

## **Council Alert: Human Rights Council action due on sexual orientation and gender identity**

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States will gather in Geneva in one month for the Human Rights Council's 23rd session, to be held from 27 May - 14 June. High on the agenda, and likely to be the subject of considerable controversy, will be how the Council should follow up to its 2011 resolution on sexual orientation and gender identity. The issues of business and its impact on human rights, violence against women, and the freedoms of assembly, association and expression will also receive considerable attention, with experts reporting to the Council on key developments in these areas.

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### **Sexual orientation and gender identity**

In 2011 South Africa led the first [resolution](#) ever adopted by the Council on sexual orientation and gender identity. Two years later follow-up to this resolution is an urgent requirement, to ensure it does not fall off the Council's agenda. With this in mind, a series of regional meetings have been held, in Kathmandu, Brasilia, Banjul and Paris, with the aim of identifying the challenges faced by lesbian, gay, bisexual, and transgender persons (LGBT), and to discuss what tools would be the most useful for an effective response. A meeting in Oslo earlier this month brought together the findings of those regional meetings, and key among the [conclusions](#) was the need for the UN to create a mechanism to systematise attention on violations and discrimination against LGBT people.

On such a sensitive issue, the creation of an expert mechanism charged with regular reporting to the Council on developments in the area of LGBT rights would be a huge achievement. It remains to be seen whether South Africa will choose to pursue this goal at the coming session. It is noteworthy, however, that the political composition is the most favourable it has ever been on this issue. ISHR will be engaging closely around this issue, with the goal of ensuring that the UN, including its main human rights body, give sustained attention to and undertake concrete efforts to ending discrimination and violence on grounds of sexual orientation and gender identity, and ensuring human rights for all.

### **Violence against women**

Women's rights will receive attention at this session, with the special rapporteur on violence against women presenting her latest report to States, a report from the Working Group on discrimination against women in law and practice, and a whole day discussion on women's rights.

The Office of the High Commissioner for Human Rights will also present for discussion a [report](#) that examines ways to link the mechanisms of the Council with other relevant intergovernmental processes on the issue of violence against women and girls. Amongst other recommendations the report notes the importance of ensuring that violence against women is adequately addressed in Council resolutions, both country specific and thematic, a goal ISHR pursues in the particular context of violence against women human rights defenders. The report also calls on the General Assembly to ensure that relevant Council experts such as the expert on violence against women, and the working group on discrimination against women in law and practice, are included in its thematic work and debates.

### **Threats to universality**

Following on from Egypt's aborted attempt at the last session of the Council to have a resolution on 'protection of the family' adopted by member States, it is likely that this issue will come up again in next month's session. The last resolution was worryingly narrow, failing to acknowledge that, while the family is important, the rights of individual members of the family must not be subsumed to the family as a group. The resolution also did not take into account that families can take many forms, and a so-called 'traditional family' of husband, wife, and children excludes myriad other cases such as orphaned children being raised by guardians, or one-parent families. As at the last session, ISHR will engage around such initiatives with a view to preserving and bolstering universal human rights standards.

## **Business and human rights**

With the endorsement, in 2011, by the Council of the 'guiding principles on business and human rights', attention has shifted to the implementation of these standards. At this session the working group on business and human rights (composed of five experts from different regions of the world) will present its latest [update](#) on implementation of the principles. The experts particularly recommend that States protect human rights defenders from harassment, persecution or reprisals when they seek to access remedies for human rights abuses in connection with corporate activities. The experts noted that they had received many reports of defenders being harassed and persecuted in situations of conflict between businesses and local communities, including instances of arbitrary detention, threats, violence and killings, targeting by armed groups, disappearances, and restrictions of the freedoms of assembly and expression. The experts stress that they are keen to continue to receive such information as they develop recommendations to States, businesses and other actors.

A panel will also be organised with UN programmes and agencies during the session to examine how the United Nations system can contribute towards advancing this agenda.

Since its last report the members of the working group carried out their [first country visit](#) to Mongolia, and they will update the Council on the recommendations made. The Council will also hear a report back from the 2012 forum on business and human rights, where the need to protect the human rights of defenders was also discussed. ISHR will work towards ensuring that future work of the Forum and the Working Group give meaning to the rhetoric of concern about human rights defenders working on corporate accountability by including specific focus on their work and the specific violations and threats they face.

## **Country situations and other issues**

Other debates of interest include those on peaceful assembly and association, and freedom of expression, with the Council's experts on both these issues presenting their reports, while for country situations, the experts on Belarus, Eritrea, the Occupied Palestinian territories and Cote d'Ivoire will update States on the latest situation. The mandates on Belarus, Eritrea, Cote d'Ivoire, and Somalia are all up for renewal at this session.

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ISHR will provide regular updates in the run-up to the 23rd session of the Human Rights Council and throughout the session on [www.ishr.ch](http://www.ishr.ch) and @ISHRglobal.

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