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Statement by Assistant Secretary-General for Human Rights, Human Rights Day 2010

New York, 10 December 2010

Ambassador Susan Rice,  
Ambassador Jim McLay,  
Excellencies,  
Ladies and Gentlemen,

The High Commissioner for Human Rights has spoken out strongly and repeatedly against all forms of discrimination—including, in this context, discrimination directed against people because of their sexual orientation or their gender identity.

We understand that this is a complicated political issue, but we believe it is a straightforward human rights issue. The Universal Declaration asserts that all human beings are born free and equal in dignity and rights. *Everyone* is entitled to enjoy all the rights and freedoms set forth in the Declaration.

Just as the United Nations has set its sights on eliminating racial discrimination, discrimination against women, and discrimination on other grounds, such as disability, social status or religious affiliation, so too we should commit ourselves to better protecting people from the discrimination they suffer because they happen to be, or are perceived to be, gay or lesbian, bisexual, transgender or intersex.

Within our United Nations human rights system, it is not only the High Commissioner who has advocated for action to better protect the human rights of people subjected to discrimination on the basis of their sexual orientation or gender identity.

As many as 17 of the special procedures mandate-holders have highlighted the vulnerability of LGBT persons or called for efforts to counter homophobic violence and discrimination based on sexual orientation or gender identity.

Several of the UN human rights treaty bodies have also come to the same conclusion. Their views are not to be taken lightly. These are panels of experts selected by States and tasked with interpreting the core international human rights treaties and providing guidance to States on how they can meet their obligations under those treaties.

To date, five treaty bodies have issued decisions or General Comments confirming that existing language on non-discrimination establishes an obligation on States parties to protect gay, lesbian and bisexual persons from discrimination. The first to do so was the Human Rights Committee, followed by the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, and the Committee against Torture. The issue was addressed most recently in a General Recommendation of the Committee on the Elimination of Discrimination against Women.

There has also been a steady stream of Concluding Observations from the treaty bodies referring to specific discriminatory practices or legislation that impact negatively on LGBT persons, and calling on the State in question to take the necessary steps to address the issue.

So in taking a clear position in favour of equality for LGBT persons, we feel entirely supported by the body of international human rights law and by the expert mechanisms established by States to promote compliance.

It is a matter of great regret and great concern that—while progress has been made in some countries—

As a matter of great regret and great concern that while progress has been made in some countries in more than 70 countries homosexuality remains a criminal offence, exposing individuals to the risk of arrest, detention and in some cases execution because of their sexual orientation or gender identity. It is also deplorable that in most countries individuals continue to suffer discrimination, homophobic abuse, and in some cases violent attack, simply because they are gay, lesbian or bisexual or because they are transgender or intersex.

So long as this continues to be the reality, we are falling short of the standards laid down by the framers of the Universal Declaration and we are failing in our efforts to bring about a world in which all of us are entitled to the same rights on an equal footing.

We should start with decriminalization worldwide. OHCHR stands ready to help support this goal by working with Governments and legislators that are willing to engage with us to bring about reform, by lending encouragement to civil society and to human rights defenders, and by monitoring and bringing to light patterns of violations.

We know that there are those who strongly disagree with this approach. People are entitled to disapprove of homosexuality. They are entitled to express their disapproval. But they are not entitled to use the force of the criminal law to arrest, detain, imprison and in some cases torture or execute their fellow human beings just because they, or even the majority in their society, disapprove of them.

Beyond decriminalization, we should be looking for other ways to ensure that LGBT people are able to exercise their human rights on a par with others. And we should be doing all we can to chip away at prevailing homophobia, which lies at the root of much of the discrimination and indeed the violence that continues to affect LGBT people.

Finally, let me congratulate the organizers for hosting such an important discussion and for doing so on Human Rights Day. Today's discussion contributes to a much-needed dialogue that is essential if we are to reach a better and more broadly shared understanding on this issue.

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