

~~1st~~ African Group statement on sexual orientation

Mr President,

I have the honour to present this statement on behalf of the Member States of the African Group.

The issue of sexual orientation in the United Nations human rights system has not yet mustered consensus. All the previous attempts to integrate sexual orientation into existing universally recognized human rights have not been successful. There were strong attempts at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) to establish or accept sexual orientation as a "related intolerance to racism and racial discrimination", which the Conference overwhelmingly rejected. The Outcome of the Durban Conference, namely, the Durban Declaration and Programme of Action (DDPA) has no reference whatsoever to the notion of sexual orientation.

The erstwhile Commission on Human Rights (CHR) at its 59th Session in 2003 could not gain sufficient consensus to adopt a resolution on this matter. All the subsequent Group statements on the issue presented to previous sessions of the Commission, Council and the United Nations General Assembly (UNGA) are indicative of the fact that a disproportionately high number of States have not joined the Group statement on the issue. In the view of the African Group, some of the factors which account for the huge reluctance to join the statement are:

- (a) The fact that this concept remains undefined in the international human rights system;
- (b) The twinning of another concept of another equally undefined concept of gender identity to sexual orientation; and

(c) The proponents of the concept of sexual orientation and gender identity have themselves not defined these concepts in their domestic jurisprudence. In other words, these countries have not adopted any administrative, legislative and judicial measures criminalizing discrimination based on these concepts.

As it will be recalled, the Heads of State and Government of the African Union (AU) adopted, by consensus, a decision on "Shared Values" during its Summit in Kampala, Uganda, in July 2010. In terms of this decision, African leaders underlined their resolve not to accept nor integrate concepts which have not been universally defined and accepted in international human rights law. The African leaders thereby resent the obsession by other regions or groups to impose their own value systems on other regions which are not shared by such regions. For their part the African political leaders remain sensitive and respectful of the cultures of other regions and do not harbor undue intentions to make their value systems the predominant values of the international system.

Finally Mr President,

The African Group does not support the current haphazard and disjointed manner in which virtually all the Thematic Special Procedures of the Human Rights Council have made references to the issue of Sexual Orientation and Gender Identity in their various reports without the guidance of the Council or even without ensuring that there was at least a common understanding of these new concepts.

I thank you Mr President