

AMNESTY INTERNATIONAL

Public Statement

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UN Commission on Human Rights, 60th Session (15 March - 23 April 2004) **Joint oral statement by Amnesty International and Human Rights Watch on civil and political rights**

Delivered by Kate Sheill

Mr. Chair,

Amnesty International and Human Rights Watch urge this Commission to call unequivocally on States to respect, protect and fulfil the human rights of people targeted on the basis of their sexual orientation or gender identity.

Human rights are universal. Yet lesbians, gay men, bisexual women and men, and transgender persons face human rights violations throughout their lives, throughout the world. It is incumbent on the Commission, and the United Nations' human rights mechanisms, to uphold the principle of universality by affirming the right of all persons to be free from discrimination and by condemning such violations.

Throughout history, prejudice has been incited and inflamed for political purposes. Differences of race, religion, gender, gender identity, and sexual orientation have been drawn as boundaries in efforts to exclude certain people from full membership of the human family. The identity of every human being is complex: it cannot be reduced to any one factor or attribute. Yet the stigma and prejudice surrounding sexual orientation and gender identity has made them the grounds for severe human rights violations. The rhetoric of hatred and dehumanisation portrays sectors of the population as somehow "less than human." That denial of a person's basic humanity is the first step towards violence, arbitrary detention, torture and killing -- at the hands of families, communities, or their own governments.

Mr. Chair:

The right to be free from discrimination on the basis of sexual orientation is well established in international human rights law. In 1994, the Human Rights Committee affirmed that the non-discrimination clauses of the International Covenant on Civil and Political Rights include the right not to be discriminated against on the grounds of sexual orientation. The Committee on Economic, Social, and Cultural Rights has repeatedly addressed the impact of sexual orientation discrimination on the enjoyment of basic rights. All the UN Treaty Bodies have addressed human rights violations on the basis of sexual orientation or gender identity. Many of the Special Rapporteurs have also taken up such cases in their reporting.

In addition the issue of sexual orientation and discrimination has been raised and considered in

many United Nations conferences and processes including the International Conference on Population and Development, the Beijing Fourth World Conference on Women, and their five year reviews. This issue continues to receive growing support as more is documented and understood about violence and other acts of discrimination against persons on the basis of their sexual orientation or gender identity. Amnesty International and Human Rights Watch, together with local activists and organizations around the world, have repeatedly drawn governments' attention to egregious violations committed against lesbians, gay men, bisexual and transgender people.

It is time for this Commission to take a stand. If the Commission fails to uphold the principle of the universality of human rights, fails even to debate discrimination on the basis of sexual orientation or gender identity, it will fail millions of people around the world. It will fail in its duty to uphold core principles of human rights.

We urge the members of this Commission, and all States present, to speak out and reaffirm that exceptions to the universality of rights protections are unacceptable; to condemn human rights violations on the basis of sexual orientation and gender identity; and to respect, protect, and fulfil the human rights of all persons, without discrimination of any kind.

Thank You Mr. Chair.