



**Oslo Conference on Human Rights, Sexual Orientation and Gender
Identity
Oslo, 15-16 April 2013**

**Statement by Ivan Šimonović
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Excellencies,

Distinguished delegates,

It is a privilege to be part of this, may I say, historic gathering here in Oslo.

We are here – as the Secretary-General put it a moment ago – to right some wrongs. Wrongs that have been perpetrated – often with impunity and sometimes even licensed by State authorities – against millions of people all over the world just because they are lesbian, gay, bisexual, transgender and intersex.

Just over a year ago, at the request of the Human Rights Council, the Office of the High Commissioner for Human Rights (OHCHR) produced a report documenting violence and discriminatory laws and practices affecting individuals based on their sexual orientation and gender identity. That slim, 25-page report, based on empirical evidence, made it clear beyond doubt that violence and discrimination against LGBT people are so serious and so widespread that they warrant the active attention of the United Nations, and that they fall within the framework of States' legal responsibilities.

Affirming that existing treaties obligate States to protect the rights of everyone – LGBT people included – the report catalogued a pattern of appalling human rights violations directed at individuals specifically because of their sexual orientation and gender identity. At the request of the organizers, I am going to focus on the report’s principal findings, before saying a few words about how we can best respond.

The report’s first finding was that hate-motivated violence against LGBT people is taking place in all regions of the world. It ranges from aggressive, sustained psychological bullying through to physical assault, torture, kidnapping and targeted killings. Sexual violence has also been widely reported—including the phenomenon of so-called “corrective” or “punitive” rape, in which men rape women assumed to be lesbian on the pretext of trying to “cure” their victims’ lesbianism.

Reported incidents take place in a variety of settings: on the street, in public parks, in schools, in private homes, in prisons and police cells. It may be spontaneous or organized, perpetrated by individual strangers or by extremist groups. A common characteristic of many anti-LGBT hate crimes is their brutality: murder victims, for example, are often found mutilated, severely burnt, castrated, showing signs of sexual assault. Transgender persons, especially those involved in sex work or in detention, face an especially high risk of deadly and extremely cruel violence.

At its core, this violence is gender-based. Victims are targeted because they are seen as transgressing established gender norms. I will never forget the words of a mother whose 10-year old son committed suicide after being repeatedly beaten and called “gay” by his peers. She said, “He was just a child. He didn’t even know if he was gay. But they bullied him anyway because they thought he didn’t act enough like a boy.”

Our report found that far too few countries have adequate systems in place for recording incidents of homophobic violence, let alone preventing or responding to them. Police officers are often insensitive and lack training and victims and their families are typically reluctant to come forward in case they have to suffer further verbal abuse from the police. So the problem is submerged: the statistics we do have point to widespread violence and intimidation but we know that official figures represent just the tip of a larger iceberg.

The report’s second finding concerned criminalization. It is nearly two decades since the UN Human Rights Committee first established that criminalizing consensual, same-sex relationships violates people’s rights to privacy and non-discrimination. In that time, more than 30 States have taken steps to remove homosexuality-related offences from their legal systems. But in at least 76 countries, the criminal law is still used to punish people just because their partner is someone of the same sex, not a different sex.

Millions of lesbian, gay and bisexual people living in these countries wake up every day in the knowledge that they are considered outlaws. They are forced to hide themselves, their identity, their love, their lives, for fear of arrest and prosecution. And that fear hangs over them every day. Penalties range from short-term to life imprisonment, sometimes with hard labour. In at least five countries, national law provides for the death penalty to be applied for consensual, adult same-sex conduct.

The wording of these laws varies. Sometimes, same-sex conduct is referred to explicitly; in other cases, the language used is more vague, with references to “crimes against the order of nature” or to “debauchery” or “immorality”. Application can be alarmingly broad-brush and applied not only to same-sex couples but transgender people as well. We have reports of individuals rounded up and detained in police cells simply for appearing homosexual or transgender in public. In a recent case, for example, a couple was charged with homosexual conduct on the basis of their manner of dress and speech. One of the points of proof offered by the prosecution was the fact that they had been seen drinking Bailey’s Irish Cream. The two were convicted but later won their case on appeal.

Aside from violating basic rights, criminalization of same-sex relationships has a wider, negative effect, legitimizing homophobic attitudes in society at large and feeding violence. As the World Health Organization and UNAIDS have shown, it also has a dire effect on public health, especially on efforts to prevent the spread of HIV.

The third key finding of our report concerned the prevalence of discriminatory practices affecting LGBT people, and the lack of legal protection available under national laws. That lack of effective protection is what makes it possible for employers to fire their workers, school administrators to expel students, healthcare workers to deny essential services to patients and parents to disown their own children, or force them into marriage or pregnancy, or into psychiatric institutions, in each case just because they are lesbian, gay, bisexual, transgender or intersex.

In some instances, States are not just passively enabling such discrimination to take place but actively contributing to it, through laws and policies that are themselves discriminatory in either intent or effect. Examples include imposing discriminatory restrictions on LGBT public gatherings, such as pride marches, or banning public discussion of homosexuality-related issues, both of which we have seen recently in Eastern Europe. Many Western countries still force transgender people to undergo unwanted sterilization in order to obtain identity papers that reflect their preferred gender, without which they cannot work, travel, open a bank account or access essential services. The lack of any kind of legal recognition of same-sex relationships is another source of discrimination, hardship and insecurity for many lesbian, gay and bisexual people and their families, including their children.

Distinguished delegates,

In recent years, many States have made a determined effort to improve the human rights situation of LGBT people. Measures include banning discrimination, penalizing homophobic hate crimes, granting recognition of same-sex relationships, and making it easier for transgender individuals to obtain official documents that reflect their preferred gender. In many cases, training programmes have also been developed for police, prison staff, teachers, social workers and other personnel, and anti-bullying initiatives have been implemented in many schools.

But while there is much to welcome, there is also much that remains to be done. Far too many States still retain laws that criminalize same-sex relationships. Far too few have laws that offer comprehensive protection from discrimination. Even less have efficient systems for combating, or even recording, homophobic hate crimes.

As the Secretary-General and the High Commissioner have both said repeatedly, there is an urgent need to challenge homophobia at its roots – through public education, training and information.

Given how polarized States are, what can be done to tackle these problems at the level of the United Nations?

Should we back off and wait until we have consensus among States or at least a broader acceptance that LGBT rights violations require a response? Or should we press on in spite of the controversy, laying out the facts, drawing attention to the suffering, the violence and the discrimination that continues day after day?

I am very much in favour of the second approach. Our fundamental responsibility is to the victims and to protecting the principles of equality and non-discrimination. The continued opposition on the part of some is regrettable, but it is no reason to abandon these principles, nor can it ever be an excuse for abandoning the victims of human rights violations.

Dear colleagues,

Until now, United Nations reporting of violence and discrimination against LGBT people has been piece-meal and ad hoc. If we want to address these abuses systematically we need the proper tools to do so. That means an appropriate mechanism, dedicated to the issue, tasked with tracking violations and reporting them to States.

We can of course only move in this direction if Member States so decide. The moment of decision is approaching. Let us not miss the opportunity.

Thank you.