



JSS Law College, Autonomous
Model United Nations
Conference 2018.

UNHRC

Background Guide:

Committee: United Nations Human Rights Council

Agenda: EXPOUNDING THE ENIGMAS ON LGBT COMMUNITY.

THE UNITED NATIONS

The UN is an international organization which aids in international conflicts and resolution between countries. The conflicts are then resolved respectively by the sort of problem, these specific conflicts are solved within committees by experts in the topics. The United Nations (UN) is an organization that was established after WWII on the 26th of June 1945, in order to sustain global peace, neutralizing of threats, dialogue between nations, control of weapons and international co-operation. Joining 193 countries to find solutions for international conflicts. The UN tries to maintain international peace and security. The United Nations General Assembly is the main deliberative, policy making and representative organ of the UN.

THE COMMITTEE

The aim of the council is to promote universality, interdependence, indivisibility of HR, inherent cooperation, to be a transparent intergovernmental process and to be realistic. Their focus is not only on Member States but also on Non-Governmental Organisations (NGOs) and national HR institutions. Topic dealt with mostly are specific HR situations involving certain countries, however affecting a lot of Member States, groups of certain people and individuals.

The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the United Nations (UN) system, consistent of 47 Member States. All responsible for cooperation for the promotion and protection of Human Rights. Utilising the Charter of the UN, the Universal Declaration of HR (UDHR) and HR instruments to which each state is a party, and especially considering the interrelated nature of HR law and international humanitarian law; focus on the latter.

The 'Advisory Committee' is a panel of experts and advisors who give advice on the most thematic issues. While the 'Complaint Procedure' allows for individuals and organizations to bring forward specific HR issues.² Moreover the council works with

'UN Special Procedures' which can be made to advise and publicly report on specific HR issues in certain countries, this is a team made up out of rapporteurs, special representatives and independent experts.

ISSUE: The Protection and Promotion of LGBT Rights and Their Treatment thereof.

Despite previous actions taken by the United Nations, national governments, and advocacy organizations, lesbian, gay, bisexual, and transgender (LGBT) communities around the world continue to suffer discrimination and violence based upon their sexual orientation on a daily basis. The United Nations conceives of these violations as including but not limited to "killings, rape and physical attacks, torture, arbitrary detention, the denial of rights to assembly, expression and information, and discrimination in employment, health and education."³ As a body, we will address the causes of LGBT discrimination including homophobic attitudes and education on the topic, and how we can strengthen existing legislation and further implement and enforce legislation.

- **Current Status**

Despite most Member States' (MS) acceptance of homosexuality at the government level, anti-LGBT legislation remains. As of February 2014, five MS maintain that homosexuality is a crime punishable by law. These nations include Sudan, Iran, Mauritania, Saudi Arabia, Yemen, and parts of Nigeria and Somalia. An additional 70 nations enforce legislation resulting in the imprisonment of the LGBT community. An important consideration is that in many nations, such as Nigeria, simply being perceived as gay warrants arrest and other forms of discrimination. According to Journal of Abnormal Psychology cited by PBS, "more than 90% of gay men and lesbians report being targets of verbal abuse or threats, and more than one-third report being survivors of violence related to their homosexuality".

- **Causes of Homophobia**

In order to discuss a legal framework for the protection of the LGBT community, we must first understand the root of the problem. Homophobia can be defined as the dislike, hatred, or fear of homosexual people. Likewise, transphobia can be defined as the dislike, hatred, or fear of transgender people. One explanation of these conditions is that perceived behaviour of LGBT people undermines social norms by challenging traditional gender roles. This means that men behaving in a way that could be interpreted as feminine such as dressing or speaking in a certain way may make these individuals targets for violence or discrimination. The same goes for women who behave in what could be considered a masculine role. Resulting from

these non-traditional gender roles is a change in power dynamic from the male-female dichotomy to something completely different. Essentially, those considered to be homophobic tend to feel threatened by homosexuality because they feel uncomfortable by the perceived shift away from a society dominated by “masculine” males.

The Gay and Lesbian Medical Association explains that “homophobia operates on two levels: internally and externally. Internal homophobia represents prejudices individuals learn (internalize) from their families, friends, teachers, religious institutions [etc.] External homophobia is the over expression of those biases, ranging from social avoidance, to legal and religious proscription, to violence.

The United Nations Declaration of Human Rights lists as one of its core principles the right to equality before the law, therefore non-discrimination plays a large role in United Nations objectives. The UN cannot promote human rights without addressing discrimination of all forms. In the next sections we shall assess the social, political, and economic consequences of homophobia.

- **Criminalization of Homophobia**

Currently, 76 nations criminalize homosexual relationships with either imprisonment or death. This government-imposed violation of human rights is taking place in regions of Latin America, Africa, the Middle East, and South-eastern Asia. The United Nations takes a clear stance on this issue, stating that “laws criminalizing homosexuality violate rights to privacy and non-discrimination in breach of States’ legal obligations under the International Covenant on Civil and Political rights.

- **Discrimination**

Based upon this analysis it is clear that existing legal frameworks aimed at the protection of LGBT people is ineffective, nor are all MS equal in their commitment to fight this injustice. Equally severe are the negative attitudes towards the LGBT community that shape discrimination at an institutionally social level. That is to say that this systematic yet social discrimination pervades all nations, regardless of its hostile or protective legislation of LBGTs. Discrimination in the workplace is prominent throughout all regions of the world. Treatment of transgender employees in the workplace is of particular concern, since a 2015 survey in the US shows that the transgender community experiences greater harassment than the LGBT community in the professional environment. Aspects of workplace mistreatment include pay, hiring, or promotion inequality as well as harassment.

- **Social Ostracism**

An additional and equally damaging product of homophobia and transphobia is social ostracism of LGBT people. This ostracism, which can begin at an early age, pervades all aspects of a community including school, social media, and entertainment and news outlets, and impacts young people's physical and psychological development. Research conducted by Concordia University suggests that "the stress of being rejected or victimized because of sexual orientation may disrupt hormonal responses in lesbians, gays and bisexuals." These hormone imbalances in conjunction with bullying and other forms of social abuse contribute to the high suicide and depression rates in young LGB people.

Cyberbullying, the harassment of individuals via online resources such as Facebook, is of particular concern given its frequency and the difficulty of its regulation. While not going into too much detail, cyberbullying is a worldwide issue that many MS have addressed through independent or application of existing legislation. In the US, online harassment and stalking laws are introduced on a state-by-state basis. Other regions in which governments have passed cyberbullying legislation include Europe and Asia.

- **Hate Crime**

Not only do LGBTs face social ostracism and employment discrimination, among other things, but they also suffer violence based upon perceived sexual orientation and gender identity known as "hate crime". Hate crimes occur with alarming frequency in all regions of the world. Crimes include harassment, assault, and even "grievous bodily harm". Also important in this discussion is the fact that hate crimes against the LGBT community are grossly underreported for reasons including fear of not being taken seriously or they don't think they'll be protected in the future. The UK Government expresses its commitment to preventing hate crime in its report "Challenge It, Report It, Stop It." The report states that sexual orientation-based violence accounts for the greatest percentage of hate crimes. It also outlines an approach that addresses preventive measures, increased reporting and availability of support services, and more effective management of cases.

QUESTIONS TO BE PONDERED UPON:

1. How can we consider conflicting cultural norms while also promoting equality for LGBT people?
2. How can we challenge existing attitudes that discourage LGBT equality?
3. What legislation has your country passed to protect LGBT rights, and why or why not was it successful?

SOURCES:

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- 4 James Davidson, "Map about the boy," The Guardian, November 10, 2007, accessed December 29, 2014.
- 5 "Timeline of Oppression," The State University of New York, accessed December 29, 2014.
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11 Henry E. Adams, Lester W. Wright Jr., and Bethany A. Lohr, "Putting Freud to the Test," Public Broadcasting Station, accessed December 27, 2014.

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13 Adams, Wright, and Lohr, "Putting Freud to the Test."

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