



**United Nations Human Rights Council  
26<sup>th</sup> Regular Session, 10 to 27 June 2014  
Agenda Item 3**

**Joint Oral Statement of International Commission of Jurists (ICJ), ARC International, and International Lesbian, Gay, Bisexual, Trans and Intersex Association Europe (ILGA-Europe)**

**in the Clustered Interactive Dialogue with the Special Rapporteur on the right to freedom of expression and the Special Rapporteur on peaceful assembly & association**

**UPHOLDING FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION AGAINST DISCRIMINATION ON THE GROUNDS OF SEXUAL ORIENTATION, GENDER IDENTITY OR INTERSEX STATUS**

10 June 2014

*Check against delivery*

Mr Special Rapporteur,

The International Lesbian and Gay Association, ARC International and the International Commission of Jurists commend you for your report's focus on challenges faced by groups at risk, including LGBTI persons.

Our organisations support your approach of highlighting some particular country situations by way of example.

As examples of explicitly discriminatory legislation, you cite the Nigerian Same Sex Marriage (Prohibition) Act (which in fact criminalizes a much broader range of human rights-protected activities than its title would necessarily suggest), Uganda's Anti-Homosexuality Act, and Ukraine's draft law on "propaganda of homosexual relations". All of these laws impede freedom of peaceful assembly of LGBTI persons. The Nigerian law also interferes with freedom of association, as it bans registration, funding and activities of "gay" organizations.

As to general provisions disproportionately detrimental to specific groups, you cite Russia's ban on "propaganda of non-traditional sexual relations" among minors as an example of the application of supposedly neutral public morality laws against those who promote LGBTI human rights. Whether at the national level or in this Council, states must not be allowed to masquerade behind vague appeals to "public morality" or "traditional values" to justify practices that violate international human rights law by discriminating on the basis of sexual orientation or gender identity.

Under international law, any interference with the rights to freedom of peaceful assembly and association must be: provided by law, based on legitimate aims set out in relevant international instruments; proportionate to those aims; and necessary in a democratic society. Restrictions cannot be imposed for discriminatory purposes or in a discriminatory manner.

Besides the negative effect on the rights to freedom of peaceful assembly and association, the laws at hand have a detrimental impact on the work of LGBTI human rights defenders and the activities of health care providers.

Fundamentally, laws directly targeting the freedom of peaceful assembly or association of LGBTI individuals solely because of their sexual orientation or gender identity are inconsistent with international human rights law.

Mr Special Rapporteur,

We welcome the attention paid to the human rights violations LGBTI persons face and call on you to continue to integrate issues of sexual orientation, gender identity and intersex status in the activities of the mandate. In this regard, we note that in October 2013 Nigeria issued a standing invitation to all thematic special procedures. We would be interested to know whether progress has been made on your request to visit Nigeria, as well as your outstanding requests for invitations to visit the Russian Federation and Uganda. We would suggest you also consider arranging a visit to Ukraine, which issued a standing invitation in 2006.

Thank you.

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