

JOINT NEWS RELEASE

Index: IOR 41/012/2011

17 June 2011

Historic Decision at the United Nations: Human Rights Council Passes First-Ever Resolution on Sexual Orientation and Gender Identity

(Geneva, June 17, 2011) In a groundbreaking achievement for upholding the principles of the Universal Declaration of Human Rights (UDHR), the United Nations Human Rights Council (the Council) has passed a resolution on human rights violations based on sexual orientation and gender identity (L9/rev1).

The resolution, presented by South Africa along with Brasil and 39 additional co-sponsors from all regions of the world, was passed by a vote of 23 in favour, 19 against, and 3 abstentions. A list of how States voted is below.

In its presentation to the Council, South Africa recalled the UDHR noting that “everyone is entitled to all rights and freedoms without distinction of any kind” and Brasil called on the Council to “open the long closed doors of dialogue”.

Today’s resolution is the first UN resolution ever to bring specific focus to human rights violations based on sexual orientation and gender identity, and follows a joint statement on these issues delivered at the March session of the Council. It affirms the universality of human rights, and notes concern about acts of violence and discrimination based on sexual orientation and gender identity. This commitment of the Human Rights Council sends an important signal of support to human rights defenders working on these issues, and recognises the legitimacy of their work.

“The South African government has now offered progressive leadership, after years of troubling and inconsistent positions on the issue of sexual orientation and gender identity. Simultaneously, the government has set a standard for themselves in international spaces. We look forward to contributing to and supporting sustained progressive leadership by this government and seeing the end of the violations we face daily”. (Dawn Cavanagh, Coalition of African Lesbians)

The resolution requests the High Commissioner for Human Rights to prepare a study on violence and discrimination on the basis of sexual orientation and gender identity, and calls for a panel discussion to be held at the Human Rights Council to discuss the findings of the study in a constructive and transparent manner, and to consider appropriate follow-up.

“That we are celebrating the passage of a UN resolution about human rights violations on the basis of sexual orientation is remarkable, however the fact that gender identity is explicitly named truly makes this pivotal moment one to rejoice in,” added Justus Eisfeld, Co-Director of GATE. “The Human Rights Council has taken a step forward in history by acknowledging that both sexual and gender non-conformity make lesbian, gay, trans* and bi people among those most vulnerable and indicated decisively that States have an obligation to protect us from violence.”

"As treaty bodies, UN special procedures, and national courts have repeatedly recognised, international human rights law prohibits discrimination on the grounds of sexual orientation and gender identity." (Alli Jernow, International Commission of Jurists)

The resolution is consistent with other regional and national jurisprudence, and just this week, the 2011 United Nations Political Declaration on HIV and AIDS recognised the need to address the human rights of men who have sex with men, and the Organization of American States adopted by consensus a resolution condemning violence and discrimination on the basis of sexual orientation and gender identity.

Earlier in this 17th session of the Human Rights Council, the UN Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, reported to the Council that: "[C]ontributory factors for risk of violence include individual aspects of women's bodily attributes such as race, skin colour, intellectual and physical abilities, age, language skills and fluency, ethnic identity and sexual orientation."

The report also detailed a number of violations committed against lesbian, bisexual and trans women, including cases of rape, attacks and murders. It is therefore regrettable that a reference to "women who face sexuality-related violence" was removed from the final version of another resolution focused on the elimination of violence against women during the same session.

"Despite this inconsistency, we trust the UN resolution on sexual orientation and gender identity will facilitate the integration of the full range of sexual rights throughout the work of the UN." (Meghan Doherty, Sexual Rights Initiative)

A powerful civil society statement was delivered at the end of the session, welcoming the resolution and affirming civil society's commitment to continuing to engage with the United Nations with a view to ensuring that all persons are treated as free and equal in dignity and rights, including on the grounds of sexual orientation and gender identity.

"Now, our work is just beginning", said Kim Vance of ARC International. "We look forward to the High Commissioner's report and the plenary panel next March, as well as to further dialogue with, and support from, those States which did not yet feel able to support the resolution, but which share the concern of the international community at these systemic human rights abuses."

ARC International

Amnesty International

CAL – Coalition of African Lesbians

COC Nederland

Council for Global Equality

GATE - Global Action for Trans* Equality

Heartland Alliance for Human Needs & Human Rights

Human Rights Watch

IDAHO - International Day Against Homophobia and Transphobia

IGLHRC - International Gay and Lesbian Human Rights Commission

ILGA- the International Lesbian, Gay, Bisexual, Trans and Intersex Association

International Campaign Stop Trans Pathologization STP 2012

International Commission of Jurists

International Service for Human Rights (ISHR)

Sexual Rights Initiative

**Thailand's Sexual Diversity Network
Transgender Europe (TGEU)**

Records of Vote and Co-Sponsorship

States supporting the resolution: Argentina, Belgium, Brazil, Chile, Cuba, Ecuador, France, Guatemala, Hungary, Japan, Mauritius, Mexico, Norway, Poland, Republic of Korea, Slovakia, Spain, Switzerland, Ukraine, Thailand, UK, USA, Uruguay

States against the resolution: Angola, Bahrain, Bangladesh, Cameroon, Djibouti, Gabon, Ghana, Jordan, Malaysia, Maldives, Mauritania, Nigeria, Pakistan, Qatar, Moldova, Russian Federation, Saudi Arabia, Senegal, Uganda.

Abstentions: Burkina Faso, China, Zambia

Absent: Kyrgyzstan, Libya (suspended)

Co-Sponsors of the resolution: Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, and Uruguay.