

39th Human Rights Council Session
September 18, 2018
Item 4 – General Debate
Statement by the International Lesbian and Gay Association

Delivered by Diana Carolina Prado Mosquera

Thank you Mr. President,

We cannot remain complacent before the scope and severity of the ongoing violence and discrimination that lesbian, gay, bisexual, trans, queer people are facing and today we draw attention to some of those situations.

In **Austria** authorities rejected the asylum application of an Iraqi person on the grounds that he was 'too feminine', a week after an Afghan man was denied refugee status because he was not 'gay enough'.¹ Governments must avoid stereotyping LGBTI people and have a responsibility to ensure LGBT asylum seekers are treated fairly and in a dignified manner.

In **Australia** LGBT asylum seekers have sent to Manus Island, Papua New Guinea where they are living in fear of revealing their sexual orientation and gender identity. Homosexuality is illegal and a crime in Papua New Guinea. There is no clarity of how many LGBTQ asylum seekers are in Papua New Guinea, but they face the risk of persecution for the same reason they fled their country.

On September 3rd, 2018, a state in **Malaysia** conducted a public caning of two women who were found guilty for attempting 'musahaqah' (sexual intercourse between women) under section 30 of the Shariah Criminal Offences Enactment 2001, read in conjunction with section 59(1) of the same enactment. The women were sentenced to RM3,300 in fines and given the maximum sentence of six strokes of caning.² Caning is considered a cruel and inhuman treatment under international law and should be abolished, the criminalization of sexual relations between women also violates Malaysia's obligations under CEDAW.

In **Nicaragua** LGBTI defenders have been arbitrarily detained and have not been able to receive visits nor talk with their lawyers³. We call upon the Government of Nicaragua to ensure the safety of all who exercise the right to freedom of speech and freedom of assembly.

One month ago, more than 40 young men were arrested in a party at, Lagos, **Nigeria**⁴. This was a birthday party that had both males and females in attendance. The police barged into the party and arrested people without any ground. When state actors' resort to such acts, it aggravates and legitimizes what is often a vicious anti-LGBTI climate in society.

Transgender Americans are facing an epidemic of violence. As early September 2018, 19 homicides of trans people have been reported in the **US**⁵. States have the obligation to investigate acts of this nature on their own initiative and to punish the perpetrators and masterminds. States should also adopt all necessary measures to guarantee the right to life, integrity, and safe of all human beings.

¹ New York Times, 'Gay Afghan Teenager Denied Asylum in Austria Because He Didn't Fit Stereotype, Rights Group Says' (16 August 2018) <<https://nyti.ms/2MWHnKQ>>

² The Straits Times, 'Two Malaysian women caned under Islamic law for lesbian sex' (3 September 2018) <<http://str.sg/omcG>>

³ La Prensa, "Me estaba pudriendo en El Chipote", el universitario Bayardo Siles narra sus días en la cárcel' <<https://bit.ly/2MwcSPz>>

⁴ Punch NG, 'Police arrest 57 suspected gays in Lagos' (28 August 2018) <<https://bit.ly/2PKRpzl>>

⁵ Avocate, 'These Are the Trans People Killed in 2018' <<https://bit.ly/2xil9gh>>

Mr. President,

We must tackle violence, discrimination and hate. The UN members should stand against discrimination and brutality and foster a culture of tolerance and equality.