

MEDIA STATEMENT



For International Day Against Homophobia and Transphobia (IDAHO-T) Saturday 17 May 2014

A Joint Statement by UN human rights experts, the Inter-American Commission for Human Rights, the African Commission on Human and Peoples' Rights and the OSCE Representative on Freedom of the Media

“Free expression and association key to eliminating Homophobia and Transphobia”

GENEVA (15 May 2014) – Marking International Day Against Homophobia and Transphobia (IDAHO-T), a group of international and regional human rights experts call on States to end discrimination and address violations against lesbian, gay, bisexual, transgender and intersex individuals and those who advocate for their rights.*

In many parts of the world, lesbian, gay, bisexual, transgender and intersex (LGBTI) people face discrimination, stigmatization and acts of violence. Protecting and promoting the rights of LGBTI people to free expression, association, and peaceful assembly is crucial to end their discrimination and address the appalling human rights violations inflicted upon them. These are not only basic rights, but they are also essential in allowing individuals to claim other rights, in particular the rights to freedom from discrimination and equality before the law, and they can contribute to fostering public debate in society.

We condemn acts of retaliation, intimidation, or harassment in any sphere (whether public or private) based on a person's manifestation or expression of their sexual orientation, gender identity or gender expression.

On the occasion of the 2014 IDAHO-T, we remind States of their obligation to protect, promote, and fulfil universal rights without discrimination. The existence of societal disapproval of diverse sexual orientations and gender identities does not justify discrimination or violence against LGBTI people.

Therefore, we are deeply concerned at the existence, and recent adoption in several countries, of laws that ban the dissemination of information about sexual orientation or gender identity issues, and arbitrarily restrict the right to freedom of association and peaceful assembly.

We categorically reject arguments that such restrictions to the rights of LGBTI people are necessary to protect public morals, health or the well-being of vulnerable people. Rather, these laws encourage stigmatization, abuse and violence against LGBTI people. Prohibiting access to health-related information is harmful to the physical and mental well-being of society at large.

Defenders advocating for the rights of LGBTI individuals face serious challenges while exercising their work, including threats, attacks, criminalization of their activities, and defamation campaigns. Moreover, LGBTI peaceful assemblies, rallies and parades are often prohibited and confined to venues out of public sight. In many countries, the safety of the participants to these events is often not adequately protected by law enforcement authorities. In addition, organizations advocating for the rights of LGBTI people are subject to excessive State supervision and face arbitrary and discriminatory raids, fines, extortion and closure.

Despite an increase in the number of States that have repealed laws and abolished policies that discriminate against people on the basis of sexual orientation or gender identity, 77 countries still criminalize consensual relations between adults of the same sex. Some countries also criminalize certain gender identities and expressions, affecting transgender people. Such discriminatory laws violate international human rights norms, fuel violence and discrimination against LGBTI people, contribute to a culture of impunity and perpetuate hostile environments. These laws should be repealed.

States must build a climate of tolerance and respect in which all people, including LGBTI individuals and those who defend their rights, can express their thoughts and opinions without fear of being attacked, criminalized, or stigmatized for doing so. States must ensure the participation in public affairs of those who have traditionally suffered from discriminatory practices or policies.

Accordingly, we call on States to renew their efforts to address this critical human rights issue at the UN Human Rights Council and in regional intergovernmental bodies and to comply with their human rights obligation to protect, promote and fulfil the rights of all without discrimination.

ENDS

(*) The UN experts: Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to **freedom of opinion and expression**; Mr. Maina Kiai, Special Rapporteur on the rights to **freedom of peaceful assembly and of association**; Mr. Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental **health**; and Ms. Margaret Sekaggya, Special Rapporteur on the situation of **human rights defenders**.

The United Nations **human rights experts** are part of what it is known as the **Special Procedures** of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights, is the general name of the independent fact-finding and monitoring mechanisms of the Human Rights Council that address either specific country situations or thematic issues in all parts of the world. Learn more: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence. Learn more: www.iachr.org

The African Commission on Human and Peoples' Rights was established by the African Charter on Human and Peoples' Rights. The Commission consists of 11 members elected by the AU Assembly from experts nominated by the state parties to the Charter. The Commission created subsidiary mechanisms such as special rapporteurs, committees, and working groups to achieve its objectives of promoting and protecting human rights on the continent. The Special Rapporteur on Human Rights Defenders was established by the African Commission on Human and Peoples' Rights with the adoption of Resolution 69 at the 35th Ordinary Session held in Banjul, The Gambia from 21st May to 4th June 2004. Learn More: <http://www.achpr.org/>

The OSCE Representative on Freedom of the Media subscribes to the text of this statement in as much as it refers to the areas covered by the scope of her mandate.

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