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COMMISSION DES DROITS DE L'HOMME
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PROMOTION ET PROTECTION DES DROITS DE L'HOMME

Lettre datée du 12 mars 2004, adressée au Président de la Commission des droits de l'homme par le Président de l'Assemblée parlementaire du Conseil de l'Europe

À sa prochaine session, qui se tiendra du 15 mars au 23 avril 2004, la Commission des droits de l'homme sera appelée à examiner une résolution consacrée à la question des droits de l'homme et de l'orientation sexuelle. Je souhaiterais vous faire connaître à ce sujet la position de l'Assemblée parlementaire du Conseil de l'Europe en général et la mienne en particulier.

Je vous serais très reconnaissant par conséquent de faire le nécessaire pour que l'appel* ci-joint soit distribué le plus largement possible à la Commission.

Le Président de l'Assemblée parlementaire
du Conseil de l'Europe

(Signé) Peter Schieder

* L'appel est reproduit en annexe tel qu'il a été reçu, dans la langue originale seulement.

Annex

Parliamentary Assembly
Assemblée parlementaire



**CALL BY PETER SCHIEDER FOR STRONG SUPPORT ON
UN RESOLUTION ON "SEXUAL ORIENTATION AND HUMAN RIGHTS"**

Strasbourg, 12 March 2004: Since 1981 the Parliamentary Assembly of the Council of Europe has been committed to the fight against discrimination because of sexual orientation and gender identity. At a time when many European countries still had, within their legal systems, penal provisions criminalising homosexuality, the Assembly was the first international institutional body to strongly support the respect of fundamental rights of homosexuals.

Recommendation 924 (1981) called on the member States to stop any form of discrimination based on sexual orientation. That was the first of a series of interventions, like the recent Assembly Recommendations 1470 and 1474 adopted in 2000 respectively calling upon member States to end any form of discrimination against homosexuals and to recognise their rights in the fields of asylum and immigration law. Furthermore, in 1989, by means of Recommendation 1117, the Assembly called upon the member States of the Council of Europe to recognise the legal status of transsexuals and to end any form of discrimination against them.

Since the landmark case in *Dudgeon v. United Kingdom*, the European Court of Human Rights has on many occasions recognised the fundamental rights of homosexuals and transsexuals as part of the range of rights proclaimed by the European Convention of Human Rights. The respect of human rights of gays, lesbians and transgenders is a requirement for States to be members of the Council of Europe, and a heritage shared by the whole of Europe.

I personally made the fight against discrimination based on sexual orientation and gender identity a priority of mine from the very first moment as President of the Parliamentary Assembly of the Council of Europe. I therefore strongly support the resolution "Sexual Orientation and Human Rights" which will be discussed and voted during the 60th session of the UN Commission on Human Rights in Geneva, according to which human rights cannot be ignored, denied, or violated because of a person's sexual orientation or gender identity.

Discrimination, violence and torture against any human being can never be justified: this is a value shared by the international community and an inviolable principle of international human rights law. Gays, lesbians and transgenders are not an exception. Any contrary practice or legal provision is incompatible with the existing human rights instrument.

As also reported by the major international human rights organisations, the human rights of gays, lesbians and transgenders are often violated, ignored or denied, sometimes on the basis of discriminatory laws or by unlawful actions of biased public authorities; too often states omit to protect gays, lesbians and transgenders from homophobic hatred in the communities where they live. It is therefore necessary that the international community raises awareness of this situation and openly and strongly proclaims the human rights of sexual minorities.

For the reasons mentioned above, I call upon the member States of the Council of Europe who will be members of the Commission to vote in favour of the resolution. I also invite all the governments of the member States of the Council of Europe to support the resolution without reservation at any stage of the discussion, since it is the only way to honour the commitment that derives from being part of the Council of Europe itself and to respect our shared fundamental principles.

More generally, I call upon the UN Commission of Human Rights to support the resolution "Sexual Orientation and Human Rights". There can be no justice, freedom or democracy if the international community is not able to defend and respect the human dignity of every individual, without differences on the grounds of sexual orientation or gender identity.