



Asamblea General

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Consejo de Derechos Humanos

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Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,
civiles, políticos, económicos, sociales y culturales,
incluido el derecho al desarrollo**

Comunicación presentada por escrito por la Oficina del Defensor del Pueblo de Samoa, la Comisión de Derechos Humanos de Australia, la Comisión Nacional de Derechos Humanos de la India, la Comisión de Derechos Humanos de Malasia, la Comisión Nacional de Derechos Humanos de Mongolia, la Comisión Nacional de Derechos Humanos de Nepal, la Comisión de Derechos Humanos de Nueva Zelandia, la Comisión de Derechos Humanos de Filipinas y la Oficina del Defensor de los Derechos Humanos y la Justicia de Timor-Leste*

Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos transmite adjunta la comunicación presentada por la Oficina del Defensor del Pueblo de Samoa, la Comisión de Derechos Humanos de Australia, la Comisión Nacional de Derechos Humanos de la India, la Comisión de Derechos Humanos de Malasia, la Comisión Nacional de Derechos Humanos de Mongolia, la Comisión Nacional de Derechos Humanos de Nepal, la Comisión de Derechos Humanos de Nueva Zelandia, la Comisión de Derechos Humanos de Filipinas y la Oficina del Defensor de los Derechos Humanos y la Justicia de Timor-Leste**, que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en el anexo de la resolución 5/1 del Consejo, según el cual la participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005.

* La institución nacional de derechos humanos tiene la acreditación de la categoría A ante la Alianza Global de Instituciones Nacionales de Derechos Humanos.

** Se reproduce en el anexo tal como se recibió, en el idioma en que se presentó únicamente.



Annex

Submission by the Samoa’s Office of the Ombudsman, the Australian Human Rights Commission, the National Human Rights Commission of India, the Human Rights Commission of Malaysia, the National Human Rights Commission of Mongolia, the National Human Rights Commission of Nepal, the New Zealand Human Rights Commission, the Commission on Human Rights of the Philippines and the Provedoria for Human Rights and Justice of Timor-Leste

Joint Statement of National Human Rights Institutions on the Independent Expert on Sexual Orientation and Gender Identity

Mr. President,

This joint statement is made by the A-status national human rights institutions (“NHRIs”) of Australia, India, Malaysia, Mongolia, Nepal, New Zealand, the Philippines, Samoa and Timor-Leste. It is also supported by the NHRIs of Fiji and Tuvalu.

We welcome the reports of the Independent Expert on sexual orientation and gender identity.

The establishment of the Independent Expert on Sexual Orientation and Gender Identity (“Independent Expert”) has been invaluable in the promotion of LGBT people’s rights to be free from violence and discrimination, and more specifically in our region, the Asia Pacific.

We congratulate the Human Rights Council for establishing the Independent Expert in 2016. We strongly encourage the Council to continue the mandate of the Independent Expert, building on its important work and furthering protections against violence and discrimination for all.

NHRIs are uniquely placed to facilitate the integration of international human rights principles into domestic legislation, and to coordinate with governments and civil society to foster an environment of collaboration and cooperation.

As members of the Asia Pacific Forum of National Human Rights Institutions (“the APF”) we wish to highlight the collaborative partnership between the APF and UNDP Asia Pacific Regional Hub to support NHRIs in the region to better work with LGBTI individuals and communities and advocate for their human rights. This partnership has delivered a range of practical initiatives, including a world-first NHRI-LGBTI manual, a blended learning training program delivered to 15 APF member NHRIs, an international conference and practical guidelines for NHRIs in their everyday work to better protect LGBTI people from violence and discrimination¹.

In April 2017 the Independent Expert on SOGI attended and contributed to the joint APF-UNDP ‘Conference on the Yogyakarta Principles: What have we learnt and where to now’ which marked the 10th anniversary of the Yogyakarta Principles. This conference, held in Bangkok, brought together more than 100 experts from national human rights institutions, LGBTI civil society organisations, research bodies and UN and development partners from over 25 countries and territories.

The work of the Independent Expert and NHRIs are interconnected at the global, regional and national levels. Both contribute to each other’s respective international and national mandates.

As NHRIs, we will encourage our respective States to consider the Independent Expert’s recommendations to protect the right to be free from violence and discrimination of all

¹ <https://www.asiapacificforum.net/human-rights/sogisc/>.

people in relation to their sexual orientation and gender identity. In accordance with our national mandates, we will monitor our respective State's implementation of these obligations, we will monitor whether and how non-State actors, including businesses, meet their responsibilities to respect human rights of LGBTI peoples in light of the Yogyakarta Principles.

NHRIs can facilitate conversations between different groups in their communities in order to address misconceptions and tackle the prejudice that can lead to violence and discrimination.

In accordance with our mandates, we will continue to promote freedom from violence and discrimination on the basis of sexual orientation, gender identity and sex characteristics. We look forward to continued cooperation with the Independent Expert.

Thank you, Mr. President.
