

Human Rights Council, 23rd session

Statement submitted by COC Netherlands (an organization accredited to ECOSOC)

3rd June, 2013

We would like to thank the Special Rapporteur for her important and creative report, and to emphasize a few of her points in relation to gender, sexuality and regulation of freedom of artistic expression.

In many countries, including in both the global North and South, states regulate the expression of artistic content that focuses on various aspects of sexuality. While artistic work that addresses the real lives of lesbian, gay, bisexual and transgender people is often positioned for political reasons as “blasphemous”, or “dangerous to children”, it is also true that depictions of women’s sexuality generally is also regulated and condemned.

Artistic expression that incorporates sexuality and details of lives of those who fall outside gender norms should not be silenced by the state, or by religious or cultural authorities. In fact, this expression must be protected as a part of vibrant diversity, and seen as contributions to an opening of discussion. Clamping down on the expression of these works, and the artists and communities that produce them, is both a violation of rights and also a detriment to cultural discourse. Efforts to shut down this discourse in the name of “tradition” or “culture” only serve, in the end, to narrow and limit the very traditions and cultures some seek to protect. Efforts to silence cultural expression related to sexuality serve narrow interests of the state, and often put artists, defenders of the arts and activists at risk, as well.

No one should be detained or attacked or harassed for painting an image or curating a film festival that addresses or depicts sexuality. Women artists should not be condemned for their work, and should not be named as “loose women” or “sex workers” or somehow “immoral” for their engagement in the arts. And, on the other hand, artists who are lesbians or artists who are sex workers should be seen as making significant contributions to societies, rather than threatening them

Whether it’s the detention of members of the women’s band Pussy Riot in Russia, or the attack by US congress members on an exhibition related to sexuality and HIV at the esteemed Smithsonian Institution in Washington, these acts must be seen as crossing a boundary. States and those who enforce censorship must end these restrictive actions, and we all must use a human rights lens to call those actors to account for violations of freedoms of expression, speech, assembly and a host of other rights.

We thank the Special Rapporteur for engaging with this topic and we welcome any additional thoughts about the regulation of expressions of gender and sexuality.