

# BANGALORE MODEL

# UNITED NATIONS 2017

UNITED NATIONS HUMAN RIGHTS COUNCIL  
(UNHRC)



Chairperson: Advika Juliet  
Vice-Chairperson: Avirukt  
Rapporteur: Dhiti Gurnani

## Letter from the Executive Board

*Delegates! Welcome to United Nations Human Rights Council of Bangalore Model United Nations 2017.*

*Our agendas, The right to life and associated problems with the current human rights framework with respect to Capital Punishment and The Protection and promotion of LGBTQ+ rights to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, are extremely relevant to the happenings of today's society and we are sure there will be plenty of fresh ideas on how to combat the issues at hand.*

*This background guide, has been designed to help you understand why the committee is discussing the given agendas, and give you a better understanding of the underlying issues. However, the background guide will provide you with only the basic knowledge necessary to start debates on the topics we will discuss in committee.*

*As a delegate, extensive research is essential in order to have productive debate in committee. We are extremely excited to hear your creative solutions and propositions in committee! If you have any queries, don't hesitate to reach out to us, prior to the conference.*

*All the best for your research, and for the conference.*

*The Executive Board,*

*UNHRC BMUN 2017.*

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## Brief of the Committee

The Human Rights Council is an inter-governmental body within the United Nations, responsible for promoting and protection of human rights around the world and addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all relevant human rights issues and situations that require its attention throughout the year.<sup>1</sup>

From LGBT rights, to the freedom of expression and the rights of racial and ethnic minorities, the UNHRC has strived year after year to improve the situation of human rights worldwide. It abides by the UN Charter and the Universal Declaration of Human Rights. Members are elected to the Council serving a term of three years, and no member is allowed to serve more than two consecutively.

The HRC's primary function is to ensure the effective implementation of human rights as put forth by universal law, by utilising the various instruments of the UN.

In short, the UNHRC can address situations of human right violations in the world in general or with respect to a specific region, for which it may adopt a position and make recommendations for the resolvment of the issue, set international standards in the field of human rights, develop instruments which are legally binding to member nations and promote human rights through dialogue, etc.

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<sup>1</sup> <https://www.unfe.org/system/unfe-7-UN Fact Sheets v6 - FAQ.pdf>

## Agenda 1

### **The right to life and associated problems with the current human rights framework with reference to legality of capital punishment.**

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#### Background:

Capital punishment, also known as the death penalty, has been in use by governments for centuries, dating as far back into the times of the Babylonians and Romans as a punishment for serious crimes.

Fifty-six countries still retain the death penalty while 103 countries have completely abolished it. Six have abolished it for ordinary crimes and 30 are abolitionist in practice.<sup>2</sup>

#### **Trends:**

There has been an adamant trend towards universal abolition of the death penalty over the last decade, which has been reflected not only in the growing number of national and international legal instruments, but also in an increasing realization by governments that the death penalty has no place in a civilised democratic society.<sup>3</sup>

#### **Why should countries be allowed the right to impose Capital Punishment?**

Many argue about the morality of the death penalty, and true equality. If someone commits a grave crime, they must receive a similar punishment. The death penalty also acts as a way of closure for the families of victims of violent crimes. They feel that it is the only punishment high enough to give them justice. By allowing the convicted life to have a better outcome than the victim, the families could hold on to resentment.

In a more logistical sense, it is far more cost effective for countries to maintain the death penalty than to rely on life sentences. This also however, varies greatly in each country.

Some also argue that capital punishment acts as a deterrent when it comes to violent crimes. In an examination, based on data from all 50 states of the United States of America from 1978 to 1997, Federal Communications Commission economist Paul Zimmerman demonstrated that each state execution deters an average of 14 murders annually.<sup>4</sup> And in 2009, researchers found that the adoption of laws allowing defendants in child murder cases to be eligible for the death penalty was associated with an almost 20 percent reduction in rates of these crimes.<sup>4</sup>

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<sup>2</sup> *Death Sentences and Execution Report 2015, Amnesty International*

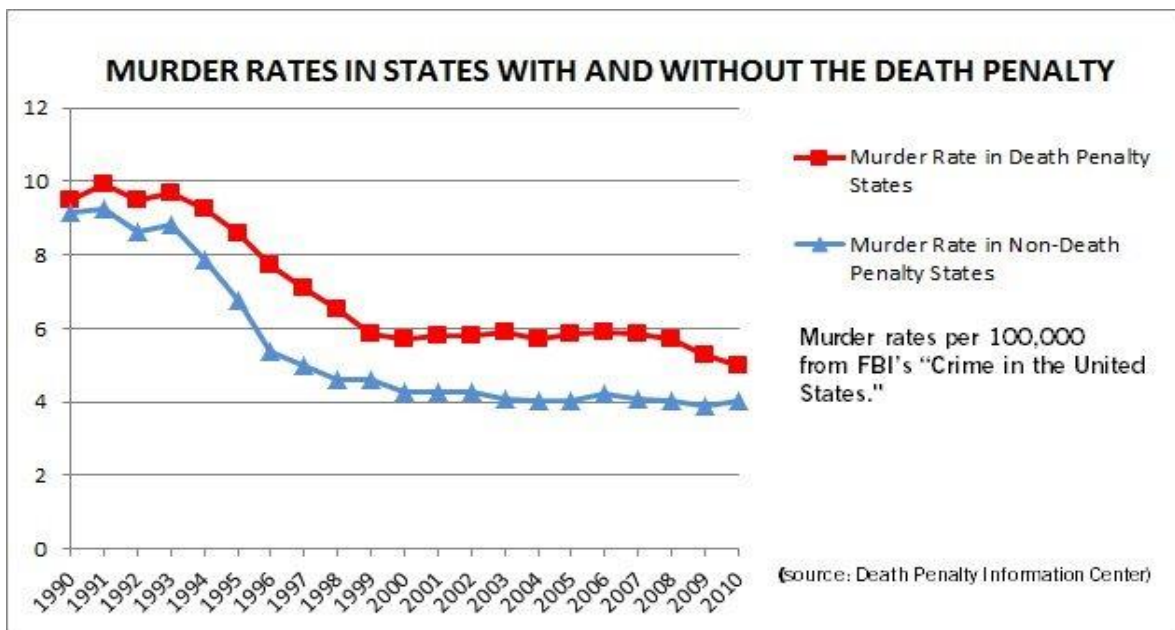
<sup>3</sup> <http://www.osce.org/odihr/124116?download=true>

<sup>4</sup> <https://www.usnews.com/opinion/articles/2014/09/29/the-death-penalty-saves-lives-by-deterring-crime>

## Why shouldn't countries be allowed the right to impose Capital Punishment?

The anticipation of death is far worse than death itself. In fact, this anticipation could act as another means of torture, which highlights the cruel side to the death penalty.

Contrary to the studies that show that the death penalty acts as a crime deterrent, there are many studies to show that there is no significant link between the two, and that its basis does not lie in statistics.



However, The United Nations Charter itself, calls for the termination of unnecessary death and certifies the UN's stance against such forms of punishment. Despite these documents, capital punishment is still legal in a number of member states, which promoted the UN, in 1996, to produce the International Covenant on Civil and Political Rights. The Covenant encouraged all member nations to abolish the death penalty, but also asked for countries that continue to use the death penalty to only use it for grave crimes. With many nations disregarding the Covenant, in 2007, 2008, 2010 and 2012, the UN approved global moratoriums, or temporary prohibitions, on the use of the death penalty.

## History:

In the middle ages, capital punishment was accompanied by torture. Most barons had a drowning pit as well as gallows. Burning became the punishment for treason by a woman and men were hanged, drawn and quartered. Beheading was a practice generally accepted for the upper classes. One could even be burned for marrying a Jew. Pressing soon became the penalty for those people, who would not confess to their crimes. The executioner placed heavy weights on the victim's chest. This was followed by starving the victim or feeding him stale food until he confessed or died. Under the reign of Henry VIII, the numbers of those executed are estimated to be 72,000. Boiling to death was another penalty that was approved in 1531, and there are records to show some people actually boiled for up to two hours before they died.<sup>5</sup>

In Britain, the number of capital offenses continually increased until the 1700's when two hundred and twenty-two crimes were punishable by death. These included stealing, cutting down a tree, and counterfeiting tax stamps. Soon enough, reforms began to take place. In 1823, five laws passed, exempting around 100 crimes from the death penalty. Between 1832 and 1837, many more crimes were exempted. In 1840, there was a failed attempt to abolish all capital punishment in Britain.<sup>6</sup> In 1622, the first legal execution of a criminal, Daniel Frank, occurred in Virginia for the crime of theft.<sup>7</sup>

The past several centuries have witnessed the emergence of modern nation-states. The concept of a nation state gave rise to the idea of citizenship. This caused justice to be tightly associated with equality and universality, which in Europe saw an emergence of the concept of natural rights.<sup>8</sup> Another important aspect is that emergence of standing police forces. The death penalty started to become an increasingly unnecessary, only deterrent in prevention of minor crimes such as theft. As well, in countries like Britain, law enforcement officials became alarmed when juries tended to acquit non-violent felons rather than risk a conviction that could result in execution. The 20th century saw mass killing as the result of war between nation-states. A large part of execution was the execution of enemy combatants. The military started to employ capital punishment as a means of maintaining discipline. In the past, cowardice, absence without leave, desertion, insubordination, looting, shirking under enemy fire and disobeying orders were often crimes punishable by death. The method of execution since firearms came into common use has almost invariably been firing squad. Some authoritarian states—for example those with fascist or communist governments, or dictatorships—employed the death penalty as a means of political oppression. Partly as a response to such excessive punishments, some civil organizations have started to place emphasis on the concept of human rights and abolition of the death penalty.<sup>8</sup>

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<sup>5</sup> *Ibid.*, p.72; Laurence, *op.cit.*, 4-9

<sup>6</sup> Laurence, 9-14.

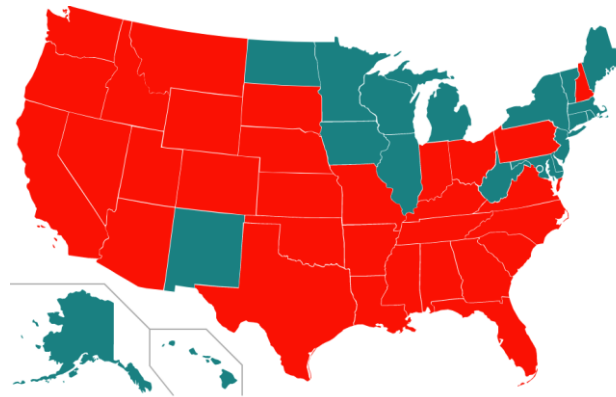
<sup>7</sup> Hugo Adam Bedau, *The Death Penalty in America* (N.Y.: Oxford University Press, 1982).

<sup>8</sup> [https://newworldencyclopedia/w/index.php?title=Capital\\_punishment&oldid=79982668#History](https://newworldencyclopedia/w/index.php?title=Capital_punishment&oldid=79982668#History)

## Current Situation:

At present, 101 nations have abolished the use of the death penalty, 10 countries have reserved the right to use it only in times of war. 35 countries still have it in their legal statutes, though it has not been used for the past decade within their borders. Twenty two nations continue to sentence and execute their citizens sentenced to death. In 2014, two thousand four hundred and seventy seven people were sentenced to death across the world, and at least 607 people were actually executed. China leads the pack with around 2,400 people executed, Iran with 289, Saudi Arabia with 90, and the United States of America with 35.

- USA



The United States has ranked fifth, among those countries where the death penalty is still legal, for the highest number of executions. The United States has a very strict attitude toward punishment in general. It holds records for sentences to life in prison and solitary confinement.<sup>9</sup>

More than 150 people sent to death row in the U.S. have later been declared innocent, while others have been executed, despite serious doubt about their guilt.<sup>10</sup> From 1976 to January 1, 2017, there were 1,442 executions, of which 1,267 were by lethal injection, 158 by electrocution, 11 by gas inhalation, 3 by hanging, and 3 by firing squad. The deciding factors for seeking capital punishment of murder vary from state to state. California, for example having 22, while New Hampshire has 7. However, some aggravating circumstances are nearly universal among such states, such as robbery-murder, murder involving rape of the victim, and murder of an on-duty police officer as well as crimes against the state.<sup>11</sup>

- China

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<sup>9</sup> <http://news.nationalgeographic.com/news/2013/13/130412-death-penalty-capital-punishment-culture-amnesty-international/>

<sup>10</sup> [https://www.amnestyusa.org/issues/death-penalty/?gclid=Cj0KCCQjw78vLBRCZARIsACr4cxzNqTFxi\\_kqnV5\\_sVQ5XMNWj1YqAtp6pUlZ1xsZjot7zqPe-eeJyIaAmuIEALw\\_wcB](https://www.amnestyusa.org/issues/death-penalty/?gclid=Cj0KCCQjw78vLBRCZARIsACr4cxzNqTFxi_kqnV5_sVQ5XMNWj1YqAtp6pUlZ1xsZjot7zqPe-eeJyIaAmuIEALw_wcB)

<sup>11</sup> [people.smd.edu](http://people.smd.edu)

The Dui Hua Foundation, a U.S.-based human rights non-profit that focuses on China, has estimated that China kills about 5,000 prisoners annually. In absolute terms, that would be about 14 executions daily. Most executions in China are reportedly carried out by lethal injection or a single gunshot to the head.

The statistics are less unflattering for China when view per capita. China has the largest population on Earth with 1.3 billion people; 5,000 executions would mean one in every 260,000 citizens. In the United States of America, the rate in 2010 was 1 in every 6.7 million. Iran and North Korea execute about one in every 300,000 and 460,000 civilians, respectively.

Two of the apparent factors contributing to China's frequent use of the death penalty are its troubled court system and its national policy that permits capital punishment for crimes that are not even considered capital in most countries. Embezzling, corruption, drug-related crimes, and even theft on a large enough scale can get one a death penalty. A Chinese telecommunications executive was sentenced to death for accepting bribes. China sparked a diplomatic incident when the government executed three Filipino citizens on drug trafficking charges. Other crimes punished by death include, 43-year-old Du Yimin who was killed in March 2008 after he borrowed \$100 million for investment schemes that never ended up panning out.<sup>12</sup> In 2007, the Chinese Supreme People's Court was granted the power to review death penalty cases.

## • Indonesia

According to information provided by Indonesian authorities, there were 133 people on death row as of December 31, 2012. Of these 133, there were 71 that were convicted of drug offenses, 60 were convicted for murder, and 2 for terrorism. Since then, there have been 4 executions and at least 5 new death sentences.

Death-sentenced inmates are generally executed by firing squad. The prisoner has the choice of standing or sitting, and of whether to have his eyes covered by a blindfold or hood. Firing squads are made up of 12 people, three of whose rifles are loaded with live ammunition, while the other nine are loaded with blanks. The squad fires from a distance of between five and ten meters. If following the shooting the prisoner still shows signs of life, there is one final shot to the head. A prisoner only learns of his impending execution 72 hours in advance.

The Bali Nine was a group of nine Australians, convicted for attempting to smuggle over 8.3 kg of heroin out of Indonesia in 2005. The heroin was valued at around \$4 million and was bound for Australia. The ringleaders, Myuran Sukumaran and Andrew Chan were sentenced to death and were executed on 29 April 2015. Other members Si Yi Chen, Michael Czugaj, Matthew Norman, Scott Rush, Renae Lawrence, Tan Duc Thanh Nguyen and Martin

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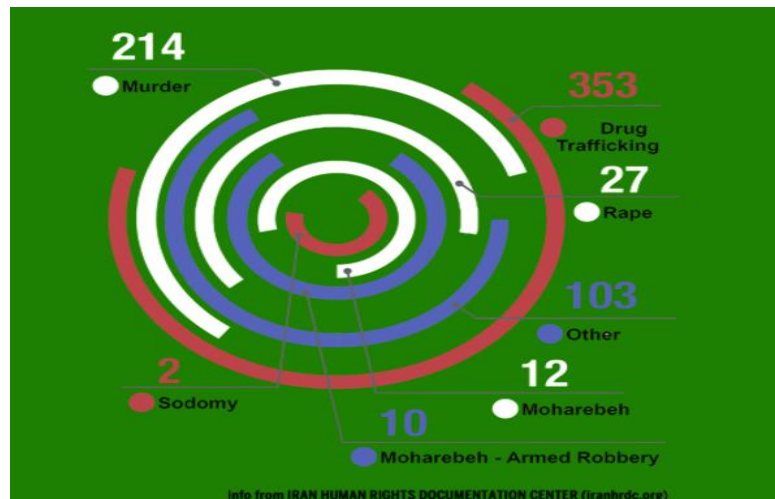
<sup>12</sup> <https://www.theatlantic.com/international/archive/2011/09/capital-punishment-in-china/245520/>



Stephens were sent to prison. Lawrence is serving a 20-year sentence, and is due for release in 2026. The other 6 are serving life sentences.<sup>13</sup>

After being moved to the prison island Nusa Kambangan, and following numerous legal appeals that were rejected, accompanied by pleas from the Australian government for mercy, the execution of Chan and Sukumaran by firing squad took place on 29 April 2015.

- Iran



The Iranian regime had executed at least 753 citizens in 2014, which is up from 687 in 2013, while the total has drastically increased since 2004. Twenty five of those executed were women and 53 of the executions were public.

Iran also punishes extra-marital relations between men and women as Zina and proscribes sharia law punishments including lashes and executions for those found guilty.

An estimated 31 children have been executed since 2010, with more on trial or awaiting their sentences. At least 13 juveniles may have been executed in 2014 alone.

- Europe

Since 1997, Europe has been a death penalty free zone. The situation has largely come about, primarily due to the Council of Europe, which has been a pioneer in the abolition process. Death punishment is now regarded as an unacceptable form of punishment which violates the fundamental rights of a human, right not to be subjected to cruel, inhuman or degrading treatment and the right to life. Abolition of the death penalty in all Council of Europe

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<sup>13</sup> [https://AmnestyInternational/Bali\\_Nine](https://AmnestyInternational/Bali_Nine)

member States, and under all circumstances, remains a central political objective of the Organization.

In 1950, when the European Convention on Human Rights (ECHR) opened for signatures, it provided for the possibility of imposing the death penalty (original wording of Article 21: “*No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law*”). In the 1960s, a consensus began to emerge in Europe that the death penalty seemed to serve no purpose in a civilized society which was governed by the rule of law and respect for human rights.

In 1983, the Council of Europe adopted the first legally binding document providing for the unconditional abolition of the death penalty in time – Protocol No.6 to the ECHR. Its Article 2 states that “*A state may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war*”.

In 2002, the Council of Europe adopted Protocol No.13 to the ECHR regarding the abolition of the death penalty in all circumstances, in other words, including in times of war or of forthcoming threat of war. Reservations to and derogations from the Protocol are not possible. The Protocol entered into force as early as 1 July 2003. It has to date been ratified by 44 member States (last ratification by Poland in May 2014) and signed by one other State (Armenia).

The abolition process is irreversible within the Council of Europe, thanks to the legal and political mechanisms which have been put into effect.<sup>14</sup>

## • Saudi Arabia

Capital punishment is a legal penalty in Saudi Arabia, based on Islamic Sharia Law.

The wide range of crimes which can result in the death penalty and the use of public beheading employed by Saudi Arabia are condemned worldwide. In 2011, the Saudi government reported 26 executions in the country. Amnesty International counted an estimation of 79 in 2013. Non-nationals accounted for almost half of all executions in 2013, mainly on convictions for drug smuggling and murder, although there has not been any report of a Western national being executed in the recent history of Saudi Arabia. In 2015, the number of beheadings reached a 20 year high of at least 157, and 47 were executed by 2 January 2016.<sup>15</sup>

Capital punishment in the country has hit a new high, with public executions taking place at a appalling average rate of one person per day. So regular are the brutal executions that one large public space in central Riyadh is nicknamed ‘Chop Chop Square’ due to the number of

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<sup>14</sup> <http://www.osce.org/odihr/124116?download=true>

<sup>15</sup> [https://newworldencyclopedia/Capital\\_punishment\\_in\\_Saudi\\_Arabia#cite\\_note-BBC3Jan16-5](https://newworldencyclopedia/Capital_punishment_in_Saudi_Arabia#cite_note-BBC3Jan16-5)

state-sanctioned killings there. Drains in the square are tainted red due to the amount of blood spilt.<sup>16</sup>

The various methods of execution include beheading and stoning. Sources indicate that public beheading is probably the most used method of execution in Saudi Arabia. The accused are sedated prior to execution. Public stoning can be used to kill individuals who have been convicted of acts such as adultery.<sup>17</sup>

Saudi Arabia has also executed a member of the royal family for murder in a rare case involving one of the thousands of members of the House of Saud. Prince Turki bin Saud al-Kabir was put to death in the capital, Riyadh, for shooting dead Adel al-Mahemid, a Saudi, during a brawl, the interior ministry said. Kabir was the 134th local person or foreigner put to death in 2016, according to an AFP tally of ministry statements.<sup>18</sup>

## What has the UN done?

- In December 1948, The United Nations adopted the Universal Declaration of Human Rights. This declaration applies to everyone, including criminals. Even though this document does not directly address the death penalty, a large bulk of it stresses on the importance of ‘protection of deprivation of life’. Because of this, many say the death penalty fails to comply with the UDHR. However, the UDHR was made to protect the lives of all people and it is reported that homicide rates are lower in states that allow the death penalty.
- The United Nations passed the International Covenant on Civil and Political Rights, which sets guidelines on who the death penalty can be applied to.
- Resolution A/RES/ 55/111 reiterates the UN’s position on the gross violation of human rights that occurs when executions are performed, especially those that are considered arbitrary or extrajudicial, or those involving minors. In the resolution, it is stated that the International Criminal Court should be involved in cases involving summary executions as defined by the Geneva Conventions.<sup>19</sup>
- Resolution A/RES/35/95 calls on nations that execute the most to stop, and for nations that have stopped using it to not begin using it again. UN actions have not been successful in the past because of countries’ claim that national sovereignty gives them the right to utilize capital punishment, regardless of the human rights issues that may be involved.<sup>20</sup>

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<sup>16</sup> <https://www.theguardian.com/world/2016/oct/19/saudi-arabia-executes-one-of-its-princes-over-shooting>

<sup>17</sup> <http://www.news.com.au/world/middle-east/saudi-arabia-women-beheaded-in-street-corpses-dangling-from-cranes/news-story/e9b9a2a9f158285818106049e922aff1>

<sup>18</sup> <https://www.theatlantic.com/international/archive/2011/09/capital-punishment-in-china/245520/>

<sup>19</sup> [http://www.militaryjustice.gr/athra/Military\\_Tribunals\\_V1.pdf](http://www.militaryjustice.gr/athra/Military_Tribunals_V1.pdf)

<sup>20</sup> [http://www.militaryjustice.gr/athra/Military\\_Tribunals\\_V1.pdf](http://www.militaryjustice.gr/athra/Military_Tribunals_V1.pdf)

## Questions A Resolution Must Answer:

1. Should the circumstances under which capital punishment can be utilised (in countries where it is legal) change? If so, what would they be?
2. What methods of execution should be banned and allowed?
3. How can the United Nations make sure that the process of sentencing an execution remains transparent?
4. Should it be made compulsory for countries to release information on the subject with the United Nations? If yes, then how much? If no, then why not?
5. Should juveniles, the mentally ill, etc. be excluded from the death penalty in all countries?

## Agenda 2

### **Protection and promotion of LGBTQ+ rights to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity.**

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#### Background:

LGBTQ stands for “lesbian, gay, bisexual and transgender and questioning.”

These terms may have increasing global exposure, but in different cultures other terms may be used to describe people who either prefer same-sex relationships or those who exhibit non-binary gender identities (such as hijra, meti, etc).

LGBTQ+ persons face common and distinct challenges with respect to a constant violation of their basic rights. Persons born with atypical sex characteristics also suffer many of the same kinds of human rights violations.<sup>21</sup> Sexual orientation refers to a person’s physical, romantic and/or emotional attraction towards another person such as heterosexual, homosexual, bisexual, asexual, etc.<sup>21</sup> Gender identity refers to the sense of one’s own gender. A person’s gender identity is generally consistent with their gender at birth, but for transgender people, there is an inconsistency between their sense of their own gender and their gender at birth.<sup>21</sup>

The term ‘transgender’ doesn’t always comply with the above given statement. It is an umbrella term for transsexual people, cross dresser or transvestites, people who identify themselves with the ‘third gender’, etc.

LGBTQ+ persons in all countries and cultures of the world suffer gross violations of their human rights.<sup>21</sup> Violations include rape, murder, torture, the denial of rights to assembly, arbitrary detention, as well as discrimination in education, health, employment.<sup>22</sup>

Human rights are universal. This means that every human being, irrespective of personal factors, is entitled to the same rights. All states and cultures have a responsibility to protect and promote the rights of all their people.

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<sup>21</sup> [https://www.unfe.org/system/unfe-7-UN\\_Fact\\_Sheets\\_v6\\_-\\_FAQ.pdf](https://www.unfe.org/system/unfe-7-UN_Fact_Sheets_v6_-_FAQ.pdf)

<sup>22</sup> [http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41\\_English.pdf](http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf)

## History

As far as historians can trace back, LGBTQ+ individuals have always been in existence, allegedly including Julius Caesar, Plato, and Alexander the Great.<sup>23</sup> And as far back in time as we go, LGBTQ+ rights have been violated. For instance:

In the 1940s, the U.S. armed forces, with the support of psychiatric establishments, revised their codes on homosexual. Previously, soldiers could only be discharged if they were caught committing “sodomy;” but in 1942, identifying as “homosexual” became sufficient for dismissal. The military began asking prospering soldiers details regarding their sexual orientations and immediately expelled any recruits or active-duty soldiers who ‘admitted’ to their homosexuality, regardless of whether they had even acted on these desires. Approximately 100,000 Americans were discharged on these counts over the next 50 years.<sup>24</sup>

In 1947, President Harry Truman issued the Loyalty Order, which states that all federal employees were to be analyzed to determine whether they are loyal to the government and actual or perceived homosexuality was to be considered as an indication of disloyalty.<sup>24</sup> Licensed doctors received certification from the government to employ sexual orientation and gender identity treatments using shock therapy and hormonal and psychological therapy. Men who identified as ‘homosexual’ were sent to mental asylums as preventive measures. Those arrested on accounts of sodomy were exposed to public scrutiny and humiliation and were deprived of employment. In 1998, Matthew Shepard, a gay student at the University of Wyoming, was beaten, tortured, chained to a fence and left for dead by two men he had met at a bar.<sup>25</sup>

In 2000, at a café in Virginia, a man opened fire in the bar, killing one man and wounding six others. The shooter informed the police that he was on a mission to ‘kill gay people’. On 12 June, 2016, 53 people were injured and 49 were killed in a horrific attack that took place in the Pulse Nightclub, Orlando. Omar Mateen, a 29-year-old security guard was identified as the shooter. The attack appears to be homegrown terrorism that was carried out by legally purchased firearms.<sup>26</sup>

In late 2011, Moscow police arrested prominent gay rights activists as homophobic violence initiated by Russian neo-Nazis broke out during the banned Moscow Pride march. The attackers were ultra-Orthodox campaigners who gathered to disturb the march.<sup>27</sup>

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<sup>23</sup> <http://www.enderminh.com/minh/civilrights.aspx#.WXSgL9OGMkh>

<sup>24</sup> [http://www.dhr.virginia.gov/NewDominion/LGBTQ\\_Timeline%20Virginia%20and%20US.pdf](http://www.dhr.virginia.gov/NewDominion/LGBTQ_Timeline%20Virginia%20and%20US.pdf)

<sup>25</sup> <http://edition.cnn.com/2017/01/05/health/hate-crimes-tracking-history-fbi/index.html>

<sup>26</sup> <http://edition.cnn.com/2016/06/13/us/orlando-nightclub-shooting/index.html>

<http://www.nbcnews.com/storyline/orlando-nightclub-massacre/why-did-he-do-it-several-vexing-questions-remain>

<sup>27</sup> [https://www.amnestyusa.org/files/making\\_love\\_a\\_crime\\_-\\_facts\\_figures.pdf](https://www.amnestyusa.org/files/making_love_a_crime_-_facts_figures.pdf)

In early 2013, a 23 year old man who identified as homosexual was murdered and raped by two other men. He was sexually assaulted with beer bottles and stoned to death. He was left naked in the courtyard of an apartment complex. In 2013, deputy of the Legislative Assembly of the Trans-Baikal Parliament, Alexander Mikhailov stated that he had put forward a law allowing marines to whip gay people in public. He described ‘unethical sexual orientations’ as a “common shame”. The head of the Russian Orthodox Church also stated that “equal marriage is a sign of the apocalypse.” President Vladimir Putin signed two anti-gay bills into law. Putin also signed into law an anti-”propaganda” bill targeting non-traditional relationships as well as another bill banning same-sex couples from adopting. 28

In 2012, 24-year-old Daniel Zamudio of Chile had swastikas carved into his skin and was beaten so severely, that he died in the hospital three weeks later.29

**On the same note:**

In Saudi Arabia and Syria, ‘homosexual activity’, same sex marriage and adoption by same sex parents was proclaimed illegal, while the State offered no protection in its laws against discrimination in employment or housing, and conversion therapy remains unbanned.30

In Iraq, homosexual activity could be penalized with Article 400, while same sex adoption, legal gender change and serving openly in the army was stated to be illegal.

The Islamic Penal Code explicitly criminalizes sexual relations between same-sex individuals and fails to provide a clear distinction between rape and sodomy. Sodomy is a capital offence and people are frequently executed for it. In Saudi Arabia, Sudan, Yemen and Mauritania, sodomy is also punishable by death. Among other Arab countries, the penalty in Algeria, Bahrain, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Somalia, Tunisia and Syria is imprisonment – up to 10 years in the case of Bahrain.31

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<sup>28</sup> <https://www.opendemocracy.net/od-russia/alexander-kondakov/putting-russia-s-homophobic-violence-on-map>

<sup>29</sup> <https://www.advocate.com/arts-entertainment/advocate-45/2012/05/07/12-crimes-changed-lgbt-world>

<sup>30</sup> <http://www.equaldex.com/region/iraq>

<sup>31</sup> <https://www.theguardian.com/world/2016/jun/21/gay-lgbt-muslim-countries-middle-east>

## Current scenario:

In light of the constant violations of LGBTQ+ rights, several countries have taken steps to ensure the promotion and protection of their rights.

- USA

In 2015, the Supreme Court decision making bringing marriage equality to all U.S. states and territories was a historic victory in the movement for equality. Similarly, The Sexual Orientation Non-Discrimination Act and the Equality Act provided protection against discrimination to LGBT Americans in the areas of employment, education, housing, public accommodations, jury service, credit, and federal financial assistance.<sup>32</sup>

The Dignity for All Students Act, seeks to provide public elementary and secondary school students with a safe and supportive environment, free from discrimination, harassment, taunting and bullying on school property, school buses, and during school functions. The law was further extended to apply to cyberbullying, prohibiting bullying and harassment via electronic communication.<sup>33</sup>

- Canada

Canada legalised same sex marriages, same sex adoption and legal gender change along with imposing strict bans on anti-gay discrimination, and hate speech. Pathologization of sexual orientation by mental health professionals was made illegal in Manitoba and Ontario.<sup>34</sup>

- Africa

In 2014, the African Commission on Human and Peoples' Rights announced that it had adopted a 'Resolution on the Protection against Violence and other Human Rights Violations against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity.'<sup>35</sup>

Furthermore, Burkina Faso, Cape Verde, Central African Republic, Chad, Congo-Brazzaville, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Gabon, Guinea-Bissau, Madagascar, Mali, Niger, Rwanda and South Africa<sup>36</sup> have decriminalized same sex marriage.

- South America

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<sup>32</sup> <https://polis.house.gov/issues/issue/?IssueID=5032>

<sup>33</sup> <https://ag.ny.gov/civil-rights/lgbt-rights>

<sup>34</sup> [https://www.opendemocracy.net/LGBT\\_rights\\_by\\_country\\_or\\_territory](https://www.opendemocracy.net/LGBT_rights_by_country_or_territory)

<sup>35</sup> <http://www.ishr.ch/news/african-commission-adopts-landmark-resolution-lgbt-rights>

<sup>36</sup> <https://www.amnestyusa.org/files/makingloveacrime-factsfigures.pdf>



Argentina's Gender Identity Law allowed the legal change of gender on birth certificates for transgender people and legalised same-sex marriage, giving same-sex couples the same rights as opposite-sex couples, including the right to adopt children.

Uruguay also allows equal marriage and adoption, and Colombia recognizes same-sex civil union.<sup>37</sup>

## • Europe

England and Wales adopted the Same Sex Marriage Act. Malta became the first European country to ban conversion therapy. Under the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act, anyone found guilty of trying to “change, repress or eliminate a person’s sexual orientation, gender identity and/or gender expression” faces fines or a jail sentence.<sup>38</sup>

Denmark, France, New Zealand and Brazil also legalized same sex marriage.

## What has the UN done?

- In 2011, the OHCHR released its first report on the human rights of LGBTQ+ persons.<sup>39</sup>
- In March 2011, 85 countries signed on to a statement calling for the decriminalization of homosexuality.<sup>39</sup>
- A resolution initiated by South Africa was passed in June 2011 and became the first U.N. resolution calling for support of gay rights.<sup>39</sup>
- In 2016, the UNHRC passed a resolution to appoint an independent expert to find the causes of violence and discrimination against people due to their gender identity and sexual orientation, and discuss with governments about how to protect those people. The milestone resolution has been seen as the UN’s most overt expression of gay rights as human rights.<sup>40</sup>

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<sup>37</sup> <https://www.theguardian.com/world/2013/jul/30/gay-rights-world-best-worst-countries>

<sup>38</sup> <https://www.weforum.org/agenda/2017/03/what-you-need-to-know-about-lgbt-rights-in-11-maps/>

<sup>39</sup> <http://www.apa.org/international/pi/2012/06/un-matters.aspx>

<sup>40</sup> [https://www.opendemocracy.net/wiki/LGBT\\_rights\\_at\\_the\\_United\\_Nations](https://www.opendemocracy.net/wiki/LGBT_rights_at_the_United_Nations)

## Question A Resolution Must Answer:

1. How can the LGBTQ+ community be protected in countries where they are not recognised?
2. What can each country do within itself to promote and protect the rights of the LGBTQ+ community?
3. What are the measures that can be taken to penalise persons, groups, companies/nations that discriminate against the LGBTQ+ community?
4. How can the UNHRC in collaboration with other councils and committees provide a more secure environment for the people of the LGBTQ+ community?