



***STATEMENT OF THE HOLY SEE DELEGATION
AT THE 63rd SESSION OF THE GENERAL ASSEMBLY
OF THE UNITED NATIONS ON THE DECLARATION
ON HUMAN RIGHTS, SEXUAL ORIENTATION AND GENDER IDENTITY
(18 DECEMBER 2008)***

The Holy See appreciates the attempts made in the *statement on human rights, sexual orientation and gender identity* –presented at the UN General Assembly on 18 December 2008- to condemn all forms of violence against homosexual persons as well as urge States to take necessary measures to put an end to all criminal penalties against them.

At the same time, the Holy See notes that the wording of this *statement* goes well beyond the abovementioned and shared intent.

In particular, the categories ‘sexual orientation’ and ‘gender identity’, used in the text, find no recognition or clear and agreed definition in international law. If they had to be taken into consideration in the proclaiming and implementing of fundamental rights, these would create serious uncertainty in the law as well as undermine the ability of States to enter into and enforce new and existing human rights conventions and standards.

Despite the *statement’s* rightful condemnation of and protection from all forms of violence against homosexual persons, the document, when considered in its entirety, goes beyond this goal and instead gives rise to uncertainty in the law and challenges existing human rights norms.

The Holy See continues to advocate that every sign of unjust discrimination towards homosexual persons should be avoided and urges States to do away with criminal penalties against them.

