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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,* Andorra,* Argentina, Australia,* Austria,* Belgium,* Brazil, Bulgaria,* Canada,* Chile,* Colombia,* Costa Rica,* Croatia,* Cyprus,* Czechia, Denmark,* Ecuador,* Estonia,* Fiji,* Finland, France, Georgia,* Germany, Greece,* Iceland,* Ireland,* Israel,* Italy,* Latvia,* Liechtenstein,* Lithuania, Luxembourg, Malta,* Mexico, Montenegro, Netherlands, New Zealand,* North Macedonia,* Norway,* Peru,* Portugal,* Romania,* Slovakia,* Slovenia,* South Africa,* Spain,* Sweden,* Switzerland,* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay* : draft resolution

50/... Mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly stated that the Human Rights Council should be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Recalling also Human Rights Council resolutions 17/19 of 17 June 2011, 27/32 of 26 September 2014, 32/2 of 30 June 2016 and 41/18 of 12 July 2019,

Recalling further Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling that the Vienna Declaration and Programme of Action 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,

Recognizing that, throughout their life, persons may be subjected to violence and multiple, intersecting and systemic forms of discrimination based on their sexual orientation or gender identity, and the way these grounds are compounded by, inter alia, race, ethnicity, socioeconomic status, disability or age, in private and public spaces, both online and offline,

* State not a member of the Human Rights Council.



Reaffirming the importance of non-discrimination stemming from international human rights law and of promoting the achievement of substantive equality for persons who face discrimination based on sexual orientation and gender identity, including by eliminating the root causes of structural discrimination against them,

Welcoming the positive developments at the international, regional and national levels in the fight against violence and discrimination based on sexual orientation and gender identity, and the contribution of the mandate of Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity in this regard,

Recognizing the positive contributions of civil society to the work of the mandate of Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity, and stressing States' responsibility to create and maintain a safe and enabling environment in which civil society, including civil society working to address these issues, can operate free from hindrance and insecurity, both online and offline,

Expressing strong concern at existing laws, policies and practices criminalizing consensual same-sex conduct and relations and expressions of gender identity, and at those used to harass, arbitrarily detain, prosecute and discriminate against individuals on the basis of their sexual orientation and gender identity,

1. *Welcomes* the work undertaken by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity in the implementation of the mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, the thematic reports and the undertaking of country visits to different regions;¹

2. *Strongly deplores* acts of violence and discrimination, in all regions of the world, committed against individuals on the basis of their sexual orientation or gender identity;

3. *Calls upon* States to amend or repeal laws and policies that discriminate against persons on the basis of their sexual orientation and gender identity, and to take effective measures to prevent, investigate and, where applicable, to prosecute acts of violence and discrimination based on those grounds, both online and offline;

4. *Decides* to extend the mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 32/2;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the human, technical and financial resources necessary for the continuation of the effective fulfilment of the mandate;

6. *Calls upon* all Governments to cooperate with and assist the Independent Expert by supplying all necessary information requested by the mandate holder, and responding favourably to the requests of the Independent Expert to visit their countries to fulfil the mandate more effectively;

7. *Requests* the Independent Expert to continue to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their respective programmes of work.

¹ See A/HRC/50/27 and Add.1.