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# Transgender Human Rights Affirmed

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

by Unknown Author

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**I**n a groundbreaking achievement for upholding the principles of the Universal Declaration of Human Rights (U.D.H.R.), the United Nations Human Rights Council has passed a resolution on human rights violations based on sexual orientation and gender identity (L.9/Rev.1).

***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.***

The resolution, presented by South Africa along with Brazil and 39 additional co-sponsors from all regions of the world, was passed by a vote of 23 in favour, 19 against, and three abstentions.

In its presentation to Council, South Africa recalled the U.D.H.R., noting that "everyone is entitled to all rights and freedoms without distinction of any kind" and Brazil called on the Council to "open the long closed doors of dialogue".

Today's resolution is the first U.N. 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 U.N. 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 Einfeld, Co-Director of G.A.T.E..

**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, U.N. 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 H.I.V. and AIDS recognised the need to address the human rights of men who have sex with men, and the Organisation of American States adopted by consensus a resolution condemning violence and discrimination on the basis of sexual orientation and

gender-identity.

Earlier in this seventeenth session of the Human Rights Council, the U.N. Special Reporter on violence against women, its causes and consequences, Rashida Manjoo, reported to the Council that:

**"[Contributory 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 U.N. resolution on sexual orientation and gender-identity will facilitate the integration of the full range of sexual rights throughout the work of the U.N.."**

**- 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."

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