
Advance edited version

Distr.: General
12 July 2016

Original: English

Human Rights Council

Thirty-second session

Agenda item 3

Resolution adopted by the Human Rights Council on 30 June 2016**32/2. Protection against violence and discrimination based on sexual orientation and gender identity**

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights,

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,

Recalling also 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 further Human Rights Council resolutions 17/19 of 17 June 2011 and 27/32 of 26 September 2014,

Stressing the need to maintain joint ownership of the international human rights agenda and to consider human rights issues in an objective and non-confrontational manner,

Undertaking to support its broad and balanced agenda, and to strengthen the mechanisms addressing issues of importance, including fighting racism, racial discrimination, xenophobia and related intolerance in all their forms,

Reiterating the importance of respecting regional, cultural and religious value systems as well as particularities in considering human rights issues,

Underlining the fundamental importance of respecting relevant domestic debates at the national level on matters associated with historical, cultural, social and religious sensitivities,

Deploring the use of external pressure and coercive measures against States, particularly developing countries, including through the use and threat of use of economic

sanctions and/or the application of conditionality to official development assistance, with the aim of influencing the relevant domestic debates and decision-making processes at the national level,

Concerned by any attempt to undermine the international human rights system by seeking to impose concepts or notions pertaining to social matters, including private individual conduct, that fall outside the internationally agreed human rights legal framework, and taking into account that such attempts constitute an expression of disregard for the universality of human rights,

Underlining that the present resolution should be implemented while ensuring respect for the sovereign right of each country as well as its national laws, development priorities, the various religious and ethical values and cultural backgrounds of its people, and should also be in full conformity with universally recognized international human rights,

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

1. *Reaffirms* 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 Universal Declaration of Human Rights, 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;

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

3. *Decides* to appoint, for a period of three years, an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, with the following mandate:

(a) To assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, while identifying both best practices and gaps;

(b) To raise awareness of violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination;

(c) To engage in dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(d) To work in cooperation with States in order to foster the implementation of measures that contribute to the protection of all persons against violence and discrimination based on sexual orientation and gender identity;

(e) To address the multiple, intersecting and aggravated forms of violence and discrimination faced by persons on the basis of their sexual orientation and gender identity;

(f) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts to combat violence and discrimination against persons on the basis of their sexual orientation or gender identity;

4. *Requests* the Independent Expert to report annually to the Human Rights Council, starting from its thirty-fifth session, and to the General Assembly, starting from its seventy-second session;

5. *Calls upon* all States to cooperate with the Independent Expert in the discharge of the mandate, including by providing all information requested, to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries and to consider implementing the recommendations made in the mandate holder's reports;

6. *Encourages* all relevant stakeholders, including United Nations agencies, programmes and funds, human rights mechanisms, national human rights institutions, national independent monitoring frameworks, civil society, the private sector, donors and development agencies to cooperate fully with the Independent Expert to enable the mandate holder to fulfil his or her mandate;

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

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

*41st meeting
30 June 2016*

[Adopted by a recorded vote of 23 to 18, with 6 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Bolivia (Plurinational State of), Cuba, Ecuador, El Salvador, France, Georgia, Germany, Latvia, Mexico, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Algeria, Bangladesh, Burundi, China, Congo, Côte d'Ivoire, Ethiopia, Indonesia, Kenya, Kyrgyzstan, Maldives, Morocco, Nigeria, Qatar, Russian Federation, Saudi Arabia, Togo, United Arab Emirates

Abstaining:

Botswana, Ghana, India, Namibia, Philippines, South Africa]