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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

Albania, Australia,* Austria,* Belgium, Canada,* Chile, Colombia,* Cyprus,* Denmark,* Ecuador,* Estonia,* Finland, France, Germany, Greece,* Iceland,* Ireland,* Israel,* Latvia,* Lithuania, Luxembourg, Malta,* Mexico,* Montenegro, Netherlands (Kingdom of the), New Zealand,* Norway,* Portugal,* Slovenia,* South Africa, Sweden,* United States of America and Uruguay*: draft resolution

55/... Combating discrimination, violence and harmful practices against intersex persons

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the commitments of all States to respect and protect all human rights and fundamental freedoms in accordance with their obligations,

Reaffirming also the Universal Declaration of Human Rights, which affirms that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the optional protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant international human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action, which affirms that all human rights are universal, indivisible and interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming also the commitments contained in the Sustainable Development Goals, notably Goal 3 on good health and well-being,

* State not a member of the Human Rights Council.



Taking note of all relevant statements, observations and notes issued by the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the work of the treaty bodies, inter alia, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child on the human rights of persons with innate variations in sex characteristics,

Recognizing that persons with innate variations in sex characteristics, that is persons who are born with sex characteristics that do not fit typical definitions for male or female bodies, including sexual anatomy, reproductive organs and hormonal or chromosome patterns (also known as intersex persons) exist in all societies,

Recognizing also that, throughout their lives, persons with innate variations in sex characteristics may face multiple and intersecting forms of discrimination in all areas of life, such as access to education, health, employment, sports and social security, as well as restrictions on the exercise of legal capacity and in access to remedies and justice,

Expressing grave concern about the violence and harmful practices that persons with innate variations in sex characteristics, including children, face in all regions of the world, including medically unnecessary or deferrable interventions, which may be irreversible, with respect to sex characteristics, performed without the full, free and informed consent of the person, and in the case of children without complying with the provisions of the Convention on the Rights of the Child,

1. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, to be made available in accessible formats and to be presented to the Human Rights Council at its sixtieth session, drawing upon the expertise of the Human Rights Council Advisory Committee, examining in detail discriminatory laws and policies, acts of violence and harmful practices against persons with innate variations in sex characteristics, in all regions of the world, and their root causes, and also examining best practices, including legal protection and remedies, especially when addressing the realization of the right to the enjoyment of the highest attainable standard of physical and mental health, and based on information from States, treaty bodies, the special procedures of the Human Rights Council, United Nations agencies, funds and programmes, regional mechanisms, academia, health professionals, national human rights institutions, civil society, including organizations representing intersex persons, and other relevant stakeholders;

2. *Decides* to convene a panel discussion at its sixtieth session, accessible to persons with disabilities and open to the participation of States, the Advisory Committee, relevant treaty bodies and the special procedures of the Human Rights Council, United Nations agencies, funds and programmes, regional mechanisms, academia, health professionals, national human rights institutions, civil society, including organizations representing intersex persons, and other relevant stakeholders on discriminatory laws and policies, acts of violence and harmful practices against persons with innate variations in sex characteristics, in all regions of the world, and their root causes, including misconceptions and inaccurate information, and also examining best practices, especially when addressing the realization of their right to the enjoyment of the highest attainable standard of physical and mental health, and requests the Office of the High Commissioner to organize the panel discussion;

3. *Encourages* States, in collaboration with relevant international and regional organizations, to enhance efforts to combat discrimination, violence and harmful practices against persons with innate variations in sex characteristics and address their root causes, such as stereotypes, the spread of misconceptions and inaccurate information, stigma and taboo, and to work to realize the enjoyment of the highest attainable standard of physical and mental health for persons with innate variations in sex characteristics;

4. *Decides* to remain seized of this issue.