

Side Event on Ending Violence and Criminal Sanctions on the Basis of Sexual Orientation and Gender Identity

**Concluding remarks by Thomas Lambert, Deputy Permanent Representative
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Excellencies, ladies and gentlemen, I am afraid that the time to conclude this event has come. It will undoubtedly leave us with a taste of too little as our discussions have been truly substantial, doing honor to this human rights day.

The intention of the co-sponsors, upon organizing this side-event was to demonstrate that in spite of the cultural sensitivities surrounding what we too succinctly call the "LGBT issue" in the corridors of the General Assembly, and in particular in the Third Committee, that the issue of violence and criminal sanctions suffered by individuals on the basis of their sexual orientation and gender identity, is one which we can address in a mature, open, tolerant, constructive, and non confrontational manner at the United Nations.

Too often indeed, when we talk about sexual orientation, there is a fear on the part of some countries that it is part of some sort of plan or strategy from Western countries to impose a liberal agenda without respect for the cultural sensitivities of others. The reality of the matter however could not be more different. While it is true that some of the co-sponsors of today's event, like my country Belgium, have gone further than others in recognizing equal rights for LGBT persons, including in the area of civil status, this is not the case of all co-sponsors. And it is certainly not our intention to force upon the rest of the membership of the United Nations such values, which we agree are still culturally and politically very sensitive.

What brings the co-sponsors together however, what actually should bring us all together is much more simple. It is the conviction that, as explained by the Secretary General, human rights exist to protect everybody, that they apply equally to all human beings and that therefore we must reject all forms of discriminations, including discriminations based on sexual orientation and gender identity. As the Secretary General eloquently stated, "it is not the partial Declaration of human rights", "it is not the sometimes Declaration of human rights", "it is the universal Declaration of human rights" and it protects "all human beings", "without exceptions". This was also emphasized by my colleague and friend from The Netherlands. This simple conviction of universality is not controversial. It is not culturally

sensitive. It is the very premise upon which the entire human rights system is based. It was particularly interesting in this regard to hear the Assistant Secretary General, Mr Simonovic explain to us that the human rights treaty bodies which are the guardians of our human rights treaties have confirmed that existing language on non-discrimination establishes an obligation on States parties to protect gay, lesbian and bisexual persons from discrimination. Some people however ask, "well if basic human rights apply to all, why must we focus on some particular categories of individuals", why must we mention sexual orientation and gender identity rather than talk about respect for human rights in general? Well, simply because as the courageous testimony we heard today from representatives of civil society demonstrate, the sad reality of our world is that individuals are discriminated against and are targeted and the object of specific attacks because they happen to be, or are even just perceived to be, gay or lesbian, bisexual, transgender or intersex. These individuals therefore need an extra effort from us so as to ensure that they receive the equal protection they deserve under human rights law. And let us not fool ourselves or play disingenuous political games, we are used at the UN to pay special attention to the needs of categories of individuals who are particularly at risk of human rights violations. There is nothing new here. Our human rights resolution in the Third Committee very often include long lists of categories of individuals which the UN believes are worth a specific mention because of their vulnerability whether these are indigenous people, women and children, unaccompanied children, young migrants, widows, persons with disabilities or persons under foreign occupation for instance. Recognizing persons who are victimized because of their sexual orientation and gender identity alongside these categories should thus not be seen a culturally sensitive thing to do, but as a simple acknowledgment of the reality on the ground. And the importance here is not whether sexual orientation and gender identity are clearly defined under human rights or not. Attacks committed against LGBT persons are indeed not committed because of a definition but because of the perception that the attacker has of his or her victim. We are not dealing here with violation based on definition. And we are not asking for the recognition of new rights to individuals based on their sexual orientation and their gender identity, but simply to ensure that everybody, and I'll say it again, everybody benefits from the same protection under human rights law. Ambassador Rice and other speakers provided us with interesting examples of concrete legislative steps that can be taken to either decriminalize sexual orientation or offer legal protection to LGBT persons. These are just examples but they should guide us all in answering the call of the Secretary General so that we hold true our commitment to respect and ensure the respect of basic human rights for all. Concluding. On behalf of all co-sponsors of this event I would like to thank you all for coming and making this event a success and hope that together we can keep on working to make the expression "universal declaration of human rights" a reality. "Speak out" dear colleagues and friends "speak out".

