

Ms M Nkoana-Mashabane

Minister of International Relations and Cooperation

By email: minister@dirco.gov.za

Ms N J Mxakato-Diseko

Ambassador Extraordinary and Plenipotentiary

By email: mission@safricaun.ch

And to:

Mr M Masutha

Minister of Justice

By email: Ministry@justice.gov.za

12 July 2016

Dear Mesdames / Sirs,

SOUTH AFRICA'S POSITION ON LGBTI RIGHTS AT THE UN HUMAN RIGHTS COUNCIL

The undersigned organisations represent a broad range of stakeholders in LGBTI advocacy, outreach, legal, education and service bodies working in various capacities, as well as organisations concerned with research, human rights, and wellness.

We write to you to collectively express our grave concern regarding South Africa's abstention from a crucial vote at the UN Human Rights Council, in respect of the *Protection against violence and discrimination based on sexual orientation, and gender identity* resolution A/HRC/32/L.2_Rev.1 (the resolution).

As you are aware, the resolution mandates the appointment of a Special Rapporteur on LGBTI rights. The creation of this position is widely supported by civil society in South Africa, as part of ongoing work to strengthen the domestic implementation of international human rights instruments.

South Africa's failure to actively support this resolution sends troubling message to LGBTI individuals in South Africa, as well as the African continent. South Africa has, until now, been a vocal champion of LGBTI rights in the regional and international spheres, voting in favour of UN resolutions to expand and protect LGBTI rights in 2011 and in 2014. South Africa hosted the first regional seminar on LGBTI rights in March 2016, which resulted in the Ekurhuleni Declaration. To suddenly abstain from a vote, on a resolution not very different to the 2011 and 2014 resolutions, has created the impression that South Africa is at best equivocating, and at worst yielding to regional prejudice.

We strongly feel that South Africa's recent failure to support the resolution is not only at odds with its track record on LGBTI rights, but in fact with the letter and the spirit of our Constitution which explicitly guarantees the protection from discrimination based on sexual orientation and gender (identity) in Section 9.

This leads us, and our international partners and colleagues, to question the commitments made by our government to protect LGBTI persons against discrimination and violence.

In the light of our concern, the undersigned organisations request an urgent meeting with you to discuss, inter alia:

1. The reasons for South Africa's failure to support the resolution;
2. How this abstention impacts our international, regional and constitutional commitments with regards to enforcing the right to protection from discrimination based on sexual orientation and gender identity, and protecting the rights of LGBTI individuals in South Africa and beyond;
3. What impact this abstention has on the rights and wellbeing of LGBTI individuals in South Africa, as well as on the current work relating to rights of LGBTI individuals being done by South Africa in other parts of the continent;
4. A way forward.

Kindly acknowledge receipt of this letter, and provide us with a written response by **19 July**.

Yours faithfully,

Steve Mmapaseka Letsike
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Triangle Project
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Co-signatories:

Durban LGBTI Community and Health Centre

Free Gender

Gay and Lesbian Memory in Action

Gay and Lesbian Network, Pietermaritzburg

Gender DynamiX

Gender Health and Justice Research Unit, University of Cape Town

Iranti-Org

Lawyers for Human Rights

Legbo Northern Cape

Social Health and Empowerment Feminist Collective of Transgender Women of Africa