



**UN Commission on Human Rights, 61st session
Geneva, 18 April 2005
Canadian HIV/AIDS Legal Network**

Oral Intervention by Mr. John Fisher

Agenda Item 17: Protection and promotion of human rights

Chairperson, distinguished delegates,

I wish to speak to you today about silence.

Let me therefore begin by acknowledging those who aren't with us, those whose voices have been silenced forever by human rights violations that this Commission has been content to ignore for far too long.

This year alone, more than 8 of the Special Procedures have expressed concern about abuses of the human rights of lesbians, gays, bisexuals and transgender people. Their reports detail arbitrary arrests, deprivation of food and water, beatings, rape and murder. Even while we have been here at the Commission, we have received reports of Metis (or feminised males) beaten by police in Nepal, of two gay men arrested and sentenced to imprisonment in Fiji, of dozens of gay men sentenced to flogging in Saudi Arabia, of a transgender person murdered in Argentina.

Chairperson, distinguished delegates: the era of silence is over. In ever-increasing numbers, lesbians, gays, bisexuals, transgender people, our friends, supporters and allies are raising our voices, and we seek no more than the recognition of our inherent right to be treated with the equal dignity and respect to which all members of the human family are entitled.

And just as NGOs are speaking out, so too we are encouraged at the increasing numbers of States recognizing that these persistent rights violations can no longer be ignored. We celebrate the statement made by New Zealand on behalf of more than 30 States from 4 different CHR regions. Together with those which have supported the issue during the high level segment, made State party interventions or co-sponsored the original Brazilian resolution, almost 50 States have now expressed their support for sexual orientation equality at this Commission.

We also commend the leadership of Sweden, and those who have consistently supported the sexual orientation reference in the extrajudicial executions resolution. Each year, support for this reference has increased, and we acknowledge the courage of those States which have opposed or abstained in the past

but have come to lend your voices in support. It is precisely this spirit of self-reflection and commitment to progressive change that gives hope for the future functioning of this Commission.

This year, Commission members have the opportunity to send a clear message that transgender people should not be arbitrarily killed because of their gender identity, a concern consistently highlighted by the Special Rapporteur since 1997. All too often, those who challenge societal perceptions of gender are singled out for heart-breaking violence and abuse. We urge States to support the gender identity reference in the extrajudicial executions resolution: anything less would send the message that the lives of those amongst the most marginalized have lesser value.

In this time of UN reform, these issues are a litmus test of the Commission's capacity to address persistent human rights violations against marginalized groups credibly and effectively. Human rights based on sexual orientation and gender identity are now firmly on the Commission agenda. They must be squarely addressed, for the issue will never go away. We look forward to continued progress in the year to come.