

Thank You.

Carlos Perera
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