

AG/RES. 2887 (XLVI-O/16)

PROMOTION AND PROTECTION OF HUMAN RIGHTS

(ADOPTED AT THE SECOND PLENARY SESSION, HELD ON JUNE 14, 2016)

THE GENERAL ASSEMBLY,

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly 2015-2016” (AG/doc.XXXX/16), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP);

CONSIDERING that the programs, activities, and tasks set out in the resolutions within the purview of the CAJP help to further the essential purposes of the Organization enshrined in the Charter of the Organization of American States;

REAFFIRMING the norms and principles of international law as well as those contained in the Charter of the Organization of American States; international human rights law, and international humanitarian law, as well as the rights enshrined in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and other binding Inter-American instruments on the subject, and the important role played by the organs of the Inter-American human rights system in promoting and protecting human rights in the Americas;

RECALLING resolutions AG/RES. 2821 (XLIV-O/14), AG/RES. 2822 (XLIV-O/14), AG/RES. 2823 (XLIV-O/14), AG/RES. 2825 (XLIV-O/14), AG/RES. 2826 (XLIV-O/14), AG/RES. 2829 (XLIV-O/14), AG/RES. 2831 (XLIV-O/14), AG/RES. 2832 (XLIV-O/14), AG/RES. 2839 (XLIV-O/14), AG/RES. 2840 (XLIV-O/14), AG/RES. 2845 (XLIV-O/14), AG/RES. 2847 (XLIV-O/14), AG/RES. 2850 (XLIV-O/14), AG/RES. 2851 (XLIV-O/14), AG/RES. 2854 (XLIV-O/14), AG/RES. 2863 (XLIV-O/14), AG/RES. 2864 (XLIV-O/14), AG/RES. 2867 (XLIV-O/14), AG/RES. 2781 (XLIII-O/13), AG/RES. 2790 (XLIII-O/13), AG/RES. 2799 (XLIII-O/13), AG/RES. 2802 (XLIII-O/13), AG/RES. 2804 (XLIII-O/13), AG/RES. 2805 (XLIII-O/13), AG/DEC. 71 (XLIII-O/13), and all previous resolutions adopted on this topic,

xix. Human Rights, Sexual Orientation, and Gender Identity and Expression^{1/2/3/4/5/6/7}

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1. The Government of Jamaica is fully committed to protecting the human rights of all its citizens including from any form of violence in accordance with the rule of law and the ...
 2. The Republic of Honduras declares its commitment to human rights and international conventions and, with respect to the provisions of this resolution; it states its reservation to those articles...
 3. The state of Guatemala declares that it promotes and defends all human rights and, with respect to the provisions of this resolution, reaffirms the equality of all human beings under the provisions of the...
 4. The Government of Nicaragua considers unacceptable the double standard of the Inter-American Commission on Human Rights in maintaining Chapter IV.B of its annual report. ...

TAKING INTO ACCOUNT that, in its Report on Violence Against LGBTI Persons, the Inter-American Commission on Human Rights (IACHR) notes that “LGBTI persons, or persons perceived as such, are subject to various forms of violence and discrimination based on the perception of their sexual orientation, gender identity or expression” and that “these situations of violence and discrimination are a clear violation of their human rights, as recognized by international and Inter-American instruments on human rights”;

RESOLVES:

1. To condemn all forms of discrimination by reason of sexual orientation and gender identity or expression, and to urge member states within the parameters of the legal institutions of their domestic systems to eliminate, where they exist, barriers faced by lesbian, gay, bisexual, trans, and intersex (LGBTI) persons in equal access to political participation and in other areas of public life, and to avoid interferences in their private life, encouraging member states to consider adopting public policies against discrimination by reason of sexual orientation and gender identity or expression.

2. To condemn acts of violence and human rights violations committed by reason of sexual orientation and gender identity or expression; and to urge states to strengthen their national institutions, including through the production of data on homophobic and transphobic violence for the promotion of public policies that protect the human rights of LGBTI persons, with a view to preventing and investigating these acts and violations and ensuring due judicial protection for victims on an equal footing and that the perpetrators are brought to justice, as well as to consider the recommendation of the Report on Violence Against LGBTI Persons, approved by the IACHR in November 2015, with the aim of adopting and implementing effective measures to combat violence and discrimination against LGBTI persons.

3. To urge member states to ensure adequate protection for human rights defenders who work in the area of violence, discrimination, and human rights violations committed against individuals on the basis of their sexual orientation and gender identity or expression.

4. To urge member states to afford appropriate protection to intersex people and to implement policies and procedures, as appropriate, to ensure medical practices that are consistent with applicable human rights standards.

5. To request the Inter-American Commission on Human Rights (IACHR) and the General Secretariat to continue to pay particular attention to activities related to the protection and promotion of rights of LGBTI persons, including the preparation of studies and regional or thematic reports and the generation of spaces for the exchange of good practices; and to urge member states to support the efforts of the Commission and the General Secretariat in this area.

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5. The Republic of Paraguay reiterates its commitment to the principles of the Universal Declaration of Human Rights and international conventions signed in that area, and it reaffirms the ...
 6. Trinidad and Tobago is unable to join the consensus on this document as some areas are contrary to the laws of the Republic. Trinidad and Tobago remains firmly committed to the promotion and ...
 7. The Government of Barbados is unable to join consensus on the approval of this section, given that a number of the issues and terms contained therein are neither reflected in its national laws ...

FOOTNOTES

1. ... Jamaican Constitution. Jamaica, however expresses its reservation regarding terminologies such as gender identity and gender expression which are not defined in Jamaican law and have not gained international acceptance.

2. ... that are contrary to the Constitution of the Republic of Honduras.

3. ... Constitution of the Republic and does not discriminate for any reason, without regard to race, creed, sex, etc. It also does not consider legal non-recognition of marriage between persons of the same sex to be a discriminatory practice. Therefore, Guatemala takes exception to those parts that are incompatible with and contravene its applicable national law and reserves the right to interpret the terms of this resolution.

4. ... The criteria used are subjective, politicized, and discriminatory and are inconsistent with the primary function of promoting and protecting human rights assigned by the States to this organ. The delegation therefore recommends the elimination of this chapter, whose existence contravenes the provisions established in the American Convention on Human Rights.

5. ... precepts set down in Title II “Rights, Duties, and Guarantees,” Chapters III “Equality” and IV “Rights of the Family,” of its National Constitution and concordant provisions.

Therefore, it expresses its reservation regarding the text contained in paragraph xix “Human Rights, Sexual Orientation, and Gender Identity and Expression.”

In addition, the expression “gender identity” used in other parts of this resolution will be interpreted in accordance with its domestic system of laws.

6. ... preservation of the rule of law; the protection of human rights and fundamental freedoms of all people as enshrined in the Constitution of Trinidad and Tobago.

7. ... nor the subject of national consensus. As such, Barbados would not be in a position to meet these requirements. However, the Government of Barbados remains committed to protecting the rights of all from harm and violence, in keeping with the rule of law and the provisions of its Constitution.