



STATEMENT BY SOUTH AFRICA ON AGENDA ITEM 8: "FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION"

Check against delivery

Mr President,

The Vienna Declaration and Programme of Action (VDPA) declares that "human rights and fundamental freedoms are the birthright of all human beings". Amongst those rights, are the rights of the LGBTI persons. The international community continues to grapple with the issue of sexual orientation and gender identity, which this Council needs to give policy guidance on.

The issue is a complex and sensitive subject which arouses deep sentiments. No society or community should at any level condone or support violence and discrimination. It is this conviction and vision that binds us all in working towards eliminating discrimination on any grounds including on the basis of sexual orientation and gender identity.

South Africa's engagement on the LGBTI issue is guided by the principle of non-discrimination as enshrined in our Constitution and the Bill of Rights. The following core principles therefore, guide our approach to this particular issue:

- Reaffirmation of the need for continued open, inclusive and constructive dialogue, including promoting greater awareness, education and understanding, inside and outside this Council;

- Discouraging any condemnatory or confrontational approach to this thematic issue;
- Reaffirmation of an intergovernmental process in any standard-setting processes;
- The importance of maintaining a step-by-step approach to create a solid basis and progressively consolidate incremental action; and
- The imperative need to focus on general trends at the domestic and regional level, jurisprudence, proposed solutions, best practices and identifying gaps, which must be tackled in order to address the core challenges of violence and discrimination in all regions.

Mr President,

It is out of this conviction that South Africa partnered with Brazil and introduced the historic resolution 17/19 in the Council, which eventually culminated in the UN Study by the Office of the High Commissioner for Human Rights (OHCHR) and the Panel debate which produced unprecedented dialogue. The reaction to the adoption of that resolution has been mixed. In some cases initial negative reactions gave way to increased awareness which is encouraging, whilst in other instances, the report of the High Commissioner has been utilised in court cases as reference material in the absence of any jurisprudence, objectively focused on the protection of victims.

Through collaboration with other partners we worked towards the convening of regional seminars which culminated in the co-chairing of the Oslo International Conference on Human Rights, Sexual Orientation and Gender Identity, with the Government of Norway. Whilst the Oslo International Conference was a landmark event, South Africa is of the firm belief that Africa's views need to be heard so that a total and comprehensive picture can be reflected. That would allow us to take stock on the status of the issue and the peculiarities of each region going forward. In this context, South Africa is committed to the convening of the African Regional Workshop and a High-Level Seminar in Geneva in order to share experiences and promote cooperation.

Much more work still needs to be done.

Mr President,

South Africa regrets not having been able to join the statement just delivered by Norway. There seems to be a difference of opinion between those who feel the need to adopt immediate measures and those that need to promote further interaction and cooperation on how we move forward in a progressive and systematic manner.

Finally, Mr President, we believe that the Council should continue its leadership role in mapping and identifying ways and means to highlight this issue in a transparent and constructive manner in line with its mandate.

I thank you.

