



the global voice of
the legal profession

INTERNATIONAL BAR ASSOCIATION HUMAN RIGHTS INSTITUTE COUNCIL RESOLUTION ON SEXUAL ORIENTATION AND HUMAN RIGHTS

Adopted on 27 May 2010

The Council of the International Bar Association's Human Rights Institute,

Recalling the Human Rights Institute's mandate to work for "the promotion, protection and enforcement of human rights under a just rule of law," the "implementation of standards and instruments regarding human rights" and the "acquisition and dissemination of information concerning issues related to human rights",

Recognising that discrimination against people everywhere on the grounds of their sexual orientation and gender identity is contrary to fundamental principles of human rights recognised by international law and affirmed by the United Nations Human Rights Committee in the *Toonen Case*,

Noting with great concern that the issue of the treatment of people on the ground of their sexual orientation or gender identity often goes beyond discrimination and involves violence and murder and is an affront to human dignity, as acknowledged in international instruments such as the *Jogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* (2007), Resolution 2435 of the General Assembly of the Organisation of American States on *Human Rights, Sexual Orientation and Gender Identity* (2008) and the proposed United National General Assembly *Declaration on Sexual Orientation and Gender Identity* (2008),

Accepting that members of the legal profession and the judiciary in all countries have special responsibilities for the attainment and implementation of human rights,

Noting that in some countries judges and lawyers are involved in the enforcement of laws and policies that deprive persons of their human rights on grounds of sexual orientation and gender identity,

Recognising the impediment that such laws represent to successful strategies to address the global HIV/AIDS epidemic,

Remembering the 1998 IBA Resolution on Non-Discrimination in Legal Practice which recognises that all people are born equal in dignity and that all members of the legal profession should treat all people with whom they come into professional contact without discrimination or harassment, including on the ground of sexual orientation,

1. Resolves to adopt a policy of opposition to discrimination, violence and other breaches of human rights directed to people on the ground of their actual or imputed sexual orientation or gender identity, or on the ground of the actual or imputed sexual orientation or gender identity of a person's family members, friends or associates,
2. Resolves to adopt a policy of opposition to State policies or practices that result in impunity for acts of violence against people on the ground of their actual or imputed sexual orientation or gender identity,
3. Resolves to adopt a policy in favour of the repeal of criminal laws imposing penalties against people in respect of consensual, adult, private sexual conduct,
4. Authorises the Human Rights Institute to take steps reasonably necessary to facilitate the implementation of this policy, including:
 - (a) Letter-writing and intervention campaigns;
 - (b) Facilitation of bar associations and IBA member firms to enable them to act upon issues of sexual orientation and gender identity;
 - (c) Facilitation of interventions and *amicus* briefs;
 - (d) Holding sessions at IBA and other conferences on these issues;
 - (e) Publicising this policy by all available means.