



## **COMMISSION ON HUMAN RIGHTS, 61ST SESSION**

### **STATEMENT BY THE INTERNATIONAL SERVICE FOR HUMAN RIGHTS ON ITEM 14: VULNERABLE GROUPS**

Mr Chairman,

The International Service for Human Rights, the Canadian HIV/AIDS Legal Network and the Human Rights Council of Australia acknowledge at the outset the gay, lesbian, bisexual and transgender members of government and other delegations throughout this room. We know that many of you are unable to express your sexual orientation or gender identity for fear of discrimination or worse treatment from your governments and colleagues. We thank you for your work for human rights and express the hope that, through our work, you will be able soon to enjoy in full the human rights to which you are entitled.

Diversity among human beings is a fact. It is also a fact that many people experience human rights violations because of this diversity, because they are different. People continue to experience violations of their human rights based on their real or perceived sexual orientation and gender identity.

From the Vienna World Conference in 1993, this has been acknowledged on many occasions by states, by the special procedures of this Commission and by treaty monitoring bodies. And yet this Commission itself has been silent on the issue as a whole.

States come to this Commission with differences based on culture, tradition and religion. Those differences are reflected in different views about the morality of some sexual behaviour. But alongside the differences there are many areas of commonality that are not properly explored on the basis of law. Does any state here consider it acceptable that persons are subjected to persecution on the basis of their sexual orientation or gender identity? that they are extra-judicially

executed? that they are tortured? that they are arbitrarily detained? that they are denied due process of law and a fair hearing in an impartial tribunal? that they are denied or restricted in access to employment, education, health care and housing? If so, speak up now. If not, then persecution, as well understood in international law, based on sexual orientation and gender identity should be the subject of condemnation and concern at this Commission.

This is not an issue that will go away without receiving proper attention. It must be dealt with according to law. The time has come to begin to do that. It requires only the initiative of a few states, drawn from all regions, to begin discussions to identify not differences but commonalities on this issue. There are states that, with good will, can draw on their own history and culture – states like South Africa and Ecuador that have constitutional protection for gays and lesbians, like Indonesia that does not criminalise consenting adult sexual relationships, like Uruguay and Argentina and Brazil that have spoken in this forum to condemn these violations of rights, like many Western states, for example, Canada, that have extensive laws to protect the rights of gays, lesbians, bisexuals and transgender people. These national measures of protection and promotion have had a positive effect on the lives of countless individuals. This kind of leadership at the national level has been and is still needed at the international level.

We call for leadership and initiative from states of goodwill from all regions and relevant non-government organisations to meet between this session of the Commission and the next to develop a cross-regional proposal to address persecution based on sexual orientation and gender identity. Those discussions could take as their starting point the statement of principles to address persecution based on sexual orientation and gender identity, developed and endorsed by a number of non-government organisations, including the three for which I speak, the International Service for Human Rights, the Canadian HIV/AIDS Legal network and the Human Rights Council of Australia.

We look for an effective resolution with wide sponsorship that can attract the support of this Commission in 2006 to begin to deal at last with a form of persecution that this Commission has ignored for far too long.