



17 May 2011

STATEMENT

Speak Out Against Discrimination on Grounds of Sexual Orientation and Gender Identity

On the occasion of International Day Against Homophobia and Transphobia (“IDAHO”), ARTICLE 19 calls on states to combat violence, discrimination and stigma directed against lesbians, gays, bisexuals and transgender persons around the world by protecting and promoting freedom of expression and the right to information.

ARTICLE 19 observes that lesbians, gays, bisexuals and transgender (“LGBT”) persons around the world face heightened levels of discrimination simply for expressing their sexual orientation and gender identity. Millions of LGBT persons are at risk of arrest, imprisonment and execution because of national laws which make it a crime to be homosexual. These laws mean that LGBT persons are even more vulnerable to a range of human rights violations including killings, attacks, sexual assaults, arbitrary detention and widespread discrimination in the workplace, in access to basic services such as healthcare and housing and information about such services.

The denial of rights and the failure to conduct proper investigations into violence against LGBT persons lead to a chilling effect on their exercise of freedom of expression, especially with regard to their sexual orientation or gender identity. Such impunity also impedes the ability to hold state and non-state actors accountable for human rights abuses and is contrary to international human rights law.

It is clear that discrimination against LGBT persons deserves more focussed attention and concerted action by individual states and the international community at large. LGBT persons should feel free to express themselves, including their sexual orientation and gender identity.

ARTICLE 19 condemns all forms of violence, harassment, discrimination, exclusion and prejudice on the grounds of sexual orientation and gender identity as stated by *UN Declaration on Sexual Orientation and Gender Identity* of 18 December 2008.

ARTICLE 19 calls on all states to create a legal and social environment to ensure the respect for human rights of LGBT persons. In creating such an environment, states should properly their existing international human rights obligations to protect the rights of LGBT persons to freedom of expression and other rights, as indicated in the *International Covenant on Civil and Political Rights*.

All states should decriminalise homosexuality and rigorously enforce the criminal law against individuals who commit acts of violence against individuals based on their sexual orientation or gender identity. When attacks on LGBT persons do occur, they should be promptly and thoroughly investigated by a competent, independent and impartial body established by the state. The state authorities should hold accountable all persons found to have committed abuses against LGBT persons, regardless of political affiliation or rank, and according to procedures that meet international standards of due process. States should prevent, punish and redress the harm caused by state or private actors, including unidentified groups, to LGBT persons.

Furthermore, states should ensure that the freedom of expression and the right to information of LGBT persons is fully protected. States should also engage in broad efforts to combat discrimination against LGBT persons by promoting understanding of LGBT issues through social and education programmes including school curricula. Politicians and other leadership figures should avoid statements that might promote discrimination against LGBT persons and take advantage of their positions to promote understanding of LGBT issues, including by contesting discriminatory statements or behaviour.

The media should raise awareness of the harm caused by discrimination of LGBT persons and be alert to the danger that discrimination against LGBT persons may be furthered by the media. Media organisations should avoid unnecessary references to sexual orientation or gender identity that might promote intolerance. They should also give the opportunity of LGBT persons to speak and be heard in a way that promotes a better understanding of them.

ARTICLE 19 hopes that IDAHO 2011 will strengthen the resolve of LGBT persons, activists and their supporters to speak up against violations of human rights of LGBT persons whenever and wherever they are manifested.

NOTES TO EDITORS:

- For more information please contact Sejal Parmar, Senior Legal Officer, +44 20 7324 2500 sejal@article19.org
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.