



ODIHR HDIM meeting, 30 September 2014

Working session 13: Tolerance and non-discrimination II (continued), including combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds

Elizabeth O'Casey (on behalf of the EHF)

Intolerance on religious grounds of those of differing sexual orientation

Article 5.9 of the Copenhagen Document states that all persons are equal before the law, without any discrimination¹. This is a clear and primary statement confirming the equality of all.

Despite this, and Article 12 of the UDHR protecting the right to privacy², there are many who seem reluctant to accept this equality, particularly when it comes to those of differing sexual orientation or gender identity. This reluctance manifests itself in many ways, but the institutionalisation of such reluctance is often found in the advocacy and lobbying of the Church - ironically, a group that presents itself as a body that can be relied upon to inspire feelings of equality and respect for all humans.

For instance, churches in Ukraine and Georgia have been vocal in their protesting the EU conditions of "sexual orientation" and "gender identity" as unacceptable grounds for discrimination^{3, 4}. The Georgian Orthodox Church's call for a "national day of the family" has unfortunate echoes of the agenda displayed by the sponsors of the "Protection of the Family" resolution passed at the UN Human Rights Council in June⁵. The Patriarch of Moscow has said that Western states' recognition of same-sex unions represents a "path to destruction"⁶, no less. Such comments have come in tandem with Russia's introduction of a law banning "propaganda of non-traditional sexual relations"⁷.

¹ Article 5.9 of the Copenhagen Document, <http://www.osce.org/odihr/elections/14304?download=true>

² Article 12 of the Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>

³ <http://www.economist.com/blogs/easternapproaches/2014/05/gay-rights-georgia>

⁴ <http://www.catholicerald.co.uk/news/2013/09/27/church-leaders-in-ukraine-reject-eu-demand-for-new-gay-rights-laws/>

⁵ <http://iheu.org/families-use-protection/>

⁶ <http://ncronline.org/blogs/grace-margins/orthodox-church-s-role-russia-s-anti-gay-laws>

⁷ <http://www.theguardian.com/world/2013/jun/11/russia-law-banning-gay-propaganda>

Of course freedom of religion or belief is a fundamental right protected by international law, but the right to its manifestation is not absolute and cannot be used to undermine the rights of others.

The situation for LGBTI people is extremely grave in some parts of the OSCE region. Because the stakes are so high, we cannot afford to tolerate the intolerant. We urge the OSCE to increase pressure on those states who too often not only give privileged weight the intolerant views of their religious institutions but enact laws on the basis of such intolerant beliefs.