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Compilation of the Adoption of the 2016 SOGI Resolution 30 June 2016

A compilation of the key statements, documents and outcomes of the adoption of the Resolution establishing the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity



Compiled by:

- Allied Rainbow Communities International (ARC International); and
- the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)



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Introduction

On 30 June 2016, the Human Rights Council (HRC) voted to establish an *Independent Expert on Protection Against Violence and Discrimination based on Sexual Orientation and Gender Identity*.

The establishment of the Independent Expert – a UN Special Procedure – is a tool to ensure sustained and systematic attention by a major organ of the United Nations to human rights violations on grounds of sexual orientation and gender identity, and can reinforce the fact that such human rights violations should be treated with due seriousness under international law.

This mandate can be used by persons from around the world to shed a global spotlight on violations and advances in their own local context; it creates one lever that can be activated in aid of local struggles and gains; it adds one more mode of sharing best practices from national contexts and simultaneously bring appropriate pressure on States – ensuring accountability for violations of human rights and the realization of freedom and equality for all.

The resolution was brought to the HRC by seven States, all from Latin America: Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Uruguay, together termed the “core group”. They filed their draft resolution on 17 June¹. Eleven proposed amendments were then filed on 28 June by Pakistan on behalf of the States of the Organization of Islamic Cooperation (the OIC), except for Albania.

The voting process was therefore destined to be complicated from the start. Finally it involved a series of 17 votes: a preliminary vote on a “no-action motion” – a procedural maneuver aimed to block even discussing the resolution – brought by Saudi Arabia; then 11 votes on the filed OIC amendments; a last-ditch attempt to oppose retention of four separate parts of the text (brought by Qatar and the Maldives); and, finally, the vote on the resolution itself.

The counter arguments were led by Mexico, the only member of the core group actually a member of the HRC in 2016, and ultimately, the resolution passed: 23 votes in favour, 18 against and 6 abstentions, with seven of the amendments having been voted into the text. If you are interested in an overview of the vote of each State, Annex 4 sets this out across all 17 votes. In Annex 5 you will find an annotated version of the resolution showing how the various votes amended or retained the text.

¹ Slightly amended on 28 June 2016

What is of great interest and importance in the entire process is not just the vote outcomes, but also the statements made by various States explaining their votes. This is why we have created this compilation.²

These statements give us an insight into what States think of SOGI issues. Just to illustrate some of the rich documentation on State opinions that follows, we provide here a few examples:

- Ghana stating that while it voted against the SOGI resolution in 2011, *“there has been evolution of thinking, partly because of the Orlando situation, and also because of the resolution of the African Commission on Human and Peoples’ Rights”* so that in 2016 it chose to abstain.
- The United Kingdom making a passionate plea to support the resolution stating: *“By voting against this resolution you are voting to block the UN from trying to stop violence and discrimination. How is that acceptable? This affects people in this room, and people in my team who are LGBT. Are you saying it is OK to discriminate against them based on their sexual orientation and gender identity?”*
- Morocco, a member of the OIC, making an equally passionate plea expressing *“sadness and bitterness”* that the resolution was about to be passed and that the *“draft resolution that is against the values and the beliefs of at least 1.5 billion that belong to one civilization. So what is the message that we would like to send this civilization and religious community?”*
- Mexico stating clearly in response: *“States should not hide themselves under the sovereignty, national law, development priorities or religious and ethical values in order not to respect human rights. It is part of this Council’s mandate to promote and respect human rights over any particular consideration, even cultural practices or national legislation.”*
- Albania, a member of the OIC speaking in support noting: *“We strongly condemn the violence and discrimination in all its forms and manifestations against any individual on any grounds or basis of a personal trait and we hold inherent dignity of all individuals. We reiterate the universal nature of human rights and its fundamental principles of equality and non-discrimination.”*

² This compilation is based on the publicly-available webcast of the voting procedure that can be found here: <http://bit.do/sogivote2016>

This is not an official transcript of the proceedings. We have transcribed to the best of our abilities the audio statements as heard through the English interpretation channel. On the UN WebTV website, statements not made in English can also be heard in their original language.

- The Philippines, after expressing support for LGBT rights saying *“However, my delegation was not ready to support the establishment of a mandate holder, especially so when the mandate holder to be created would, by its very nature, pursue a set of standards applied to a specific sector when there is no consensus on a set of universally-accepted human rights standards.”*
- Mexico, calmly countering amendment after amendment: *“The one and only purpose of this resolution is to address the violence and discrimination that millions of persons around the world suffer on a daily basis... Let us give hope and dignity to millions.”*

The above is merely illustrative of the range and depth of issues which were tackled in the 3.5 hour marathon voting session. The statements by 29 diverse States tell us about their understanding of SOGI, their notion of the appropriate balance between cultural and religious sensitivities with the respect for human rights, divergent views of the meaning of universality, and much, much more. You will find strong arguments and weak. You will see what irks some governments and inspires others. You can find governments ambassadors struggling to talk about sexuality. You can even find a reference to astronauts.

If you can, do take time to digest the explanation of the amendments; to read the Explanations of Vote by countries at the end. Study again the reasons given by States to oppose amendment after amendment. Perhaps you are mainly interested in what a particular government has said, and so we have provided in Annex 6 an index for you to quickly find when a particular State speaks. For further reading, or to contact us, you will find some links in Annex 7.

Finally, we acknowledge gratefully the work of Avinaba Dutta who painstakingly transcribed the entire proceedings.

We sincerely hope that this compilation will be a useful tool to you in your work.

ILGA – International Lesbian, Gay, Bisexual, Trans and Intersex Association

ARC-International

Transcription of the Adoption of the Resolution

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This document is not an official transcript of the proceedings. We have transcribed to the best of our abilities the audio statements as heard through the English interpretation channel. On the above website, statements not made in English can also be heard in their original language.

Each speaker is identified by the State they represent, their name and the point in the webcast when they speak.

Chapter 1

Presenting the Resolution

Members of the core group of States (Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Uruguay) presented the draft resolution to the Council.

The resolution as filed by them can be found in Annex 1.

1.1 President of the HRC, Mr. Choy Kyonglim – 00: 00: 14



The Council will now consider draft proposal L.2/Rev.1 entitled “Protection Against Violence and Discrimination based on Sexual Orientation and Gender Identity”.

I give the floor to the representative of Chile to introduce the draft text .

1.2 Chile, Ms. Marta Maura – 00:00:43



Thank you Mr. President.

On behalf of the core group made up of Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Uruguay we have the honor of presenting for adoption in the Council the draft resolution on protection against violence and discrimination based on sexual orientation and gender identity. To-date the Human Rights Council has formally adopted this topic through two resolutions in which the High Commissioner was requested to present reports. The last report underscores the general framework of the continuing and widespread human rights violations committed frequently with impunity because of sexual orientation and gender identity. And also it underscores how thousands of people

have been killed and many more wounded in brutal and violent attacks. It also underscores the insufficiency of the current agreements and the need for a mechanism that is specifically covering human rights internationally with a systematic focus and comprehensive focus on this item. Filling this gap – this void – is what drives this initiative. With your leave, Mr. President, I will give this floor to Uruguay.

1.3 Uruguay, Mr. Ricardo González Arenas – 00:02:09



Thank you.

Violence and discrimination for reasons of sexual orientation and gender identity takes place in all regions of the world. All countries face challenges in this matter. We are convinced that the scale and gravity and widespread nature of this type of violence and discrimination requires a specific response from the Council through a specialized mechanism. This is the reason for which we propose the creation of a mandate for an Independent Expert. The Council has done so for other people that are suffering violence and discrimination based on their personal features – race, color, gender, age, people with albinism or disabilities.

The naming of an Independent Expert is a crucial step for reducing the protection gap and identifying the ways to reduce the high level of violence and discrimination that currently takes place in all regions of the world as a result of sexual orientation and gender identity. With your leave, I would give the floor to the distinguished ambassador of Brazil.

1.4 Brazil, Ms. Regina Maria Cordeiro Dunlop – 00:03:22



President, we are convinced that the principles that are guiding us are shared by the international community – *“all human beings are born free and equal in dignity and rights”*. There is no country or region that tolerates or supports violence and discrimination.

There are no countries and no regions that oppose dialogue. This initiative seeks to promote the needed dialogue if we are to put an end to violence and discrimination based on sexual orientation and gender identity. This is based on the Universal Declaration of human rights and the Declaration and Program of Action of Vienna. This was the spirit of the core group during their process of consultation that were open to the participation of all countries and all groups. With constructive motivation, we circulated an explicative conceptual note and we had the draft resolution translated into all the official languages at the United Nations.

We call upon all member states of the Council to support this draft resolution as it is, fully, and to comply with the promise to “not leave anyone behind”. Thank you very much Mr. President.

Chapter 2

The No-Action Motion

Saudi Arabia called for a “no-action motion” under rule 116 of the rules of procedures of the General Assembly.

Rule 116 reads:

Adjournment of debate

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The Chairman may limit the time to be allowed to speakers under this rule.

The no-action motion was defeated by a vote of 15 in favor, 22 against and 9 abstentions.

2.1 President of the HRC, Mr. Choy Kyonglim – 00: 04: 45

I recognize the distinguished representative of Saudi Arabia on a point of order. You have the floor.

2.2 Saudi Arabia, Mr. Faisal Bin Hassan Trad – 00:05:01



Thank you Mr. President. Mr. President, the delegation of Saudi Arabia requests a no action motion on document L.2/Rev.1 in accordance with the rule 116 of the rules of procedures of the General Assembly. Excellency, this is the last attempt to make the main sponsor understand the fatal implication that will result from the consideration of this polarizing and deeply divisive proposal that does not realize the cultural differences and the diverse systems that exist between our countries.

This is an initiative that might incur irreversible damage to the future of the Human Rights Council at large – a price that we shall collectively pay particularly while we

commemorate the 10th anniversary of the Council. While we are all starting to enhance cooperation and understanding to promote protection of all recognized human rights as enshrined in the Universal Declaration and the two covenants, we call on the main sponsors to reconsider their decision to present this draft resolution.

We do not consider invoking rule 116 of the rule of procedures as a procedural tactic to block the debate as claimed internationally by a few delegations. Adjournment of the consideration is a legitimate method under the rules of procedures and we consider it also as a substantive message to register that this draft is not welcome in Room XX because it's contrary to International Human Rights laws and reflects deep disregard to the universality of human rights. For these reasons the delegation of the Kingdom of Saudi Arabia asks a no-action motion on L.2 and will vote "yes" to this motion. We urge member states to also vote "yes" to this motion and adjourn the debate on L.2.

Thank you Mr. President.

2.3 President of the HRC, Mr. Choy Kyonglim – 00:07:30

Thank you very much. I understand that Saudi Arabia is actually moving the adjournment of the debate on draft proposal L.2/Rev.1. Let me read the relevant segment of rule 116 of the rules of procedures for the benefit of all. It reads:

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote.

Accordingly I shall give the floor first to two speakers against the motion to adjourn the debate.

I give the floor to the distinguished representative of Mexico.

2.4 Mexico, Mr. Jorge Lomónaco – 00:08:39



Thank you President.

President, my delegation opposes categorically to the non-action motion and we ask that it be put to a vote. My delegation deplores that a group of countries seek to take refuge behind a procedural rule conceived for other purposes in order to prevent the Human Rights Council from speaking on an initiative. It is the responsibility of this Council and all of its members to openly and frankly address those situations which undermine human rights around the world. In this motion it is sought that the Council close its eyes to violence and discrimination to which thousands of people are exposed based on their sexual orientation and their gender identity. We might have diverging points of view on substantive issue, but closing the dialogue should not be an option, nor can be an option to hinder progress in human rights protection. Beyond this specific content of the initiative the non-action motion has become a regressive mechanism that makes it impossible for the Council to constructively address these matters and blocks the creation of venues for dialogue which are so necessary and blocks the completion of a mandate. The manner in which the delegations vote on this motion will reflect their commitment to make this Council a place of dialogue and to strengthen the architecture of human rights. Voting for this motion is tantamount to avoiding the responsibilities of the States that they accepted when they became members. It would be closing us off to dialogue and ignoring the suffering of thousands and thousands people. For this reason we invite all the members of this Council to reaffirm their commitment to the mechanism of the body that they decided to be a part of with human rights and we call for this motion to be rejected with a “No”. Thank you.

2.5 President of the HRC, Mr. Choy Kyonglim – 00:10:50

Thank you very much. I give the floor to the distinguished representative of Panama.

2.6 Panama, Ms. Grisselle del Carmen Rodriguez Ramirez – 00:11:02



Thank you Mr. President.

Panama rejects the non-action movement presented by Saudi Arabia. It is clear that what is sought here is the establishment of an escape route. In order to avoid the responsibility, this Council has to promote the universality of all human rights and fundamental

freedoms of all individuals without a distinction and pursuant to resolution 60/200 adopted in the General Assembly. We cannot allow for this regressive tool to continue to be used to block the space for dialogue that is necessary to address such matters in an open and constructive manner.

For my delegation, it is imperative, that this Council addresses all forms of violence and discrimination against any group of people including based on sexual orientation and gender identity – allowing for the promotion and protection of human rights in full compliance with the mandate. For that, which I have just said, we call upon all member States of the Human Rights Council to vote against the non-action motion. Thank you very much Mr. President.

2.7 President of the HRC, Mr. Choy Kyonglim – 00:12:10

Thank you. I shall now give the floor to two speakers in favor of the motion. I give the floor to the distinguished representative of Bangladesh.

2.8 Bangladesh, Mr. Faisal Bin Hassan Trad – 00:12:26

Thank you Mr. President for giving me the floor. My delegation supports the proposal made by the delegation of Saudi Arabia. Thank you.

2.9 President of the HRC, Mr. Choy Kyonglim – 00:12:45

Any other delegation who will speak in favor of the motion? I give the floor to the distinguished representative of Nigeria.

2.10 Nigeria, Mr. Peters Omologbe Emuze – 00:12:55



Thank you Mr. President. Nigeria is taking the floor on behalf of OIC States (except Albania) to speak in support of the no-action motion moved by Saudi Arabia. We believe that the draft resolution L.2 is divisive. The sponsors have refused to agree with the balance in language of human rights tenets recognized across the globe. We are concerned, however, that there is a lack of clarity attached to this current resolution on sexual orientation and gender identity which carries certain worrying implications for eventual limitations on freedom of expression, freedom of opinion, freedom of religion

and certain responsibilities on the part of society and the State under international law. This is especially the case in light of the fact that sexual orientation and gender identity are not actually defined by the tabled resolution, nor is discrimination. We are of the view that the particular ideological view of this controversial issues cannot be imposed by a bare majority of the Human Rights Council and they must instead fall within the purview of each individual State in accordance with the principle of national sovereignty. The nomination of an Independent Expert is concerning for the same reasons as it will effectively mean that LGBT agenda as it has played-out in Western nations will be advanced at the United Nations under the guise of impartiality and expertise, including on issues such as same-sex marriage and same-sex adoption rights, which go far beyond matters of gross mistreatment and violence. The draft clearly demonstrates that those behind this resolution have not considered the opinion of the vast majority of UN member States. In fact, the draft L.2 is intended to defy the cultures and traditions of the global majority regardless of the consequences. We believe that resolutions adopted in the Human Rights Council must be democratic and oppose the law of equity. L.2 represents a clear departure from the combined wisdom of the Declaration of Human Rights and calls into question the legality of such an action under the guise of protection of gays and lesbians.

Mr. President, allow me to remind this august body that this issue has not been recognized by the vast majority of legal systems as part of the international human rights structure, and that it has not received sanction by any legal framework, outside the acceptance of its existence in special privilege accorded under national law in some States. Due diligence must accrue to look at legislations in our attempts to form concepts and give them global legality. This draft resolution is extremely sensitive and promises to polarize this Council. At a time when the Council should return to its foundational principles as agreed at its inception in UNGA in resolution 60/251, principles such as cooperation and respect for each other's cultural and religious particularities, this resolution is trying to create rancor within the Council. This should be avoided. Nigeria and the OIC thanks all Human Rights Council member states and observers of the Human Rights Council for their understanding and support for this motion and will vote "yes" for this motion. I thank you.

2.11 President of the HRC, Mr. Choy Kyonglim – 00:16:03

Thank you very much. We will now proceed to voting on the motion for adjournment of the debate on draft proposal L.2/Rev.1. If this motion is carried this will imply that there will be no discussion or action taken on draft proposal L.2/Rev.1. So delegations in favor of adjourning the debate should vote “yes”.

HRC32

Are you in favour of adjourning the debate (No action motion - Rule 116)?

NO	ALBANIA	NO	GERMANY	NO	PHILIPPINES
YES	ALGERIA	ABST	GHANA	NO	PORTUGAL
YES	BANGLADESH	ABST	INDIA	YES	QATAR
NO	BELGIUM	YES	INDONESIA	NO	REPUBLIC OF KOREA
NO	BOLIVIA (PLURINATIONAL STATE OF)	ABST	KENYA	YES	RUSSIAN FEDERATION
ABST	BOTSWANA	YES	KYRGYZSTAN	YES	SAUDI ARABIA
YES	BURUNDI	NO	LATVIA	NO	SLOVENIA
YES	CHINA	YES	MALDIVES	ABST	SOUTH AFRICA
YES	CONGO	NO	MEXICO	NO	SWITZERLAND
YES	COTE d'IVOIRE	NO	MONGOLIA	NO	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
	CUBA	YES	MOROCCO	ABST	TOGO
NO	ECUADOR	ABST	NAMIBIA	YES	UNITED ARAB EMIRATES
NO	EL SALVADOR	NO	NETHERLANDS	NO	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
ABST	ETHIOPIA	YES	NIGERIA	NO	VENEZUELA (BOLIVARIAN REPUBLIC OF)
NO	FRANCE	NO	PANAMA	ABST	VIET NAM
NO	GEORGIA	NO	PARAGUAY		
	YES	15	NO	22	ABST 9

The results of the recorded votes are as follows: 15 in favor; 22 against and 9 abstentions. The motion for the adjournment of the debate is therefore rejected. Copies of the result of the vote will shortly be distributed.

The motion having been rejected we will, therefore, now proceed to debate L.2/Rev.1.

Chapter 3

The Eleven Amendments

3.1 Introduction

Pakistan, on behalf of the OIC (except Albania) presented 11 amendments to the draft resolution. These can be found in Annex 2. In addition, the Maldives and Qatar requested that after the amendments were considered that there be four separate votes on the text.

3.2 The Amendments presented as a whole

3.2.1 President of the HRC, Mr. Choy Kyonglim - 00:18:10

We will now proceed to the introduction of written amendments to L.2/Rev.1. And I give the floor to the distinguished representative of Pakistan to introduce L71 to L81. For saving time, I would like to ask the representative to introduce all amendments contained in different 'L' documents together.

3.2.2 Pakistan, Ms. Tehmina Janjua - 00:18:54



Thank you Mr. President.

Mr. President, I present these amendments on behalf of OIC member and observer States (except Albania). OIC member and observer States would like to place on record OIC's condemnation of violence and discrimination in all its forms and manifestations and against any individual or group and uphold the inherent dignity of all individuals. We strongly believe that protection should be given to all individuals against violence and discrimination due to their race, birth, color, sex, language, religion, political or other opinion, national or social origin, property or any other status.

Mr. President, these are not mere pronouncements. Our actions speak louder than words and are testimony to our unequivocal commitment in this regard. Our distinguished friends and colleagues from many parts of the world including Africa and Latin America know very well the times when we stood shoulder to shoulder on issues of vital importance for the developing world. Whether it is combatting racism, xenophobia, slavery, colonialism, or promoting economic, social and cultural rights; the right to development; the rights of indigenous people and migrants – the OIC member states have always stood with members who have fought against discrimination and violence.

Mr. President, the OIC foreign ministers adopted in Kuwait a resolution at the 42nd session of the Council of Ministers which while referring to the Human Rights Council resolution on human rights, sexual orientation and gender identity, disagreed with the resolution and the concepts it espoused.

We have, therefore, informed the core group of the draft resolution that the OIC shall *not* be able to support this initiative and especially will *not* be able to support an Independent Expert for a concept that has not yet been adopted by any universal intergovernmental negotiated treaty or convention. At a time when the Council needs to return to its foundational principles of cooperation and mutual respect for each other's cultural and religious particularities, this draft resolution, we believe, will create further fissures within the Council which should be avoided.

Mr. President, for these reasons, OIC member states (except Albania) present eleven amendments from L.71 to L.81 to the draft resolution L.2 entitled "Protection against violence and discrimination based on sexual orientation and gender identity".

The first, second and tenth amendments contained in documents **L.71**, **L.72** and **L.80** reaffirm that OIC countries reject violence and discrimination against any individual or group. The legal and conceptual difficulty in these paragraphs of L.2 is in relation to the use of notion of sexual orientation and gender identity that lacks universal consensus and has no basis in international human rights law.

Second, **L.71**, **L.72** and **L.80** aim to align these paragraphs with universally agreed consensus language carefully crafted in the Universal Declaration of Human Rights and the two international covenants that outlines the basis of discrimination clearly as on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Amendments **L.73** to **L.79** are inspired by decisions taken by the OIC as well as the African Heads of State and Government in the Kampala Summit on the promotion of cooperation, dialogue and respect the diversity in the field of human rights.

L.73 is a general statement asserting that we should all strike to maintain joint ownership of the Human Rights Council and the international human rights system and that all human rights issues should be addressed in an objective and non-confrontational manner. These are fundamental principles underlined in UNGA resolution 60/251 creating the Human Rights Council.

L.74 underscores the importance of the consensual discrimination portfolio particularly racism, racial discrimination, xenophobia, and other forms of related intolerance.

L.75 underscores the importance of ensuring utmost respect for racial, cultural and religious value systems and particularities that have been reaffirmed by the Vienna Declaration and Program of Action.

L.76 highlights that any interference in domestic debates and national dialogues particularly on issues characterized with historical, cultural, social and religious sensitivities can have negative effects.

L.77 underlines the importance of avoiding external pressures and respecting domestic debates on issues of high sensitivity.

L.78 explains that concepts outside the internationally agreed human rights framework undermine the international human rights system and constitute disregard of the principle of universality.

L.79 provides a clarification that the implementation of this divisive outcome will be within the sovereign rights of each state and within the remit of universally recognized human rights.

Mr. President, the creation of a mandate that will be funded by the regular budget of the United Nations on a matter where member states are divided regarding the definition and content of the concept itself is a great concern to the OIC. And hence, there would not be any agreed terms of reference. A cornerstone of special procedures, a mandate-holder system, is constructive dialogue and cooperation with all States. In line with a corrective approach that the OIC adopts towards the draft L.2 as a whole we are requesting to replace this mandate with a report by the High Commissioner on violence and discrimination against all persons based on the language agreed on the international law, i.e. violence and discrimination due to race, birth, color, sex, language, religion, political or

other opinion, national or social origin, property or any other status. Hence, the OIC rejects violence and discrimination on the basis that has been identified in all international instruments.

Mr. President, OIC's amendments are a sincere attempt to advance global efforts against violence and discrimination, while preventing these genuine endeavors from being taken hostage to the promotion of certain notions and concepts and lifestyles on which there is no consensus.

I request Mr. President that these amendments be considered in four blocks.

- A.** The first block would be L.71, L.72 and L.80 as "Package 1"
- B.** L.73, L.74, L.75, L.76, L.77 and L.79 as "Package 2"
- C.** L.78 to be considered separately as "Package 3"
- D.** And finally L.81, addressing the mandate, to be considered separately as "Package 4".

OIC member states and observer states invite all members of the Human Rights Council to vote in favor of the amendments L.71 to L.81. By adopting these amendments, the Council will clearly identify its intention to ensure that there are no polarizations that takes place within the Council and that we can address these issues in a mature and a considered manner.

I thank you very much.

3.2.3 President of the HRC, Mr. Choy Kyonglim – 00:29:17

Thank you very much. I will now give the floor to the distinguished representative of Mexico to seek the views of the sponsors on the amendments.

3.2.4 Mexico, Mr. Jorge Lomónaco – 00:29:28



Thank you Mr. President. Mr. President, Mexico informs that the main sponsors and the co-sponsors of this resolution do not support the amendments and will call for a vote on them. Mr. President, I here formally request to you that all amendments are voted individually – in other words, one by one.

Mr. President, delegations requested instructions from capital on each individual amendment. These instructions are not interchangeable. Voting amendments in packages

may lead to additional confusions and an environment of lack of clarity. Voting in package may lead to misleading results. Furthermore, we don't believe that it is the intention of the promoters of the amendments to mislead or create confusion since these sponsors did present these amendments individually and not as packages when they had the opportunity.

Thank you Mr. President.

3.2.5 President of the HRC, Mr. Choy Kyonglim – 00:31:13

Thank you very much. I understand that the sponsors do not agree with the proposed amendments and I think you also heard that the sponsors are asking that we deal with the amendments one by one. So we have two conflicting requests. The proposers of the amendments have requested that we vote on the amendments in four packages; whereas the sponsors of L.2/Rev.1 are requesting that we vote on the amendments one by one. First, I would like to ask if there is any objection to the motion of the sponsors to vote on the amendments one by one. I see no objection. So I take it that we are going to vote on the amendments one by one.

I have been informed by the secretariat that there are six additional co-sponsors to the resolution. I would also like to inform you that Angola has withdrawn its sponsorship.

We shall now hear general comments on the draft resolution and its written amendments L.71 to L.81. The distinguished representative of the Netherlands has the floor.

3.2.6 Netherlands, Mr. Roderick Van Schreven – 00:33:41



Thank you dear Mr. President.

I am back. And it's a privilege and an honor to be here. With pleasure, pride, excitement, interest, respect, joy, involvement, commitment and dedication I will present the next one-and-a-half days the position of the EU and its 28 member states. The European Union commends Argentina, Brazil, Chile, Columbia, Costa Rica, Mexico and Uruguay for their leadership in presenting the resolution on protection against violence and discrimination based on sexual orientation and gender identity. We particularly appreciate that the core group presented the concept note in several languages with the background and

arguments in favor of establishing the mandate of the United Nations Independent Expert. The core group, for instance, recalled that one hundred states from all regions have made voluntary commitments to address violence and discrimination based on sexual orientation and gender identity in the context of the Universal Periodic Review. Civil society organizations from across regions have also made it clear that this issue needs to be addressed globally and in each society. Also societies indeed in different regions, including the European Union, faces challenges. The EU believes that this resolution is an important step in line with the pledge made by the international community in the 2030 agenda for sustainable development that “no one will be left behind”. We hope that all states and stakeholders worldwide will response positively to the core group’s call for dialogue and will see the value of cooperating with the United Nations Independent Expert. Against this background, the EU will support the resolution L.2/Rev.1 and calls all states to support it also. Thank you Mr. President.

3.2.7 President of the HRC, Mr. Choy Kyonglim – 00:35:44

Thank you very much. I give the floor to the distinguished representative of Saudi Arabia.

3.2.8 Saudi Arabia, Mr. Faisal Bin Hassan Trad – 00:35:51



Mr. President, while the Kingdom of Saudi Arabia reaffirms its position to promote and protect human rights and undertakes its humanitarian role in assisting all United Nations human rights machinery in order to undertake the agreed duties and responsibilities; we, at the same time, reject all forms of discrimination and violence on the basis of gender, religion or ethnicity as recognized in the international instruments to which we are a party.

Mr. President, the universality of human rights does not mean the imposition of certain so-called human rights concepts or ideas that are imposed from the point of view of another party; especially when these concepts run counter to our own beliefs, culture and specificities.

And at the same time, protecting the universality of human rights should not grow out of the framework the main framework of human rights and be used as an instrument to

intervene in the businesses of the sovereign States which are trying to protect *their* cultural specificities. That's why the draft resolution on the table doesn't reflect the respect of the Council to the different cultures and religions and runs counter to the provisions of the international human rights declaration and international instruments to respect the different cultures. However, it imposes on us a specific notion that might be human rights based on one part, but runs counter to religions on the other part.

Mr. President, we are calling for the promotion of human rights through universal principles based on our own contemporaneous culture. However, this does not mean that we will compromise and barter man-made legislation against divine laws. Islam has known the true meaning of human rights one thousand four hundred years ago.

Mr. President, the establishment of a new mandate, while there is no consensus, strips us of credibility and strips this Council of its mandate and brings us back to an in-depth review of the mandate of this Council.

We have to refrain from using this Council to interfere in the business and the affairs of other sovereign States.

Mr. President, such resolutions will compromise the functioning of this Council and that's why we support the amendments made on behalf of the OIC States by Pakistan (except Albania) in order to address the violence and discrimination against all in all objectivity without imposing specific notions and concepts that run counter to our cultural specificities.

That's why we call upon all member States to vote "Yes" for the amendments. Thank you.

3.2.9 President of the HRC, Mr. Choy Kyonglim – 00:39:29

I now give the floor to the distinguished representative of the United Kingdom.

3.2.10 United Kingdom, Mr. Julian Braithwaite – 00:39:42



Thank you Mr. President

We support the EU statement.

This resolution creates a mandate for the UN to address violence and discrimination. I repeat: violence and discrimination. A vote against this resolution is a vote against the very spirit of this Council.

This Council regularly – and rightly – passes resolutions on racism, women and children. Yet, on this issue, we often hear of culture and tradition as reasons to justify violence against individuals based on their sexual orientation and gender identity.

Let me be clear. This resolution does not ask countries to change their legislation. It does not talk about same sex marriage, or seek to impose the values of one country to another. This paragraph merely reflects the fundamentals of the Universal Declaration of Human Rights:

All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.

By voting against this resolution you are voting to block the United Nations from trying to stop violence and discrimination. How is that acceptable? This affects people in this room; people in my team. Are you saying it is OK to discriminate against them based on their sexual orientation and gender identity? To hit, torture, or possibly kill them? Because that is what you are supporting, if you vote against this resolution.

Violence and discrimination has to stop. And the United Nations should be allowed to play its part in preventing violence and discrimination. For all these reasons, the United Kingdom strongly urges all other States to support this resolution. I urge you to remember the persons who depend on this resolution – brothers, sisters, sons, daughters, mothers and fathers.

Please vote in favor of this resolution to stop violence and discrimination.

Thank you.

3.2.11 Maldives, Ms. Hala Hameed – 00:42:09



Thank you Mr. President. The resolution before us is one that divisive and contrary to the spirit of consensual agreement which is the foundation upon which this organization sets

global norms. The Republic of Maldives endorses the amendments to resolution L.2/Rev.1 proposed by the countries of the OIC (except Albania). These amendments, ranging from document L.71 to document L.81 and seek to respect international standards that respect religious, cultural, social, political and economic diversity and ensure truer protection for all peoples across the globe. Should any of these amendments fail to pass, the Maldives calls for vote on operative paragraphs 3 to 7 in resolution L.2/Rev.1. We move that operative paragraphs 3, 4, 5, 6 and 7 be voted as one block. I thank you Mr. President.

3.2.12 President of the HRC, Mr. Choy Kyonglim – 00:43:05

Thank you very much. I give the floor to the distinguished representative of Qatar.

3.2.13 Qatar, Mr. Faisal Bin Abdulla Al-Henzab – 00:43:11



Thank you Mr. Chairman. I would like to comment draft resolution L.2/Rev.1 entitled “Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity”. We would like to confirm our steadfast position to reject violence and discrimination against everyone. And we also condemn the attempts to involve the Human Rights Council in matters that do not enjoy consensus or are not part of international instruments that our countries have ratified. That’s why the rights advocated by this draft proposal at the Human Rights Council are, according to us, contrary to the sound human instinct and to all values, cultures and religious beliefs. Such a selective process or approach will become an unprecedented move that would threaten all the efforts of the Human Rights Council.

We know that there are some practices that might be accepted by some people in some communities and societies. However, this does not mean at all that such practices can be imposed on other countries. And they should not be described as being collectively accepted and endorsed. This might open the way to inserting new concepts that are irrelevant to principles of human rights and this is why we need to recognize the specificities of our cultural and religious backgrounds as per the Vienna Plan of Action of 1993.

Given the above, we would like to ask to have a vote on the amendments presented by Pakistan on behalf of the OIC (except Albania).

Thank you Mr. President.

3.2.14 President of the HRC, Mr. Choy Kyonglim – 00:45:13

Thank you very much. I give the floor to the distinguished representative of the United Arab Emirates.

3.2.15 United Arab Emirates, Mr. Obaid Salem Saeed Al Zaabi – 00:45:22



Thank you Mr. President. We reject the instrumentalization of United Nations Human Rights and the use of Human Rights Council of strange and bizarre concepts that run counter to the United Nations resolution that established the Council. I would like clarify that we are a society that rejects violence and discrimination in all forms and manifestations. We don't want to target any specific social group covered in the draft resolution L.2.

On the other hand, we as people that have nothing to do with the content of the draft resolution, express our rejection of any concept that compromises our cultural and religious specificities – even if these concepts are widespread in other societies. In addition to that, the comparative law literature and sociology literature affirm that what might be good in a specific area will not necessarily give the same outcome in another society and area.

Mr. President, the OIC has provided the amendments that have regrettably not been accepted by all the members. That's why we call upon all members to accept the new amendments. Thank you.

3.2.16 President of the HRC, Mr. Choy Kyonglim – 00:46:55

Thank you very much. Is there any other request for the floor? Qatar has the floor

3.2.17 Qatar, Mr. Faisal Bin Abdulla Al-Henzab – 00:47:15



Thank you Mr. President

I just wanted to make an addition to my earlier statement. That is we support the amendments made by Pakistan, and in case the amendments made by Pakistan on behalf of the OIC are rejected we request that the draft resolution would be voted upon, especially paragraphs OP2 and PP4 and that would be in a separate manner for the following reasons:

First, the title of the draft resolution contains the phrase “based on sexual orientation and gender identity” and that runs a counter to our own values and beliefs

Second, PP4 (preambular part 4) refers to two earlier resolutions adopted in this Council and we do not agree with contents of the resolution

Third, OP2 refers to sexual orientation and gender identity which is a rejected concept and we do not accept these concepts in the framework of the Council.

That’s why we will vote “No” and ask all to vote “No”. Thank you.

3.2.18 President of the HRC, Mr. Choy Kyonglim – 00:48:47

Thank you very much. Is there any other request for the floor? I take note of the request that should the amendments be defeated, separate votes are to be conducted. But I want to clarify from the proposers if they want to vote separately on the paragraphs, or if they want to vote on the paragraphs in blocks?

First I want to give the floor to the distinguished representative of Maldives.

3.2.19 Maldives, Ms. Hala Hameed – 00:49:45



Thank you Mr. President

We would like to vote for operative paragraphs 3, 4, 5, 6 and 7 as one block. Thank you.

3.2.20 President of the HRC, Mr. Choy Kyonglim – 00:50:02

Thank you very much. And I will give the floor to the distinguished representative of Qatar.

3.2.21 Qatar, Mr. Faisal Bin Abdulla Al-Henzab – 00:50:13



I support what the representative of Maldives has just mentioned.

3.2.22 President of the HRC, Mr. Choy Kyonglim – 00:50:23

Just to clarify: we heard that you request that separate votes are to be taken on paragraphs OP2 and PP4. I am asking if you want to have votes on these as blocks or separately.

3.2.23 Qatar, Mr. Faisal Bin Abdulla Al-Henzab – 00:50:55



Thank you Mr. President. We want to have a separate vote on the title as well as the paragraphs of OP2 and PP4 separately. Separately sir.

3.2.24 President of the HRC, Mr. Choy Kyonglim – 00:51:37

So to sum it up, I think should the amendments be defeated, we will have four separate votes. First on the title, and then on PP4, then OP2 and then lastly OP 3 to 7 as one block. And at the end we will take action on the resolution as a whole, as amended or not.

I have been informed by the secretariat that there are PBIs for this resolution. Copies have been posted on the HRC extranet.

First we will take action on the Written Amendments.

3.3 First Amendment – Change Title (A/HRC/32/L.71)

The first amendment proposed was:

“The title of the draft resolution should read

Protection against violence and discrimination on any basis such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”

The full amendment as filed can be found in Annex 2.

The amendment was defeated by a vote of 17 in favor, 18 against, 9 abstentions.

3.3.1 President of the HRC, Mr. Choy Kyonglim – 00:52:37

First, we will take action on the written amendment L.71. I will give the floor to Council members on explanations on vote before the vote on L.71. I give the floor to the distinguished representative of Mexico.

3.3.2 Mexico, Mr. Jorge Lomónaco – 00:53:22



Mr. President, in the name of the core group of the resolution, my delegation wishes to strongly reject the proposed amendment that seeks to undermine the purpose and focus of the initiative and transform it into something else. All that is intended by modifying the title is to hide the specificity and the very nature of the draft resolution which is to pay attention to the human rights of those who face violence and discrimination in all regions of the world based on their sexual orientation and their gender identity and to identify good practices in responding to these specific challenges.

Approving these amendments will amount to erasing the word “racism” in a resolution on racism, or to delete the word “albinism” in a resolution that aims at protecting people with albinism. At the same time, we don’t understand if the sponsors of the amendments

are seeking to have a new omnibus resolution on the protection against violence and discrimination. By including such a general title it seems that the sponsors of the amendments are undermining all the progress achieved specifically in the fields of discrimination and violence against women, racism, religious intolerance, minorities and many other fields on which the Council has worked over the last 10 years. We hope that this is not the intention of the proponents of the amendments. But it would be certainly be a dangerous unintended consequence of this amendment.

Mr. President, the Human Rights Council cannot and must not ignore the human rights violations affecting specifically persons on the basis of their sexual orientation and gender identity. They deserve the same protection as other specific groups. Failing to explicitly address the reality will send a negative message that violence and discrimination on this particular case are not a concern for the Council. Voting for this amendment means changing the focus and nature of this resolution, converting it into something so general that it loses its meaning. For these reasons, we call for a vote and we urge all the delegations to vote “No” on these amendments. Thank you.

3.3.3 President of the HRC, Mr. Choy Kyonglim – 00:55:49

Thank you very much. I give the floor to the distinguished representative of Slovenia.

3.3.4 Slovenia, Mr. Vojislav Šuc – 00:55:55



Mr. President, amendment L.71 asks for the deletion of the reference to the sexual orientation and gender identity in the title of the resolution.

Reports and data collected by regional and international organizations show that hatred, prejudice, discrimination and violence against individuals on the basis of their sexual orientation and gender identity is a serious and wide-spread problem affecting all parts of the world. On the basis of their sexual orientation and gender identity, people are being discriminated against with regard to their basic rights, such as access to health, education and employment. It is a fact that no country in the world is immune to this problem and we are reminded of that fact by the daily reports from all over the world on the brutal attacks on individuals because of their sexual orientation and gender identity.

We firmly believe that it is the responsibility of the Human Rights Council to address this specific grave and wide-spread problem. We have witnessed the same in the past and after the recent tragic events there are even more reasons to do so again. The Human Rights Council has already shown it can step up its role by addressing issues of violence and discrimination directed towards a specific group of persons on the basis of their personal traits.

We need to follow these examples also in this case and fulfill this important mission entrusted to us namely to ensure that “all human being are born free and equal in dignity and rights.”

For the above mentioned reasons, we will vote “No” on the amendment L.71 and we call upon all members of the Human Rights Council to do the same. I thank you.

3.3.5 President of the HRC, Mr. Choy Kyonglim - 00:57:55

Mexico has already requested that we vote on all the amendment proposals. So the Council will now proceed to record vote on L.71.

HRC32 A/HRC/32/L.71 Amendment to L.2/Rev.1								
NO	ALBANIA	NO	GERMANY	NO	PHILIPPINES			
YES	ALGERIA	ABST	GHANA	NO	PORTUGAL			
YES	BANGLADESH	ABST	INDIA	YES	QATAR			
NO	BELGIUM	YES	INDONESIA	NO	REPUBLIC OF KOREA			
	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA	YES	RUSSIAN FEDERATION			
ABST	BOTSWANA	YES	KYRGYZSTAN	YES	SAUDI ARABIA			
YES	BURUNDI	NO	LATVIA	NO	SLOVENIA			
YES	CHINA	YES	MALDIVES	ABST	SOUTH AFRICA			
YES	CONGO	NO	MEXICO	NO	SWITZERLAND			
YES	COTE D'IVOIRE	NO	MONGOLIA	NO	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA			
	CUBA	YES	MOROCCO	YES	TOGO			
ABST	ECUADOR	ABST	NAMIBIA	YES	UNITED ARAB EMIRATES			
ABST	EL SALVADOR	NO	NETHERLANDS	NO	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND			
ABST	ETHIOPIA	YES	NIGERIA		VENEZUELA (BOLIVARIAN REPUBLIC OF)			
NO	FRANCE	NO	PANAMA	ABST	VIET NAM			
NO	GEORGIA	NO	PARAGUAY					
	YES	17		NO	18		ABST	9

The result of the recorded votes is as follows: 17 in favor, 18 against, 9 abstentions. The amendment L.71 is, therefore, rejected. Copies of the recorded votes will shortly be distributed.

3.4 Second Amendment – Remove reference to former SOGI resolutions (A/HRC/32/L.72)

The second amendment proposed was:

“The fourth preambular paragraph should read

Recalling further all Human Rights Council resolutions relevant to protection against violence and discrimination on any basis such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,”

The full amendment as filed can be found in Annex 2.

The amendment was defeated by a vote of 17 in favor, 18 against, 9 abstentions.

3.4.1 President of the HRC, Mr. Choy Kyonglim – 01:00:01

We will now take action on amendment L.72. I will give the floor to Council members for explanation to the vote before the vote on L.72.

I give the floor to the distinguished representative of Mexico.

3.4.2 Mexico, Mr. Jorge Lomónaco – 01:00:23



Mr. President, we strongly reject the amendment contained in L.72 as it intends to change the objective and focus of the resolution and denaturalize its objective. Removing the reference to resolution 17/19 and 27/32 in the preamble is to deny what the Council has already acknowledged: this is the existence of wide-spread and systematic violence and discrimination that affect persons because of their sexual orientation and gender identity of which the two studies carried out by the OHCHR and mandated by state resolutions are undeniable evidence. This draft resolution specifically builds upon this Council resolution and the Council cannot ignore their existence in relation with this resolution.

Moreover, the draft resolution uses the term “recalling” which was deliberately chosen as a constructive acknowledgement that the previous resolutions attract a diversity of views. We reiterate that a vote in favor this amendment is a vote against the need to enhance the protection against violence and discrimination directed at the people who are solely targeted for their sexual orientation and gender identity.

For these reasons we call for a vote and we urge all delegations to vote “No” on amendment L.72.

3.4.3 President of the HRC, Mr. Choy Kyonglim – 01:01:57

Thank you very much. I give the floor to the distinguished representative of Switzerland.

3.4.4 Switzerland, Ms. Barbara Fontana – 01:02:03



Mr. President, my delegation is not in a position to support amendment L.72 as proposed by Pakistan. Switzerland opposes any types of discrimination.

The amendment has only one objective: to delete any reference in the resolution to various resolutions for the reason that they were adopted after a vote. Voting or not, these resolutions were adopted by the Council and belong to it.

L.2/Rev.1 deals with violence and discrimination based on gender identity and sexual orientation and these are based on the others. Resolutions 17/19 and 27/32 are necessary to define the framework for the resolution L.2/Rev.1. We would note that each of these resolutions led to a report made by the Office of the High Commissioner of Human Rights and the last one A/HRC/29/23 reveals the scale and the gravity of discrimination and acts of violence committed against individuals because of their sexual orientation and gender identity.

For all these reasons we call on the members of the Council to vote against the amendment, L.72. Thank you for your attention.

3.4.5 President of the HRC, Mr. Choy Kyonglim – 01:03:26

Thank you very much. Is there any other request on the floor?

(Upon receiving no request) I see none. So, the Council will now proceed to a recorded vote on L.72.

WRC/32/L.72 Amendment to L.2/Rev.1

0:03:00

NO	ALBANIA	NO	GERMANY	NO	PHILIPPINES	
YES	ALGERIA	ABST	GHANA	NO	PORTUGAL	
YES	BANGLADESH	ABST	INDIA	YES	QATAR	
NO	BELGIUM	YES	INDONESIA	NO	REPUBLIC OF KOREA	
	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA	YES	RUSSIAN FEDERATION	
ABST	BOTSWANA	YES	KYRGYZSTAN	YES	SAUDI ARABIA	
YES	BURUNDI	NO	LATVIA	NO	SLOVENIA	
YES	CHINA	YES	MALDIVES	ABST	SOUTH AFRICA	
YES	CONGO	NO	MEXICO	NO	SWITZERLAND	
YES	COTE D'IVOIRE	NO	MONGOLIA	NO	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	
	CUBA	YES	MOROCCO	YES	TOGO	
ABST	ECUADOR	ABST	NAMIBIA	YES	UNITED ARAB EMIRATES	
ABST	EL SALVADOR	NO	NETHERLANDS	NO	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	
ABST	ETHIOPIA	YES	NIGERIA		VENEZUELA (BOLIVARIAN REPUBLIC OF)	
NO	FRANCE	NO	PANAMA	ABST	VIET NAM	
NO	GEORGIA	NO	PARAGUAY			
	YES	17	NO	18	ABST	9

The result of the recorded vote is as follows: 17 in favor, 18 against, 9 abstentions. The amendment L.72 is therefore rejected. Copies of the results of the vote will shortly be distributed.

3.5 Third Amendment – New preambular paragraph on joint ownership of the international human rights agenda (A/HRC/32/L.73)

The third amendment proposed was:

“After the fourth preambular paragraph, insert a new paragraph reading

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,”

The full amendment as filed can be found in Annex 2.

The amendment passed by a vote of 24 in favor, 17 against, 4 abstentions.

3.5.1 President of the HRC, Mr. Choy Kyonglim – 01:05:05

We will now take action on amendment L.73. I will give the floor to the Council members for explanations of vote before the vote on L.73. I give the floor to the distinguished representative of Mexico.

3.5.2 Mexico, Mr. Jorge Lomónaco – 01:05:22



Thank you Mr. President. Mr. President, amendment L.73 is completely unacceptable for the sponsors of draft resolution L.2. It is unacceptable not because of what it states, but because of what it implies. The inclusion of these paragraphs on L.2 implies that the resolution as drafted is non-objective and it is confrontational when it is totally the opposite.

The draft resolution is an objective text that aims to treat specific grounds of violence and discrimination in the same way other grounds of violence and discrimination are treated. This Council would lose some of its objectivity and balance if it rejects to address these situations despite the cruel violence and discrimination many people face on a daily basis due to their sexual orientation and gender identity. The draft resolution is not

confrontational. It is not confrontational. It aims to further promote dialogue and understanding in order to contribute towards ending violence and discrimination. It builds on initiatives that the core group started to promote more than 10 years ago and it has been motivated by the fact that more than one hundred states from all regions voluntarily decided to address violence and discrimination based on sexual orientation and gender identity in the context of the Universal Periodic Review.

This indicates that the majority of States welcome constructive dialogue and have made an express commitment to address these specific human rights concerns. Nowadays, after all, what this Council has achieved it is clear to us that no country or region in the world tolerates violence or discrimination on any ground. Affirming that the draft resolution that addresses violence and discrimination is confrontational can only take us backwards. For the reasons exposed, we call for a vote on this amendment and we urge all delegations that want to take action against violence and discrimination in an objective and non-confrontational manner to vote “No” on this amendment. I thank you.

3.5.3 President of the HRC, Mr. Choy Kyonglim – 01:07:45

Thank you very much. I give the floor to the distinguished representative of Germany.

3.5.4 Germany – 01:07:54



Mr. President, this amendment was not raised, presented or discussed during formals. It would have benefited from discussion during negotiations as it is unclear who is supposed to maintain joint ownership or what this entails. As it is, the amendment is vague and unclear in scope. The amendment also seems to assume a false premise that consideration so far has been carried out in a confrontational manner. In fact, the lead sponsors have been transparent and collaborative, have conducted two open informals and reached out to delegations from all regions including those with concerns.

It is for these reasons that Germany will vote against the amendment L.73 and urges all delegations to do the same. Thank you Mr. President.

3.5.5 President of the HRC, Mr. Choy Kyonglim – 01:08:46

Thank you very much. Is there any other request on the floor? I see none. So, the Council will now proceed to record vote on L.73.

HRC32 A/HRC/32/L.73 Amendment to L.2/Rev.1			
NO	ALBANIA	NO	GERMANY
YES	ALGERIA	ABST	GHANA
YES	BANGLADESH	YES	INDIA
NO	BELGIUM	YES	INDONESIA
	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA
YES	BOTSWANA	YES	KYRGYZSTAN
YES	BURUNDI	NO	LATVIA
YES	CHINA	YES	MALDIVES
YES	CONGO	NO	MEXICO
YES	COTE D'IVOIRE	NO	MONGOLIA
	CUBA	YES	MOROCCO
YES	ECUADOR	ABST	NAMIBIA
ABST	EL SALVADOR	NO	NETHERLANDS
ABST	ETHIOPIA	YES	NIGERIA
NO	FRANCE	NO	PANAMA
NO	GEORGIA	NO	PARAGUAY
			PHILIPPINES
			PORTUGAL
			QATAR
			REPUBLIC OF KOREA
			RUSSIAN FEDERATION
			SAUDI ARABIA
			SLOVENIA
			SOUTH AFRICA
			SWITZERLAND
			THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
			TOGO
			UNITED ARAB EMIRATES
			UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
			VENEZUELA (BOLIVARIAN REPUBLIC OF)
			VIET NAM
	YES	24	NO
			17
			ABST
			4

The result of the recorded vote is as follows: 24 in favor, 17 against, 4 abstentions. The amendment L.73 is therefore adopted. Copies of the results of the vote will shortly be distributed.

3.6 Fourth Amendment – New preambular paragraph on fighting racism, racial discrimination, xenophobia and related intolerance, in all their forms (A/HRC/32/L.74)

The fourth amendment proposed was:

“After the fourth preambular paragraph, insert a new paragraph reading

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,”

The full amendment as filed can be found in Annex 2.

The amendment passed by a vote of 23 in favor, 17 against, 5 abstentions.

3.6.1 President of the HRC, Mr. Choy Kyonglim – 01:10:23

We will now take action on amendment L.74. I will give the floor to Council members for explanations of vote before the vote on L.74. I give the floor to the distinguished representative of Mexico.

3.6.2 Mexico, Mr. Jorge Lomónaco – 01:10:42



Mr. President, we cannot accept this amendment. We fully recognize the need to support the broad and balanced agenda of the Human Rights Council. This is exactly the objective of this resolution. All the sponsors of this resolution are strongly committed to the fight against racism, xenophobia, racial discrimination and all other forms of intolerance and discrimination. There is no question about this and we will continue to support initiatives that address these issues.

As we have said already, we are convinced that among the different forms of intolerance and discrimination is the one suffered by those on the basis of sexual orientation and

gender identity. By addressing this particular issue we are precisely supporting a broad and balanced agenda of the Council.

We are, however, deeply concerned that the purpose of these amendments is to bring confusion into the discussion and deviate from the focus of this initiative. Racism and xenophobia, as well as homophobia should be a major concern for all of us, but they should be treated from the perspective of their own specificities.

Finally, we deeply regret that the concerns that motivate these amendments were not shared in a transparent manner during formal consultations. We could have found a way to accommodate these concerns if the proponents would have been open to a dialogue. For these reasons we call for a vote on this amendment and invite all members of the Council to vote “No” on this amendment. I thank you.

3.6.3 President of the HRC, Mr. Choy Kyonglim – 01:12:37

I give the floor to the distinguished representative of Panama.

3.6.4 Panama, Ms. Siurania Elizabeth Mirones Castillo – 01:12:41



Thank you President. Panama rejects the proposed amendment L.74. Matters touching racism, racial discrimination, xenophobia and related intolerance are included in OP 3(a) for which we recommend that the Independent Expert, among other things, look at the many interrelated and aggravated forms of discrimination. For this reason, this amendment is out of place. It is clear that this undermines the specific focus and scope of the resolution before us, which is the “Protection against the violence and discrimination based on sexual orientation and gender identity”.

Again, we insist that the Council address *all* human rights violations. Otherwise, we will be sending a negative message to *all* people committed to the promotion of human rights. The message will be that the Council is *not* capable of providing all people without distinction the protection that they deserve and need.

For these reasons we call upon all member states of the Council to vote against amendment L.74.

3.6.5 President of the HRC, Mr. Choy Kyonglim - 01:13:57

Thank you very much. Is there any other request for the floor? I see none. So, the Council will now proceed to record vote on L.74.

HRC32 A/HRC/32/L.74 Amendment to L.2/Rev.1						
NO	ALBANIA	NO	GERMANY			
YES	ALGERIA	ABST	GHANA			
YES	BANGLADESH	YES	INDIA			
NO	BELGIUM	YES	INDONESIA			
	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA			
ABST	BOTSWANA	YES	KYRGYZSTAN			
YES	BURUNDI	NO	LATVIA			
YES	CHINA	YES	MALDIVES			
YES	CONGO	NO	MEXICO			
YES	COTE D'IVOIRE	ABST	MONGOLIA			
	CUBA	YES	MOROCCO			
YES	ECUADOR	ABST	NAMIBIA			
NO	EL SALVADOR	NO	NETHERLANDS			
ABST	ETHIOPIA	YES	NIGERIA			
NO	FRANCE	NO	PANAMA			
NO	GEORGIA	NO	PARAGUAY			
			PHILIPPINES			
			PORTUGAL			
			QATAR			
			REPUBLIC OF KOREA			
			RUSSIAN FEDERATION			
			SAUDI ARABIA			
			SLOVENIA			
			SOUTH AFRICA			
			SWITZERLAND			
			THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA			
			TOGO			
			UNITED ARAB EMIRATES			
			UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND			
			VENEZUELA (BOLIVARIAN REPUBLIC OF)			
			VIET NAM			
	YES	23	NO	17	ABST	5

The result of the recorded vote is as follows: 23 in favor, 17 against, 5 abstentions. The amendment L.74 is therefore adopted. Copies of the results of the vote will shortly be distributed.

3.7 Fifth Amendment – New preambular paragraph on the importance of respecting regional, cultural and religious value systems (A/HRC/32/L.75)

The fifth amendment proposed was:

“After the fourth preambular paragraph Insert a new paragraph which should read

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

The full amendment as filed can be found in Annex 2.

The amendment passed by a vote of 20 in favor, 18 against, 6 abstentions.

3.7.1 President of the HRC, Mr. Choy Kyonglim – 01:15:26

We will now take action on amendment L.75. I will give the floor to Council members for explanations of vote before the vote on L.75. I give the floor to the distinguished representative of Mexico.

3.7.2 Mexico, Mr. Jorge Lomónaco – 01:15:49



Thank you Mr. President.

Mr. President, as main sponsor of resolution L.2/Rev.1, we strongly reject this amendment. The proposed amendment is a misquotation of Article 5 of the Vienna Declaration and Programme of Action.

All human rights are universal, indivisible, interdependent and interrelated.

The international community must treat human rights globally in a fair and equal manner on the same footing and with the same emphasis. While the significance of national and regional particularities and various historical, religious and cultural backgrounds must be borne in mind, it is a duty of

States regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.

By rejecting L.75, members of the Human Rights Council will reinforce the principle of universality of human rights. We ask for a vote and urge member States to vote “No”. I thank you.

3.7.3 President of the HRC, Mr. Choy Kyonglim – 01:17:02

Thank you very much. Is there any other request for the floor? I give the floor to the distinguished representative of Netherlands.

3.7.4 Netherlands, Mr. Paul Peters – 01:17:14



Thank you Mr. President. The Netherlands opposes this amendment and we agree with what was said by the Ambassador of Mexico.

Allow me to say a few words about the history. In the preparation of the Vienna World Conference, one of the regional conferences showed a preference for particularities over universality. Fortunately, after long discussions in Vienna, all delegations could unite on the formula that we now find in Article 5 of the VDPA.

While the significance of national and regional particularities and various historical, religious and cultural backgrounds must be borne in mind.

...this is where the OIC amendment stops, but of course here the important general norm follows:

It is the duty of States regardless of their political, economic, or cultural systems to promote and protect all human rights and fundamental freedoms.

That is how this discussion was laid to rest in the Vienna Final Document twenty-three years ago. States are limited in their policy options when it comes to the promotion and protection of human rights. They are obliged to act. That is the very essence of international obligations. This is the common standard we have set and any cultural or religious conditions and values will have to be tested against that norm. The VDPA reaffirms human rights and fundamental freedoms are the birth right of *all* human beings.

We will vote *with* the VDPA and *with* universality and therefore *against* this amendment.
Thank you Mr. President.

3.7.5 President of the HRC, Mr. Choy Kyonglim – 01:19:03

Thank you. Is there additional request for the floor? I see none. So, the Council will now proceed to a recorded vote on L.75.

HRC32 A/HRC/32/L.75 Amendment to L.2/Rev.1						
NO	ALBANIA	NO	GERMANY	NO	PHILIPPINES	
YES	ALGERIA	ABST	GHANA	NO	PORTUGAL	
YES	BANGLADESH	YES	INDIA	YES	QATAR	
NO	BELGIUM	YES	INDONESIA	NO	REPUBLIC OF KOREA	
	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA	YES	RUSSIAN FEDERATION	
YES	BOTSWANA	YES	KYRGYZSTAN	YES	SAUDI ARABIA	
YES	BURUNDI	NO	LATVIA	NO	SLOVENIA	
YES	CHINA	YES	MALDIVES	ABST	SOUTH AFRICA	
YES	CONGO	NO	MEXICO	NO	SWITZERLAND	
YES	COTE d'IVOIRE	ABST	MONGOLIA	NO	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	
	CUBA	YES	MOROCCO	YES	TOGO	
ABST	ECUADOR	ABST	NAMIBIA	YES	UNITED ARAB EMIRATES	
NO	EL SALVADOR	NO	NETHERLANDS	NO	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	
ABST	ETHIOPIA	YES	NIGERIA		VENEZUELA (BOLIVARIAN REPUBLIC OF)	
NO	FRANCE	NO	PANAMA	YES	VIET NAM	
NO	GEORGIA	NO	PARAGUAY			
	YES	20	NO	18	ABST	6

The result of the recorded vote is as follows: 20 in favor, 18 against, 6 abstentions. The amendment L.75 is therefore adopted. Copies of the results of the vote will shortly be distributed.

3.8 Sixth Amendment – New preambular paragraph on the fundamental importance of respecting the relevant domestic debates at the national level (A/HRC/32/L.76)

The sixth amendment proposed was:

“After the fourth preambular paragraph, insert a new paragraph reading

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

The full amendment as filed can be found in Annex 2.

The amendment passed by a vote of 21 in favor, 17 against, 7 abstentions.

3.8.1 President of the HRC, Mr. Choy Kyonglim – 01:20:29

We will now take action on amendment L.76. I will give the floor to Council members for explanations of vote before the vote on L.76. I give the floor to the distinguished representative of Mexico.

3.8.2 Mexico, Mr. Jorge Lomónaco – 01:20:55



Mr. President, in 1993 the international community agreed and took the commitment by consensus to:

Treat human rights globally in a fair and equal manner on the same footing and with the same emphasis.

It was recognized that,

While the significant of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is a

duty of States regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.

This paragraph has been reaffirmed over and over since its adoption in many consensual documents. This foundational idea was included in the second preambular paragraph of draft resolution L.2 to include the recognition of national and regional particularities in the international agreed terms. Any attempt to reinterpret the Vienna Declaration and program of action like the paragraph proposed in L.76 must be strongly rejected.

Let us be clear, all people have an equal right to live free from violence and discrimination. International human rights laws establish legal obligations on States to ensure that every person without distinction of any kind can enjoy these rights. Failure to hold the human rights of all people and protect them against violence and discrimination constitutes serious violations of international human rights law and have far-reaching impact on society.

We will vote against L.76 and we invite all delegations to defend the Vienna Declaration and Program of Action and join us in voting “No” to L.76. I thank you.

3.8.3 President of the HRC, Mr. Choy Kyonglim – 01:23:10

Thank you very much. I give the floor to the distinguished representative of Slovenia.

3.8.4 Slovenia, Mr. Vojislav Šuc – 01:23:12



Mr. President, we agree that every State has the right to choose its own political and legal system. It is also a fact that each state and region has its own historical background and culture. However, it is a fundamental principle of international human rights law that everyone is entitled to all human rights and fundamental freedoms and this entitlement is inherent to all simply by the fact of birth.

Twenty years ago we, in Vienna final document, have confirmed that

It is the duty of States, regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.

The principle of universality represents a major achievement of mankind as it affirms that all human beings are born free and equal, and that human rights and fundamental freedoms cannot be subject to selective recognition and protection.

The amendment L.76 introduces a language which would restrict the universality of human rights and fundamental freedoms. The resolution addresses the issue of protection against violence and discrimination on the basis of sexual orientation and gender identity, and we believe that there can be no justification for condoning violence and discrimination of any kind and on any basis.

For the above-mentioned reasons we will vote “No” on the amendment L.76 and we call upon all members of the Human Rights Council to vote “No”. I thank you.

3.8.5 President of the HRC, Mr. Choy Kyonglim – 01:25:10

Thank you. Is there any other request from the floor? I see none. So, the Council will now proceed to record vote on L.76.

HRC32 A/HRC/32/L.76 Amendment to L.2/Rev.1					
NO	ALBANIA	NO	GERMANY	ABST	PHILIPPINES
YES	ALGERIA	ABST	GHANA	NO	PORTUGAL
YES	BANGLADESH	YES	INDIA	YES	QATAR
NO	BELGIUM	YES	INDONESIA	NO	REPUBLIC OF KOREA
	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA	YES	RUSSIAN FEDERATION
YES	BOTSWANA	YES	KYRGYZSTAN	YES	SAUDI ARABIA
YES	BURUNDI	NO	LATVIA	NO	SLOVENIA
YES	CHINA	YES	MALDIVES	ABST	SOUTH AFRICA
YES	CONGO	NO	MEXICO	NO	SWITZERLAND
YES	COTE D'IVOIRE	ABST	MONGOLIA	NO	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
	CUBA	YES	MOROCCO	YES	TOGO
ABST	ECUADOR	ABST	NAMIBIA	YES	UNITED ARAB EMIRATES
NO	EL SALVADOR	NO	NETHERLANDS	NO	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
ABST	ETHIOPIA	YES	NIGERIA	YES	VENEZUELA (BOLIVARIAN REPUBLIC OF)
NO	FRANCE	NO	PANAMA	YES	VIET NAM
NO	GEORGIA	NO	PARAGUAY		
	YES	21	NO	17	ABST 7

The result of the recorded vote is as follows: 21 in favor, 17 against, 7 abstentions. The amendment L.76 is therefore adopted. Copies of the results of the vote will shortly be distributed.

3.9 Seventh Amendment –New preambular paragraph deploring the use of external pressures and coercive measures against States (A/HRC/32/L.77)

The seventh amendment proposed was:

“After the fourth preambular paragraph, insert a new paragraph reading

Deploping the use of external pressures and coercive measures against States, particularly developing countries, including through the use and threat of use of economic sanctions and/or application of conditionality on official development assistance, with the aim of influencing the relevant domestic debates and decision-making processes at the national level,”

The full amendment as filed can be found in Annex 2.

The amendment passed by a vote of 23 in favor, 18 against, 4 abstentions.

3.9.1 President of the HRC, Mr. Choy Kyonglim – 01:26:21

We will now take action amendment L.77. I will give the floor to Council members for explanations of vote before the vote on L.77. I give the floor to the distinguished representative of Mexico.

3.9.2 Mexico, Mr. Jorge Lomónaco – 01:26:37



Thank you Mr. President. I am about to lose my voice, but thanks to the delegation of Canada I have now water in front of me for the last leg of this procedure!

On behalf of the core group of this resolution, my delegation strongly opposes the proposed amendment L.77. This amendment seems to introduce the false idea that the draft resolution tries to use economic sanctions and coercive measures to undermine the authority of States to determine and influence their own decision-making process. This is totally misleading. The one and only purpose of this resolution is to address the violence

and discrimination that millions of persons around the world suffer on a daily basis. It aims at enhancing the protection of human rights in a way that everyone can be treated equally and protected from discrimination and violence.

Nothing in this resolution can be interpreted as undermining the sovereignty of States or as questioning the legitimacy of using economic sanctions as means of political pressure. As the sponsor of this draft resolution our main interest is to maintain an open and constructive debate with our opposing views and specifically to focus on the protection on human rights.

The proposed amendment damages this goal, diverts the discussion to issues that have no place in this Council and creates unnecessary confusion. Therefore, and in order to keep the debate in the field of human rights, Mexico strongly rejects this amendment and calls for on amendment L.77 and urges all delegation to vote “No”. I thank you.

3.9.3 President of the HRC, Mr. Choy Kyonglim – 01:28:37

Thank you. I give the floor to the distinguished representative of Switzerland.

3.9.4 Switzerland, Ms. Barbara Fontana – 01:28:45



Mr. President, amendment L.77 introduces a false dilemma. Draft resolution L.2/Rev.1 doesn't in anyway question the importance of discussion and debate at the national level, nor the sovereign right of States to develop their own decision-making processes. However, the amendment which is proposed introduces a false idea that the draft resolution has that intention by diverting attention from human rights which is at the heart of the objective of the resolution L.2/Rev.1.

The argument of sovereignty is not valid. In the face of human rights obligations which are incumbent on all states, the heart of resolution L.2/Rev.1 is to recall the right to non-discrimination for all individuals, in particular persons whose human rights are violated because of their sexual orientation and gender identity, and it proposes concrete measures to support the implementation of rights.

For these various reasons, Switzerland will vote against amendment L.77 and we call upon all the members of the Council to do the same. Thank you.

3.9.5 President of the HRC, Mr. Choy Kyonglim – 01:30:06

Thank you very much. I give the floor to the distinguished representative of the United Kingdom.

3.9.6 United Kingdom, Mr. Julian Braithwaite – 01:30:17



Thank you Mr. President. Regarding this amendment L.77, we think that this paragraph has no place in the text. This is a resolution about stopping violence and discrimination. We want to maintain dialogue among States, not constrain it. The United Kingdom has a long standing position to reject such coercive measures at this Council. Therefore, we urge all States to reject this amendment. Thank you.

3.9.7 President of the HRC, Mr. Choy Kyonglim – 01:30:54

Thank you. Is there any other request for the floor? I see none. So, the Council will now proceed to a recorded vote on L.77.

HRC32					
A/HRC/32/L.77 Amendment to L.2/Rev.1					
NO	ALBANIA	NO	GERMANY	NO	
YES	ALGERIA	ABST	GHANA	NO	
YES	BANGLADESH	YES	INDIA	YES	
NO	BELGIUM	YES	INDONESIA	NO	
	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA	YES	
YES	BOTSWANA	YES	KYRGYZSTAN	YES	
YES	BURUNDI	NO	LATVIA	NO	
YES	CHINA	YES	MALDIVES	YES	
YES	CONGO	NO	MEXICO	NO	
YES	COTE D'IVOIRE	ABST	MONGOLIA	NO	
	CUBA	YES	MOROCCO	YES	
YES	ECUADOR	ABST	NAMIBIA	YES	
NO	EL SALVADOR	NO	NETHERLANDS	NO	
ABST	ETHIOPIA	YES	NIGERIA	YES	
NO	FRANCE	NO	PANAMA	YES	
NO	GEORGIA	NO	PARAGUAY		
	YES	23	NO	18	ABST 4

The result of the recorded vote is as follows: 23 in favor, 18 against, 4 abstentions. The amendment L.77 is therefore adopted. Copies of the results of the vote will shortly be distributed.

3.10 Eighth Amendment –New preambular paragraph expressing concern on imposing concepts or notions pertaining to social matters, including private individual conduct (A/HRC/32/L.78)

The eighth amendment proposed was:

“After the fourth preambular paragraph, insert a new paragraph reading

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,”

The full amendment as filed can be found in Annex 2.

The amendment passed by a vote of 18 in favor, 17 against, 9 abstentions.

3.10.1 President of the HRC, Mr. Choy Kyonglim – 01:32:24

We will now take action on amendment L.78. I will give the floor to Council members for explanation of vote before the vote on L.78. The distinguished representative of Mexico has the floor.

3.10.2 Mexico, Mr. Jorge Lomónaco – 01:32:44



Mr. President, in the name of the main sponsors of the draft resolution, my delegation rejects the proposed amendment to include a new preambular paragraph. The amendment pretends to affirm that the sponsors of the resolution are trying to impose concepts or notions pertaining to social matters. We firmly reject this affirmation.

The objective of this initiative is the opposite. We consider that all members of this Council share a commitment to promote and protect human rights, as well as to eliminate violence and discrimination based on any cause. We believe that if this commitment is strong we can advance the dialogue and build consensus on any matter including those in which we have differences.

We object to this amendment because it goes against the principle of universality and the responsibilities undertaken by all of us in the international human rights system. Violence and discrimination are not private matters. It is not possible to justify such acts under the excuse of individual behavior. Violence and discrimination against any person or social group are public issues that threaten society as a whole. Moreover, the amendment is an offense against the victims of violence, discrimination and abuse suffered by thousands of people all over the world because of their sexual orientation and gender identity. Remember Orlando.

In this regard we ask Council members to vote “No” on amendment L.78. I thank you.

3.10.3 President of the HRC, Mr. Choy Kyonglim – 01:34:49

Thank you very much. I give the floor to the distinguished representative of the Netherlands.

3.10.4 Netherlands, Mr. Paul Peters – 01:34:57



Thank you Mr. President. The Netherlands opposes this amendment and will vote against it and I will explain.

I read that one of the arguments of those opposing this resolution and proponents of this amendment, is that it introduces new concepts that do not exist in the Universal Declaration and and have not been subscribed to by the UN membership. Two points Mr. President.

1. The Universal Declaration was written on the basis of the experience of the atrocities of the war. The spirit was to address violence and discrimination based on whatever factor, and we see the list is open-ended.
2. Many of us will remember the atrocities committed under the Khmer Rouge regime in the then Democratic Republic of Kampuchea between 1975 and 1979. It was very common for people to be shot for speaking a foreign language or wearing glasses, as these were traits associated with the West. Many were also shot for smiling and crying as it was forbidden to show any kind of emotion. So, did foreign observers and lawyers say at the time: “Well, violence and

discrimination based on these factors are not covered by the Universal Declaration, so we cannot really condemn it"? Did they say: "the concept of smiling or crying is ill-defined?" No Mr. President, they did not. Neither would we say it now.

So, every time people invent reasons to use violence or to discrimination against persons for a specific factor, we will have to take that up. Here in the Council, whether it is: disability, albinism, sexual orientation or gender identity, or any other factor. States have to respond nationally, and the international community has to respond too. The two reports of the High Commissioner show that people face violence and discrimination because of their sexual orientation or gender identity in every region of the world. But they also show that many States are taking action. And that is exactly what we want to support here today. Violence and discrimination are *not* outside of the Human Rights framework. So we will vote against this amendment.

Thank you Mr. President.

3.10.5 President of the HRC, Mr. Choy Kyonglim – 01:37:39

Thank you very much. I give the floor to the distinguished representative of the United Kingdom

3.10.6 United Kingdom, Mr. Julian Braithwaite – 01:37:48



Thank you Mr. President. This amendment misstates and distorts the international human rights framework. The universality of human rights is based on the fundamental principle in the Universal Declaration of Human Rights that:

All persons are born free and equal in dignity and rights.

And that:

All persons are entitled to the enjoyment of their human rights without discrimination of any kind.

It is precisely the issue of universality that requires these issues be addressed.

Now this Council's own mandate, set out in the General Assembly resolution, states that Human Rights Council is:

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.

It is further inaccurate to suggest any notion that this is being imposed or that issues of sexual orientation or gender identity fall outside the international human rights framework. Therefore, for these reasons we call on all states to vote against this amendment. I thank you.

3.10.7 President of the HRC, Mr. Choy Kyonglim – 01:39:06

Thank you very much. Is there any other request for the floor? I see none. So, the Council will now proceed to a recorded vote on L.78.

HRC32 A/HRC/32/L.78 Amendment to L.2/Rev.1						
NO	ALBANIA	NO	GERMANY			
YES	ALGERIA	ABST	GHANA			
YES	BANGLADESH	ABST	INDIA			
NO	BELGIUM	YES	INDONESIA			
	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA			
YES	BOTSWANA	YES	KYRGYZSTAN			
YES	BURUNDI	NO	LATVIA			
YES	CHINA	YES	MALDIVES			
YES	CONGO	NO	MEXICO			
YES	COTE d'IVOIRE	ABST	MONGOLIA			
	CUBA	YES	MOROCCO			
ABST	ECUADOR	ABST	NAMIBIA			
NO	EL SALVADOR	NO	NETHERLANDS			
ABST	ETHIOPIA	YES	NIGERIA			
NO	FRANCE	NO	PANAMA			
NO	GEORGIA	NO	PARAGUAY			
			PHILIPPINES			
			PORTUGAL			
			QATAR			
			REPUBLIC OF KOREA			
			RUSSIAN FEDERATION			
			SAUDI ARABIA			
			SLOVENIA			
			SOUTH AFRICA			
			SWITZERLAND			
			THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA			
			TOGO			
			UNITED ARAB EMIRATES			
			UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND			
			VENEZUELA (BOLIVARIAN REPUBLIC OF)			
			VIET NAM			
	YES	18	NO	17	ABST	9

The result of the recorded vote is as flows: 18 in favor, 17 against, 9 abstentions. The amendment L.78 is therefore adopted. Copies of the results of the vote will shortly be distributed.

3.11 Ninth Amendment –New preambular paragraph on respect for the sovereign right of each country (A/HRC/32/L.79)

The ninth amendment proposed was:

“After the fourth preambular paragraph, insert a new paragraph reading

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,”

The full amendment as filed can be found in Annex 2.

The amendment passed by a vote of 22 in favor, 17 against, 5 abstentions.

3.11.1 President of the HRC, Mr. Choy Kyonglim – 01:41:42

We will now take action on amendment L.79. I will give the floor to Council members for explanations of vote before the vote on L.79. I give the floor to the distinguished representative of Mexico.

3.11.2 Mexico, Mr. Jorge Lomónaco – 01:42:04



Thank you Mr. President. As main sponsor of resolution L.2/Rev.1, together with the rest of the main sponsors, we reject this amendment. As set forth in the Universal Declaration:

Everyone is entitled to all rights and freedoms recognized in the declaration without distinctions of any kind.

Amendment L.79 places national sovereignty and cultural relativism over the universality of human rights. Human rights are universal, and allegations of national sovereignty should not, and cannot, be invoked to perpetrate human rights violations. The Human Rights Council was established to address human rights violations in any part of the world, by *any* actor. States should not hide themselves under the sovereignty,

national law, development priorities or religious and ethical values in order *not* to respect human rights. It is part of this Council's mandate to promote and respect human rights over any particular consideration, even cultural practices or national legislation.

An example of this is that at this same session we address issues like female genital mutilation or arbitrary deprivation of nationality, not because we're trying to undermine sovereignty or cultural values, but because we are convinced that there is no justification for those practices.

The objective of this amendment is to undermine the overall objective of this resolution and the general purpose of the Universal Declaration of Human Rights. We, therefore, call for a vote and we ask all members of the Human Rights Council to vote "No" on this amendment. I thank you.

3.11.3 President of the HRC, Mr. Choy Kyonglim – 01:44:11

Thank you very much. I give the floor to the distinguished representative of Panama.

3.11.4 Panama, Ms. Siurania Elizabeth Mirones Castillo – 01:44:19



Thank you President.

Panama rejects draft amendment L.79. This seeks to impose particular specific values above international norms and human rights using as a pretext the sovereign right of each country. The Universal Declaration of Human Rights, as well as the VDPA, bring universality of human rights. If we *are* "born equal and free in dignity and rights", someone with a sexual orientation or gender identity that is different has same rights and same dignity of any individual.

The proposed amendment before us weakens the text. For this reason it would be interpreted, as we have warned, as a denial of the vital mandate that this Council has in promoting and defending the human rights of *all* individuals without any distinction.

For the afore-mentioned, we call upon all States of the Council to vote against L.79. Thank you Mr. President.

3.11.5 President of the HRC, Mr. Choy Kyonglim – 01:45:29

Thank you very much. I give the floor to the distinguished representative of the UK.

3.11.6 United Kingdom, Mr. Julian Braithwaite – 01:45:37



Thank you Mr. President.

We oppose this amendment. This amendment subordinates the international guarantees of non-discrimination and protection from violence, to religious and ethical values and cultural backgrounds. As has been previously noted, the appropriate balance between cultural and religious values and human rights is set-out in Article 5 of the Vienna Declaration and Program of Action which is already reproduced in full in PP2 of the draft resolution.

In addition, there is a drafting problem with the proposed text. L.79 purports to ensure respect for the sovereign right of each country, but it doesn't indicate what it is reaffirming the sovereign right *to*. So, the proposed paragraph is incomplete and confusing, and therefore, for these reasons we call on the member States to vote against this amendment. Thank you.

3.11.7 President of the HRC, Mr. Choy Kyonglim – 01:46:37

Is there any other request on the floor? I give the floor to the distinguished representative of the Netherlands.

3.11.8 Netherlands, Mr. Paul Peters – 01:46:53



Thank you Mr. President.

The Netherlands opposes this amendment. As we have explained before, since the VDPA it is very clear that the universality trumps particularities, and sovereignty and national legislation have to be tested against international obligations. I will give you an example.

A long time ago, our delegation criticized one country for not respecting the freedom of religion. After the speech, I was addressed by a delegate from that country and she told me “you do not understand because we have abolished religion, so we do not need the freedom of religion.”

You will understand that this is not in conformity with the human rights framework. The human rights go over the national legislation. And there is always hope – because this country, a member of the OIC, is now a sponsor of the resolution on freedom of religion or belief, and that is an example of the negative effect of supporting this amendment.

Therefore, we will vote against it. And I also note that universally recognized human rights are phrased in this amendment as a kind of afterthought by the use of the phrase “should also” and this does not suffice.

Thank you very much.

3.11.9 President of the HRC, Mr. Choy Kyonglim – 01:48:36

Thank you very much. Is there any other request for the floor? I see none. So, the Council will now proceed to record vote on L.79.

HRC32 A/HRC/32/L.79 Amendment to L.2/Rev.1								
NO	ALBANIA	NO						
YES	ALGERIA	YES						
YES	BANGLADESH	YES						
NO	BELGIUM	YES						
	BOLIVIA (PLURINATIONAL STATE OF)	YES						
YES	BOTSWANA	YES						
YES	BURUNDI	NO						
YES	CHINA	YES						
YES	CONGO	NO						
YES	COTE D'IVOIRE	YES						
	CUBA	YES						
ABST	ECUADOR	ABST						
NO	EL SALVADOR	NO						
ABST	ETHIOPIA	YES						
NO	FRANCE	NO						
NO	GEORGIA	NO						
	GERMANY	YES						
	GHANA	ABST						
	INDIA	NO						
	INDONESIA	YES						
	KENYA	YES						
	KYRGYZSTAN	YES						
	LATVIA	NO						
	MALDIVES	ABST						
	MEXICO	NO						
	MONGOLIA	NO						
	MOROCCO	YES						
	NAMIBIA	YES						
	NETHERLANDS	NO						
	NIGERIA							
	PANAMA	YES						
	PARAGUAY							
	PHILIPPINES							
	PORTUGAL	NO						
	QATAR	NO						
	REPUBLIC OF KOREA	YES						
	RUSSIAN FEDERATION	YES						
	SAUDI ARABIA	NO						
	SLOVENIA	NO						
	SOUTH AFRICA	ABST						
	SWITZERLAND	NO						
	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	YES						
	TOGO	YES						
	UNITED ARAB EMIRATES	YES						
	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	NO						
	VENEZUELA (BOLIVARIAN REPUBLIC OF)							
	VIET NAM	YES						
	YES	22		NO	17		ABST	5

The result of the recorded vote is as follows: 22 in favor, 17 against, 5 abstentions. The amendment L.79 is therefore adopted. Copies of the results of the vote will shortly be distributed.

3.12 Tenth Amendment –Remove references to SOGI when deploring acts of violence and discrimination (A/HRC/32/L.80)

The tenth amendment proposed was:

“Paragraph 2 should read

Deplores acts of violence and discrimination, in all regions of the world, committed against individuals because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;”

The full amendment as filed can be found in Annex 2.

The amendment was defeated by a vote of 17 in favor, 19 against, 8 abstentions.³

3.12.1 President of the HRC, Mr. Choy Kyonglim – 01:50:28

We will now take action on amendment L.80. I will give the floor to Council members for explanations on vote before the vote on L.80. I give the floor to the distinguished representative of Mexico.

3.12.2 Mexico, Mr. Jorge Lomónaco – 01:50:51



Thank you Mr. President.

Mr. President, in the name of the core group of this draft resolution, my delegation rejects the proposed amendment that seeks to transform OP2 into a statement of such generality that loses the original focus and purpose.

In fact, such modification tries to encompass all situations affecting all people all over the world in all circumstances making the resolution irrelevant, particularly when we consider that this overall protection is provided by the Universal Declaration of Human Rights.

³ The vote as declared by the President was 16 in favor, 20 against, 8 abstentions. However, Russia raised a point of order after the vote explaining they had voted the wrong way. For the purposes of the vote count, we have included Russia as voting in favour of the resolution, and not against.

This amendment, while deploring violence and discrimination, fails to identify the specific, serious and systematic violations affecting people because of their sexual orientation and gender identity.

Mr. President, at the opening of this Council session, delegations from all regions strongly condemned the recent killings in Orlando. Those dreadful attacks targeted people *because* of their sexual orientation and gender identity. The proposed amendment is contrary to the common condemnation, pretending the human rights of such individuals are no longer a concern for this Council.

General Assembly Resolution 60/251 provides 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 in a fair and equal manner.

The Council cannot simply choose to ignore the specific human rights of individuals that are subjected to violence and discrimination because of their sexual orientation and gender identity.

Approving this proposed amendment, will send a very unfortunate message about the sincerity of the Council and its willingness to address such acts of violence that have consistently been brought to its attention. The implications of this amendment, Mr. President, are equivalent to those contained in failed amendment L.71.

As a matter of consistency, members of the Council that voted against L.71 should also vote against L.80. Furthermore, we urge all delegations to vote “No” on this amendment.

I thank you, Mr. President.

3.12.3 President of the HRC, Mr. Choy Kyonglim – 01:53:51

Thank you. The distinguished representative of Switzerland has the floor.

3.12.4 Switzerland, Ms. Barbara Fontana – 01:53:58



Mr. President: Amendment L.80 aims to weaken the draft resolution, the objective of L.2/Rev.1, in two important ways.

First of all, it weakens the negative appreciation of acts of violence and discrimination committed against the individuals because of their sexual orientation and their gender identity. As was mentioned by successive reports of the OHCHR to the Council, the situation in this respect in all regions of the world is serious enough that it justifies the use of the word “strongly” at the beginning of the paragraph.

Also, amendment L.80 aims to take away the main objective of L.2/Rev.1 by placing the explicit mention of criteria of acts of violence and discrimination (which L.2/Rev.1 aims to highlight) putting *after* that a list which is very lengthy but it is less specific. The goal of L.2/Rev.1 is to recall the right to non-discrimination of all individuals, in particular those whose human rights violated because of their sexual orientation and their gender identity.

It is not a matter of calling for specific rights for these people, but of highlighting the discrimination that they are victims of, and which, in terms of enjoyment of their rights, making these people invisible – which is what L.80 attempts to do – does not in any way contribute to the protection of this group of people against violence and discrimination.

For these various reasons, Switzerland will vote against amendment L.80 and we encourage all members of the Council to do the same. Thank you.

3.12.5 President of the HRC, Mr. Choy Kyonglim – 01:55:54

Thank you very much. The distinguished representative of the United Kingdom has the floor.

3.12.6 United Kingdom, Mr. Julian Braithwaite – 01:56:06



Thank you Mr. President.

We oppose this amendment. The proposed amendment would transform OP2 so that the Council is no longer deploring acts of violence and discrimination committed against individuals because of their sexual orientation and gender identity, it therefore makes a nonsense of this resolution. The amendment would clearly send the wrong message: that violence and discrimination based on sexual orientation and gender identity is no longer a concern of this Council.

It is worth us all remembering, this Council opened in the shadow of the Orlando killings in which individuals were targeted because of their sexual orientation and gender identity, leaving 49 dead and 53 wounded. States from different regions joined together to condemn the killings. It would send a tragic message about the Council's willingness to sincerely address such acts of violence if an amendment were adopted eliminating 'sexual orientation' and 'gender identity' from the list of grounds based on which violence is deplored. Therefore, for these reasons we call on States to vote against this amendment. Thank you.

3.12.7 President of the HRC, Mr. Choy Kyonglim - 01:57:23

Thank you. Is there any other request for the floor? I see none. So, the Council will now proceed to record vote on L.80.

A/HRC/32/L.80 Amendment to L.2/Rev.1			
NO	ALBANIA	NO	GERMANY
YES	ALGERIA	ABST	GHANA
YES	BANGLADESH	ABST	INDIA
NO	BELGIUM	YES	INDONESIA
ABST	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA
ABST	BOTSWANA	YES	KYRGYZSTAN
YES	BURUNDI	NO	LATVIA
YES	CHINA	YES	MALDIVES
YES	CONGO	NO	MEXICO
YES	COTE D'IVOIRE	NO	MONGOLIA
	CUBA	YES	MOROCCO
ABST	ECUADOR	ABST	NAMIBIA
NO	EL SALVADOR	NO	NETHERLANDS
ABST	ETHIOPIA	YES	NIGERIA
NO	FRANCE	NO	PANAMA
NO	GEORGIA	NO	PARAGUAY
			PORTUGAL
			QATAR
			REPUBLIC OF KOREA
			RUSSIAN FEDERATION
			SAUDI ARABIA
			SLOVENIA
			SOUTH AFRICA
			SWITZERLAND
			THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
			TOGO
			UNITED ARAB EMIRATES
			UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
			VENEZUELA (BOLIVARIAN REPUBLIC OF)
			VIET NAM
	YES	16	NO
			20
			ABST
			8

The result of the recorded vote is as follows: 16 in favor, 20 against, 8 abstentions. The amendment L.80 is therefore rejected.

Russia? Do you have a point or order? I give the floor to the distinguished representative of Russia.

3.12.8 Russian Federation, Ms. Natalia Zolotova – 01:57:35



Thank you Mr. President. Our delegation pushed the green button when the machine was on, but on the screen it shows that we voted against. But we pushed green. So we would like to register that our delegation voted in favour of the amendment and we would ask the technical personnel to deal with the machine. Thank you.

3.12.9 President of the HRC, Mr. Choy Kyonglim – 01:57:56

Thank you very much. We take note of your statement and it will be reflected in the record of the meeting.⁴

Let me say again that the amendment L.80 is therefore rejected. Copies of the results of the vote will shortly be distributed.

⁴ See footnote 4.

3.13 Eleventh Amendment –Remove articles creating the Independent Expert and replace with request for a report (A/HRC/32/L.81)

The eleventh amendment proposed was:

“Replace paragraphs 3, 4, 5, 6, 7 and 8 with a new paragraph reading

Requests the United Nations High Commissioner for Human Rights to present a report to the to the Human Rights Council, at its thirty-fifth session, on the protection of all individuals against violence and discrimination committed because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status with a focus on major challenges and best practices in this regard;”

The full amendment as filed can be found in Annex 2.

The amendment was defeated by a vote of 17 in favor, 19 against, 8 abstentions.

3.13.1 President of the HRC, Mr. Choy Kyonglim – 02:00:03

We will now take action on amendment L.81. I will now give the floor to the Council members for explanation on vote before the vote on L.81. The distinguished representative of Mexico has the floor.

3.13.2 Mexico, Mr. Jorge Lomónaco – 02:00:23



Thank you Mr. President.

Mr. President, as main sponsors of this resolution, we strongly reject in the most unequivocal terms this draft amendment. It is an attack to the heart of this draft resolution. This amendment completely rewrites the resolution – deleting six paragraphs, stripping all references to sexual orientation and gender identity, and eliminating the creation of a mechanism.

The proposed resolution seeks to create an Independent Expert to assess implementation of existing international human rights law, identify best practices and

gaps, raise awareness of violence and discrimination based on sexual orientation and gender identity, engage in dialogue and consultation with States and other stakeholders, and facilitate provision of advisory services, technical assistance, capacity building and cooperation to help address violence and discrimination on these grounds.

The amendment would fundamentally alter the nature and goal of the draft resolution. There have been consistent calls for further reporting to this Council on issues of human rights, sexual orientation and gender identity.

As the High Commissioner noted in the report mandated by this Council

Current arrangements to protect the human rights of LGBT and intersex persons are inadequate.

The report emphasizes

There is yet no dedicated human rights mechanism at the international level that has a systematic and comprehensive approach to the human rights situation of LGBT and intersex persons.

This protection gap urgently needs to be addressed: again, the core of this resolution. The lead sponsors chose to propose an Independent Expert since it was felt that this model would better advance a goal of fostering constructive engagement and dialogue. A similar mechanism in the Latin American region has played an invaluable role in raising awareness and strengthening constructive attention to the issues in the region.

Preventing systematic attention to issues of sexual orientation and gender identity will *not*, and I repeat will *not*, reduce polarization. Only through informed reporting and constructive dialogue can the differing views be addressed with the objective of increasing awareness and understanding of the issues.

Furthermore, the proposed amendment calls for a generic report on violence and discrimination on various grounds which are already the subject of dedicated reports to the Human Rights Council. Duplication – that some of the members that have proposed this amendment referred to and reject – to duplicate the specialized dedicated work of existing mandates and the OHCHR would be a waste of resources.

Mr. President, we have come to the heart of this draft resolution. Voting for this amendment is leaving millions and millions unprotected.

We therefore call for a vote on this amendment and urge all delegations to continue showing their commitment to the promotion and protection of human rights for all by rejecting this amendment and voting on this proposal. Let us give hope and dignity to millions. I thank you Mr. President.

3.13.3 President of the HRC, Mr. Choy Kyonglim – 02:05:10

Thank you very much. I give the floor to the distinguished representative of the United Kingdom.

3.13.4 United Kingdom, Mr. Julian Braithwaite – 02:05:23



Thank you Mr. President. This amendment seeks to remove all references to the main focus of this resolution: violence and discrimination against individuals based on their sexual orientation and gender identity. I repeat violence and discrimination against *individuals*.

By accepting this amendment, States are condoning violence, which can include punishment, torture and even death. As we have seen from the recent events in Orlando, this is a situation which affects all countries and all regions. Tragically only in the last 24 hours, we have seen reports of gay men being attacked and beaten for simply supporting the victims of the Orlando massacre.

This should not be seen as a North versus South issue. The countries which have put forward this initiative are from global south and have shown courage and leadership in taking this work forward. It is only right that the United Nations is asked to address this protection gap.

This amendment, L.81, seeks to remove that protection from the individuals who need it most - brothers, sisters, mothers, fathers, sons and daughters. The main sponsors have been modest in their request to this Council. It is a shame that those States who tabled this amendment chose to boycott the informal discussions over the last few weeks. Yet dialogue between States is vital for this Council to operate at its best.

The mandate in this resolution will help facilitate that dialogue and it will address a much-needed protection gap against some of the most vulnerable and marginalized individuals in our societies. Therefore I urge States to support this resolution as drafted and vote against this amendment. Thank you.

3.13.5 President of the HRC, Mr. Choy Kyonglim – 02:07:24

Thank you very much. I give the floor to the distinguished representative of Switzerland.

3.13.6 Switzerland, Ms. Barbara Fontana – 02:07:32



Thank you Mr. President.

My delegation, for reasons already expressed by Mexico and the UK, will vote against amendment L.81. We believe that the amendment is completely unacceptable in terms of the objective of the resolution which is to make sure that people who are subjected to discrimination because of their sexual orientation and gender identity. The goal of this amendment is to make them invisible and we oppose that.

We call upon everyone to vote against the amendment. Thank you very much.

3.13.7 President of the HRC, Mr. Choy Kyonglim – 02:08:23

Thank you very much. I give the floor to the distinguished representative of the Russian Federation.

3.13.8 Russian Federation, Mr. Alexey Goltyaev – 02:08:33



Thank you Mr. President. The Russian Federation supports the amendment contained in document L.81. We believe that the consideration of the issues of protecting individuals must be carried out on the basis of non-discrimination independently of their racial, national, ethnicity, gender, religion, political views, and other grounds which were explicitly listed in international instruments in the area of human rights. Introducing new grounds for such discrimination would only cause problems and confrontation in the Human Rights Council. It will not contribute to joining the efforts of the international community to combat violations of human rights.

In connection with this, the Russian Federation supports the amendment contained in the document A/HRC/L.81 and will vote in favor of it. We also call upon the member

States who want to preserve the international legal regime for the protection of individuals to vote in the same way. Thank you.

3.13.9 President of the HRC, Mr. Choy Kyonglim – 02:10:06

Thank you very much. Is there any other request for the floor? I give the floor to the distinguished representative of Netherlands.

3.13.10 Netherlands, Mr. Paul Peters – 02:10:17



Thank you Mr. President. The Netherlands opposes this amendment as it completely does not do justice to the intention of the main sponsors. And we were very grateful to the main sponsors to address this issue of violence and discrimination based on sexual orientation and gender identity.

We definitely do not agree with the previous speaker that these concepts were introduced by the main sponsors or their allies. In fact, it is introduced by those persons who perpetrate the violence and discrimination. They use these factors to commit their crimes and commit their discrimination, and that is what this Council should stem. And it's not enough to use general description of grounds of discrimination, especially not since, if we listen to the previous speaker, this factor what we all are concerned about would be excluded in his view.

We need a particular, specific and focused attention of this Council and of an Independent Expert to assist the Council in addressing this type of violence and discrimination which we cannot let be and we know it is around in all regions including in our own country and it has to be addressed nationally but also internationally in a specific way. That is why we oppose the present amendment. Thank you very much.

3.13.11 President of the HRC, Mr. Choy Kyonglim – 02:12:04

Thank you. Is there any other request for the floor? I see none. So, the Council will now proceed to a recorded vote on L.81.

A/HRC/32/L.81 Amendment to L.2/Rev.1			
NO	ALBANIA	NO	GERMANY
YES	ALGERIA	ABST	GHANA
YES	BANGLADESH	ABST	INDIA
NO	BELGIUM	YES	INDONESIA
NO	BOLIVIA (PLURINATIONAL STATE OF)	YES	KENYA
ABST	BOTSWANA	YES	KYRGYZSTAN
YES	BURUNDI	NO	LATVIA
YES	CHINA	YES	MALDIVES
YES	CONGO	NO	MEXICO
YES	COTE D'IVOIRE	NO	MONGOLIA
	CUBA	YES	MOROCCO
ABST	ECUADOR	ABST	NAMIBIA
NO	EL SALVADOR	NO	NETHERLANDS
	ETHIOPIA	YES	NIGERIA
NO	FRANCE	NO	PANAMA
NO	GEORGIA	NO	PARAGUAY
			PHILIPPINES
			PORTUGAL
			QATAR
			REPUBLIC OF KOREA
			RUSSIAN FEDERATION
			SAUDI ARABIA
			SLOVENIA
			SOUTH AFRICA
			SWITZERLAND
			THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
			TOGO
			UNITED ARAB EMIRATES
			UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
			VENEZUELA (BOLIVARIAN REPUBLIC OF)
			VIET NAM
	YES	17	NO
			19
			ABST
			8

The result of the recorded vote is as follows: 17 in favor, 19 against, 8 abstentions. The amendment L.81 is therefore rejected. Copies of the results of the votes will shortly be distributed.

Chapter 4

The Four Votes on Retaining Paragraphs

The Maldives and Qatar had requested earlier in the voting process that should any of the amendments fail to pass, that retention of specific sections of the resolution be put to the vote in four separate votes, namely on the retention of:

- 1) The title
- 2) Preambular Paragraph (PP) 4
- 3) Operational Paragraph (OP) 2
- 4) Operational Paragraphs 3 to 7 as one block

As some amendments had failed to pass, the Council then proceeded to vote on whether to retain each of these four paragraphs.

4.1 Action on the L2.Rev1 – Retaining Title?

The first vote was whether to retain the title of the draft resolution:

“Protection against violence and discrimination based on sexual orientation and gender identity”

The title was retained with a vote of 22 in favor, 15 against, 8 abstentions.

4.1.1 President of the HRC, Mr. Choy Kyonglim – 02:21:18

There is a request for a separate vote on the title. We will, therefore, first proceed to a separate vote on the title. I will now give the floor to members of the Council who wish to make explanations of vote before the vote on the title. I give the floor to the distinguished representative of Mexico.

4.1.2 Mexico, Mr. Jorge Lomónaco – 02:22:17



Thank you Mr. President.

Before I give an explanation of the vote, I would request that you clarify what are the implications of this vote. Is my delegation correct in interpreting that voting “yes” means keeping the title as is? Is that the correct interpretation? Could you please clarify?

4.1.3 President of the HRC, Mr. Choy Kyonglim – 02:22:49

That is correct understanding. So those who want to retain the title will have to vote “yes”. I give the floor to the distinguished representative of Mexico.

4.1.4 Mexico, Mr. Jorge Lomónaco – 02:23:12



Thank you for the clarification Mr. President. Therefore, all of those supporting the original draft are urged to vote in *favor* of keeping the title. I thank you Mr. President.

4.1.5 President of the HRC, Mr. Choy Kyonglim – 02:23:30

Thank you very much. I give the floor to the distinguished representative of UK.

4.1.6 United Kingdom, Mr. Julian Braithwaite – 02:23:42



Thank you Mr. President. Now the title of this resolution focuses on violence and discrimination. This is a fundamental part of one of the fundamental documents of this United Nations – the Universal Declaration of Human Rights.

All human beings are born free and equal – all human beings – are born free and equal in dignity and rights. Everyone – everyone – is entitled to all the rights and freedoms mentioned in this declaration – and I quote freely here – without distinction of any kind.

The title of this resolution reflects this spirit, and reflects the spirit of the Universal Declaration. Violence and discrimination against individuals based on their sexual orientation and gender identity has to stop and has no place in United Nations. Therefore, please vote in favor of the title as un-amended. Thank you.

4.1.7 President of the HRC, Mr. Choy Kyonglim – 02:25:04

Thank you very much. I give the floor to the distinguished representative of Nigeria.

4.1.8 Nigeria, Mr. Peters Omologbe Emuze – 02:25:18



Mr. President, we call on all those who have voted against these amendments that have been passed in the last thirty minutes or so, to kindly consider this title as very very misleading. Because the whole idea of this draft resolution is really to appoint an Independent Expert. And this title, its deep meaning, seems to contradict this particular fact.

So we ask all those who have been supporting these amendments to vote against the retention of this title. I thank you.

4.1.9 President of the HRC, Mr. Choy Kyonglim – 02:26:05

Thank you very much. I give the floor to the distinguished representative of Mexico.

4.1.10 Mexico, Mr. Jorge Lomónaco – 02:26:15



Apologies, Mr. President, but I am struggling to understand the logic of this request to vote for deletion of the title. Can the Secretariat, or you, Mr. President, clarify what would the implication of deleting the title of this resolution? Are we going to end-up having an untitled resolution? Is that even reasonable? Well, if that's the case, I urge not only those who support the resolution, but everyone else to vote against removing the title because it is simply nonsense. Thank you Mr. President.

4.1.11 President of the HRC, Mr. Choy Kyonglim – 02:27:05

Thank you very much. And I think that you yourself have answered your question! I give the floor to the distinguished representative of Switzerland.

4.1.12 Switzerland, Ms. Barbara Fontana – 02:27:26



Thank you very much Sir.

My delegation shares the confusion of the Mexican delegation on this request for a specific vote on the title. Having said this, however, we felt that the title was perfectly clear in terms of its aim – the aim of this resolution that is – and that’s the overall aim of the resolution and we will obviously vote in favor of the title. Thank you.

4.1.13 President of the HRC, Mr. Choy Kyonglim – 02:27:54

Is there any other request for the floor? I see none. So, the Council will now proceed to a recorded vote on the title. Let me say this again. Those in favor of retaining the title should vote “Yes” and those against should vote “No” to reject the title.

Vote on retaining the title of L.2/Rev.1					
YES	ALBANIA	YES			
NO	ALGERIA	YES			
NO	BANGLADESH	ABST			
YES	BELGIUM	INDIA			
YES	BOLIVIA (PLURINATIONAL STATE OF)	INDONESIA			
ABST	BOTSWANA	KENYA			
NO	BURUNDI	KYRGYZSTAN			
ABST	CHINA	LATVIA			
ABST	CONGO	MALDIVES			
NO	COTE D'IVOIRE	MEXICO			
	CUBA	MONGOLIA			
ABST	ECUADOR	MOROCCO			
YES	EL SALVADOR	NAMIBIA			
ABST	ETHIOPIA	NETHERLANDS			
YES	FRANCE	NIGERIA			
YES	GEORGIA	PANAMA			
		PARAGUAY			
		PHILIPPINES			
		PORTUGAL			
		QATAR			
		REPUBLIC OF KOREA			
		RUSSIAN FEDERATION			
		SAUDI ARABIA			
		SLOVENIA			
		SOUTH AFRICA			
		SWITZERLAND			
		THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA			
		TOGO			
		UNITED ARAB EMIRATES			
		UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND			
		VENEZUELA (BOLIVARIAN REPUBLIC OF)			
		VIET NAM			
YES	22	NO	15	ABST	8

The result of the recorded vote is as follows: 22 in favor, 15 against, 8 abstentions. The title is, therefore, retained. Copies of the results of the vote will shortly be distributed.

4.2 Action on L.Rev1 – Retaining preambular paragraph 4?

The second vote was whether to retain preambular paragraph 4:

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

The paragraph was retained with a vote of 21 in favor, 14 against, 9 abstentions.

4.2.1 President of the HRC, Mr. Choy Kyonglim – 02:29:56

There is also a request for a separate vote on PP-4. We will, therefore, first proceed to separate vote on PP4. I will now give the floor to members of the Council who wish to make explanations of vote before the vote on PP4. The distinguished representative of Mexico has the floor.

4.2.2 Mexico, Mr. Jorge Lomónaco – 02:30:23



Thank you Mr. President. I have to say that I am relieved that this very important resolution will have a title! Now, we will be voting for retaining PP4 and I would like to invite – I would say urge – all those who support the original draft resolution to vote in favor of retaining PP4. Thank you.

4.2.3 President of the HRC, Mr. Choy Kyonglim – 02:30:48

Thank you. I give the floor to the distinguished representative of Switzerland.

4.2.4 Switzerland, Ms. Barbara Fontana – 02:31:05

Mr. President. My delegation had spoken against L.72 whose purpose was to truncate and to eliminate those references to resolutions 17/19 and 27/32. Hence, no one will be surprised to hear that we want to keep PP4 as proposed in the draft resolution. And we urge all members of the Council to do the same.

4.2.5 President of the HRC, Mr. Choy Kyonglim – 02:31:36

Thank you. I give the floor to the distinguished representative of the United Kingdom.

4.2.6 United Kingdom, Mr. Julian Braithwaite – 02:31:50



Thank you Mr. President. We will be voting in favor of PP4. Now this paragraph recalls previous resolutions of this Council on sexual orientation and gender identity and these resolutions that it recalls set out some of the background to this resolution. In order to establish the context of the Independent Expert’s mandate it is only right and proper that this resolution starts by recalling these earlier resolutions.

We, therefore, urge all States to vote in favor of retaining PP4. Thank you Mr. President.

4.2.7 President of the HRC, Mr. Choy Kyonglim – 02:32:28

Thank you. Is there any other request for the floor? I see none. So, the Council will now proceed to a recorded vote on PP4. Let me tell you again that those in favor of PP4 should vote “yes” to retain the paragraph and those against should vote “no” to reject the paragraph.

HRC32					
Vote on retaining preambular paragraph 4 of L.2/Rev.1					
YES	ALBANIA	YES	GERMANY	YES	PORTUGAL
NO	ALGERIA	ABST	GHANA	YES	QATAR
NO	BANGLADESH	ABST	INDIA	NO	REPUBLIC OF KOREA
YES	BELGIUM	NO	INDONESIA	YES	RUSSIAN FEDERATION
	BOLIVIA (PLURINATIONAL STATE OF)	NO	KENYA	NO	SAUDI ARABIA
ABST	BOTSWANA	NO	KYRGYZSTAN	NO	SLOVENIA
ABST	BURUNDI	YES	LATVIA	YES	SOUTH AFRICA
ABST	CHINA	NO	MALDIVES	YES	SWITZERLAND
ABST	CONGO	YES	MEXICO	YES	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
NO	COTE D'IVOIRE	YES	MONGOLIA	YES	TOGO
	CUBA	NO	MOROCCO	NO	UNITED ARAB EMIRATES
ABST	ECUADOR	ABST	NAMIBIA	NO	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
YES	EL SALVADOR	YES	NETHERLANDS	YES	VENEZUELA (BOLIVARIAN REPUBLIC OF)
ABST	ETHIOPIA	NO	NIGERIA		VIET NAM
YES	FRANCE	YES	PANAMA	YES	
YES	GEORGIA	YES	PARAGUAY		
	YES	21	NO	14	ABST
					9

The result of the recorded vote is as follows: 21 in favor, 14 against, 9 abstentions. PP4 is, therefore, retained. Copies of the results of the vote will shortly be distributed.

4.3 Action on L.Rev1 – Retaining operational paragraph 2?

The third vote was whether to retain operational paragraph 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;”

The paragraph was retained with a vote of 23 in favor, 14 against, 8 abstentions.

4.3.1 President of the HRC, Mr. Choy Kyonglim – 02:34:14

There is another request for a separate vote on OP2. We will, therefore, first proceed to a separate vote on OP2. I will now give the floor to the members of Council who wish to make explanations of vote before the vote on OP2. The distinguished representative of Mexico has the floor.

4.3.2 Mexico, Mr. Jorge Lomónaco – 02:34:38



Thank you Mr. President. I am sure colleagues will not be surprised when I repeat again that those supporting the original draft of this resolution, those supporting the important cause behind this resolution should vote in favor of retaining OP2.

I thank you Mr. President

4.3.3 President of the HRC, Mr. Choy Kyonglim – 02:35:02

Thank you very much. I give the floor to the distinguished representative of the UK.

4.3.4 United Kingdom, Mr. Julian Braithwaite – 02:35:11



Thank you Mr. President. Now voting to remove OP2 means that this Council would condone acts of violence and discrimination in all regions of the world committed against

individuals because of their sexual orientation and gender identity. Now, obviously that message would totally be contrary to the principles of the United Nations and of this Council. It would say to individuals who do suffer such violence and discrimination that this is justified and that in our eyes the individuals who are targeted because of their sexual orientation and gender identity matter less than others. That is surely an unacceptable message and we reject the attempts to remove OP2 and urge all States to retain OP2. Thank you.

4.3.5 President of the HRC, Mr. Choy Kyonglim - 02:36:00

Thank you very much. The distinguished representative of Switzerland has the floor.

4.3.6 Switzerland, Ms. Barbara Fontana - 02:36:06



Mr. President, my delegation will be voting “yes” to OP2. We believe that this is a significant paragraph which describes a factual situation, and for the reasons we have already voiced, namely linked to the rejection of L.80, it’s important that we render this category of discrimination, based on sexual orientation and gender identity, visible. Hence, OP2 gives context to OP3 and the rest of the paragraphs and we absolutely must keep OP2 and we urge all members to do the same.

4.3.7 President of the HRC, Mr. Choy Kyonglim - 02:36:52

Thank you very much. Is there any other request for the floor? I see none. So, the Council will now proceed to record vote on OP2. Those in favor of OP2 should vote “yes” to retain the paragraph and those against should vote “no” to reject the paragraph.

HRC32
Vote on retaining operative paragraph 2 of L.2/Rev.1

YES	ALBANIA	YES	GERMANY	YES	PHILIPPINES	
NO	ALGERIA	YES	GHANA	YES	PORTUGAL	
NO	BANGLADESH	ABST	INDIA	NO	QATAR	
YES	BELGIUM	NO	INDONESIA	YES	REPUBLIC OF KOREA	
YES	BOLIVIA (PLURINATIONAL STATE OF)	NO	KENYA	NO	RUSSIAN FEDERATION	
ABST	BOTSWANA	NO	KYRGYZSTAN	NO	SAUDI ARABIA	
ABST	BURUNDI	YES	LATVIA	YES	SLOVENIA	
ABST	CHINA	NO	MALDIVES	YES	SOUTH AFRICA	
ABST	CONGO	YES	MEXICO	YES	SWITZERLAND	
NO	COTE D'IVOIRE	YES	MONGOLIA	YES	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	
	CUBA	NO	MOROCCO	NO	TOGO	
ABST	ECUADOR	ABST	NAMIBIA	NO	UNITED ARAB EMIRATES	
YES	EL SALVADOR	YES	NETHERLANDS	YES	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	
ABST	ETHIOPIA	NO	NIGERIA		VENEZUELA (BOLIVARIAN REPUBLIC OF)	
YES	FRANCE	YES	PANAMA	YES	VIET NAM	
YES	GEORGIA	YES	PARAGUAY			
	YES	23	NO	14	ABST	8

The result of the recorded vote is as flows: 23 in favor, 14 against, 8 abstentions. OP2 is, therefore, retained. Copies of the results of the vote will shortly be distributed.

4.4 Action on L.Rev1 – Retaining operational paragraphs 3 to 7?

The fourth vote was whether to retain operational paragraphs 3 to 7. These are the articles that establish the Independent Expert.

The paragraph was retained with a vote of 21 in favor, 17 against, 7 abstentions.

4.4.1 President of the HRC, Mr. Choy Kyonglim – 02:38:27

There is request for separate vote on OPs 3 to 7. We will, therefore, proceed to a separate vote on OPs 3 to 7. I will now give the floor to members of the Council who wish to make explanations of vote before the vote on OPs 3 to 7. The distinguished representative of Mexico has the floor.

4.4.2 Mexico, Mr. Jorge Lomónaco – 02:39:01



Thank you Mr. President. Indeed, as everybody, I suppose, is aware, this is the heart of the resolution. Clearly, to pretend the elimination of these paragraphs is to pretend to do a rerun of the failed attempt to pass amendment L.81. That amendment, we need to recall, was defeated. This is an attempt to try again using a different procedure. It's very unfortunate that we are confronted by a need to do a rerun. All those that voted against L.81 should now vote in favor of retaining OP 3 to OP 7. I thank you, Mr. President.

4.4.3 President of the HRC, Mr. Choy Kyonglim – 02:40:07

Thank you very much. I give the floor to the distinguished representative of the United Kingdom.

4.4.4 United Kingdom, Mr. Julian Braithwaite – 02:40:18



Thank you Mr. President. Now, these paragraphs are fundamental to the resolution – paragraphs that create a mandate in the United Nations to address violence and discrimination. A vote against these paragraphs is a vote against the very spirit of this Council.

Just let me reiterate, these paragraphs do not ask countries to change their legislation. They do not talk about same-sex marriage or seek to impose the values of one country to another. Everybody is entitled to all the rights and freedoms set forth in the Universal Declaration without distinction of any kind. Those are the words in the declaration – *without distinction of any kind*.

By voting to remove these paragraphs, you'd be voting to block the United Nations from trying to stop violence and discrimination. Violence and discrimination itself has to stop and the United Nations should be allowed to play its part in preventing it.

For all these reasons the United Kingdom cannot support deletion of these paragraphs, and therefore, we will be voting “yes” to retain these paragraphs and strongly urge other States to do likewise.

4.4.5 President of the HRC, Mr. Choy Kyonglim – 02:41:24

Thank you very much. I give the floor to the distinguished representative of the Russian Federation.

4.4.6 Russian Federation, Mr. Alexey Goltyaev – 02:41:34



Thank you very much Sir.

In discussing these paragraphs 3 to 7 in this resolution, we for the first time have moved from topical issues of non-discrimination to institutional dimensions of the way in which

the Council should operate. Now, if these “Special Procedures” which are being requested by the author were to be set up, this would be the first “Special Procedures” of the Human Rights Council which would be set up by a vote in conditions of confrontation and polarization. The establishment of this “Special Procedure” would mean the end of the constructive cooperation in the Council of Human Rights on thematic issues and closing the door for this dialogue.

Mr. President, the authors of the resolution wish to set up a monitoring mechanism with unclear powers and unclear terms of reference which would be tracking the human rights of a group of people not defined in international law. Mr. President, we would like to note that the establishment by the Council of Human Rights of monitoring terms of reference would not be a precondition which would allow millions of people as a previous speaker said, to get additional protection. It will not lead to their additional protection. It would simply be a useless waste of the budget of the United Nations.

Mr. President, we would call on all States which call for constructive cooperation and dialogue in the Council and who do not wish to have a clear dividing line that would last forever, not to support Paragraphs 3 to 7 and vote “No”. Russia will do exactly that. Thank you very much.

4.4.7 President of the HRC, Mr. Choy Kyonglim – 02:43:40

Thank you. I now give the floor to the distinguished representative of the Kingdom of Saudi Arabia.

4.4.8 Saudi Arabia, Mr. Faisal Bin Hassan Trad – 02:43:53



Thank you Mr. President.

These paragraphs seek to establish an Independent Expert not just to monitor violence but to also monitor discrimination based on sexual orientation and gender identity, concepts that are vague, undefined and have no basis in international law. Who will determine what constitutes discrimination when nations are deeply divided on these issues and where there is no international consensus? Will laws protecting marriage or single-gender bathroom use be considered discrimination? Also, how can such an Expert

monitor or report on violence against persons based on their sexual attractions or interior gender identities especially when Facebook, for example, recognizes at least 70 different genders. This mandate, if it goes forward, will certainly open a Pandora's Box of litigation against Governments and individuals over disputed rights that have no international consensus.

Finally, we indeed are against violence but such a broad sweeping mandate would require the UN to interfere in the sensitive issue that affects domestic, cultural, religious and family norms of many UN member States and will only create bad will and further divide nations. This is an issue better left to States to decide – and the people – rather than be determined by the UN body or an Independent Expert.

Therefore, I urge all countries to vote against these paragraphs. Thank you.

4.4.9 President of the HRC, Mr. Choy Kyonglim – 02:45:56

Thank you very much. I give the floor to the distinguished representative of Switzerland.

4.4.10 Switzerland, Ms. Barbara Fontana – 02:46:09



Mr. President, my delegation would like to react to some of the comments we have just heard from the two previous speakers. We do not believe that this is the first time that an Independent Expert or Human Rights Special Rapporteur has a mandate that is adopted in, how can I put it, in this polarized atmosphere.

We consider that in the light of what people have said, an Independent Expert could contribute to clarifying many things including for those delegations who took the floor just before me.

Thank you very much.

4.4.11 President of the HRC, Mr. Choy Kyonglim – 02:46:46

Thank you very much. Is there any other request for the floor? I see none. So, the Council will now proceed to record vote on OPs 3 to 7. Those in favor of OPs 3 to 7 should vote “Yes” to retain the paragraphs and those against should vote “No” to reject the paragraphs.

I will now ask the secretariat to open the voting machine. And I request all delegations to register their vote.

HRC32
Vote on retaining operative paragraphs 3 to 7 of L.2/Rev.1

YES	ALBANIA	YES	GERMANY	ABST	PHILIPPINES
NO	ALGERIA	ABST	GHANA	YES	PORTUGAL
NO	BANGLADESH	ABST	INDIA	NO	QATAR
YES	BELGIUM	NO	INDONESIA	YES	REPUBLIC OF KOREA
YES	BOLIVIA (PLURINATIONAL STATE OF)	NO	KENYA	NO	RUSSIAN FEDERATION
ABST	BOTSWANA	NO	KYRGYZSTAN	NO	SAUDI ARABIA
NO	BURUNDI	YES	LATVIA	YES	SLOVENIA
NO	CHINA	NO	MALDIVES	ABST	SOUTH AFRICA
NO	CONGO	YES	MEXICO	YES	SWITZERLAND
NO	COTE D'IVOIRE	YES	MONGOLIA	YES	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
	CUBA	NO	MOROCCO	NO	TOGO
ABST	ECUADOR	ABST	NAMIBIA	NO	UNITED ARAB EMIRATES
YES	EL SALVADOR	YES	NETHERLANDS	YES	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
	ETHIOPIA	NO	NIGERIA	YES	VENEZUELA (BOLIVARIAN REPUBLIC OF)
YES	FRANCE	YES	PANAMA	YES	VIET NAM
YES	GEORGIA	YES	PARAGUAY		
	YES	21	NO	17	ABST
					7

The result of the recorded vote is as follows: 21 in favor, 17 against, 7 abstentions. OP 3 to OP 7 is, therefore, retained. Copies of the results of the vote will shortly be distributed.

Chapter 5

The Vote on the Resolution (as amended)

The final vote was on the resolution itself, as amended by the seven amendments that had passed. Many States gave explanations of vote before the vote.

The resolution itself passed with a vote of 23 in favor, 18 against, 6 abstentions.

5.2.1 President of the HRC, Mr. Choy Kyonglim – 02:48:28

Excellency's distinguished colleagues, we have one more vote on this resolution. We will now take action on L.2/Rev.1 as a whole, as amended. I will now give the floor to members of the Council who wish to make explanations before the vote on resolution L.2/Rev.1 as a whole, as amended. The distinguished representative of Mexico has the floor.

5.2.2 Mexico, Mr. Jorge Lomónaco – 02:39:01



Thank you Mr. President. We would like to take the floor to explain our vote before the vote as we take action on L.2/Rev.1 as amended. We take note that many amendments against the aims and purposes of the resolution were proposed and that some were adopted. The amendments that tried to erase the heart of our original resolution – fortunately were rejected. We then understand that our main objective still stands: to establish an Independent Expert that will protect people against violence and discrimination based on their sexual orientation and gender identity. We therefore believe that our main purpose will be fulfilled if the resolution is adopted even as amended. All individuals that are discriminated or subjected to violence because of their sexual orientation will now have a voice within the international system of human rights. Mr. President, I have spoken enough. Let me simply urge all member states to be consistent with their obligations and commitments, to be consistent with their stated

rejection to discrimination and violence, and despite the amendments to vote “Yes” for this resolution. Let us give hope and dignity to millions. I thank you Mr. President.

5.2.3 President of the HRC, Mr. Choy Kyonglim – 02:51:01

Thank you very much. I give the floor to the distinguished representative of the Philippines.

5.2.4 Philippines, Ms. Cecilia B. Rebong – 02:51:08



Thank you Mr. President. Two years ago the Philippines voted to support the resolution on Human Rights and Sexual Orientation and Gender Identity (SOGI). At that time the SOGI resolution’s purpose was to discuss discrimination and violence against individuals based on SOGI with a view to sharing good practices and ways to overcome violence and discrimination. We supported that resolution in the context of Philippines’ strong commitment to the promotion and protection of the human rights of all individuals regardless of race, color, sex, gender, religion or any other status in line with the Universal Declaration of Human Rights and other International and regional human rights agreements to which it is a State party. It is in pursuant of this commitment that the Philippines has stood against discrimination against specific individuals and sectors, including discrimination and violence against individuals based on their sexual orientation and gender identity, such as those belonging to LGBT sector.

We also supported the previous resolution with the full understanding that the resolution will neither create nor lead to the creation of new human rights specific to LGBTs and other individuals with specific sexual orientation and gender identity as it will run counter to the universality of human rights. Most important of all, we understood that the previous resolution would not impose, not derogate the sovereign rights of States to formulate and define its own laws.

Today we express the same commitment and understanding. However, my delegation was not ready to support the establishment of a mandate holder, especially so when the mandate holder to be created would, by its very nature, pursue a set of standards applied to a specific sector when there is no consensus on a set of universally-accepted human

rights standards. It is for these reasons, Mr. President, that my delegation voted to support the portions of the resolution that pertain to combatting violence and discrimination against LGBT. We voted against L.75 because it attempts to change the essence and message of Article 1.5 of the Vienna Declaration and Program of Action of the World Conference on Human Rights which reads in part:

While the significant 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.

Mr. President, we abstained on the vote to create a new mandate holder, and we will abstain on the resolution as a whole.

Thank you Mr. President.

5.2.5 President of the HRC, Mr. Choy Kyonglim – 02:54:02

Thank you very much. I give the floor to the distinguished representative of the Russian Federation.

5.2.6 Russian Federation, Ms. Natalia Zolotova – 02:54:12



Thank you very much Mr. President. We would like to start by saying that the principle of not allowing discrimination is in the Russian Constitution and all acts of violence regardless of against whom they are directed are carefully investigated by competent authorities in Russia, and those who are responsible are brought to justice. The Government, in taking measures to combat violence and discrimination to an equal extent, protects all citizens without any hierarchy and helps everybody to the same extent.

Mr. President, Russia believes that sexual orientation is an element of private life of a separately taken individual and one cannot interfere in this. This is a deeply individual choice according to one's models in particular relationships which does not lead to the need for the creation of any specific conditions for the implementation of such a choice - a particular system of protection for those who take this particular choice. At international

law, and in Russia at the human rights level, is extended to all the areas under its jurisdiction with respect to women, to the elderly, to people with disabilities, homosexuals, teachers, or astronauts, young people or representatives of national or religious minorities.

And what we see today, sir, is a small group of countries where it would appear the level of private life is extremely approximate, are suggesting that we set up a separate legal regime for the protection of those who take a choice for a certain model of personal relationships.

We will refrain from any comments with respect to whether this choice is a natural one. We will simply note that many thousands of years of human development were carried out by those who did not have this kind of a choice.

The establishment of an Independent Expert by the Council on issues only with respect to private matters is not something that we can see as anything else as imposing specific behavioral models and we are against such an approach, which would simply facilitate further politicization and this discussion that we have already had.

We regret the fact that the authors of this initiative have taken the decision to turn an equitable discussion among Governments and treat this as a victim of their personal interests and trying to prevent others from presenting their views.

In conclusion, Sir, bearing in mind the aforementioned, the Russian Federation will vote against the resolution on this post of an Independent Expert on issues of discrimination on the basis of sexual orientation and will not cooperate with it if it is established. Thank you.

5.2.7 President of the HRC, Mr. Choy Kyonglim – 02:57:51

Thank you. I now give the floor to the distinguished representative of Saudi Arabia.

5.2.8 Saudi Arabia, Mr. Faisal Bin Hassan Trad – 02:58:04



Mr. Sir, once again my delegation would like to reiterate our previous positions. We already said that such a resolution being proposed to your Council means that we have ambiguity that is a mismatch between the behaviors of individuals on one hand and our

sacred values consecrated by religion on the other hand. You are basing a proposal on behavioral issues and this pushes us to review issues that are in fact prohibited by religion.

We would like to say once again that respecting religions and beliefs as a universal right has been consecrated in the Universal Declaration of Human Rights. And, the universality of rights does not mean that we have to impose cultures that are contravening with our Muslim religion.

This is why we reject this and we are very sorry to see this tension as we are discussing issues related to human rights in your august assembly. It is another attempt to impose polarization and non-respect for cultural diversity and religious specificity.

We are deeply convinced that individuals can describe themselves as they want, but this has nothing to do with discrimination or any violence. This will lead to a more resistance towards global efforts to fight against discrimination in the first place.

In case you adopt this mandate holder, this will lead to discussing very sensitive issues and the Council cannot change issues especially in our Muslim societies that are deeply rooted in our values. This is why Saudi Arabia is not ready to cooperate with the Independent Expert in any way. This is why we will vote against the resolution and we call upon other countries to reject it and vote against it. I hope that you will register this position in the report of the 33rd Session of this Council. Thank you.

5.2.9 President of the HRC, Mr. Choy Kyonglim – 03:00:25

Thank you very much. I will now give the floor to the distinguished representative of South Africa.

5.2.10 South Africa, Ms. Nozipho Mxakato-Diseko – 03:00:34



Thank you Mr. President.

For South Africa, respect for the promotion, protection and fulfillment of human rights and fundamental freedoms as enshrined in our Constitution constitutes a critical pillar of our foreign policy. We believe that no persons should be subjected to discrimination and violence on any ground including on the basis of sexual orientation.

Guided by this conviction, South Africa tabled the original resolution on the SOGI and the LGBTI issue in 2011. Our approach on the issue of protection against violence and discrimination of LGBTI persons was, and remains, to focus on issues that will draw maximum unity at this Council and carry even countries that have some challenges with this issue.

How the current sponsors have sought to build on the South African initiative of 2011, has added divisive dimensions and created unnecessary acrimony in this Council. We learnt from our struggle against apartheid that if we are clear about the end goal, which for us is the end of violence and the discrimination against LGBTI persons, a better approach is building maximum consensus. This could have been achieved had it not been for the arrogant and confrontational approach adopted.

Mr. President, there is an African proverb that says: *If you want to walk fast, then walk alone. If you want to walk far, walk together with others.*

South Africa remains firmly committed to investing all its resources to ensuring that violence and discrimination against LGBTI persons is eradicated, leaving no one behind. Grandstanding, recklessness, brinkmanship and point-scoring will not take us anywhere. Lives are at stake.

It is for these reasons that while we have supported those parts of this resolution which focus primarily on ending violence and discrimination against LGBTI persons, South Africa cannot support this resolution as it stands and will therefore abstain. I thank you.

5.2.11 President of the HRC, Mr. Choy Kyonglim – 03:03:01

Thank you very much. I give the floor to the distinguished representative of Botswana.

5.2.12 Botswana, Mr. Mothusi Bruce Rabasha Palai – 03:03:11



Thank you Mr. President.

Mr. President, the Constitution of Botswana does not condone violence against any person, nor does it allow for discrimination against any person. Furthermore, Botswana supports the appointment of mandate holders to further the promotion and protection of human rights. It must be noted, however, that at international level and within

international law there is no agreed definition or acceptance of the use of the terminology on sexual orientation and gender identity as discussed under the current resolution. It is in fact a concept that is still developing, even at international levels.

The reason that we abstain at this stage, takes into consideration the fundamental importance of respecting the relevant domestic debates on matters associated with historical, cultural, social and religious sensitivities.

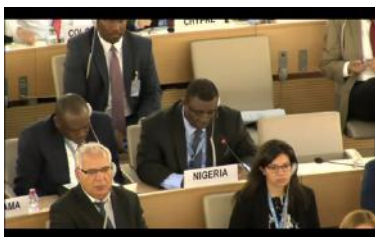
Mr. President, Botswana places a high value in allowing dialogue regardless of differing views. In fact, we consider it very important to allow dissenting voices in order to ensure that our laws and policies are in tune with the needs and development aspirations of our people, and also respect our diverse cultural, social and religious values.

We, therefore, will abstain on the resolution to allow this dialogue to take place. I thank you.

5.2.13 President of the HRC, Mr. Choy Kyonglim – 03:04:34

Thank you very much. I give the floor to the distinguished representative of Nigeria.

5.2.14 Nigeria, Mr. Peters Omologbe Emuze – 03:04:40



Mr. President, my delegation still wants to reiterate the fact that the resolution L.2 suffers a lot of defects – both in substance and in form. When nations committed to the Universal Declaration of Human Rights, the definition of the family and marriage was well-articulated. Article 16 is very clear on this.

States have the right to make laws for the good governance of its people, and the UN must contain to live by the very tenets and principles upon which it is founded. It cannot afford to be hijacked by certain States to promote certain attitudes that are offensive to other States. Nigeria has legislated against the LGBT. Nigeria opposed it in this Council in 2011. Nigeria has no ill-feelings against States that practice, you know, same-sex attitudes and so on. All Nigeria is saying is that its laws don't accept it, and I think it goes for a number of countries that have made statements in rebuttal of this particular resolution.

Mr. President, the process of selection of mandate holders must not only be transparent, it must be seen to be clear and deep in this subject matter the Independent Expert is

expected to carry out his assignment. It is clear to my delegation that the procedure building up to this resolution has not been transparent. We have seen evidence of these traits in the reports of other mandate holders which lend the claim that proponents of LGBT have hijacked the mandate mechanism. There is hardly any report now by most mandate holders that do not include items on sexual orientation and gender identity, no matter how unrelated. We need to underscore that this is a Council that must be above-board and truly dispassionate and objective on determining an issue that is not yet ripe for a mechanism. This is why we feel that this Council is not ready yet to have an Independent Expert on SOGI until it completely sanitizes its mandate procedures mechanism.

Our fear is born out of the fact that sexual orientation and gender identity still do not enjoy universal popularity and acceptability to qualify for a human rights issue, let alone a mechanism to deal with it. The vast majority of nations have not accepted LGBT rights. In a world that has a population of over 7.4 billion, how can we say the concept of human rights for LGBT people is ripe given their infinitesimal number. My government, indeed many governments, seriously object to LGBT rights as human rights and have legislated against those rights because it offends their culture, religion and natural laws.

We object to the insinuation that a vote against this resolution is to instigate violence. We say “No, no, no”. The opposition to this resolution is to ensure the sanctity of other rights, such as rights to religious beliefs, and culture, and the supremacy of natural laws. All rights that offend natural laws have to be curtailed or abolished, otherwise we find its exercise in this so-called free love where parents and their siblings are now getting married. May God forbid it.

Mr. President, I repeat any attempt to the UN mechanism to change the States’ laws will meet a stone wall. This is why we feel strongly that this resolution will not serve any useful purpose for the vast majority of States that don’t believe in it. And this is the sole reason my delegation is calling for a vote. Nigeria will vote against this resolution.

I thank you.

5.2.15 President of the HRC, Mr. Choy Kyonglim – 03:08:30

Thank you very much. I now give the floor to the distinguished representative of Viet Nam.

5.2.16 Viet Nam, Mr. Nguyen Vu Minh – 03:08:48



Mr. President, Viet Nam welcomes initiative and efforts of members of international community to prevent and combat violence and discrimination based on sexual orientation and gender identity. While going to vote in favor of draft L.2/Rev.1 as amended, Viet Nam would like to stress that the mandate holder of the new Special Procedures endorsed in this draft will discharge her or his duty strictly in conformity with the Code of Conduct enshrined in HRC resolution 5/2, contributing to the efforts to address violence and discrimination in this regard.

It is imperative that this Special Procedure, when established and in the future, will help foster genuine dialogue among all relevant stakeholders with a view to bringing about positive impacts on the life of people around the world. In this process, differences among diversified societies must be respected and taken into account instead of being negatively amplified.

This is, Mr. President, the principle under which my delegation exercised our respective votes on different amendments as well as our vote in favor of L.2/Rev.1 as amended.

I thank you.

5.2.17 President of the HRC, Mr. Choy Kyonglim – 03:10:23

Thank you very much. I give the floor to the distinguished representative of Indonesia.

5.2.18 Indonesia, Mr. Dicky Komar – 03:10:31



Mr. President, my delegation takes the floor to explain our opinion on draft resolution L.2/Rev.1 as amended before us. Indonesia reaffirms its unwavering commitments in the elimination of discrimination and violence against all persons as firmly guaranteed in the Indonesian Constitution and identified in the international human rights treaties.

While recognizing the mandate of the Human Rights Council to promote and protect human rights, we believe that the Council should always take a constructive and cooperative approach in the consideration of issues particularly of those involving different socio-cultural and religious norms and moralities. We believe that members of the Council should always demonstrate the requisite sensitivity to them, and refrain from imposing certain values or norms to others and to those that do not enjoy international consensus.

Whilst mindful of the reasoning introduced by the initiator of the draft resolution, we are concerned that the draft resolution before as well as the overall discussion on these issues links the discussion on discrimination and violence based with a concept which is divisive and enjoys lack of recognition to the different norms, cultures and views other societies.

While welcoming the adoption of several number of amendments of principle statement of the text, we consider that the basic purposes and objectives of the draft resolution remain the same.

For that reason, my delegation is unable to support the draft resolution and will vote against. Furthermore, in line with our position, we also want to put that in record that we are not in a position to support, cooperate or engage with the mandate holder created for it. I thank you Mr. President.

5.2.19 President of the HRC, Mr. Choy Kyonglim – 03:12:24

Thank you very much. I now give the floor to the distinguished representative of Albania.

5.2.20 Albania, Ms. Filloreta Kodra – 03:12:34



Thank you Mr. President. Albania commands the initiative and leadership of the core group of draft resolution “Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity” as well the constructive approach during the negotiations. We strongly condemn the violence and discrimination in all its forms and manifestations against any individual on any grounds or basis of a personal trait and we hold inherent dignity of all individuals. We reiterate the universal nature of human rights and its fundamental principles of equality and non-discrimination. It is of particular

importance that the work of the Council as a UN body *par excellence* in the field of human rights should be free from politicization and double standards which impede the promotion and protection of human rights for all.

In this regard we continue to actively pursue the common objectives for the promotion and protection of human rights for all individuals at the national and international level. The protection from violence and discrimination for LGBTI people has been, and remains, one of the priorities of the Albanian Government, its human rights institutions as well as the Albanian civil society.

Albania deplores the continuing acts of violence and discrimination in all regions of the world committed against individuals because of their sexual orientation or gender identity. The latest OHCHR report draws attention to the grave scale of human rights violations and the abuses committed against this vulnerable part of the population, and highlights the inadequacy of the current arrangements to protect from such violations.

Albania fully supports the draft resolution L.2/Rev.1 that builds on previous resolutions of 2011 and 2014 years in addressing the issue of discrimination and violence against persons because of their sexual orientation and gender identity.

The aim of this draft resolution is to appoint an Independent Expert which will work on the protection against violence and discrimination based on sexual orientation and gender identity, and the current text of the resolution doesn't seek to create any new rights but simply affirms the application of existing human rights standards to those who are discriminated and abused because of who they are.

Therefore, Albania will vote in favor of the draft resolution as amended and call on all the members of the Council to support this initiative. Thank you Mr. President

5.2.21 President of the HRC, Mr. Choy Kyonglim – 03:15:26

Thank you very much. I give the floor to the distinguished representative of France.

5.2.22 France, Ms. Elisabeth Laurin – 03:15:33



Thank you very much sir. I would like to thank the sponsors of this text. We support the adoption of this resolution. France would like to clarify that we do not subscribe to the addenda brought into the initial text which were supposed to refer to cultural relativism. We would like to reaffirm that human rights are the same for all whether you live in the north or south, the east or west and regardless of our gender and sexual identity or orientation, or our religious beliefs. These rights must be respected in all States because they are part of the human identity and thus universal. These are principles and values enshrined in international law.

We will vote in favor of this resolution which will make it possible to usefully contribute to combatting discrimination and violence based on gender identity and sexual identity and it is high time for this Council to vote against discrimination against LGBTI people throughout all the world. Thank you.

France will call on all States to support the establishment of the Independent Expert post and to cooperate with it. Thank you.

5.2.23 President of the HRC, Mr. Choy Kyonglim – 03:16:57

Thank you very much. We have six delegations on the list of the speakers. I give the floor to the distinguished representative of Morocco.

5.2.24 Morocco , Mr. Mohamed Auajjar – 03:17:11



Thank you.

Mr. President, I am taking the floor in a session which is considered a historical one and I do feel very sad and very bitter. We are celebrating the 10th anniversary for the establishment of the Human Rights Council, and we thought that such an occasion would

be one that will allow us to send clear messages to our communities and to this world that is marred by terrorism, extremism and migration of all forms. We do think that this Council is responsible for building major consensus amongst all civilizations so that we develop human rights and defend the noble *principles* of human rights.

In this session, Mr. President, and while we have looked at the results of the vote, we would like to register today and record that we are facing a very divided Council. So this Council is sending a wrong message which will be distorting and will create an ambiguity for the youth.

So, we are talking about the universality, when the common ground between human civilizations is achieved, whereas today we are facing a draft resolution that is against the values and the beliefs of at least 1.5 billion that belong to one civilization. So what is the message that we would like to send this civilization and religious community?

Mr. President, Islam is against violence. It gives all dignity to human beings and refuses all abuses. And Morocco, as a Muslim State believing in human rights, shared and participated in number of initiatives taken by this Council trying to get the positions closer and to get the human rights to win at the end. But today we are calling upon the members to vote against this draft resolution just to preserve the credibility of the Council.

We are at a very dangerous turning point. This vote and this session will be the beginning of a very dark period in the life of the Council where two-thirds of humanity and humankind will feel that they are outside the Council and that the Council is not taking into account their own convictions and feelings and the values they are condoning.

This is why we vote against the draft resolution as we think this will protect the universality of the principles of human rights. We want to vote like this because we want to preserve the Human Rights Council. If given time, the Council will undoubtedly lead to a consensus I think amongst all members. The world is going through a very serious, acute period and we don't want the Council to enter into a war between civilizations and religions, as the duty of the Council is to build upon, to draw on values that are common to all civilizations. And at least today, and in light of the outcome of the votes, we have to have this courage to say that this draft resolution will lead us to polarization to the vision and dissension, and this does not serve at all human rights and does not put an end to any injustice. My delegation that is participating with you and with other members on a lot of other initiatives will still vote against this resolution. Thank you.

5.2.25 President of the HRC, Mr. Choy Kyonglim – 03:21:33

Thank you very much. I now give the floor to the distinguished representative of Algeria.

5.2.26 Algeria, Mr. Antar Hassani – 03:21:42



Thank you.

My delegation would like to reiterate that it rejects all types of violence subjected to any individuals and would like to support the initiatives ending and trying to end violence and discrimination in all its forms.

Yet we think that it is not useful to impose values that are not agreed upon universally on others. This is a non-constructive approach and it will lead to dissensions and to divisions within our Council and we do not want this. The sexual orientation is merely an option or an alternative form of behaviors and we do not want a mandate holder for just such an issue. This is why we will vote against this resolution that we consider that it distracts us from the noble principles upon which the Council has been built, and we refuse to deal with any Independent Expert if such institution is created.

Thank you.

5.2.27 President of the HRC, Mr. Choy Kyonglim – 03:22:45

Thank you. I give the floor to the distinguished representative of Ghana.

5.2.28 Ghana, Mr. Sammie Eddico – 03:22:51



I thank you Mr. President.

In 2014, the African Commission on Human and Peoples' Rights, meeting at its 55th Ordinary Session held in Luanda, Angola, adopted a resolution No. 275 entitled, "Resolution on Protection against Violence and Other Human Rights Violations against Persons on the Basis of Their Real or Imputed Sexual Orientation or Gender Identity".

This resolution was adopted against the background of what the Commission found to be an alarming incidence of acts of violence, discrimination and other human rights violations that continue to be committed on individuals in many parts of Africa because of their actual or imputed sexual orientation or gender identity. The resolution also expressed deep concerns over failure of law enforcement agencies to diligently investigate and persecute perpetrators of violence, and other human rights violations targeting persons on the basis of their real or imputed sexual orientation or gender identity. And it condemned increasing incidents of violence and other human rights violations including murder, rape, assault and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity.

Mr. President, we are meeting at this time against the backdrop of what happened in Orlando. Ghana's Constitution prohibits discrimination of all kinds, and therefore the resolution of the African Commission on Human and Peoples' Rights is in conformity with our Constitution. The laws of Ghana will not permit any individual to be persecuted or assaulted because of their sexual orientation, and this position has been articulated by various Ghana delegations that have appeared before Human Rights Treaty Bodies, including CEDAW and just last Friday before the Human Rights Committee.

But Mr. President, this is a very sensitive matter culturally in Ghana. Attitudes have been hardened because of the behavior of certain groups within the homosexual community. The case of the Republic of Ghana versus Dr. Sulley Ali-Gabass, who was a medical practitioner in one of our leading hospitals, and ties a young boy of under 16 years old, and forcibly had anal sex with him in a car. The victim, Basheer Mohammed, later contracted HIV. He was induced with gifts such as Samsung Galaxy and cash of 20 cedis, which was less than perhaps a dollar in Ghana, because his poverty was exploited by this man. He denied responsibility, but an investigative journalist who went undercover to interview him got his confession on tape. So he was subsequently arrested and prosecuted and sentenced to several years in prison. This actually hardens attitudes towards issues like same-sex marriage or commercialization of homosexuality.

We support those who are naturally inclined or by nature have a particular gender identity, but we do not support the propagation or commercialization of it. We have heard in this room that a resolution that is going to be considered today has got nothing to do with same-sex marriage.

Mr. President, in 2011 Ghana voted against the resolution that has been referred to in the preambular paragraphs. But there has been evolution of thinking, partly because of the

Orlando situation, and also because of the resolution of the African Commission on Human and Peoples' Rights which I have just cited.

For this reason, and many others which because of time constraints we cannot outline in this short space of time, we shall abstain. Thank you very much.

5.2.29 President of the HRC, Mr. Choy Kyonglim – 03:27:54

Thank you very much. I give the floor to the distinguished representative of Namibia.

5.2.30 Namibia, Ms. Gladice Pichering – 03:28:02



Thank you Mr. President.

My delegation would like to state that the Government of Namibia is opposed to any violence against individuals based on sexual orientation and gender identity. We have repeatedly stated that such acts are prohibited and punishable by our domestic criminal laws and there is no single case reported to the authorities alleging persecution of LGBT people in Namibia.

Article 10 of the Namibian Constitution states that:

All persons shall be equal before the law and no persons may be discriminated against on the grounds of sex, race, color, ethnic origin, religion, creed, or socio- or economic status.

LGBT persons in Namibia are allowed to participate in government services and live freely like any other citizens in the country.

The fact that there is no binding international instrument guiding us in the field of international human rights law which provides us with an agreed definition of sexual orientation and gender identity, poses a legal lacuna for us. The same lacuna exists with regards to an instrument which establishes rights based on sexual orientation or gender identity.

In the absence of international human rights law which guides our work in the Council, what instrument will guide an Independent Expert when assessing our compliances as State?. We are concerned about the mandate of the Independent Expert sought to be

established by this resolution, as this mandate will be allowed to interfere in sensitive issues at national level.

Against this background, Namibia abstains from voting on this resolution. I thank you.

5.2.31 President of the HRC, Mr. Choy Kyonglim – 03:29:42

Thank you very much. I give the floor to the distinguished representative of the United Kingdom.

5.2.32 United Kingdom, Mr. Julian Braithwaite – 03:29:52



Thank you Mr. President.

Although this resolution has been amended, the fundamental element of this resolution has been retained: a resolution that commits all of us to work towards preventing violence and discrimination regardless of an individual's sexual orientation and gender identity.

Despite comments to the contrary, this resolution does not ask countries to change their legislation; it is not a resolution about same-sex marriage.

We urge States to vote in favor of this resolution, as even though it has been amended, it seeks to protect the rights of some of the most vulnerable individuals in our societies, and that is the core of this Council's work.

Mr. President, this is an important resolution that will give hope to many people around the world.

Now I would like to pay tribute to the principled and inclusive leadership of its main sponsors.

When we vote in favor of this resolution, we are voting in solidarity with the countless victims around the world of some of the most unacceptable violence and discrimination.

Thank you.

5.2.33 President of the HRC, Mr. Choy Kyonglim – 03:21:33

Thank you very much. I give the floor to the distinguished representative of the Netherlands.

5.2.34 Netherlands, Mr. Paul Peters – 03:31:17



Thank you Mr. President.

As we said before, we are grateful to the main sponsors of this resolution, not only for bringing the text to the floor but also for their non-confrontational way, and their professional way, of putting this on the table, and we remember their thoughtful concept note in several languages with the complete background and arguments in favor of establishing the mandate of an Independent Expert, and we are still convinced that that is the way to go about. While listening to the debate we do not agree with the thesis that if a person follows their personal qualities with private decisions, and if there is violence or discrimination as a result that then there is no protection. We do not subscribe to that. And we also do not believe that you have to wait for absolute unity here in Council. We've had voted mandates before and it is important to not fail persons who belong to minorities because that's one of the main tests of democracy and human rights: how do you treat your minorities.

As you know that we do not support the inclusion of a number of preambular paragraphs, still if you look at the whole package and the priority of the operative paragraphs over the preambular paragraphs, you can say that universality still prevails and it remains our perspective.

We can say that even if we are mindful of particularities and national competencies, we still need this mandate and that is why we support the resolution.

Thank you Mr. Chair.

5.2.35 President of the HRC, Mr. Choy Kyonglim – 03:21:33

Thank you very much. Is there any other request for the floor? I see none. The delegation of Nigeria has already requested to have a vote on resolution L.2/Rev.1 as amended. So, the Council will now proceed to record vote on draft resolution L.2/Rev.1 as amended.

HRC32
A/HRC/32/L.2/Rev.1 Protection against violence and discrimination based on sexual orientation and gender identity - as amended

YES	ALBANIA	YES	GERMANY	ABST	PHILIPPINES	
NO	ALGERIA	ABST	GHANA	YES	PORTUGAL	
NO	BANGLADESH	ABST	INDIA	NO	QATAR	
YES	BELGIUM	NO	INDONESIA	YES	REPUBLIC OF KOREA	
YES	BOLIVIA (PLURINATIONAL STATE OF)	NO	KENYA	NO	RUSSIAN FEDERATION	
ABST	BOTSWANA	NO	KYRGYZSTAN	NO	SAUDI ARABIA	
NO	BURUNDI	YES	LATVIA	YES	SLOVENIA	
NO	CHINA	NO	MALDIVES	ABST	SOUTH AFRICA	
NO	CONGO	YES	MEXICO	YES	SWITZERLAND	
NO	COTE D'IVOIRE	YES	MONGOLIA	YES	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	
YES	CUBA	NO	MOROCCO	NO	TOGO	
YES	ECUADOR	ABST	NAMIBIA	NO	UNITED ARAB EMIRATES	
YES	EL SALVADOR	YES	NETHERLANDS	YES	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	
NO	ETHIOPIA	NO	NIGERIA	YES	VENEZUELA (BOLIVARIAN REPUBLIC OF)	
YES	FRANCE	YES	PANAMA	YES	VIET NAM	
YES	GEORGIA	YES	PARAGUAY			
	YES	23	NO	18	ABST	6

The result of the recorded vote is as follows: 23 in favor, 18 against, 6 abstentions. Draft Resolution L.2/Rev.1 as amended is therefore adopted.

Annexes

Annex 1 – The Resolution as filed

United Nations

A/HRC/32/L.2/Rev.1



General Assembly

Distr.: Limited
28 June 2016

Original: English

**Human Rights Council
Thirty-second session**

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Albania, Angola,* Argentina,* Australia,* Austria,* Belgium, Bolivia (Plurinational State of), Brazil,* Bulgaria,* Canada,* Chile,* Colombia,* Costa Rica,* Croatia,* Cyprus,* Czech Republic,* Denmark,* El Salvador, Finland,* France, Germany, Greece,* Honduras,* Iceland,* Ireland,* Israel,* Liechtenstein,* Luxembourg,* Malta,* Mexico, Montenegro,* Netherlands, New Zealand,* Norway,* Paraguay, Portugal, Slovenia, Spain,* Sweden,* Ukraine,* United States of America,* Uruguay,* draft resolution

32/... 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,

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

* State not a member of the Human Rights Council.

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.

Annex 2 – The Eleven Amendments as filed

1. L.71 – Change Title

United Nations

A/HRC/32/L.71



General Assembly

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Human Rights Council

Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Pakistan:^{*†} amendment to draft resolution A/HRC/32/L.2/Rev.1

**32/... Protection against violence and discrimination based on
sexual orientation and gender identity**

The title of the draft resolution *should read*

**Protection against violence and discrimination on any basis
such as race, colour, sex, language, religion, political or other
opinion, national or social origin, property, birth or other status**

^{*} State not a member of the Human Rights Council.

[†] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

2. L.72 – Remove reference to former SOGI resolutions

United Nations

A/HRC/32/L.72



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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**

Pakistan:^{*}† amendment to draft resolution A/HRC/32/L.2/Rev.1

**32/... Protection against violence and discrimination based on
sexual orientation and gender identity**

The fourth preambular paragraph *should read*

Recalling further all Human Rights Council resolutions relevant to protection against violence and discrimination on any basis such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

^{*} State not a member of the Human Rights Council.

[†] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

3. L.73 – New preambular paragraph on joint ownership of the international human rights agenda

United Nations

A/HRC/32/L.73



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Thirty-second session
Agenda item 3
**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Pakistan*†: amendment to draft resolution A/HRC/32/L.2/Rev.1

**32/... Protection against violence and discrimination based on
sexual orientation and gender identity**

After the fourth preambular paragraph, insert a new paragraph *reading*

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,

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

4. L.74 – New preambular paragraph on fighting racism, racial discrimination, xenophobia and related intolerance, in all their forms

United Nations

A/HRC/32/L.74



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Human Rights Council

Thirty-second session

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Pakistan:^{*†} amendment to draft resolution A/HRC/32/L.2/Rev.1

32/... Protection against violence and discrimination based on sexual orientation and gender identity

After the fourth preambular paragraph, insert a new paragraph *reading*

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,

^{*} State not a member of the Human Rights Council.

[†] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

5. L.75 – New preambular paragraph on the importance of respecting regional, cultural and religious value systems

United Nations

A/HRC/32/L.75



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Thirty-second session

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Pakistan*: † amendment to draft resolution A/HRC/32/L.2/Rev.1

32/... Protection against violence and discrimination based on sexual orientation and gender identity

After the fourth preambular paragraph Insert a new paragraph which *should read*

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

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

6. L.76 – New preambular paragraph on the fundamental importance of respecting the relevant domestic debates at the national level

United Nations

A/HRC/32/L.76



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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

Pakistan:^{*} † amendment to draft resolution A/HRC/32/L.2/Rev.1

32/... Protection against violence and discrimination based on sexual orientation and gender identity

After the fourth preambular paragraph, insert a new paragraph *reading*

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

^{*} State not a member of the Human Rights Council.

[†] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

7. L.77 – New preambular paragraph deploring the use of external pressures and coercive measures against States

United Nations

A/HRC/32/L.77



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Human Rights Council

Thirty-second session

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Pakistan:^{*}† amendment to draft resolution A/HRC/32/L.2/Rev.1

32/... Protection against violence and discrimination based on sexual orientation and gender identity

After the fourth preambular paragraph, insert a new paragraph *reading*

Deploring the use of external pressures and coercive measures against States, particularly developing countries, including through the use and threat of use of economic sanctions and/or application of conditionality on official development assistance, with the aim of influencing the relevant domestic debates and decision-making processes at the national level,

^{*} State not a member of the Human Rights Council.

[†] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

8. L.78 – New preambular paragraph expressing concern on imposing concepts or notions pertaining to social matters, including private individual conduct

United Nations

A/HRC/32/L.78



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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

Pakistan*: † amendment to draft resolution A/HRC/32/L.2/Rev.1

32/... Protection against violence and discrimination based on sexual orientation and gender identity

After the fourth preambular paragraph, insert a new paragraph *reading*

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,

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

9. L.79 – New preambular paragraph on respect for the sovereign right of each country

United Nations

A/HRC/32/L.79



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Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Pakistan:^{*}† amendment to draft resolution A/HRC/32/L.2/Rev.1

**32/... Protection against violence and discrimination based on
sexual orientation and gender identity**

After the fourth preambular paragraph, insert a new paragraph *reading*

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,

^{*} State not a member of the Human Rights Council.

[†] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

10. L.80 – Remove references to SOGI when deploring acts of violence and discrimination

United Nations

A/HRC/32/L.80



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Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Pakistan:^{*†} amendment to draft resolution A/HRC/32/L.2/Rev.1

**32/... Protection against violence and discrimination based on
sexual orientation and gender identity**

Paragraph 2 *should read*

2. *Deplores* acts of violence and discrimination, in all regions of the world, committed against individuals because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

^{*} State not a member of the Human Rights Council.

[†] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

11. L.81 – Remove articles creating the Independent Expert and replace with request for a report

United Nations

A/HRC/32/L.81



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Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Pakistan:^{*}† amendment to draft resolution A/HRC/32/L.2/Rev.1

**32/... Protection against violence and discrimination based on
sexual orientation and gender identity**

Replace paragraphs 3, 4, 5, 6, 7 and 8 with a new paragraph *reading*

Requests the United Nations High Commissioner for Human Rights to present a report to the to the Human Rights Council, at its thirty-fifth session, on the protection of all individuals against violence and discrimination committed because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status with a focus on major challenges and best practices in this regard;

^{*} State not a member of the Human Rights Council.

[†] On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, with the exception of Albania.

Annex 3 – The Resolution as Amended and Adopted

A/HRC/RES/32/2

Advance edited version⁵

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,

⁵ This is the Advanced Edited Version, available here:

http://www.ohchr.org/Documents/HRBodies/SP/CallApplications/HRC33/A.HRC.RES.32.2_AEV.docx.

The final version of the resolution was not available at the time of publication but soon will be, in all six languages of the UN, here:

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/RES/32/2

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]

Annex 4 - Summary Voting Chart

No Action Motion	Written Amendments										Votes on Paragraphs				Resolution L/2/Rev.1 (as amended)
	1st amend. (L.71) Change Title	2nd amend. (L.72) Remove reference to previous SOGI resolutions	3rd amend. (L.73) New PP: joint ownership of HHS agenda	4th amend. (L.74) New PP: racism, racial discrimination, xenophobia & other forms of intolerance	5th amend. (L.75) New PP: respect regional, cultural & religious value systems	6th amend. (L.76) New PP: respect for domestic debates	7th amend. (L.77) New PP: deplore external coercive measures	8th amend. (L.78) New PP: concern on imposing social matters, incl. private conduct	9th amend. (L.79) New PP: respect for sovereign right of each country	10th amend. (L.80) Remove references to SOGI when violence and discrim.	11th amend. (L.81) Remove call for Ind. Expert and replace with an OCHR report	Retain PP 4?	Retain OP 2?	Retain OPs 3 to 7?	
RESULT	Defeated	Defeated	Passed	Passed	Passed	Passed	Passed	Passed	Passed	Defeated	Defeated	Passed	Passed	Passed	
YES	17	17	24	23	20	21	23	18	22	17	17	21	23	21	
NO	18	18	17	17	18	17	18	17	17	19	19	14	14	17	
ABSTENTIONS	9	9	4	5	6	7	4	9	5	8	8	9	8	7	
Did not Vote (D/NV)	3	3	2	2	3	2	2	3	3	3	3	3	2	2	
AFRICA															
Algeria	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Botswana	A	A	Y	A	Y	Y	Y	Y	Y	Y	Y	A	A	A	
Burundi	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	A	
Congo	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	A	
Cote d'Ivoire	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	A	
Ethiopia	A	A	A	A	A	A	A	A	A	A	A	A	A	DNV	
Ghana	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Kenya	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Morocco	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Namibia	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Nigeria	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
South Africa	A	A	Y	Y	A	A	Y	Y	Y	Y	Y	Y	Y	A	
Togo	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
ASIA-PACIFIC															
Bangladesh	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
China	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	A	
India	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	A	
Indonesia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Kyrgyzstan	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Maldives	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Mongolia	N	N	N	A	A	A	A	A	A	N	N	Y	Y	Y	
Philippines	N	N	Y	Y	N	A	N	A	A	N	N	Y	Y	A	
Qatar	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
R. of Korea	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Saudi Arabia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
UAE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Viet Nam	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
EASTERN EUROPE															
Albania	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Georgia	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Latvia	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Russia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
Slovenia	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Macedonia	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
LAC															
Bolivia	N	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	Y	
Cuba	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	DNV	Y	
Ecuador	N	A	Y	Y	A	A	Y	A	A	A	A	A	A	DNV	
El Salvador	N	A	A	Y	N	N	N	N	N	N	N	Y	Y	Y	
Mexico	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Panama	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Paraguay	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Venezuela	N	DNV	Y	Y	DNV	Y	Y	DNV	DNV	DNV	DNV	DNV	DNV	Y	
WEOG															
Belgium	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
France	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Germany	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Netherlands	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Portugal	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Switzerland	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
UK	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	

Annex 5 – Annotated Resolution⁶

A/HRC/RES/32/2

Advance edited version⁷

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.

Original title retained

A) Amendment L.71 to change the title defeated 17/18/9/3*
B) Separate vote on whether to retain title passed 22/15/8/2

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,

Preambular Paragraph 4 retained

A) Amendment L.72 to change reference to prior SOGI resolutions to all resolutions defeated 17/18/9/3
B) Separate vote on whether to retain PP4 passed 21/14/9/3

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,

⁶ Showing the resolution as amended and preserved through the voting process

* Vote counts are listed here as: In favour/Against/Abstain/Did not vote

Inserted through amendment L.73, adopted 24/17/4/2 → *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,

Inserted through amendment L.74, adopted 23/17/5/2 → *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,

Inserted through amendment L.75, adopted 20/18/6/3 → *Reiterating* the importance of respecting regional, cultural and religious value systems as well as particularities in considering human rights issues,

Inserted through amendment L.76, adopted 21/17/7/2 → *Underlining* the fundamental importance of respecting relevant domestic debates at the national level on matters associated with historical, cultural, social and religious sensitivities,

Inserted through amendment L.77, adopted 23/18/4/2 → *Deploing* 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,

Inserted through amendment L.78, adopted 18/17/9/3 → *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,

Inserted through amendment L.79, adopted 22/17/5/3 → *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;

Operative Paragraph 2 retained
A) Amendment L.80 to change reference to SOGI to all grounds in UDHR defeated 17/19/8/3
B) Separate vote on whether to retain OP2 passed 23/14/8/2

→ 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;

**Operative Paragraphs
3 to 8 retained**

A) Amendment L.81 to change the establishment of IE to a call for a report from OHCHR defeated 17/19/8/3
B) Separate vote on whether to retain OPs 3 to 7 passed 21/17/7/2



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]

Annex 6 – Index of States Speaking

* Indicate that a State is not a member of the Human Rights Council

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Annex 7 – Some Useful Links

ILGA's work at the Human Rights Council:

<http://ilga.org/what-we-do/united-nations/hrc/>

ARC International's Work at the Human Rights Council:

<http://arc-international.net/global-advocacy/human-rights-council/>

Office of the High Commissioner for Human Rights, Work on LGBT:

<http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>

SOGI Resolutions at the United Nations:

<http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNResolutions.aspx>

Human Rights Council Country Voting History Portal (Universal Rights Group) :

<http://www.universal-rights.org/country-voting-history-portal/>

Special Procedures of the Human Rights Council:

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

Webcast of the vote:

<http://webtv.un.org/meetings-events/human-rights-Council/watch/ahrc32l.2rev.1-vote-item3-41st-meeting-32nd-regular-session-of-human-rights-Council/5009164455001>

Contact us:

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