

Background Guide

SOCHUM

HIGH SCHOOL MODEL UNITED NATIONS



2015

Arise and Shine

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Committee Introduction

The Social, Cultural and Humanitarian Committee is commonly known as the 3rd Committee of the United Nations General Assembly. While committees within the General Assembly cannot pass legally-binding resolutions, SOCHUM is responsible for initiating studies and making recommendations on a series of social, cultural, and humanitarian issues. SOCHUM plays a crucial role in the General Assembly, as a range of topics regarding human rights falls under its mandate, such as issues on indigenous peoples, civilian casualties in wartime, women empowerment, crimes against humanity, reproductive rights, universal primary education, as well as racial and social discrimination. This committee has had a strong female presence, as SOCHUM places a prominence on the rights of women on its agenda. Because of the nature of the tasks under SOCHUM's jurisdiction, many of the topics discussed involve the responsibilities of other UN committees and organizations. Therefore, SOCHUM often works collaboratively alongside other bodies on pressing issues such as the topic HSMUN will be discussing this year - LGBT rights. In order for the committee to reach consensus on such a sensitive issue, compromise and understanding of varying interests among all 193 Member States are required.

Statement of the Problem

Definitions

Sex and Gender

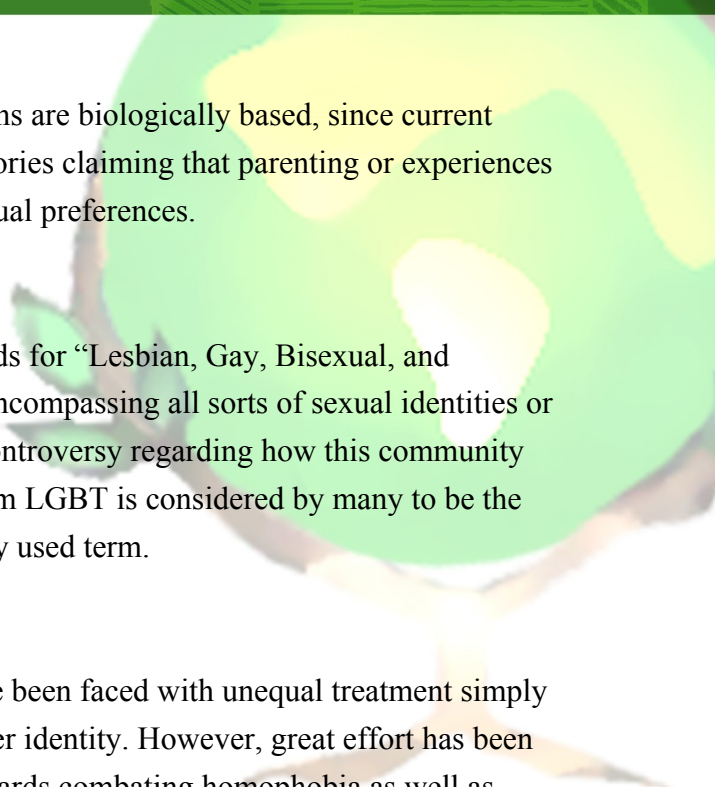

Interchangeably as the two terms, “sex” and “gender,” are constantly used, “sex” refers to the biological characteristics which distinguish women from men, whereas “gender” refers to the socially-formed attributes, roles, and behaviors that society would consider appropriate for individuals to possess in accordance with their sex.

Gender Identity and Gender Expression

Gender identity is a person's interior perception of their own gender. Gender expression is the way people manifest their gender identities to make them seen and understood, through the means of behavior, clothing, and the way they speak.

Sexual Orientation

According to the preamble of the Yogyakarta Principles, sexual orientation is defined as “each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.” There is a widespread belief within the



scientific community that sexual orientations are biologically based, since current evidence is insufficient to support theories claiming that parenting or experiences during formative years influence one's sexual preferences.

LGBT

“LGBT” is an acronym that stands for “Lesbian, Gay, Bisexual, and Transgender.” Owing to worries of it not encompassing all sorts of sexual identities or orientations to date, there has been great controversy regarding how this community should be named. Be that as it may, the term LGBT is considered by many to be the most comprehensive and most recognizably used term.

LGBTs in Society

Throughout history, LGBTs have been faced with unequal treatment simply because of their sexual orientation or gender identity. However, great effort has been made by individuals and organizations towards combating homophobia as well as demanding fundamental human rights. The violation of human rights against LGBTs, including the deprivation of rights to marriage, education, health care, vocation and so forth, is prevalent worldwide. In some areas, homosexuality is criminalized.

LGBT rights at the United Nations


Because of the high level of sensitivity and controversy regarding this topic, it was not until 2011 that a UN resolution concerning the LGBT community was passed. While this was a historic step in the history of LGBT rights, it had not made much impact in societies where homophobic and transphobic sentiments are embedded deeply within. Although a large number of Member States are supportive of LGBT rights, not much progress in legislation and implementation of laws regarding the LGBT community have been made. In 2014, the United Nations Human Rights Council passed a landmark resolution condemning violence and discrimination against LGBT people. However, this resolution is not binding in terms of international law, and the difficulty in ensuring fundamental human rights for LGBT citizens worldwide lies within the complication of balancing national sovereignty and human rights. While state sovereignty should not be undermined, universal human rights encoded within international law are intrinsic and to be guaranteed.

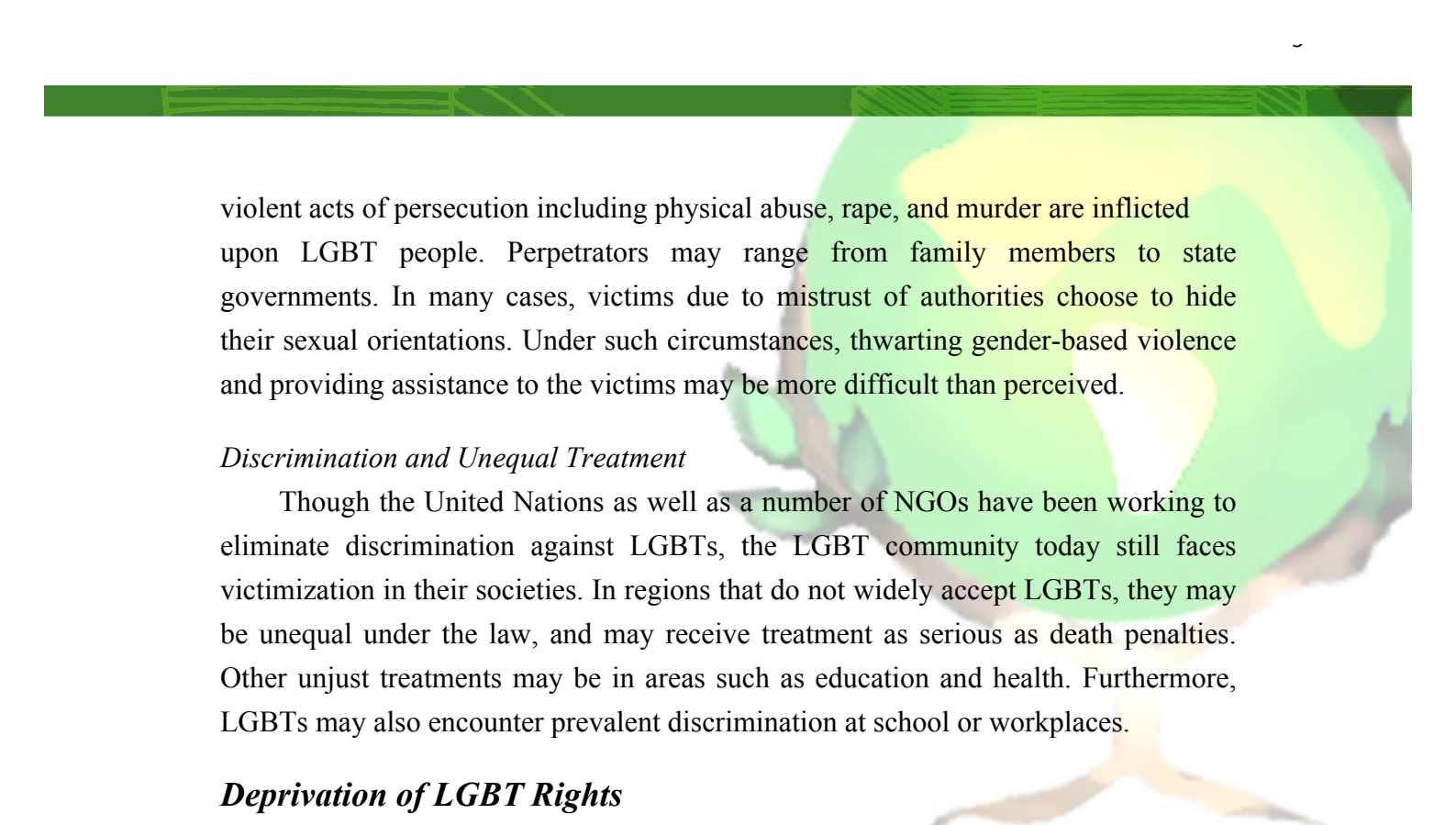
History and Discussion

Acts of Persecution

Acts of Violence

Across the globe, discrimination based on sexual orientation is prevalent, and





violent acts of persecution including physical abuse, rape, and murder are inflicted upon LGBT people. Perpetrators may range from family members to state governments. In many cases, victims due to mistrust of authorities choose to hide their sexual orientations. Under such circumstances, thwarting gender-based violence and providing assistance to the victims may be more difficult than perceived.

Discrimination and Unequal Treatment

Though the United Nations as well as a number of NGOs have been working to eliminate discrimination against LGBTs, the LGBT community today still faces victimization in their societies. In regions that do not widely accept LGBTs, they may be unequal under the law, and may receive treatment as serious as death penalties. Other unjust treatments may be in areas such as education and health. Furthermore, LGBTs may also encounter prevalent discrimination at school or workplaces.


Deprivation of LGBT Rights

Religious and Cultural Factors

Among all possible sources of discrimination against LGBT people, cultural and religious factors are great contributors. Generally speaking, Abrahamic religions, such as Judaism, Christianity, and Islam, tend to consider homosexuality as unacceptable behavior. The Eastern Orthodox Church states that sexual acts shall only be conducted in the foundation of marriage, and the marriage shall be between a man and a woman. The Catholic Church, though it has long opposed LGBTs, has recently changed their attitude by respecting “homosexual tendencies”, yet “homosexual acts” are still considered immoral. The religious teachings of the Quran express non-acceptance and criminalization of homosexuality. Contrary to the previously discussed religions, Hinduism and Buddhism do not have a solid stance regarding the topic of LGBTs and don’t often discuss said issue. Although in many parts of the world, religion correlates to acceptance of LGBTs, in Africa, this is not the case. African people used to have many forms of sexual behavior, but after being colonized by European nations, they were taught not to perform homosexual acts. Although they are now independent states, they are still heavily influenced by their former colonizers.

LGBT Rights Around the Globe

Generally speaking, western states are relatively open-minded towards LGBTs, in comparison with the east. Many states in these areas have approved same-sex marriage or have laws regarding the protection of LGBT rights. By contrast, the



Middle East, Central Asia, and Africa tend to be more conservative on this issue due to religious and cultural factors. These regions exist certain laws that criminalize homosexuality.

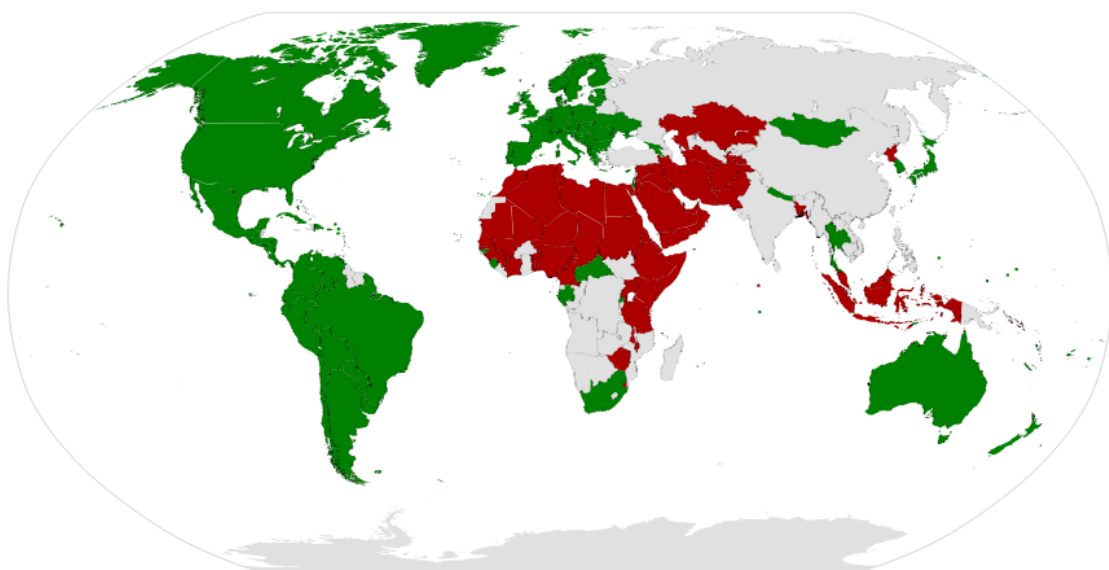
Balancing State Sovereignty and Human Rights


When dealing with international human rights issues, it is usually hard to balance between national sovereignty and human rights. According to the Oxford dictionary, the

definition of “sovereignty” is “supreme power or authority” When we refer to the sovereignty of a state, we note its power to govern its domestic affairs without interference by other states or bodies. In the United Nations, sovereignty is secured by the UN Charter in an article that states that the UN shall not intervene in domestic jurisdiction of any state. However, there are limitations to a state’s sovereignty. It is a goal of the United Nations to create a condition in which human rights and fundamental freedom are respected. Therefore, when discussing issues regarding said topics, it is required by the UN Charter to initiate studies and make recommendations. Should further actions be taken, it is the Security Council’s mandate to make binding decisions, though it is not clear how far the United Nations’ mandate should reach regarding certain human rights issues.



"Lesbian and Gay Rights in the World." International Lesbian, gay, bisexual, trans and intersex association. Last modified March 2015.





LGBT rights at the United Nations

- Support** Countries which have signed a [General Assembly declaration of LGBT rights](#) and/or sponsored the [Human Rights Council's 2011 resolution on LGBT rights](#) (**94 members**).
- Oppose** Countries which signed a [2008 statement opposing LGBT rights](#) (initially 57 members, now **54 members**).
- Neither** Countries which, as regards the UN, have expressed neither official support nor opposition to LGBT rights (**46 members**).

Past UN Actions

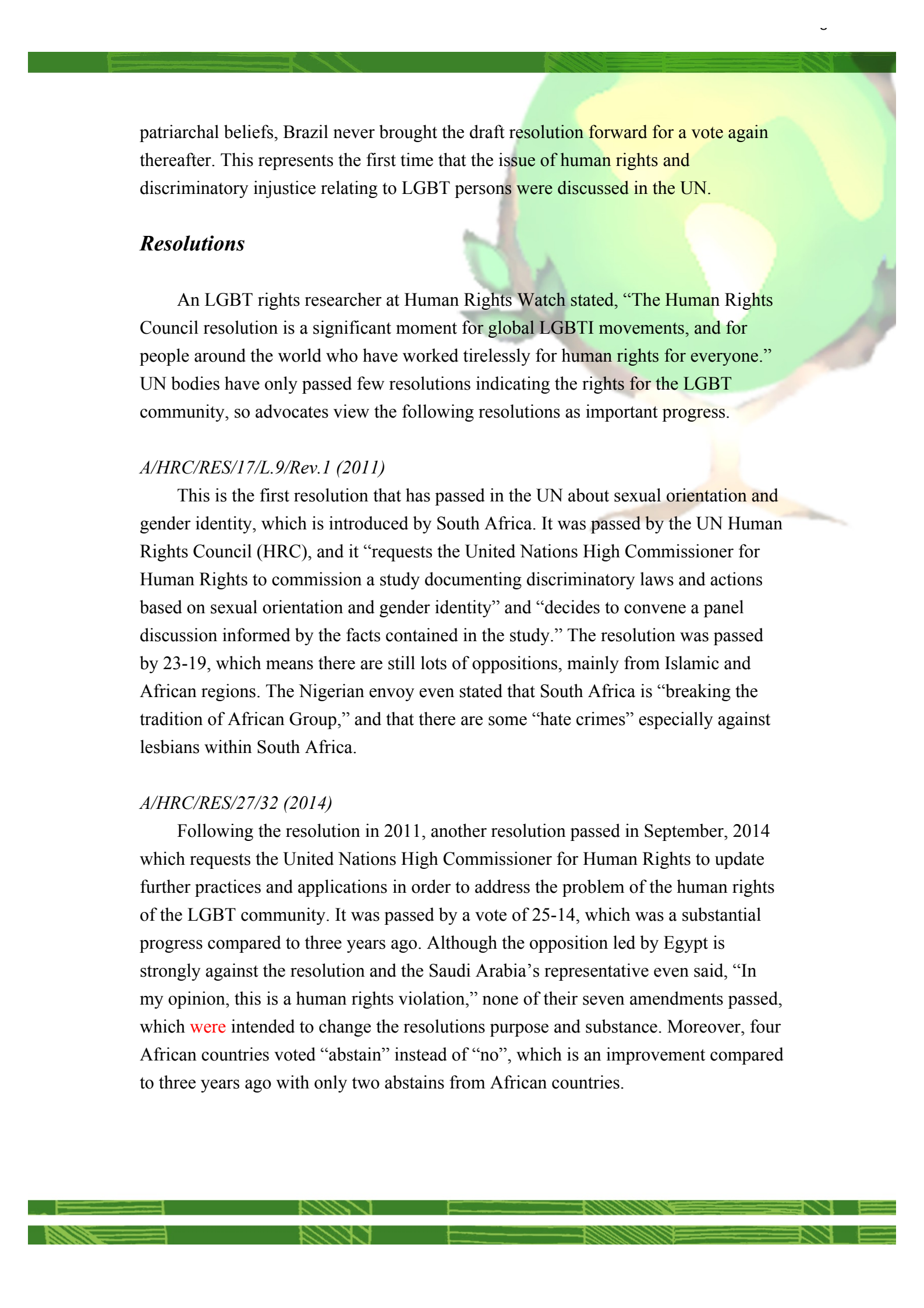
The Universal Declaration of Human Rights indicates that “all human beings are born free and equal in dignity and rights,” and “everyone has the right to life, liberty and security of person.” Released after WWII, this document clearly grants the LGBT community free and deserving of fundamental human rights.

Yogyakarta Principles

The Yogyakarta Principles, “Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity”, were presented in March, 2013 by the International Commission of Jurists (ICJ), an international NGO that holds meetings discussing human right issues. There are 29 principles in total, which includes various aspects, such as the right to work, the right to education, and the right to found a family etc. Although the principles are not drafted by the UN, it established a number of terms regarding this issue and brought said topic into international debate. Furthermore, the principles establish requirements and actions compulsory for all States with regards to the protection of human rights for LGBT individuals.

Brazilian Draft Resolution

A draft resolution titled “Human Rights and Sexual Orientation” was introduced to the Economic and Social Council of UN by Brazil on Apr.17th, 2013. However, many amendments were presented, and the Commission on Human Rights agreed to postpone the consideration of the draft resolution and the proposed amendments to the following year. But due to political pressure and conventional wisdom that does not believe in rights for the LGBT community stemming from traditional religious and



patriarchal beliefs, Brazil never brought the draft resolution forward for a vote again thereafter. This represents the first time that the issue of human rights and discriminatory injustice relating to LGBT persons were discussed in the UN.

Resolutions

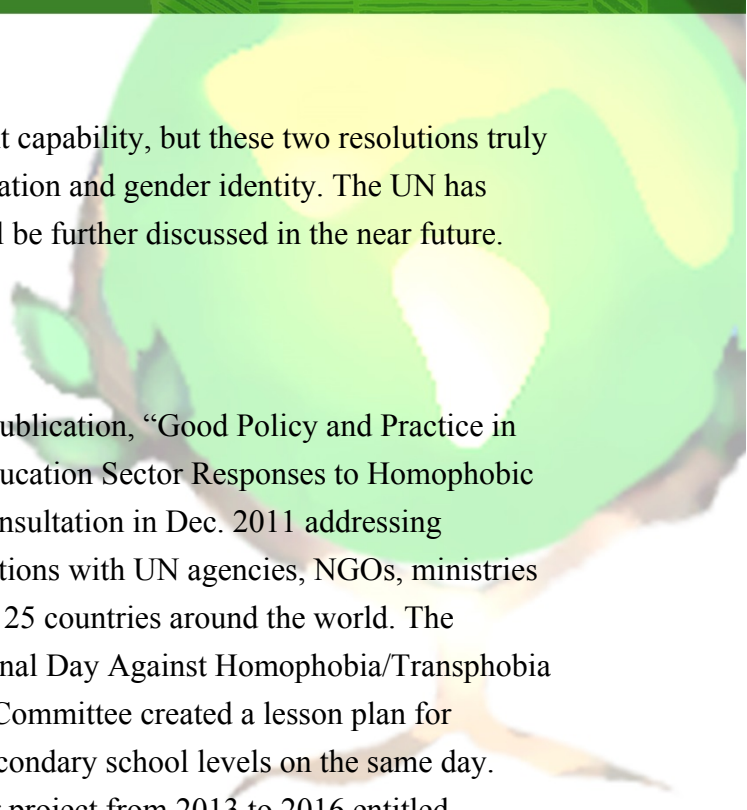
An LGBT rights researcher at Human Rights Watch stated, “The Human Rights Council resolution is a significant moment for global LGBTI movements, and for people around the world who have worked tirelessly for human rights for everyone.” UN bodies have only passed few resolutions indicating the rights for the LGBT community, so advocates view the following resolutions as important progress.

A/HRC/RES/17/L.9/Rev.1 (2011)

This is the first resolution that has passed in the UN about sexual orientation and gender identity, which is introduced by South Africa. It was passed by the UN Human Rights Council (HRC), and it “requests the United Nations High Commissioner for Human Rights to commission a study documenting discriminatory laws and actions based on sexual orientation and gender identity” and “decides to convene a panel discussion informed by the facts contained in the study.” The resolution was passed by 23-19, which means there are still lots of oppositions, mainly from Islamic and African regions. The Nigerian envoy even stated that South Africa is “breaking the tradition of African Group,” and that there are some “hate crimes” especially against lesbians within South Africa.

A/HRC/RES/27/32 (2014)

Following the resolution in 2011, another resolution passed in September, 2014 which requests the United Nations High Commissioner for Human Rights to update further practices and applications in order to address the problem of the human rights of the LGBT community. It was passed by a vote of 25-14, which was a substantial progress compared to three years ago. Although the opposition led by Egypt is strongly against the resolution and the Saudi Arabia’s representative even said, “In my opinion, this is a human rights violation,” none of their seven amendments passed, which **were** intended to change the resolutions purpose and substance. Moreover, four African countries voted “abstain” instead of “no”, which is an improvement compared to three years ago with only two abstains from African countries.



The UNHRC doesn't have any enforcement capability, but these two resolutions truly drew attention on the issue of sexual orientation and gender identity. The UN has given weight to this issue, and it surely will be further discussed in the near future.

Education & Campaigns

UNESCO

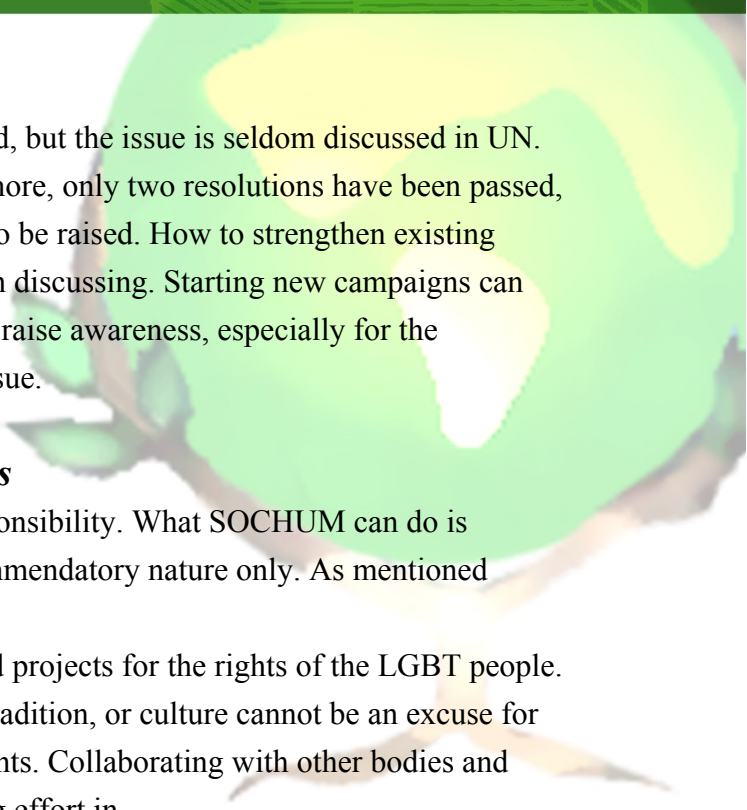
In May 2012, UNESCO published a publication, “Good Policy and Practice in HIV and Health Education – Booklet 8: Education Sector Responses to Homophobic Bullying” which is based on a UNESCO consultation in Dec. 2011 addressing homophobic bullying in educational institutions with UN agencies, NGOs, ministries of education and academia from more than 25 countries around the world. The publication was presented on the International Day Against Homophobia/Transphobia (IDAHO), and UNESCO and the IDAHO Committee created a lesson plan for teachers and facilitators for primary and secondary school levels on the same day. Moreover, UNESCO launched a three-year project from 2013 to 2016 entitled “EDUCATION AND RESPECT FOR ALL: Preventing and Addressing Homophobic and Transphobic Bullying in Educational Institutions.” In 2016, the project will be concluded by developing a policy statement and the first issue of a global report on the status of homophobic and transphobic violence in education.

Free & Equal

UN Free & Equal is an unprecedented global campaign launched on July 2013 by the United Nations Human Rights Office. It is aimed at raising awareness of homophobic violence and discrimination, and promoting greater respect for the rights of LGBT people everywhere. Over the past year, more than 1 billion people have seen or heard the campaign's message, respect and acceptance. Its web page shows various personal stories, international law, and world leaders, including UN Secretary-General Ban Ki-moon, who support rights for the LGBT community. They also presented the “Five Core Legal Obligations of States with respect to Protecting the Human Rights of LGBT persons,” which include protecting individuals, preventing torture, decriminalizing homosexuality, prohibiting discrimination, and respecting freedom of expression, association and peaceful assembly.

Possible Solutions

Starting and Strengthening Campaigns



The LGBT people have always existed, but the issue is seldom discussed in UN. Although it is not a forbidden subject anymore, only two resolutions have been passed, and the awareness of this issue still needs to be raised. How to strengthen existing campaigns such as “Free & Equal” is worth discussing. Starting new campaigns can also be taken into consideration in order to raise awareness, especially for the countries that are not accustomed to this issue.

Collaboration with Other UN Bodies

The issue is not just SOCHUM’s responsibility. What SOCHUM can do is limited because its resolutions are of recommendatory nature only. As mentioned above, UNESCO has also created lesson plans and projects for the rights of the LGBT people. Human rights are universal, and religion, tradition, or culture cannot be an excuse for depriving LGBT people of their human rights. Collaborating with other bodies and making good use of them are worth making effort in.

Questions to Consider

Delegates should understand the mandate of SOCHUM as well as your own countries’ stance when drafting resolutions. Here are some questions your resolution must answer.

1. To this day, there are still a large number of countries opposed to the idea of LGBTs being granted equal rights. How might the committee reach consensus on such a sensitive topic?
2. What are the root causes of discrimination? What measures can the committee take to eliminate hostile sentiments directed towards LGBTs?
3. There are LGBT people who suffer from hate crimes in many societies. What kind of immediate aid and long-term solutions can the committee discuss to improve the current situation?
4. What might be the reasons for the incompetency of past resolutions to solve the LGBT situation more effectively?
5. What are governments’ role granting fundamental human rights for the LGBT community?

Suggestions for Further Research



Besides reading through the background guide offered, we encourage delegates to look into others sources as well.

First of all, it is necessary to obtain knowledge about LGBT in your assigned country. Delegates are encouraged to search through news articles and government official websites to obtain the policies, countries 'stances , and public opinions in the assigned country. Besides, delegates can also explore other's countries interest in regard of this topic. It will give you a picture of how to cooperate with other delegates in the conference.

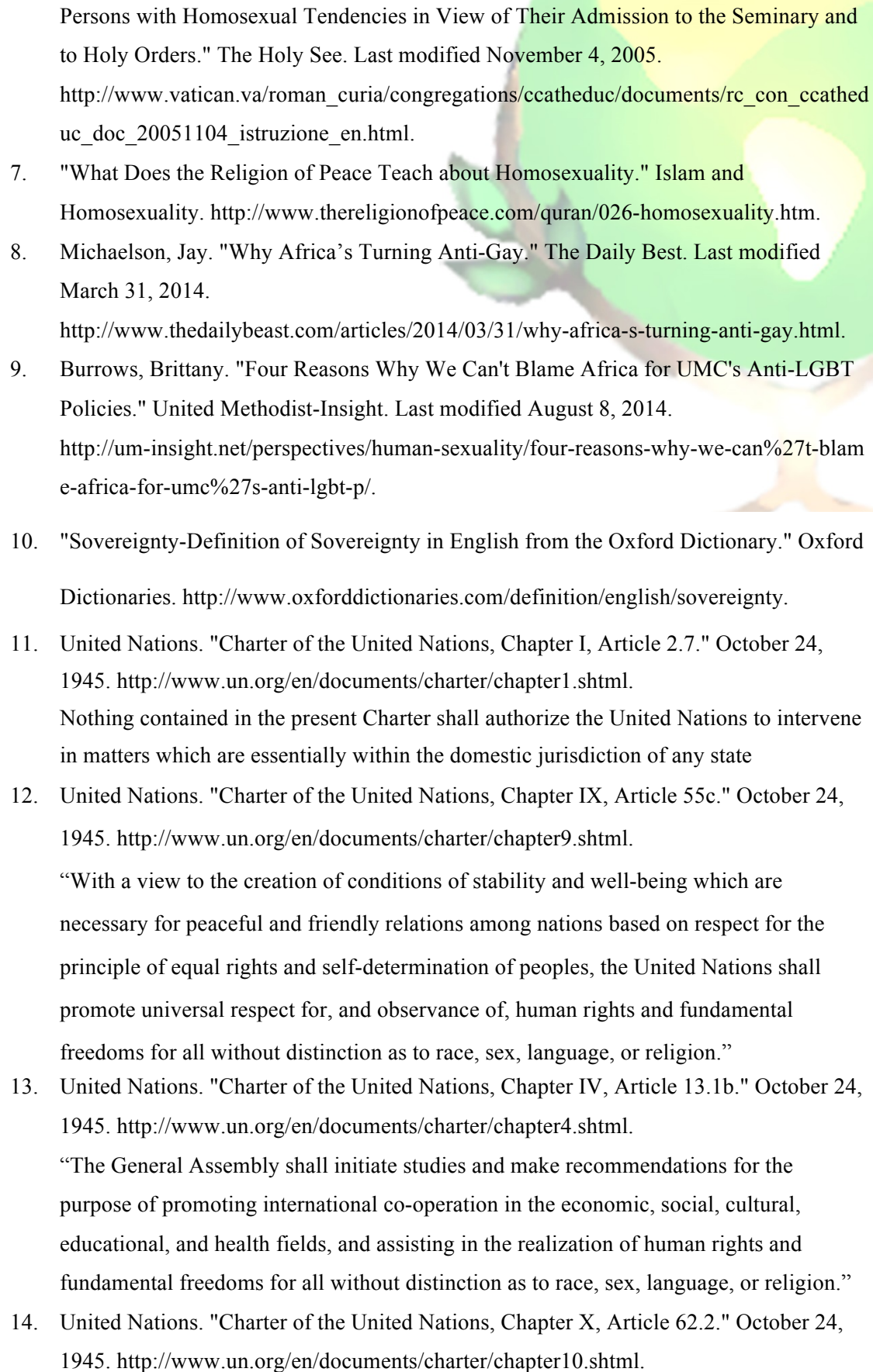
Secondly, in order to have a comprehensive knowledge of this topic, we highly suggest you to look for relevantly professional NGOs' websites for example: Human Rights Watch to have a deeper understanding of LGBT rights. The resolutions passed by Human Rights Council are also important.

(<http://daccessddsny.un.org/doc/UNDOC/GEN/G14/177/32/PDF/G1417732.pdf?OpenElement>) Delegates can strengthen the effort in past action to fulfill the protection of LGBT community.

Since LGBT issue is controversial due to religious values and traditional moralities, it is also vital to look for the opinions not only those who agree but also those who oppose for the purpose of drafting practical and workable resolutions.

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Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state
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"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."
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"The General Assembly shall initiate studies and make recommendations for the purpose of promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."
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