

Re: Council members should reject procedural tactics that foreclose substantive debate on sexual orientation and gender identity

Open Letter to Member States of the UN Human Rights Council

27 June 2016

Excellency,

We, the undersigned non-governmental organisations from a cross-regional group of countries across the world, call on **your delegation to support the draft resolution on *Protection against violence and discrimination based on sexual orientation and gender identity (L.2)*** to be considered for adoption during the 32nd session of the Human Rights Council. The resolution is presented by Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Uruguay.

The proposed resolution would 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 proposed resolution does not ask States to take a moral stance on the issues. It simply recognises that the Council has a responsibility to address all human rights violations and we cannot shy away from discussions which challenge us.

We further call on your delegation to uphold the principle of the universality of human rights by ensuring that any attempts to undermine this draft resolution are rejected.

Specifically, we urge your delegation to oppose any procedural tactic (e.g. a potential motion of “no action”) designed to block the resolution from being considered on its substance. By virtue of General Assembly *Resolution 60/251* the Council’s mandate includes the promotion of ‘universal respect for the protection of all human rights and fundamental freedoms for all’ (OP2) based on ‘constructive international dialogue’ (OP4).

As a Human Rights Council member your delegation has an obligation to ‘fully cooperate with the Council’ (OP9), which implies an obligation to participate in good faith in the Council’s debates, to support full exercise of the right to freedom of expression and to express a position on draft resolutions and decisions and related proposals for amendment by voting when required.

A vote in support of a ‘no-action motion’ shuts down debate, undermines the principle of constructive dialogue and is tantamount to opposition to the resolution itself. We similarly urge you to oppose any amendments designed to strip the resolution of its content or focus (e.g. by seeking to remove the grounds ‘sexual orientation and gender identity’ or negate the call for an Independent Expert).

The Human Rights Council needs to be a forum for constructive engagement on all human rights issues. The proposed resolution will promote constructive dialogue, increase awareness of the issues, provide assistance to support States in addressing these issues, and enhance the Council’s capacity to fulfill its mandate by addressing human rights issues on these grounds. From the 2011 to the 2014 HRC resolutions, support from all regions increased measurably, demonstrating growing awareness and understanding of the issues. We encourage all States to continue that process of dialogue by supporting this important resolution.

Yours sincerely,

Access Chapter 2

AIDES

Amnesty International

ARC International

Canadian Positive People Network

Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland

FRI – The Norwegian Organisation for Sexual and Gender Diversity

Global Network of People Living with HIV (GNP+)

Human Rights Watch

Interagency Coalition on AIDS and Development

International Commission of Jurists

International Service for Human Rights

Iranti-org

LGBT Denmark

STOPAIDS

Tonga Leitis Association