

Statement of the Netherlands, Tolerance and Non-discrimination, Working session 10

Honourable Chair,

The Netherlands, while fully aligning itself with the statement made by the EU Presidency, would like to add the following considerations to this debate on tolerance and non-discrimination.

Article 7 of the Universal Declaration of Human Rights states 'All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.' It should be clear that there is no hierarchy between different grounds of discrimination. Discrimination on any ground is contrary to both the letter and the spirit of international human rights law. Discrimination is indivisible.

Therefore, the Netherlands condemns human rights violations based on sexual orientation as strongly as discrimination based on race, religion or belief, gender or on other grounds. The principles of universality and non-discrimination imply that fundamental human rights norms apply equally to lesbian, gay, bisexual and transgender people. They do not claim any 'special' or 'additional rights' but the observance of the same rights as those of heterosexual persons.

It is therefore sad to see that in two OSCE participating states consensual sex between people of the same gender is still a criminal offence. Although actual prosecution is rare, this nevertheless places homosexuals in a difficult position. Even in countries where sex between people of the same gender is not an offence, homosexuals are often discriminated against. They are denied - either by law or practices - basic civil, political, social and economic rights. Moreover the lack of acceptance by society can in some cases lead to homophobia and animosity towards homosexuals. States have a responsibility to address this type of intolerance. Active policies directed at respect for diversity are needed.

The Yogyakarta Principles, adopted by human rights experts from around the globe in 2006, form the guidelines in Dutch policy when it comes to human rights and sexual orientation. The Netherlands would like to call upon all other OSCE participating states to take into account these principles.

Regardless of the grounds for discrimination or violations of human rights, we remain committed to address concerns about situations that are most urgent and serious.

Thank you, Mr. Chairman