



**Joint Statement on behalf of OIC by the Permanent Representative of
Pakistan to the UN, Geneva on document No.GB.347/PFA/1, i.e., the
Director General's Program & Budget Proposals for 2024-25
347th Session of the ILO Governing Body**

13 March 2023

Mr. Chairman,

We take the floor, on behalf of the OIC and a cross-regional group of countries, to express our joint opposition to the use of controversial concepts such as 'sexual orientation and gender identity in document No.GB.347/PFA/1, i.e., the Director General's Program & Budget Proposals for 2024-25

We reject the language referring to this concept in these documents because it represents neither the legality in international law nor universal human values.

We have repeatedly expressed our strong concerns numerous times. We had urged using consensus language already agreed upon by tripartite constituents in the "Global call to action for a human-centered recovery from the COVID-19 crisis that is inclusive, resilient and sustainable" in June 2021 and the "resolution concerning inequalities and the world of work" in December 2021.

We are disappointed to see moves to drive controversies in ILO's work despite clear objections by a large body of member states. As an international standard-setting body, a vitiated environment of divisiveness and forcing a minority view on the rest does not augur well for the future. Global coalitions on social justice cannot be established by undermining respect for the cultures and values of member states. *The imposition of such a concept risk overshadowing or weakening the ILO's core work and, conversely, leads to polarization.*

In this regard, we would like to highlight the following concerns once again:

First, the concept of "Sexual Orientation and Gender Identity" (SOGI) is neither defined nor agreed either in international labor or human rights law.

Second, international human rights and labor law have codified legal grounds for discrimination, and SOGI is not among these universally agreed grounds.

Third, international human rights and labor law provide sufficient grounds to protect rights and privacy and counter discrimination obviating the need to elevate personal sexual preferences as a fundamental right.

Four, applying the test of universality to any emerging concept is essential for its acceptance as an internationally agreed norm, rule, or standard.

For these reasons, we reiterate that efforts to mainstream this concept in documents of ILO need to be revisited as they represent a clear deviation from key human rights principles of universality, equality, impartiality, and objectivity. Such efforts also undermine the enjoyment of social and cultural rights of people according to their own national laws, traditions, and beliefs.

We reiterate the importance of upholding international law in state practice and inter-governmental processes.

We also reaffirm that mandates of International Organizations such as the ILO must be guided by international law, their respective constitutions, and consensus-based decisions.

We wish to underscore that using highly contested resolutions at the UN bodies and counterintuitive interpretations by human rights treaty bodies and special procedures do not create any legally binding obligations for States. These assertions cannot be presented as universally agreed documents.

Therefore, decisions beyond consensus mandates will always be legally untenable, operationally controversial, and financially unsustainable for international organizations.

We, therefore, urge once again that documents issued by international organizations such as ILO should use universally agreed language and concepts to avoid stunting cross-regional and cross-cultural international cooperation and creating legal complexities.

Our opposition to using controversial language and concepts remain consistent and encompasses any document issued in the past.

We affirm that states' sovereignty and right to uphold their cultural, religious, and ethical values remain immutable.

We have already cautioned that national implementation of programs flowing from a contentious mandate incompatible with member states' domestic laws and culture will have financial, legal, and political problems, as it puts this document without legal or obligatory value for national implementation.

Once again, we call for removing contentious and legally untenable language lacking universality and acceptance in member states from the GB.347/PFA/1, i.e., The Director General's Program & Budget Proposals for 2024-25.

We, therefore, wish to conclude that the draft decision seeking the Governing Body's approval of the program & budget document is not acceptable in its current form. We reiterate our call to reach a consensus on the issue with a cooperative and constructive approach.
