

33rd Human Rights Council session

28 September 2016, 15:00

ITEM 10 – Technical Assistance and Capacity Building

Statement by International Lesbian and Gay Association

delivered by Daniele Paletta

Mr President

This Council is frequently reminded of the many situations around the world where LGBTI persons continue to face human rights violations.

Here under item 10, however, we will share a few of the many good practices and changes that we have seen in all regions over the past few weeks: examples that we hope will help build capacity and provide assistance to States as they seek to ensure that human rights are secured for all.

Governments speaking out

We warmly welcome the action of the President Khama of Botswana, for the timely arrest and deportation of a U.S. pastor who had said on local radio that gays and lesbians should be killed. As President Khama said: “We don't want hate speech in this country.” We also commend the Home Minister of South Africa, Malusi Gigaba, for refusing the same man entry there.¹

We also welcome the public statement by the Antigua & Barbuda Minister of Information declaring the country 'does not tolerate any acts of violence or discrimination' against LGBTI persons.² We hope that this public statement will be followed-through with legislative and policy reform.

We also see governments using the recommendations made by UN human rights bodies on LGBTI issues to help them bring about change. For example, in Nepal the ministry of Women, Children and Social welfare recently committed to gradually implementing the recommendations³ provided by the Committee on the Rights of the Child to ensure the rights of intersex children are respected.⁴

Changes in Laws

Laws and policies are changing.

¹ <http://www.reuters.com/article/us-botswana-lgbt-idUSKCN11Q1CS>

² <http://antiguaobserver.com/govt-says-it-protects-the-lgbti-community/>

³ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/NPL/CO/3-5&Lang=En

⁴ <http://pahichan.com/ministry-pledges-to-implement-geneva-recommendations/>

We congratulate the Parliament of Nauru for passing the May 2016 Crimes Act which decriminalizes same-sex acts.⁵ We also welcome the decision of the Belize Supreme Court for its recent Section 53 ruling, overturning the country's discriminatory sodomy law.⁶

Bosnia & Herzegovina has recently adopted a hate crime regulation into its Criminal Code, which now includes both sexual orientation and gender identity as protected grounds⁷, and amendments to anti-discrimination law were also approved, adding sex characteristics to the list of protected grounds.⁸

We are pleased to see that France has made moves to soon allow trans persons to apply for a change of their gender on the civil register through a non-medicalised procedure, with the proposed process included in a bill that was approved by the National Assembly.⁹ We hope the law is actually passed in this form as it proceeds through the legislative process.

Voices in Surprising Places

Human rights changes in our society thankfully don't happen by government action alone. Respecting the human rights of all happens because of changes at all levels of society.

In Pakistan we welcome the issuance of a fatwa by over 50 Muslim clerics saying that trans men and women have the right to marry under Islamic law, and to be buried in Muslim ceremonies. This is a step towards demonstrating that tolerance and inclusion of Trans persons need not be alien to any faith.¹⁰

And in the US, the power of Sports to bring-about change was shown when the National Collegiate Athletic Association and the National Basketball Association canceled all North Carolina events due to that State's anti-LGBT House Bill 2, costing that State an estimated \$395 million to-date.¹¹

These are just a few places experiencing positive changes due to innovative and often brave action. We encourage governments and others from around the world to share these with others.

⁵ <https://www.theguardian.com/world/2016/may/29/nauru-decriminalises-homosexuality-and-suicide>

⁶ https://www.washingtonpost.com/world/the_americas/belize-supreme-court-says-anti-gay-law-unconstitutional/2016/08/10/071cab84-5f56-11e6-84c1-6d27287896b5_story.html

⁷ <https://www.facebook.com/ilgaeurope/posts/10154338348047342>

⁸ <http://www.ilga-europe.org/resources/news/latest-news/anti-discrimination-law-updated-bosnia-herzegovina>

⁹ <http://www.gaystarnews.com/article/transgender-people-victory-france/>

¹⁰ <http://www.independent.co.uk/news/world/asia/transgender-muslims-pakistan-islam-marriage-marry-declared-legal-clerics-a7109531.html>

¹¹ <http://www.nytimes.com/2016/09/14/us/ncaa-leaves-north-carolina-in-a-new-spot-sapped-of-sports-pride.html? r=1>