



BratMUN 2019 Study Guide

Human Rights Council

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FOREWORD FROM THE CHAIRS

Distinguished delegates,

The purpose of this study guide is to provide you with important information relating to our Human Rights Council session. It should give you basic insight into the topic as well as give you an idea of what the country you are representing stands for in the debate.

However, it is by no means a complete source. It should not be your only source for preparation. Please try to find historical, legal and cultural background on which you will base your position. We also implore you to not take all information at face value - form opinions based on research.

The topic we will be discussing is Promotion of LGBT rights. This topic directly relates to the human rights violations by countries where being a member of the community is illegal and often, punishable by death. We would like to remind you that the committee is a simulation - even if you disagree with the country's position, try to represent it faithfully. It will provide a more interesting discussion and also give you a lot of skills in debate and argument.

We hope that the committee will help you widen your moral horizons, teach you important skills pertaining to work in diplomacy or debate in general and also make you aware of challenges facing the global community.

For your position paper, please refer to the final page of this study guide for a deadline and some extra information.

We are both IB students and outside session time, feel free to approach us for a discussion, with questions and such.

We are looking forward to welcoming you at BratMUN.

Best Regards,

Filip Horvath and Dan Hlubocky

ABOUT THE COMMITTEE

Established in 2006 as a successor to the United Nations Commission on Human Rights (UNHCR), the United Nations Human Rights Council (UNHRC) is the United Nations intergovernmental body responsible for strengthening the promotion and protection of human rights.



The UNHRC is responsible to investigate possible human rights breaches by UN member states and address thematic human rights issues such as freedom of association and assembly, freedom of not being threatened, freedom of expression, freedom of belief and religion, LGBT rights, women's rights and the rights of racial ethnics and minorities.

The founding mandate of the UNHRC is the UN Charter Article 1.3 stating that: "The purposes of the United Nations [include] promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion.", as well as the as the Universal Declaration of Human Rights (UDHR) adopted in 1948.

Prior to the UNHRC, the UN Commission on Human Rights (established in 1946) lost its credibility due to the composition of its membership. Many of its members had been countries with totalitarian repressive regimes, such as Libya or Cuba. In 2003 for example, the commission was chaired by Libya and Cuba with Saudi Arabia, Sudan and Zimbabwe as members. After much criticism and several members walking out, the UN voted near-unanimously to replace the commission with the Human Rights Council (HRC). The current HRC members are voted on a period of 3 years and distributed into regional groups. The General Assembly (GA) has the right to suspend the membership and voting rights of any member who it decides has persistently committed gross human rights violations during its membership.

INTRODUCTION TO THE TOPIC

Despite being founded in 1945, the UN has a quite recent history with LGBT rights. The earliest mention on UN ground is dated to 1995 when Norway attempted to include sexual orientation in a resolution on the floor of UN Women. The proposed language was dropped.

Attempts were made to include LGBT rights in the UN Declaration throughout the early 2000s but the “historic” change came in 2011 when South Africa proposed a resolution to document the: “discriminatory law practices and violence against individuals based on their sexual orientation and gender identity.” It passed by a measure of 23 to 19. Since then, the UN has actively been involved in dealing with LGBT rights injustices around the world and has spoken out against hate crimes such as the Orlando NightClub shooting in 2016.

Despite strides that the world has made towards equality and protection of basic human rights of LGBT people, LGBT violence continues occurring around the globe. Most recently, Brunei has put into effect laws which not only violate basic human rights but make members of this community punishable by death.

Our goal in this committee is to devise a resolution, committing to further actions to protect and uphold the basic human rights of LGBT individuals and recommend actions to be taken against gay injustices.

KEY TERMS

- **sexuality** – the way people express themselves sexually and experience sexual experiences.
- **gender** – a reference to a person's sex; often used to denote more cultural and societal differences than biological ones.
- **sex** – the biological difference between males and females
- **LGBTQ** – the initialism for lesbian, gay, bisexual, transgender and queer/questioning.
- **homophobia/biphobia/transphobia** – the group of negative feelings, attitudes and behaviours towards members of the LGBT community
- **ally** – a person outside the LGBT community who supports the community and promotes equality
- **gender transition** – the process by which a person strives to match their internal gender identity to their physical gender identity. May or may not include a sex change operation or hormone therapy.
- **Sharia laws** – is a set of religious laws originating with Islam. They are derived from the Quran and the Hadith. While crucial to Islamic culture, many of the laws are deemed as violating certain rights.

A BRIEF HISTORY

1969 Stonewall riots

1970 First Pride Parade

1972 Sweden becomes the first to allow transgender people to legally change their gender and provide hormone therapy as a health service.

2001 The Netherlands legalizes gay marriage and joint adoption

2009 The Prime Minister of Iceland is the first LGBT head of government

2016 The UN Security Council condemns the Orlando Nightclub Shooting. The first time it used language identifying violence against the LGBT community.

KEY ACTORS

Brunei

As the cause of this HRC session, Brunei will be the leading actor in the discussion, defending their actions and/or accepting reforms. After passing strict Sharia law earlier this year, the country has faced severe backlash, especially over laws allowing capital punishment for homosexuality.

Islamic Nations

Countries with similarly imposed laws, such as Saudi Arabia, Yemen, etc. Their role will be two-sided; to both agree, or perhaps, side with Brunei, and to defend their own anti-LGBT laws and legal institutions. Human rights violations are often brought up in conjunction with these countries.

Western Liberal Countries

Members with more open or developed LGBT rights laws will act as a motivating force, supporting reform and change in the previously mentioned countries, in regards to LGBT rights. As major forces in the fight for universal equal rights, these countries have the role of exerting their influence to achieve progress.

KEY RESOLUTIONS AND ACTS

Human Rights Council

Resolutions regarding human rights, sexual orientation and gender identity/protection from discrimination (most recent first):

- A/HRC/RES/32/2
- A/HRC/RES/27/32
- A/HRC/RES/17/19

General Assembly

Resolutions regarding extrajudicial, summary or arbitrary executions (cause of execution including sexual orientation and gender identity):

- A/RES/57/214
- A/RES/59/197
- A/RES/61/173
- A/RES/63/182
- A/RES/65/208
- A/RES/67/168
- A/RES/69/182

These documents are available [here](#).

Universal Declaration of Human Rights

(General Assembly Resolution 217)

One of the first resolutions passed by the United Nations (10 December 1948), and arguably one of the most relevant ones to date. Features various articles regarding human rights, most important of which are Articles 1, 2, 3, and 5. Available [here](#).

The International Covenant on Civil and Political Rights

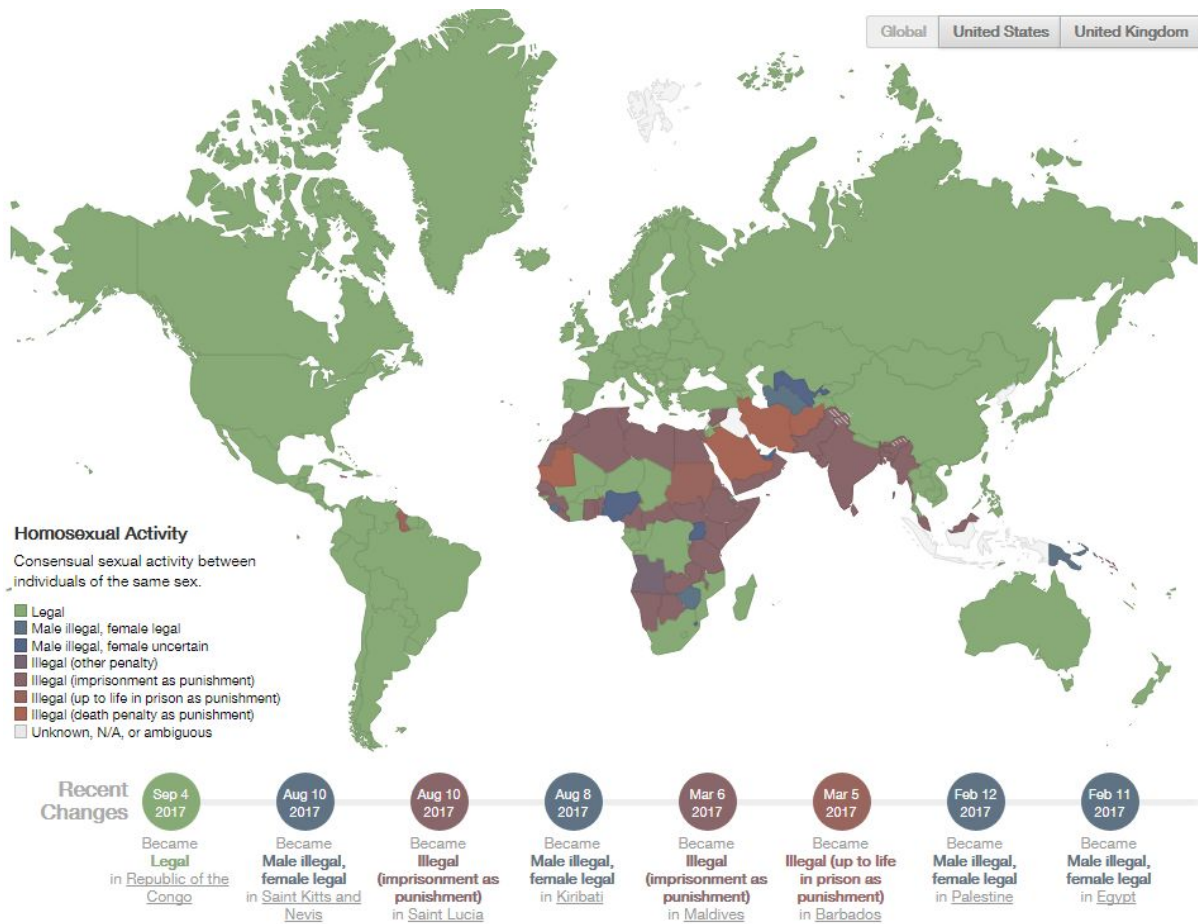
In a similar vein to the previous document, this covenant established the HRC and reaffirmed/developed the previously mentioned human rights. Relevant information can be found in Parts II and III [here](#).

Born Free and Equal

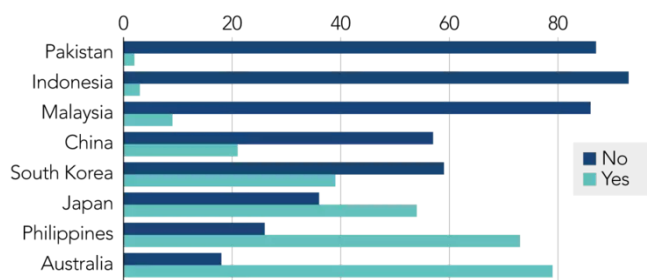
International initiative created by the High Commissioner's Office of the HRC, in order to spread awareness regarding the homo/transphobic violence, and how to prevent this discrimination. Available [here](#).

DATA AND PRIMARY SOURCES

World Map of Sexual Orientation Laws 2019



Should society accept LGBT? (in percent)

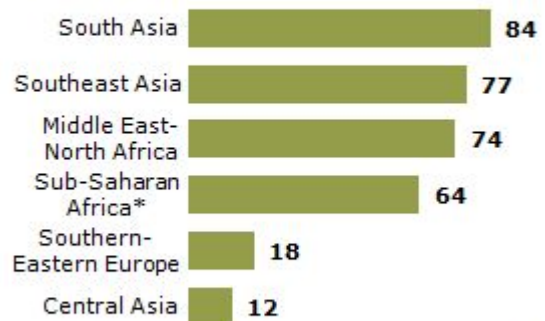


Survey conducted in 39 countries in 2013

Source: Pew Research Center

Many Back Sharia as Official Law

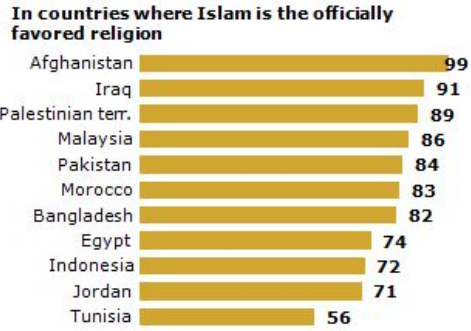
Median % of Muslims who favor enshrining sharia



*Data for all countries except Niger from "Tolerance and Tension: Islam and Christianity in Sub-Saharan Africa."

Higher Support for Sharia Where Islam Is Officially Favored Religion

% of Muslims who say sharia should be official law ...



In countries where Islam is not the officially favored religion



* Lebanon has 18 favored religious sects, both Islamic and non-Islamic.

This question was not asked in Uzbekistan, Russia and Thailand are excluded since the question was modified to ask if sharia should be the law of the land in Muslim areas. (See Chapter TK for more details.)

Data on government favoritism of Islam is from the Pew Research Center's September 2012 report "Rising Tide of Restrictions on Religion" (GRI.Q.20.1).

PEW RESEARCH CENTER Q79a.

LGBT Rights Lag In Southeast Asia

In some countries, homosexuality is punishable by imprisonment, whipping and even death.

Status of gay rights in Southeast Asia BETTER WORSE



	Homosexuality is...		and punishable by...			GENDER EXPRESSION IS PROTECTED
	ILLEGAL	PROTECTED	DEATH	PRISON	WHIPPING	
Brunei	YES	NO	YES	NO	NO	NO
Singapore	YES	NO	NO	YES	NO	NO
Myanmar	YES	NO	NO	YES	NO	NO
Malaysia	YES	NO	NO	YES	YES	NO
Indonesia	Yes, in some areas	NO	NO	NO	NO	NO
Philippines	NO	Limited (Some local areas only)	NO	NO	NO	NO
Thailand	NO	NO	NO	NO	NO	YES

Sources: 76crimes.com, UNDP, USAID, icons by Sasha Lantukh, Jens Taming and Joab Penalvad for the Noun Project

THE HUFFINGTON POST

GILRHO

(Global Index on Legal Recognition of Homosexual Orientation) Scores Based on Geographical Regions

	Worldwide	Sub-Saharan Africa	South Asia	Middle East & N. Africa	Latin America & Caribbean
1966-69	0.49	0.38	0.00	0.17	0.79
1970-79	0.54	0.36	0.00	0.25	0.82
1980-89	0.65	0.35	0.00	0.32	0.94
1990-99	0.95	0.45	0.00	0.47	1.06
2000-09	1.69	0.60	0.09	0.72	1.57
2010-14	2.19	0.77	0.36	0.79	2.29

	Europe & Central Asia	East Asia & Pacific	OECD	European Union	CIS
1966-69	0.52	0.58	0.88	0.65	0.00
1970-79	0.64	0.60	1.09	0.83	0.00
1980-89	0.87	0.65	1.45	1.19	0.00
1990-99	1.57	0.85	2.49	1.98	0.42
2000-09	3.42	1.23	4.50	4.27	1.63
2010-14	4.33	1.59	5.60	5.48	1.75

QUESTIONS TO CONSIDER

Dear delegates, make sure you are able to converse on these questions.

- Consider your country's history with LGBT rights, especially on the floor of the UN. What feature of your country's legal or social system prompted this decision?
- Brunei, like other Islamic countries, has defended itself against accusations of injustice by citing their religious backgrounds. What are the ways in which they can compromise?
- How can the HRC take into consideration cultural and religious norms while ensuring the protection of LGBT rights?
- What practices should be implemented to further protect LGBT persons, on an international level?
- In terms of economy, how does the so-called "pink money" affect legislation?

RECOMMENDED READING

Sunday Reading: Pride & the Fiftieth Anniversary of Stonewall.

<https://www.newyorker.com/books/double-take/sunday-reading-pride-and-the-fiftieth-anniversary-of-stonewall>

https://www.ohchr.org/Documents/Issues/Discrimination/LGBT/A_HRC_29_23_On_pager_en.pdf

<https://www.reuters.com/article/us-brunei-lgbt-un/u-n-slams-bruneis-islamic-laws-s-violation-of-human-rights-idUSKCN1RF2ED>

IS GREEN A PART OF THE RAINBOW? SHARIA, HOMOSEXUALITY, AND LGBT RIGHTS

IN THE MUSLIM WORLD <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2322&context=ilj>

LGBTQ Muslims In Britain <https://www.theguardian.com/education/2019/mar/27/caught-in-middle-queer-muslims-lgbtq-lessons-schools-protests>

Background on Impact of the Pacific Trade Pact (PTP) on Brunei

https://www.washingtonpost.com/world/asia_pacific/brunei-once-held-off-on-sharia-law-to-stay-in-a-us-backed-trade-pact-then-trump-pulled-out/2019/04/11/80d1c3a4-5703-11e9-aa83-504f086bf5d6_story.html?utm_term=.7cd9abd0cc21

CLOSING REMARKS

Considering the controversial, and certainly sensitive nature of our topic, great care has to be taken on all sides of the debate. Constructive opinions and fact-based arguments are welcome, however, any inflammatory or unwarranted language should be avoided in this council. Regardless of one's own religious background or views on LGBTQ rights, we encourage the delegates to adhere to their countries principles, while still keeping the previous caveat in mind. Any further questions can be addressed to either:

Filip Horvath: philiphorvath.15@gmail.com

Dan Hlubocky: dan.hlubocky@gmail.com

Respective position papers should be sent by 25.10.2019. Please be aware we shall read them and might respond with further questions, with the intent to make sure you are as ready as possible for the forthcoming debate.

Best Regards,

Filip Horváth & Dan Hlubocky