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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint information presented by 22 A Status NHRIs*.

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Joint Statement on behalf of the following A status NHRIs: Human Rights Defender of the Republic of Armenia, Australian Human Rights Commission, Defensor del Pueblo de Bolivia, Ombudsman of Bosnia and Herzegovina, Canadian Human Rights Commission, Instituto Nacional de Derechos Humanos de Chile, Defensor del Pueblo de la República de Colombia, Defensoría del Pueblo de la República de Ecuador, Office of the Public Defender of Georgia, German Institute for Human Rights, Great Britain Equality and Human Rights Commission, Greek National Commission for Human Rights, Procuraduría de los Derechos Humanos de Guatemala, National Human Rights Commission of Mongolia, National Human Rights Commission of Nepal, Netherlands Institute for Human Rights, New Zealand Human Rights Commission, Northern Ireland Human Rights Commission, Scottish Human Rights Commission, South African Human Rights Commission, Defensoría del Pueblo of the Bolivarian Republic of Venezuela, Ukrainian Parliament Commissioner for Human Rights** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.



Annex

[English only]

Joint statement on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity

Dear Mr President,

This is a joint statement on behalf of the following A status NHRIs: **Human Rights Defender of the Republic of Armenia, Australian Human Rights Commission, Defensor del Pueblo de Bolivia, Ombudsman of Bosnia and Herzegovina, Canadian Human Rights Commission, Instituto Nacional de Derechos Humanos de Chile, Defensor del Pueblo de la República de Colombia, Defensoría del Pueblo de la República de Ecuador, Office of the Public Defender of Georgia, German Institute for Human Rights, Great Britain Equality and Human Rights Commission, Greek National Commission for Human Rights, Procuraduría de los Derechos Humanos de Guatemala, National Human Rights Commission of Mongolia, National Human Rights Commission of Nepal, Netherlands Institute for Human Rights, New Zealand Human Rights Commission, Northern Ireland Human Rights Commission, Scottish Human Rights Commission, South African Human Rights Commission and the Defensoría del Pueblo of the Bolivarian Republic of Venezuela, Ukrainian Parliament Commissioner for Human Rights.**

We, as National Human Rights Institutions (NHRI) accredited under the Paris Principles,¹ are charged with the obligation to protect and promote human rights of all individuals without prejudice or discrimination.

We recall the previous joint NHRI statements on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, presented at the 23rd session of the Human Rights Council in 2013 and the 19th session in 2012.

We highlight the unique and crucial role of NHRIs in protecting and promoting the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI)² and call on States to ensure that NHRIs have the necessary resources to fulfil their mandate. We encourage and welcome the Human Rights Council and the Office of the High Commissioner for Human Rights to work with NHRIs to strengthen their capacity to address issues affecting LGBTI people.

As NHRIs working in a diversity of cultures and societies and across all regions, we express our concern that discrimination and human rights violations on the grounds of sexual orientation and gender identity continue to occur in all regions of the world. We urge the Human Rights Council to address these violations in an ongoing and systematic way, recognising that there is a need to give equitable focus to human rights violations on the

¹ Principles relating to the Status of National Institutions (The Paris Principles) adopted by UN General Assembly, *National institutions for the promotion and protection of human rights*, UN Doc A/RES/48/134 (20 December 1993).

² The terms lesbian, gay, bisexual, transgender and intersex are abbreviated to LGBTI. These terms are used to refer to same-sex behaviour, identities or relationships, diverse gender identities and sex characteristics.

basis of gender identity, intersex status and sexual orientation. We emphasise the right of LGBTI persons to an effective legal remedy and recall the obligations of States to ensure a prompt and effective investigation into such human rights violations.

We welcome the commitment of the Secretary General, the High Commissioner for Human Rights, the Human Rights Council, special procedures, treaty bodies, non-governmental organisations and human rights defenders working to address the issue of violence and discrimination based on sexual orientation and gender identity and against intersex persons around the world.

We sincerely commend and thank Navi Pillay for her leadership and support for LGBTI rights during her term as High Commissioner, and encourage the new High Commissioner for Human Rights Zeid Ra'ad Zeid Al-Husseini to continue and strengthen this work.

At the regional level, we welcome the recent adoption of the resolution on the *Protection against Violence and other Human Rights Violations against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity* by the African Commission on Human and Peoples' Rights at the meeting of the 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014.³

We note the steps taken by the Human Rights Council to highlight the violence, discrimination and human rights abuses faced by LGBTI globally, by adopting the first UN resolution focused on the human rights of LGBTI people in 2011.⁴

We further welcome the joint statements of States made to the Human Rights Council and the General Assembly in 2011, 2008 and 2006.⁵ However, we note with concern the lack of sustained attention to the issues by the Human Rights Council, and call for unity and ongoing dialogue to ensure that the Council maintains the universality, indivisibility and interdependence of all human rights, including LGBTI rights.⁶

We encourage all Member States to engage in open and constructive dialogue to ensure that a resolution is presented to the Human Rights Council at an upcoming session, and that all resolutions presented to this Council respect and protect the rights of LGBTI persons.

We call on the Human Rights Council to establish an appropriate mechanism to study, document and report to the Human Rights Council concerning human rights violations, barriers and challenges on the basis of sexual orientation, gender identity and for intersex persons. These mechanisms should also promote dialogue, identify best practice and provide guidance to States and other UN bodies on human rights, sexual orientation and gender identity.

³ The African Commission on Human and Peoples' Rights, *Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity*, Res 275, 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, (28 April to 12 May 2014).

⁴ UN Human Rights Council, *Human Rights, Sexual Orientation and Gender Identity*, Res 17/19, UN Doc A/HRC/RES/17/19 (17 June 2011).

⁵ *Joint statement on ending acts of violence and related human rights violations based on sexual orientation & gender identity* was delivered to the Human Rights Council on behalf of 85 countries in 2011. This follows previous statements including a 2008 statement by 67 countries at the General Assembly, and a 2006 statement by 54 countries at the Human Rights Council.

⁶ See, *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity* (2007). Available at: http://www.yogyakartaprinciples.org/principles_en.htm (viewed 27 August 2014).

As NHRIs, we renew our commitment to promote and protect human rights for all, including LGBTI people. We will continue to work with States, civil society, the Human Rights Council and other international mechanisms to ensure these human rights violations are adequately addressed and the rights of LGBTI persons are visible.
