

Minister Maite Nkoana-Mashabane
Minister of International Relations and Cooperation

Minister Michael Masutha
Minister of Justice and Correctional Services

Minister Bathabile Dlamini
Minister of Social Development

22 September 2014

CALL TO VOTE YES FOR REPORTING AND GOOD PRACTICE SOGI RESOLUTION

Dear Ministers

We write as a group of South African-based NGOs with the support of our partners in the rest of our region to urge you, our government, to support the resolution being brought at the current (27th) Human Rights Council session in Geneva on "Human rights, sexual orientation and gender identity". We believe it is urgent and crucial that South Africa vote in favour of this resolution, and demonstrate its strong support by cosponsoring the text at an early stage

This is a key human rights resolution. We recall the statement made at the 26th session of the Human Rights Council by more than 500 civil society organizations, including many from this country. In that statement, civil society from all corners of the globe stressed that: "The Council must adopt a resolution to ensure regular reporting, constructive dialogue and sustained, systematic attention to the breadth of human rights violations on [the grounds of sexual orientation and gender identity]." This resolution answers that call.

We know that our government has committed itself to the realization of human rights principles for all, including on this issue. Not only did South Africa lead a similar a resolution in 2011 at the Human Rights Council, but we also have a constitutional obligation to support the human rights of all people, including those discriminated against or facing violence on the grounds of their sexual orientation or gender identity.

South Africa's historical experience shows how damaging policy can be when issues of principle are sacrificed to economic and political expediency. We cannot let other national interests or political concerns cloud our principled position on fundamental human rights.

Naturally a vote against this resolution would be contrary to South Africa's foreign policy and constitutional mandate. An abstention would be seen in a similar light: a failure to speak up and show the commitment to the human rights of all people. In that vein, we also vehemently oppose the bringing of, or support for, procedural measures at the Council that prevent issues being discussed and/or voted-on. This is an issue on which we need more – not less – discussion at the Council.

We note with dismay the arguments used by those who would oppose this resolution. They seek to dilute the focus of the resolution on this priority issue by removing the wording "sexual orientation and gender identity". The alternative they propose removes any effectiveness from the resolution. We ask that you firmly reject such proposals.

Others have expressed resistance to regular reporting. Rather than being a cause for concern, regular reporting would in fact provide scope for ongoing dialogue and discussion in the Council as it would be based upon reports from the neutral and professional office of the High Commissioner. Regular reporting would also remove the politicization of this sensitive issue within the Council every few years.

We note that the lead sponsors have demonstrated their commitment to the principle that this is a global issue. It is not an exercise in naming or blaming of specific countries or regions. Further, rather than simply

focusing on discriminatory laws and practices, the requested report is requested to be “with a view to share existing good practices and ways to overcome violence and discrimination”. We firmly believe this **wording sets the right tone for the report** and future dialogue in the Council.

We close by asking for your confirmation that South Africa will vote in favour of this resolution and reject amendments or procedural tactics. We remain available for any discussions or further information to assist you. Please contact Kokeletso Legoete on 0783763571 or Corlett Letlojane, Executive Director Human Rights Institute of South Africa on 0113331730.

Yours sincerely

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