

Cerritos Novice Conference 2020

# United Nations Human Rights Council (UNHRC)

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**Topic: LGBTQ+ Rights**

**Director: Kanika Patel**

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October 10th, 2020

To Delegates of CHSMUN Novice 2020

Dear Delegates,  
Welcome to CHSMUN Novice 2020!

It is our highest honor and pleasure to welcome you all to our 2020 online novice conference here at Cerritos High School. On behalf of the Cerritos High School Model United Nations program, we are proud to host our very first virtual novice conference, where you will become more knowledgeable on international issues, participate in intellectually stimulating discussions, and create new and everlasting friendships.

The CHSMUN program continues to compete around the world as a nationally ranked MUN program. Our delegates utilize diplomacy in order to create complex solutions towards multilateral issues in the global community. Our head chairs are selected from only the best seniors of our program, undergoing a rigorous training process to ensure the highest quality of moderating and grading of debate. Furthermore, all the topic synopses have been reviewed and edited numerous times. We strongly believe that by providing each and every delegate with the necessary tools and understanding, he or she will have everything they need to thrive in all aspects of the committee. We thoroughly encourage each delegate to engage in all of the facets of their topic, in order to grow in their skills as a delegate and develop a greater knowledge of the world around them.

Although this wasn't what we expected, our advisors and staff have put in countless hours to ensure delegates have an amazing experience at the online conference. Our greatest hope is that from attending CHSMUN 2020, students are encouraged to continue on in Model United Nations and nevertheless, inspired to spark change in their surrounding communities. CHSMUN Novice 2020 will provide a quality experience for beginner delegates to develop their speaking and delegating skills.

If you have any questions, comments, or concerns, please contact us! We look forward to seeing you at CHSMUN Novice 2020!

Sincerely,

Anjali Mani and Karishma Patel

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Secretary-Generals

## **A Note From The Director**

Delegates,

My name is Kanika Patel and I'm very excited to be serving as your UNHRC head chair! As I head into my 6th year of MUN, I have gained insight into many of the global issues plaguing the world today, leading me to develop a strong passion for human rights. As for my hobbies, I enjoy watching Netflix and YouTube, scrolling through instagram, taking walks, and eating sweet foods. Although this conference is occurring in an unexpected format, I hope that you will all gain some valuable MUN experience and be able to participate in an engaging debate. I chose topics that I believe will let every country have a unique perspective and I look forward to hearing your thoughts and solutions in committee!

Sincerely,

Kanika Patel

Director, UNHRC

## **Committee Introduction**

The United Nations Human Rights Council (UNHRC) was created on March 15, 2006 by the United Nations General Assembly as a replacement for the UN Commission on Human Rights. The UNHRC was established with the purpose to strengthen the promotion and protection of human rights, as well as address violations of human rights around the world. The Council currently consists of 47 United Nations Member States which were elected by the United Nations General Assembly. This council has the ability to discuss all human rights issues and it meets at the UN office at Geneva. The UNHRC has a Universal Periodic Review mechanism which serves the purpose of assessing human rights situations in all United Nation Member States. Additionally, the UNHRC has an advisory committee that provides expertise and advice on various thematic human rights issues. Their complaint procedure allows organizations and individuals to bring violations of human rights to the Council.

# Topic: LGBTQ+ Rights

## Background:

The LGBTQ+ community consists of individuals who identify as lesbian, gay, bisexual, transgender, queer, or other affiliations. Currently, 72 nations criminalise homosexuality, specifically consensual, same-sex sexual activity. The majority of these countries use sodomy, buggery, and unnatural offences to criminalise sexual activity between men. Of these 72 nations, 44 nations criminalise consensual sexual activity between women using laws that are against lesbianism, sexual relations with a person of the same sex, and gross indecency. Moreover, 11 countries have imposed the death penalty for engaging in consensual same-sex sexual activity. The death penalty is a possibility in Afghanistan, Brunei, Mauritania, Pakistan, Qatar, and the UAE. However, Iran, Saudi Arabia, Somalia, Yemen, and Northern Nigeria have implemented the death penalty. Additionally, 15 countries criminalise the gender identity and expression of transgender people by using laws against cross-dressing, impersonation, and disguise. In addition to the criminalization of homosexuality, the LGBTQ+ community also faces threats due to the prevalence of hate crimes. In 2015, one in five hate crimes committed in the United States was due to sexual orientation. In recent years, there has been a drastic increase of violent crime against transgender individuals, specifically trans women of color, within the United States. For instance, in 2019, at least 27 transgender people died in the U.S. due to violence, the majority of them were black transgender women. 2020 has already seen the deaths of 26 transgender or gender non-conforming individuals by violent means. In spite of the increased violence faced by the transgender community, sixteen states across the United States do not include sexuality or gender identity in their hate crime laws and four states have no hate crime laws at all. Another hardship the LGBTQ+ community faces is the denial of fundamental human rights. For example, those in same-sex relationships are often forbidden from adopting children. Currently, only fifteen states U.S. have passed a law which guarantees gay couples the right to second-parent adoption and five states legally allow adoption agencies to deny adoption to gay couples because of their sexual orientation. Additionally, many individuals who identify as a member of the LGBTQ+ community, particularly LGBTQ+ youths, are subjected to conversion therapy which includes electroshock therapies, forced internments in clinics, exorcism, and other practices. Other aspects of these conversion therapies include emotionally traumatic or physically painful experiences to get the individual to identify those feelings of shame with their LGBTQ+ identity. Conversion therapy is based on the false premise that being LGBTQ+ is a mental illness that needs to be cured even though all major medical associations have agreed that LGBTQ+ identities are normal. For instance, in 1973 the American Psychiatric Association determined that homosexuality was not a mental illness and in 2007 they have concluded that it is unlikely that individuals will reduce same-sex attractions or increase other-sex attractions through the utilization of sexual orientation change efforts or conversion therapy. The LGBTQ+ community also faces high levels of discrimination at the workplace. Gay and trans individuals face the threat of being fired from their jobs on the basis of sexual orientation or gender identity. This

means that regardless of their performance or skill, a person can lose their jobs if their boss discovers and disagrees with their identity. Steps have been taken to reduce workplace discrimination because of sexual orientation. Currently, seventy-seven countries prohibit discrimination in employment, including Australia, Canada, France, and Germany. Although the United States has ruled that the Civil Rights Act of 1964 protect employees from discrimination on the basis of gender identity or sexual orientation, 20% of LGBTQ+ Americans have experiences discrimination when applying for jobs. 32% of LGBTQ+ people of color in the United States face workplace discrimination which is more than their white counterparts as only 13% of the white LGBTQ+ community suffer from this type of discrimination. LGBTQ+ individuals also face discrimination in housing, public accommodations, healthcare, and the criminal justice system. Discrimination against LGBTQ+ individuals in regards to housing comes in many forms. For example, it occurs when a transgender woman is asked not to dress in women's clothing on the property or when a gay man is evicted because his landlord believes he is going to infect other tenants with HIV/AIDS. Additionally, transgender individuals face difficulties when it comes to accessing bathrooms. These individuals, are often times not allowed to use public bathrooms in the same way their cisgender peers would. Specifically, transgender children in school face the possibility of not being able to use the bathroom that suits their gender identity. The LGBTQ+ community also faces disparities when it comes to their healthcare. LGBTQ+ have less access to care due to the minority status of LGBTQ+ people, lack of education and training for health care workers, lack of clinical research on health issues that impact LGBTQ+ people, and fear due to stigma, discrimination, and bias in the healthcare system. Lastly, the LGBTQ+ community, particularly LGBTQ+ people of color face higher rates of incarceration, unfair treatment, and abuse in the criminal justice system.

## United Nations Involvement:

The first action the United Nations took to protect the rights of the LGBTQ+ was on June 17, 2011 when the United Nations Human Rights Council adopted its first resolution on the rights for homosexuals and transgendered individuals. The resolution called for the end to sexual discrimination and recognized it as a priority issue of the United Nations. The Resolution on Human Rights, Sexual Orientation, and Gender Identity was a non-binding resolution that expressed grave concern at all acts of violence and discrimination against individuals due to their sexual orientation and gender identity. The United Nations General Assembly adopted resolution A/RES/67/168 on extrajudicial, summary, or arbitrary executions. This resolution included crimes motivated by the victim's sexual orientation and gender identity. This was the first time that these crimes and killings were mentioned in a United Nations General Assembly passed resolution. In July 2013, the United Nations High Commissioner for Human Rights launched the U.N.'s Free and Equal Campaign against homophobia and transphobia and to promote understanding of the human rights of LGBTQ+ people. In 2017, UN Free and Equal reached 2.4 billion social media feeds across the world through videos, graphics, and plain-language fact sheets. UN Free and Equal campaigns and events have been organized in almost 30 countries with support from the United Nations as well as political, community, and religious leaders and celebrities from all different regions of the world. Additionally, when the United Nations

released its Sustainable Development Goals in 2015, many countries utilized language that would ensure the LGBTQ+ is included. In September 2016, the United Nations appointed Vitit Muntarbhorn to serve as their first ever independent expert on sexual orientation and gender identity. Through this role, Vitit Muntarbhorn has worked to reduce violence and discrimination against LGBTQ+ people and tried to improve their situation in all U.N. member states.

## Bloc Positions:

**Western:** In many Western countries, there are laws preventing LGBTQ+ individuals from facing discrimination. For instance, the European Union has protected LGBTQ+ individuals from discrimination at the workplace since the year 2000. Even though laws like these are in place, discrimination against the LGBTQ+ community is continuing to increase. Although more than half of the nations around the world that have legalized same-sex marriage are in Europe, there are many western countries who have still not legalized it. In the United States, gay marriage has been legalized but LGBTQ+ individuals are not protected from discrimination in all states. Canada legalized homosexual activity in 1969 and legalized gay marriage in 2005, has protected LGBTQ+ individuals from housing and employment discrimination. Within the Western bloc, it is essential to focus on combating discrimination in employment and housing as well as providing access to proper healthcare.

**Latin America and Caribbean:** Currently, most Latin American countries no longer consider homosexuality as a crime, but that is not the case in the Caribbean. For example, in former British colonies like Jamaica, there is a law declaring that the “abominable crime of buggery” is punishable with up to ten years in jail. Half-dozen nations in Latin America have recognized same-sex marriage and there are a few other nations that offer similar legal partnerships but not marriage. There has been a new surge in activism within Latin America due to the end of military dictatorships and the lessening influence of Catholicism. Argentina has Latin America’s most open gender identity laws. Individuals can change their gender if they do not identify with the gender they were assigned with at birth, without authorization from a judge or doctor. Even though laws are slowly changing within this region, discrimination and violence against the LGBTQ+ community is rampant. Central American and Caribbean countries as well as South American countries like Brazil have been singled out as especially poor environments for LGBTQ+ people. Within Latin America and the Caribbean, it is essential to focus on combating all kinds of discrimination, protecting LGBTQ+ individuals, and increasing activism.

**African:** Out of the seventy-two countries that criminalize homosexuality worldwide, 32 of them are in Africa. The extent to which the laws are enforced varies greatly from country to country. For instance, Uganda has seen a sudden increase in anti-gay arrests whereas Gambia hasn’t prosecuted anyone under their anti-sodomy laws since 2017. Even when the laws are not enforced, the laws promote a stigma around homosexuality and provide a justification for homophobia behavior. Africa is also one of the most religious continents in the world with 93% of sub-Saharan Africans are either Christian or Muslim. These beliefs influence many different

parts of people's lives, including their attitudes towards the LGBTQ+ community. Additionally, countries like Uganda, Nigeria, and Togo have laws that range from 10 years to life in prison or the death penalty as a punishment from same-sex relationships or homosexual behaviors and expressions. Within the African bloc it is important to protect individuals from sexual harassment, discrimination, and violence as well as provide sexual and reproductive healthcare as LGBTQ+ individuals are often denied or can't access those services.

**Asian-Pacific:** In the Middle East, the LGBTQ+ community fears persecution due to the fact that homosexuality is illegal in most Middle Eastern countries. With the Muslim majority and Christian minority in the Middle East, homosexuality is condemned and considered to bring shame to the person and their family. As a result, honor killings of homosexual family members as an attempt to restore honor to the family occurs in many different areas of the Middle East. Those who are caught engaging in homosexual behavior are punished differently in different regions. For instance, LGBTQ+ individuals face punishments like fines, jail time, or even death in some areas. Homosexuality is still a very taboo topic in Asia and being gay can get the individual arrested or result in a legal execution in some countries. However, being gay is legal in a number of Asian countries. Taiwan is the only country in Asia that has legalised gay marriage and Thailand is on the brink of introducing civil unions. With the lack of laws allowing LGBTQ+ individuals to be LGBTQ+, protecting them and their rights is an essential aspect.

## Basic Solutions:

Basic Solutions for LGBTQ+ rights include combating housing, employment, and healthcare discrimination. This can be done through a variety of methods including the implementation of various organizations or reducing the stigma around homosexuality. Additionally, the LGBTQ+ should be given better access to healthcare specifically tailored to them and to adequate legal protections. Protecting the LGBTQ+ community, specifically trans individuals, from violence is also an essential aspect of this topic. LGBTQ+ individuals should also be given access to family planning services, services that will protect LGBTQ+ families, and help gay couples adopt children. Solutions to end the practice of conversion therapy should also be implemented as well as rehabilitation solutions for those who have gone through conversion therapy. Focus on implementing solutions that have been proven successful in the past. Previously, when laws meant to protect the LGBTQ+ community were implemented, they have not been enforced, thus delegates should focus on the enforcement of laws and policies that protect LGBTQ+ rights.

However, if your country's policy does not support LGBTQ+ rights, do not try to implement solutions that are in favor of LGBTQ+ rights. Follow your policy and implement solutions that are in correlation with your country's stance on LGBTQ+ rights.

## Questions to Consider:

1. What is your country's policy on conversion therapy and what can be done to end it?

2. What solutions would be effective in providing support to LGBTQ+ individuals in areas where homosexuality is criminalized?
3. What laws does your country have on changing your gender and on transgender individuals?
4. How will you protect LGBTQ+ individuals, specifically transgender individuals, from violence?
5. What solutions can be implemented so LGBTQ+ individuals can access proper healthcare, even in areas where homosexuality is illegal?

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