

1 July 2010

SOUTH AFRICAN CIVIL SOCIETY ORGANISATIONS CALL ON  
GOVERNMENT TO WITHDRAW HOMOPHOBIC STATEMENTS MADE BY  
SOUTH AFRICAN REPRESENTATIVE TO THE UNITED NATIONS

As a broad range of civil society organisations, we are profoundly disturbed by the nature, content and potential impact of the homophobic stance taken by Jerry Matjila, South Africa's representative at the United Nations Human Rights Council in Geneva, on the 16<sup>th</sup> of June 2010.

This stance is the latest in a string of problematic actions by South African representatives in international forums such as the UN. These include South Africa's failure to support the December 2008 UN General Assembly Joint Statement on Human Rights, Sexual Orientation and Gender Identity and South Africa's vote to remove "sexual orientation" from the grounds of unlawful killings in the UN General Assembly Resolution on Extrajudicial Executions.

In a discussion on a report by the Special Rapporteur on Racism, Matjila said that to protect gay people, "demeans the legitimate plight of the victims of racism".

It is clear that this sentiment is contrary to the country's Constitution which states:

*"The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth."*

Matjila's stance is insensitive to the persecution of LGBTI (lesbians, gays, bisexual, transgender and intersex) people. This persecution seems to be on the rise in several countries on the continent, with a growing number of hate crimes and violence against LGBTIs in South Africa itself. Matjila's stance is a tacit endorsement of this persecution.

We also reject the assertion that upholding equality and dignity for LGBTIs in any way detracts from or "demeans" other plights. To the contrary, we acknowledge that there are multiple and intersecting identities and that the struggles against poverty, racism and all forms of discrimination are intimately connected, that since LGBTI are a subset of the population - millions of whom have been and continue to be victims of racism and racial oppression as well as socio-economic injustices - there will never be full equality until poverty, inequality and racism are effectively and structurally addressed.

We call on the government to immediately and permanently distance themselves from the unconstitutional comments made by Matjila, and to withdraw the statement as that representing South Africa's official position to

the UN Human Rights Committee. To this effect, we will send an open letter to President Zuma and the Minister of International Cooperation, Ms Maite Nkoana Mashabane. Furthermore, following the positive statement by President Zuma condemning the conviction and imprisonment of a Malawian gay couple under discriminatory laws in Malawi, we call on the ruling party and government to consistently and openly speak out and act against homophobia and all forms of oppression. To do so is not a luxury but an absolute necessity as government is required to promote, respect and advance the rights in our Constitution.

We commit ourselves to mobilise the LGBTI community, the rest of civil society and progressive social forces to take public action to challenge and condemn governments' consistent homophobic sentiments at the UN and in other international fora. We will also use such public action to call on government to ensure that South Africa promotes equality and dignity for all.

### **CIVIL SOCIETY SIGNATORIES TO THIS CALL**

Congress of South African Trade Unions (COSATU)

Coalition to End Discrimination

Social Justice Coalition

Treatment Action Campaign (TAC)

Gauteng Democratic Left Forum

Amandla Forum

Lesbian and Gay Equality Project

Section 27 Incorporating the AIDS Law Project

Equal Education

Cooperative and Policy Alternative Centre (COPAC)

Community Media Trust

Students for Law and Social Justice

Reproductive Rights Alliance

Kaleidoscope Youth Network

Gay and Lesbian Memory in Action (GALA)

Engender

Intersex South Africa

Forum for the Empowerment of Women (FEW)  
Gender Dynamix  
Rainbow University of Cape Town  
The Inner Circle  
Jewish Outlook  
Good Hope Metropolitan Community Church  
Unisa Centre for Applied Psychology  
Inclusive and Affirming Ministries  
Out in Africa Gay and Lesbian Film Festival  
Sex Workers Education and Advocacy Taskforce (SWEAT)  
Womens Net  
SA Gay and Lesbian Network  
Lesbians, Gays and Bisexuals of Botswana (LEGABIBO)  
Freedom and Roam Uganda  
Sexual Minorities Uganda  
LAMBDA Mozambique  
Kenya Human Rights Commission (KHRC)  
International Gay and Lesbian Human Rights Commission (IGLHRC)