

24th session of the HRC
Item 8 General Debate
Canadian HIV/AIDS Legal Network

- *delivered by John Fisher*
23 September 2013

Thank you Mr President.

On this 20th anniversary of the VDPA, we recall the bedrock principles of universality and non-discrimination, which underpin the international human rights framework and the work of this Council.

It is therefore disturbing to hear – even at the opening of this Council session – some States critiquing the High Commissioner’s attention to the rights of LGBT persons on the basis that these are "controversial issues" which have “no legal basis in the international human rights instruments”.

Human rights are human rights are human rights. States do not get to ignore human rights issues they find “controversial” or “sensitive”. And the legal basis for addressing these issues is clear: the principles of universality and non-discrimination affirm that no person may be denied their human rights, on any ground, including because of their sexual orientation or gender identity. Anything less would reduce the guarantees of the VDPA and the UDHR to a mockery.

The fact that these core principles remain contested, even after the resolution brought by South Africa and adopted by this Council in 2011, the High Commissioner’s report, and the subsequent panel discussion in plenary last year, highlights the need for more discussion of these issues by the Council, not less, and we look forward to working with the lead sponsor and with States from all regions to ensure that the Council fulfills its responsibility by properly integrating consideration of these issues within its program of work.

Mr. President,

The VDPA is also clear that “while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

Although there will (thankfully) be no resolution this session on traditional values, the High Commissioner was tasked to prepare a report on “traditional values and best practices”, which notes that:

“traditional values could be invoked to justify the status quo and undermine the rights of the most marginalized and disadvantaged groups, ... especially with regard to freedom of belief, women’s rights, sexual orientation and gender identity.”

These concerns are consistent with those raised during the OHCHR expert meeting and by the Advisory Committee in its recent report. The fact that the notorious legislation now in force in Russia targets those in so-called “non-traditional” relationships makes clear that both the purpose and effect of a “traditional values” approach is to undermine the human rights of marginalised groups. It is time to say “*enough is enough*”, abandon this ill-conceived approach, and for the Council to return its focus to promoting and protecting universal human rights for all.

Thank you.