

Geneva, 9 November 2016

Statement: Franciscans International Supports Human Rights Council Authority and Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity

Franciscans International (FI) is concerned about the challenge posed to the Human Rights Council's authority, as well as the respect of human rights for all without discrimination, by the draft resolution A/C.3/71/L.46 presented to the United Nations General Assembly Third Committee. The draft resolution asks for deferring indefinitely the consideration of the Human Rights Council resolution 32/2 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". The Human Rights Council resolution 32/2 was presented by Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Uruguay and was adopted with 23 votes in favour, 18 against, and 6 abstentions.

The draft resolution submitted to the United Nations General Assembly represents a serious threat to the independence and mandate of the Human Rights Council to "be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner" provided for by the same UN General Assembly in its resolution 60/251. Indeed, the Human Rights Council is not a subsidiary body of the Economic and Social Council or the Third Committee.

The draft resolution, by questioning resolution 32/2 of the Human Rights Council, thus sets a negative precedent allowing future reconsideration by the Third Committee of resolutions duly adopted by the Human Rights Council. Franciscans International considers necessary for the respect of human rights to safeguard the Human Rights Council resolutions from the interference from the Third Committee.

Furthermore, Franciscans International wishes to reiterate its commitment to the universality of human rights that shall be guaranteed to all without discrimination, no matter the sexual orientation or gender identity of the right-holders. In that regard, Franciscans International is particularly worried by the discrimination and violence that lesbian, gay, bisexual, transgender and intersex people are facing in all regions of the world. Therefore, FI supports the Human Rights Council resolution 32/2 on *Protection against violence and discrimination based on sexual orientation and gender identity* reaffirming that everyone should benefit from the protection of their human rights set forth in the Universal Declaration of Human Rights without distinction of any kind. FI also supports the appointment of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. It notes that the Independent Expert was appointed without opposition. FI considers that resolution 32/2 of the Human Rights Council represents a positive contribution to the promotion and protection of human rights.

Franciscans International calls upon States to reject the proposed draft resolution submitted to the Third Committee, as well as attempts to undermine the Human Rights Council authority and the Independent Expert mandate.

Franciscans International is an international non-governmental organization advocating at the United Nations for the promotion, protection, and respect for human rights, social rights, and environmental justice.