



**SOUTH AFRICAN PERMANENT MISSION TO THE UNITED NATIONS AND  
OTHER INTERNATIONAL ORGANISATIONS**

**Introductory statement for resolution L9 rev1 entitled “Human rights, sexual orientation and gender identity” by South African Permanent Representative, Ambassador JM Matjila, during the 17<sup>th</sup> Session of the Human Rights Council**

Palais des Nations

17 June 2011

Mr President,

I have the honour to introduce resolution L9 rev 1 entitled “Human rights, sexual orientation and gender identity”. South Africa believes that dialogue is an extremely powerful tool when dealing with difficult subject matter or situations. Our history has taught us the importance of dialogue and the need to engage and listen to one another.

South Africa believes that no-one should be subjected to discrimination or violence based on their sexual orientation or gender identity. No-one should have to fear for their lives because of their sexual orientation or gender identity. No-one should be denied services because of sexual orientation and gender identity. The resolution before us today does not seek to impose values on Member States but it seeks to initiate a dialogue which will contribute towards ending discrimination and violence based on sexual orientation or gender identity. In South Africa non-discrimination on the basis of sexual orientation is constitutionally guaranteed, yet we still have challenges related to violent acts against individuals because of their sexual orientation and gender identity. We believe that inter-governmental dialogue on this subject could provide a platform to find ways to address this subject.

Mr President,

South Africa is a multiracial, multicultural, multi-religious society in which all enjoy fundamental freedoms. Although South Africa is predominantly Christian society, about 80%, all religions are treated the same. Every time when our Parliament opens, all religious leaders, Hindu, Islamic, Judaism and Christian, are given equal time to pray for our Parliament. South Africa is predominantly a Black country, about 79% of population, but all racial groups enjoy equal rights and fundamental freedom.

All of us, who were engaged in liberation struggles, without exception, drew our aspiration from the 1948 Universal Declaration of Human Rights, whose very opening preambular paragraphs became a clarion call to fight for freedom. It says and I quote "All human beings are born free and equal in dignity and right and that everyone is entitled to all rights and freedoms set forth in that Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status".

Mr President,

When we were imprisoned, tortured and forced into exile, we received moral, political and material support from all sections of society all over the world. We never said we cannot accept your support due to gender identity. Our migrants, refugees and those who are continuously visited by severe hunger, receives help from everyone and we never say, we don't want help from you due to your sexual orientation and gender identity. When we seek jobs, investments, capacity building and technology, we never say only from that section of society and not from that section of society, depending on gender identity.

There is no region or regional organisation that has called for or has tolerance to discrimination. There is no region one knows, that is opposed to dialogue. The United Nations is our common Parliament – the Parliament of the World. The UN Human Rights Council is world parliament to discuss human rights issues; complex issues, difficult and sensitive issues. To conduct dialogue.

The preambular paragraph in L9 Rev 1 recalls the principles that we all embrace: universality, interdependence, indivisibility and inter-relatedness of human rights and concerns of acts of violence and discrimination against individuals in all our regions, because of their sexual orientation and gender identity.

This resolution calls for the UN Human Rights Council to offer the opportunity for all of us to have factual based dialogue relating to discrimination against those who have different sexual orientation and have different gender identity. Consequently, the resolution requests the High Commissioner for Human Rights to commission a fact-based study in all our regions and the outcome of that study form the basis of the panel discussion during the 19<sup>th</sup> Session in 2012.

This resolution enjoins us to dialogue about the discrimination and violence meted to our brothers and sisters in all regions and all countries of the world, including my own, whose only crime seems to be their choice in life. This dialogue will be about reaching out to one another, understanding one another in the spirit of the Universal Declaration of Human Rights that “All human beings are born free and equal in dignity and rights”.

Having deferred the resolution from the 16<sup>th</sup> session to the 17<sup>th</sup> session as requested by Members present, South Africa convened three open-ended informal consultations, as well as numerous bilateral consultations. Extensive consultations were also conducted with civil society and NGOs both domestically and in Geneva in order to gather as many views as possible. We wish to thank the numerous delegations and stakeholders which engaged in these consultations and who have co-sponsored the resolution.

As the main sponsor of the resolution, we would like to mention that following countries have sponsored the resolution: Brazil, United Kingdom, Uruguay, Austria, Finland, Timor-Leste, Germany, Serbia, Belgium, Albania, United States of America, New Zealand, Australia, Denmark, Netherlands, Portugal, Czech Republic, Israel, Canada, Argentina, Italy, Croatia, Luxembourg, Ireland Switzerland and Greece. I believe Norway, France, Sweden and Slovenia are already listed as co-sponsors in the L9 Rev.1 circulated in the room.

South Africa hopes that the resolution will be adopted by the Council today and that ensuing study and panel discussion will contribute positively to the elimination of discrimination and violence based on sexual orientation and gender identity.

Mr President, it is now my pleasure to pass the floor to the Permanent Representative of Brazil, Ambassador Maria Azevedo.

I thank you, Mr President.