

AMNESTY INTERNATIONAL

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UN General Assembly must support the Human Rights Council's work to fight violence and discrimination against LGBTI individuals

Amnesty International is seriously concerned by and condemns current attempts to undermine the Human Rights Council's (Council) efforts to protect LGBTI individuals from violence and discrimination. On 3 November 2016, Botswana tabled a draft resolution, on behalf of the African Group, at the UN Third Committee of the General Assembly seeking to defer implementation of Council resolution 32/2, adopted on 15 July 2016, establishing an Independent Expert on protection against violence and discrimination against individuals because of their sexual orientation or gender identity.¹

The thirty-third session of the Council appointed Mr. Vitit Muntarbhorn as the Independent Expert and he entered into function on 1 November 2016.

The draft resolution is a clear attempt to block implementation of the mandate created by the Council. Should this draft resolution be adopted it would be the first time the General Assembly's Third Committee has sought to re-open a Special Procedure mandate created by the Council.

General Assembly resolution 60/251, creating the Council in 2006, provides that the Council is responsible for promoting universal protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.

The creation of thematic and country mandates, such as the Independent Expert provided for by Council resolution 32/2, is within the core mandate and competence of the Council. Allowing the Third Committee to review its exercise of this competence would relegate the Council's status to that of an advisory body.

The draft resolution refers to the need to 'determine the legal basis' of the mandate. The right to be free from violence and discrimination on any ground, including on the basis sexual orientation and gender identity, is well established in international human rights law.

Amnesty International is calling on the African Group to withdraw the proposal for deferral and for all States to respect the decision of the Council to create the mandate of an Independent Expert on protection against violence and discrimination against individuals because of their sexual orientation or gender identity.

¹ The draft resolution proposes to 'defer consideration of and action on Human Rights Council resolution 32/2 of 30 June 2016 on protection against violence and discrimination based on sexual orientation and gender identity, in order to allow time for further consultations to determine the legal basis upon which the mandate of the special procedure established therein will be defined.'