



December 13, 2016



RE: Critical Information on Upcoming SOGI Independent Expert Vote at the UNGA

Dear Ambassador,

On behalf of Family Watch International, the UN Family Rights Caucus, and the many organizations and individuals from around the world listed below, we bring to your attention an upcoming vote in the UN General Assembly on the deferral of the appointment of a UN independent expert on sexual orientation and gender identity (SOGI).

We urge you to support (with your country's vote) the postponement of this mandate that is outlined in Human Rights Council (HRC) resolution 32/2.

We anticipate that the upcoming vote will be specifically on an amendment that will be proposed by the African Group to defer the implementation of the highly contested and controversial HRC resolution 32/2 that appoints the SOGI independent expert.

We are providing you with the following vital facts regarding the upcoming vote:

1. The upcoming vote is not about whether the HRC has the right to appoint independent experts. The HRC clearly has this right within the limits of the authority it derives from international law and treaties. Rather, the upcoming vote is to give all Member States time to determine (a) whether there is any legal basis in international law for appointing a specific SOGI expert; (b) if so, what that specific legal authority is; (c) how "discrimination" based on SOGI will be defined; and (d) how this mandate can be implemented in a way that will not violate national sovereignty and the religious and cultural values of people in many nations.

2. As is clearly specified in GA Resolution 65/281, paragraph 3, the HRC is a subsidiary body to the UNGA. Therefore, the UNGA has not only the right but also the responsibility to exercise oversight authority over the HRC. This includes reviewing controversial, divisive, unclear, or *ultra vires* actions.

Those claiming the UNGA has no oversight authority over the HRC are completely ignoring the fact that the HRC cannot and does not represent the entire body of the United Nations. Many of its decisions pass by a bare majority of a small minority of UN Member States, which at any given time constitute the HRC.

Therefore, those who claim the UNGA cannot postpone the implementation of 32/2 until the mandate is more thoroughly scrutinized and clarified are in essence claiming that a mere 24 UN Member States (a majority of the HRC) can take any action defining or interpreting "human rights" for the entire world without any checks or balances by the world community. The reason the GA exists is to ensure that any major decisions by the UN are supported by the majority of States, and ideally, unanimously by all States whenever possible.

3. Many small nations do not even have representation on the HRC in Geneva due to budget constraints, yet they will be greatly affected by this mandate. On such highly sensitive and controversial matters that have no clear basis in international law, these countries have a right to review the mandate and to give input before it is forced upon them, especially since the sweeping mandate calls upon them to fully cooperate with the mandate holder and conform their laws to his views.

4. In addition to being so highly controversial and divisive, as pointed out by a number of HRC Member States during the debate surrounding its adoption, implementation of Resolution 32/2 will undermine the entire human rights system. This is because 32/2 is aimed at promoting controversial sexual behaviors and preferences as internationally protected rights, even for children, with no basis whatsoever in international law or treaties to support the existence of such highly contested rights.

5. The very basis of the SOGI mandate violates the UN charter, which prohibits the UN from interfering in domestic matters.

6. Resolution 32/2 has very little to do with discrimination or preventing violence and everything to do with pushing a highly controversial LGBT “rights” agenda. The proposed independent expert, Mr. Muntarbhorn, is a well-known LGBT rights advocate who helped draft the highly controversial and factually incorrect Yogyakarta Principles. Muntarbhorn himself has already underscored his bias and determination to implement the radical LGBT agenda in a recent speech in Thailand on November 30 wherein he clearly outlined his interpretation of his mandate and his plans to:

(1) Overturn laws that prohibit homosexual behavior; (2) Prohibit therapeutic help for individuals who experience unwanted same-sex attraction; (3) Support and promote transgender behavior as a right that must be respected and supported by governments (even though in its severe manifestations, it is recognized by the international mental health community as a mental disorder); and (4) indoctrinate children from the youngest ages to accept controversial sexual orientations and gender identities as normal.

7. The HRC has no legal basis under international law to exercise the activities outlined in resolution 32/2 with respect to LGBT laws and policies of Member States.

Since the General Assembly does have both the legal authority to exercise oversight of the activities of the HRC as well as the responsibility to do so when problems arise, we urge you to support the expected amendment to the HRC report that would postpone implementation of Resolution 32/2. This is a reasonable request that will allow for consultation into all aspects of the legal basis for the mandate of the proposed independent expert on sexual orientation and gender identity.

Sincerely,



Sharon Slater
President of Family Watch International and Chair of the UN Family Rights Caucus

[LIST OF ORGANIZATION AND INDIVIDUAL SIGNERS WILL BE INSERTED HERE]