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UN Commission on Human Rights: Universality under threat over sexual orientation resolution

(Geneva) The imminent vote on a ground-breaking resolution on human rights and sexual orientation at the UN Commission on Human Rights will be a crucial test of the commitment of UN member states to the universality of human rights, Amnesty International said today.

"This is the first time that a resolution specifically focusing on sexual orientation has been brought to the Commission. Its adoption is the only way to end the intolerable exclusion of lesbian, gay, bisexual and transgender people from the full protection of the UN system."

"A vote in favour of the resolution is not a leap into uncharted territory, but a necessary reaffirmation of rights firmly established in international standards. Governments who vote against will be signalling that they no longer believe in the fundamental premise of the Universal Declaration of Human Rights: that all human beings are equal in dignity and rights, without distinction of any kind," Amnesty International stated

The draft resolution, presented by Brazil and co-sponsored by at least 20 countries, expresses "deep concern at the occurrence of violations of human rights all over the world against persons on grounds of their sexual orientation" and calls on relevant UN human rights bodies to "give due attention" to these violations. It calls on States to promote and protect the human rights of all people, stressing that the enjoyment of universal rights and freedoms "should not be hindered in any way" on grounds of sexual orientation.

"Greater attention by the UN to this issue could make a real difference to real lives," Amnesty International said.

"Millions of people across the globe face imprisonment, torture, violence and discrimination because of their sexual orientation or gender identity," the organization added, reminding of the sentencing of 21 men to three years in prison in Egypt just weeks ago, following a series of arrests and prosecutions of people thought to be gay.

Individuals in all continents and cultures are at risk of these violations:

Robin Lucas, an African-American lesbian woman taunted and raped in prison custody in the United States of America;

Vanesa Piedrabuena, an Argentinian transgender activist threatened and harassed after denouncing police brutality against transgender people;

five gay and lesbian friends in Uganda who were arrested, tortured and forced to flee their country,

where homosexuality is outlawed;

Irina, a Russian lesbian woman threatened with forced psychiatric treatment to "cure" her if she did not give up custody of her son;

Malaysian opposition figure Anwar Ibrahim, still imprisoned on politically-motivated "sodomy" charges after his appeal was rejected.

"Frustrated by the impunity, indifference and institutionalised prejudice they encounter in their own countries, survivors and their advocates have increasingly turned to international human rights bodies. Brazil's resolution suggests that their voices are at last starting to be heard within the UN arena," Amnesty International stated

Due to the persistent advocacy of human rights defenders working on issues of sexuality and gender, some of the UN's human rights bodies have made real progress in recognizing these patterns of abuse. Brazil's resolution also reflects a worldwide trend towards greater protection of the rights of lesbian, gay, bisexual and transgender people. Many governments have introduced protections against sexual orientation discrimination in domestic law. In the case of South Africa, Ecuador and several Brazilian states, this protection is enshrined in the Constitution.

"Unfortunately many governments at the UN have vigorously contested any attempt to address the human rights of lesbian, gay, bisexual and transgender people," Amnesty International said.

"At UN forums from Beijing to Durban, governments have systematically written out references to "sexual orientation" and "gender identity" from proposed human rights texts."

Human rights defenders working on issues of sexuality have even faced vilification and exclusion within the UN system - a disturbing echo of the violence and physical elimination many of them face back home.

Some governments, however, continue to invoke cultural and religious justifications, as well as ill-informed misinterpretations of international law, to deny lesbian, gay, bisexual and transgender citizens their basic rights. Such arguments have reportedly been used in the last few days by some Commission member states seeking to thwart the sexual orientation resolution presented by Brazil.

"Sexuality can no longer be treated as a marginal and taboo issue at the UN. Sexual orientation and gender identity are fundamental elements of what makes us human. The right to freely determine and express these without fear or coercion are therefore human rights in the fullest sense," Amnesty International declared.

Amnesty International called on governments to vote in favour of the Brazil resolution.

Background

Amnesty International called on governments deliberating which way to vote on the resolution to heed the decisions and recommendations of UN human rights bodies in this area. Both the Human Rights Committee and the Committee on Economic Social and Cultural Rights have long recognized "sexual orientation" as a prohibited ground of discrimination under the two International Covenants. Both treaty-monitoring bodies have for years called on governments to end violations based on sexual orientation, from criminalization of homosexuality to discrimination in employment.

Violations based on sexual orientation and gender identity have also been increasingly documented by independent experts appointed by the Commission on Human Rights, including the Special Rapporteurs on Violence against Women, Extrajudicial Executions, Torture, the Right to Education and the Right to Health, as well as the Special Representative on Human Rights Defenders. The Working Group on Arbitrary Detention has also addressed the case of the recent arrests in Egypt.

The United Nations High Commissioner for Refugees has affirmed that homosexuals may be defined as a 'particular social group' in the meaning of the 1951 Refugee Convention. At least a dozen countries around the world have provisions in their legislation making it possible for persons facing persecution in their home countries due to their perceived sexual orientation or gender identity to be recognized as refugees.

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