

Statement at 23rd Session of the UN Human Rights Council

4 June 2013

Item 3: General Debate

VIOLATIONS ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY

Mr President,

In 2012 the High Commissioner presented a report to this Council that found that violations against lesbian, gay, bisexual, and transgender persons are extensive, systemic, and take place in all regions of the globe.

The High Commissioner's report covers a huge range of violations, including killings, rape, torture, arbitrary arrest and detention, and violations of the rights to freedom of expression, assembly, and association. It also documented extensive discrimination on the grounds of sexual orientation and gender identity in healthcare, education and employment.

Over the course of the last year, a series of regional meetings has further revealed the extent of the violations faced by LGBT people.

However, two years after the Council's first, and to date only, resolution on sexual orientation and gender identity, many member States have still failed to take action to follow-up on this report and subsequent findings.

We appreciate calls for an incremental approach and the need to ensure ongoing dialogue with all relevant actors, but it is also important that this issue remain clearly on the agenda of the Human Rights Council.

As the UN's peak human rights body, the Council has an obligation to ensure that it is part of the response to the shocking human rights violations perpetrated against LGBT persons.

The Council must institutionalise these issues, ensuring that attention to them becomes a regular part of the Council's programme of work. There is a need for regular reporting on the violations suffered on the basis of sexuality and gender, including sexual orientation, gender identity and expression. Such documentation is a necessary step towards identifying the protection gaps that need to be addressed for individuals who face violations based on sexual orientation and gender identity.

There is also a need for sustained dialogue on these issues within the Council. This is an essential part of fostering dialogue with States from all regions, through advancing awareness and understanding of the application of the international human rights framework in this area.

Further, a response from the UN's peak human rights body is an essential element in mainstreaming these issues throughout the UN system, and again, contributing to a broader and ongoing dialogue with a wide range of stakeholders.

Finally, the Human Rights Council must affirm, and be seen to affirm, the principles of universality and non-discrimination – human rights and fundamental freedoms should be guaranteed for all, and no one should face violence or discrimination on any ground including on the basis of sexual orientation or gender identity.

As High Commissioner Ms Pillay has said, LGBT people ‘are looking to the UN for protection. They expect us to live up to our ideals of equal rights for all, no distinctions, no exceptions. We must not betray them.’

In summary, Mr President, we call on this Council to condemn all forms of discrimination on the basis of sexual orientation or gender identity and to act to ensure sustained, systematic attention to and documentation of both violations and protection gaps. Further, Mr President, we call on all States to take such legislative and other steps as are necessary to prevent, investigate and remedy all forms of discrimination and violence based on sexual orientation or gender identity.

Thank you.