

U.S. absent from UN statement on gays

by Liz Highleyman
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As the United Nations General Assembly prepares to hear a statement on sexual orientation and gender identity – expected to be presented as early as December 17 – a coalition of LGBT and human rights organizations expressed concern that the United States was not among the endorsers.

Timed to coincide with the 60th anniversary of the Universal Declaration of Human Rights, this will be the first time the General Assembly has formally addressed rights violations based on sexual orientation and gender identity.

The statement, now in draft form, reads in part, "We condemn human rights violations based on sexual orientation or gender identity wherever they occur, in particular the use of the death penalty on this ground, extrajudicial, summary or arbitrary executions, the practice of torture and other cruel, inhuman and degrading treatment or punishment, arbitrary arrest or detention and deprivation of economic, social and cultural rights, including the right to health."

"We urge states to take all the necessary measures, in particular legislative or administrative, to ensure that sexual orientation or gender identity may under no circumstances be the basis for criminal penalties, in particular executions, arrests or detention," the statement continues. "We urge states to ensure that human rights violations based on sexual orientation or gender identity are investigated and perpetrators held accountable and brought to justice."

As of this week, more than 60 countries had signed on to the statement, which was initiated by France on behalf of the European Union. All 27 EU member states are signatories, as are Canada, Mexico, Australia, and several South American countries. Israel is the sole Middle Eastern country represented, while Japan and Nepal are the only ones from Asia – the latter in a dramatic departure from the Maoist government's previous condemnation of homosexuality.

"This statement has found support from states and civil society in every region of the world," said Kim Vance of Canada, co-director of ARC International. "In December a simple message will rise from the General Assembly: the Universal Declaration of Human Rights is truly universal."

But the U.S. is notable for its absence, along with the Vatican (which has UN observer status), Russia, the Organization of Islamic States, and all but a handful of countries in Africa – an alliance that has also stood against previous international efforts to affirm the rights of LGBT people. China and India have not yet indicated their positions.

In denouncing the statement last week, Vatican officials said it was a disguised attempt to pressure countries to approve same-sex marriage. **Faith leaders from the National Gay and Lesbian Task Force**, the Human Rights Campaign, the Gay and Lesbian Alliance Against Defamation, and the National Black Justice Coalition issued a joint statement on December 10 protesting the Vatican's decision.

Some activists lobbying for the statement have suggested that U.S. reticence may be attributable to the ongoing transition from the Bush administration to that of President-elect Barack Obama.

In an action alert issued last Friday, the International Gay and Lesbian Human Rights Commission and the Council for Global Equality encouraged LGBT community members and allies to send letters to Secretary of State Condoleezza Rice and UN Ambassador Zalmay

Khalilzad asking the U.S. to "join its colleagues from around the world in speaking out against the torture, arrests, violence, discrimination and stigma faced by so many people everywhere because of their sexual orientation and gender identity."

Out Congresswoman Tammy Baldwin (D-Wisconsin), and Representatives Howard Berman (D-California) and Gary Ackerman (D-New York) last week sent a joint letter to Rice, calling on the State Department to take steps to "ensure that the phrase 'all of us' is truly inclusive of all lesbian, gay, bisexual and transgender individuals around the world."

The nonbinding statement reaffirms existing protections for human rights in international law. In a 1994 decision, the UN Human Rights Committee, which interprets the International Covenant on Civil and Political Rights, held that human rights law prohibits discrimination based on sexual orientation.

In 2006, Norway presented a statement before the UN Human Rights Council which forms the basis for the latest initiative, which adds an emphasis on decriminalization; the previous statement garnered 54 supporters.

The U.S. was a signatory to the Norway statement, and earlier this year joined 34 other countries in the Organization of American States in unanimously approving a declaration affirming that human rights protections extend to sexual orientation and gender identity.

"In 1948 the world's nations set forth the promise of human rights, but six decades later, the promise is unfulfilled for many," said Linda Baumann of Namibia, representing Pan Africa ILGA.

"Today, dozens of countries still criminalize consensual homosexual conduct, laws that are often relics of colonial rule," stated Grace Poore of Malaysia, who works with IGLHRC. "This statement shows a growing global consensus that such abusive laws have outlived their time."

Moscow Gay Pride organizer Nicolas Alexeyev credited the statement to French human rights activist Louis-Georges Tin, founder of International Day Against Homophobia, who caught the attention of Rama Yade, the country's Secretary of State for Human Rights, when he was arrested May 17 at a die-in outside the presidential palace calling attention to execution of gay people worldwide. Yade met with Tin the following day and agreed to sponsor an initiative calling for universal decriminalization of homosexuality during France's EU presidency term.

Although it will not be binding on the member states, "the declaration will have immense symbolic value, given the six decades in which homophobic persecution has been ignored by the UN," said U.K. gay activist Peter Tatchell. "Even today, not a single international human rights convention explicitly acknowledges the human rights of LGBT people."