

COC Netherlands intervention
OSCE HDIM
25 September 2007

**Equal recognition and treatment of LGBT people within OSCE programs
Combating Intolerance and Discrimination in the OSCE region**

Respectable Mrs. Chairwoman, Ladies and Gentlemen,

COC Netherlands is the oldest still existing organisation in the world that works on the emancipation of lesbian, gay, bisexual and transgender people. Being established in 1946 COC Netherlands has been at the forefront of achieving legal equality and promoting social acceptance for LGBT people. Our constituency constitutes of different groups in society, for instance including physically challenged people, people from different ethnic backgrounds, elderly people and people from different religious backgrounds. Now that legal recognition has been achieved and is recognized widely in Dutch society, our work is not yet finished. We refer to the available summaries of the book "Out in the Netherlands," which describes the increased need to work on social acceptance of LGBT people in society.

It is no news that LGBT people worldwide continue to face prejudices, discrimination, repression, legal sentences and sometimes even death punishment. As of today, 102 countries still criminalize homosexuality. Moreover, it is even within OSCE partner States that citizens face such forms of exclusion. In particular it is reprehensible that two partner States still criminalize homosexuality, namely Uzbekistan and Turkmenistan.

We therefore actively recommend that OSCE and ODIHR:

- Contribute to fostering a climate in which LGBT people can be free from discrimination, exclusion, prejudices and prosecution;
- Extend the mandate of the Personal Representative on combating Discrimination to combating homophobia;
- Collect data on hate crimes based on sexual orientation.

We also suggest that partner States:

- Decriminalize homosexuality in those countries where it is still being criminalized;
- Safeguard the right to association and peaceful assembly for LGBT individuals and organisations.

And it is in many partner States that people with a non-confirmative sexual orientation, gender-identity or gender expression experience severe breaches of their human rights. In many cases such violations are inflicted upon by state authorities.

In Turkey gay men are entitled to apply for conscious objection when joining the army if they comply with certain prescriptions. These entail that these men should provide sufficient proof of their homosexual identity. In many cases this means that they have to provide with photo's on which they are penetrated anally.

In Poland political leaders this year tried to ban the availability of important information on sexual orientation from schools by means of a law proposal that would stop the so called propaganda of homosexuality.

In Moldova and Russia this year prides have been banned, violating the right of freedom to assembly and the right to association. In other places such as Budapest and Zagreb participants of prides faced aggression from right-winged groups.

While we recognize the increasing work that the ODIHR is undertaking on the collection on data regarding hate crimes on the grounds of gender identity and sexual orientation, and I refer to the recent ODIHR report *Hate Crimes in the OSCE Region - Incidents and Responses*, we still note that in many partner States there is insufficient commitment to setup mechanisms that prevent LGBT people from further exclusion from society.

Our work is based on principles of respect for all human beings. We reject all forms of intolerance and discrimination, such as anti-Semitism, racism, Islamophobia, Christianophobia or any other form. We seek to establish dialogue to build bridges of friendship and want to work together with all spheres of society in order to guard against all forms of intolerance and discrimination. Lessons of the past must help our societies to find paths of reconciliation, in order to live with respect for the identity and freedom for each individual. If dialogue is not based on the principal reciprocity of respect then it is deemed to fail. It is also in that regard that religious convictions may never diminish the rights of individuals in society.

We emphasize that the current hierarchy on different grounds of discrimination is discriminatory in itself and should be abolished. If a society excludes and marginalizes one group of its citizens, then it is likely not to be able to offer a safe environment for other groups either. It is therefore that we demand OSCE and its partner States to give equal recognition to the problems that LGBT people face as is given to race, ethnicity, religion and belief. Neglecting principles of universal human rights and equality to all citizens will only contribute to further fragmentized and polarized societies. The work of the OSCE in the promotion of tolerance and non-discrimination should be specific, but by no means exclusive and foster intolerance and discrimination.

It should be noted that an increasing amount of partner States successfully engages in dialogue with its LGBT community, enabling these groups of people to become equal and respected citizens of their society. We value such endeavours and call upon partner States that do recognize the need to support to LGBT NGO's in order to bring up our issues in the OSCE.