

ITMU Model United Nations 2013

Human Rights Council

ELIMINATION OF INTOLERANCE AND
DISCRIMINATION AGAINST, AND IMPROVING
EFFECTIVE ENJOYMENT OF LGBT RIGHTS

Dear Delegates,

We welcome you to the Human Rights Council of ITMU Model United Nations, 2013. This background guide is aimed at giving you all a basic outline of the agenda at hand.

The delegates are expected to research far beyond the contents of this guide. Delegates must also note that the information contained in this guide may be used as a basis of your research and should not form the substantive basis of your arguments.

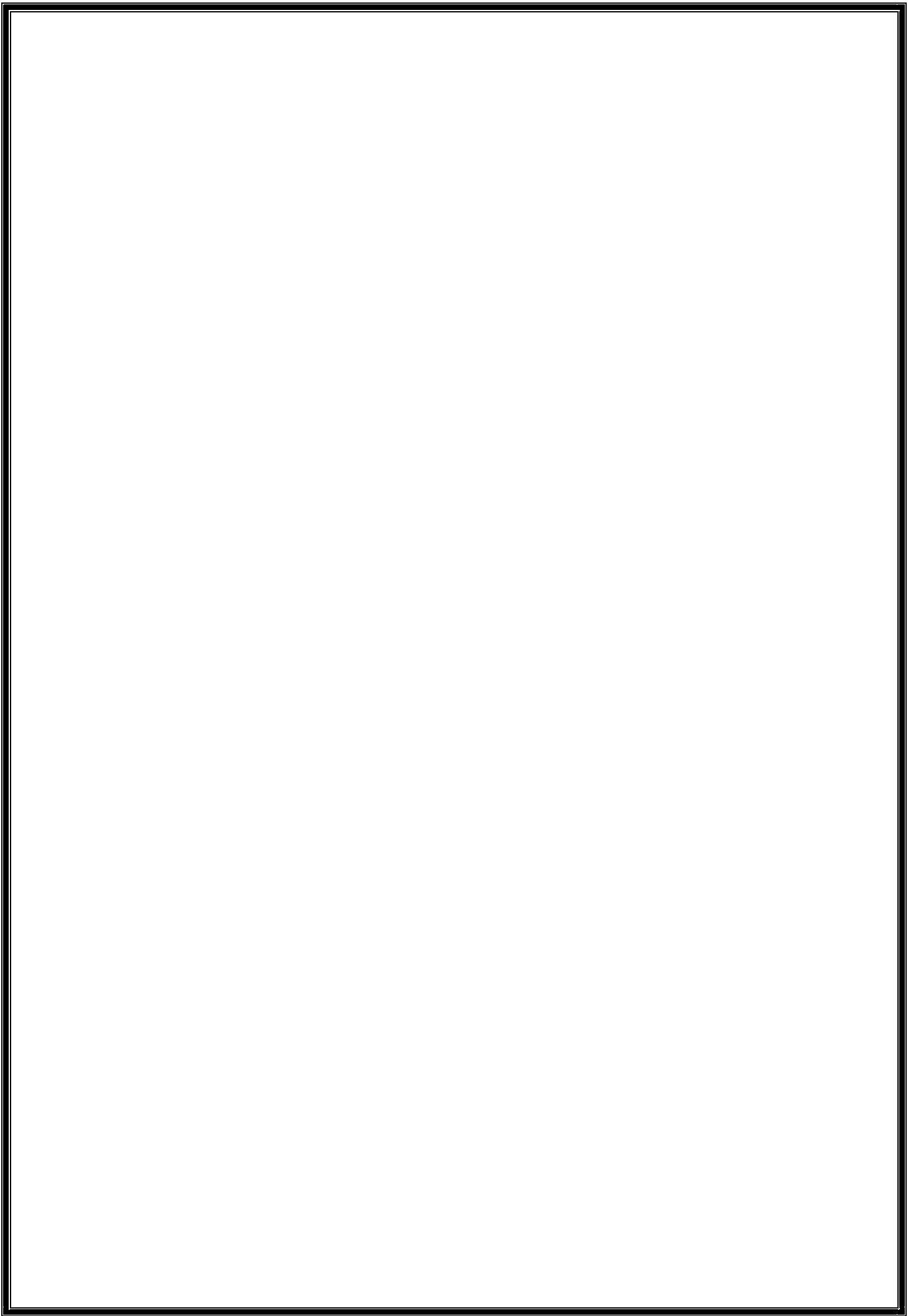
It is also worth mentioning here that the executive board shall appreciate well researched delegates who are well versed with their foreign policy and adhere to the rules of procedure.

The delegates are further advised have proof or logical reason to back each and every argument and comment that they bring up in committee.

In case of any doubts regarding the agenda please feel free to contact the Secretariat or the executive board. We look forward to great sessions with the delegates.

Deepanita Das *Chairperson*

Manisha Massey *Vice Chairperson*



THE UNITED NATIONS HUMAN RIGHTS COUNCIL

COMMITTEE DESCRIPTION

INTRODUCTION/STRUCTURE/BACKGROUND:

1. The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the [United Nations System](#). The UNHRC is the successor to the [United Nations Commission on Human Rights](#) (UNCHR/CHR), and is a subsidiary body of the [United Nations General Assembly](#). The council works closely with the [Office of the High Commissioner for Human Rights](#) (OHCHR) and engages the United Nations' [Special Procedures](#).
2. The General Assembly established the UNHRC by adopting a resolution (A/RES/60/251) on 15 March 2006, in order to replace the previous UN Commission on Human Rights, which had been heavily criticized for allowing countries with poor [human rights](#) records to be members.
3. In June 2007, the Council also adopted Resolution 5/2, containing a Code of Conduct for special procedures mandate holders (explained later).

MANDATE OF UNHRC:

1. The Office of the High Commissioner for Human Rights supervises the [Human Rights Council](#) in [Geneva](#), [Switzerland](#) and coordinated all human rights activities.
2. Except for the tri-annual reports on development of human rights policies, that Member States have to submit to the Secretary General since 1956, the Human Rights Council UPR procedure constitutes a first in the area. This mechanism demonstrates and confirms the universal nature of human rights.
3. On 18 June 2007, one year after holding its first meeting, the UNHRC adopted its Institution-building package, which provides elements to guide it in its future work and related mandate. This is divided in the following three main categories:

3.1. Advisory Committee:

The [Sub-Commission on the Promotion and Protection of Human Rights](#) was the main subsidiary body of the erstwhile UNCHR. The Sub-Commission was composed of 26 elected human rights experts whose mandate was to conduct studies on discriminatory practices and to make recommendations to ensure that racial, national, religious, and linguistic minorities are protected by law. In September 2007, the Human Rights Council decided to create this into an Advisory Committee to provide expert advice.

Its primary mandate is described as:

- "To undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities."

Other functions and tasks could also be assigned to it by ECOSOC or the Commission on Human Rights.

3.2. Complaints Procedure:

On 18 June 2007, the UNHRC adopted Resolution 5/1 to establish a Complaint Procedure. The Complaint Procedure's purpose is to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances. Two working groups make up the Complaint Procedure: the Working Group on Communications (WGC) and the Working Group on Situations (WGS).

3.3 Universal Periodic Review:

The [United Nations Human Rights Council](#) Universal Periodic Review is a process which involves a review of the [human rights](#) records of all United Nations (UN) Member States once every four years. Each country's situation will be examined during a three-hour debate.

4. The UNHRC is a subsidiary body of the United Nations General Assembly. The General Assembly can suspend the rights and privileges of any Council member that it decides has persistently committed gross and systematic violations of human rights during its term of membership. The suspension process requires a two-thirds majority vote by the General Assembly.

I. STRUCTURE

1. The members of the [General Assembly](#) elect the members who occupy the UNHRC's forty-seven seats. The term of each seat is three years, and no member may occupy a seat for more than two consecutive terms. The seats are distributed among the [UN's regional groups](#) as follows: 13 for Africa, 13 for Asia, six for Eastern Europe, eight for Latin America and the Caribbean, and seven for the Western European and Others Group.

II. ROLE OF SPECIAL RAPPORTEUR:

1. Special Rapporteur is a title given to individuals working on behalf of the [United Nations](#) who bear a specific mandate from the [UN Human Rights Council](#) to investigate, monitor and recommend solutions to [human rights](#) problems. They are also called "Special Procedures". Some of these experts are called Special Representatives or Independent Experts. They address either specific country

situations or thematic issues in all parts of the world. Currently, there are 31 [thematic](#) and 8 [country](#) mandates.

III. MANDATE AND OTHER KEY FEATURES OF THE SPECIAL RAPPORTEUR:

- The mandates of the special procedures are established and defined by the resolution creating them. Mandate-holders of the special procedures serve in their personal capacity, and do not receive salaries or any other financial compensation for their work.
- They are appointed by the [UN Secretary General](#),
- They act independently of governments.
- They receive personnel and logistical support from the [Office of the United Nations High Commissioner for Human Rights](#).
- Country Special Rapporteurs conduct fact-finding missions to countries to investigate allegations of human rights violations. They can only visit countries that have agreed to invite them. After their visits, special procedures' mandate-holders issue a mission report containing their findings and recommendations.
- Aside from fact-finding missions, Rapporteurs regularly assess and verify complaints from alleged victims of human rights [violations](#). Once a complaint is verified as legitimate, an urgent letter or appeal is sent to the [government](#) that has allegedly committed the violation.
- Special procedures also include Working Groups made up of legal experts who monitor and investigate specific human rights concerns. There are currently four such groups:

IV. AREAS OF WORK FOR THE SPECIAL RAPPORTEUR:

- The Council also approved candidates for its Special Procedures on: the right to adequate housing, the right to food, human rights of indigenous people, sale of children, effects of economic reform policies, human rights in Myanmar, human rights in the Palestinian territories, human rights and extreme poverty, contemporary forms of slavery, arbitrary detention, enforced disappearances, people of African descent, human rights in Somalia and human rights defenders.

UNIVERSAL PERIODIC REVIEW

- The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. The UPR is a State-driven process, under the auspices of the

Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed.

- By 2011, it will have reviewed the human rights records of every country. Currently, no other universal mechanism of this kind exists. The UPR is one of the key elements of the new Council which reminds States of their responsibility to fully respect and implement all human rights and fundamental freedoms. The ultimate aim of this new mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

THE OUTCOMES

- Following the State review by the Working Group a report is prepared with the involvement of the State under review and assistance from the OHCHR. This report, referred to as the “outcome report”, provides a summary of the actual discussion. It therefore consists of the questions, comments and recommendations made by States to the country under review, as well as the responses by the reviewed State.
- The State has the primary responsibility to implement the recommendations contained in the final outcome. The UPR ensures that all countries are accountable for progress or failure in implementing these recommendations. When it comes time for the second review of a State they must provide information on what they have been doing to implement the recommendations made during the 1st review four years earlier. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with the country concerned. If necessary, the Council will address cases where States are not cooperating.
- The Human Rights Council will decide on the measures it would need to take in case of persistent non-cooperation by a State with the UPR.

The Nature of Proof/ Evidence in Council

Evidence or proof is acceptable from the following sources:

News Sources:

- **REUTERS** – Any Reuters article which clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in council.
<http://www.reuters.com/>
- **State operated News Agencies** – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any Country as such but in that situation, they can be denied by any other country in the council. Some examples are,
 - RIA Novosti (Russia) <http://en.rian.ru/>
 - IRNA (Iran) <http://www.irna.ir/ENIndex.htm>
 - BBC (United Kingdom) <http://www.bbc.co.uk/>

Government Reports:

These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. **However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information.** Examples are,

- **Government Websites** like the State Department of the United States of America <http://www.state.gov/index.htm> or the Ministry of Defense of the Russian Federation <http://www.eng.mil.ru/en/index.htm>
- **Ministry of Foreign Affairs** of various nations like India(<http://www.mea.gov.in/>), People's Republic of China(<http://www.fmprc.gov.cn/eng/>), France(<http://www.diplomatie.gouv.fr/en/>), Russian Federation(http://www.mid.ru/brp_4.nsf/main_eng)
- **Permanent Representatives** to the United Nations Reports <http://www.un.org/en/members/> (Click on any country to get the website of the Office of its Permanent Representative.
- **Multilateral Organizations** like the NATO (<http://www.nato.int/cps/en/natolive/index.htm>), ASEAN (<http://www.aseansec.org/>), OPEC (http://www.opec.org/opec_web/en/), etc.

UN Reports:

All UN Reports are considered as credible information or evidence for the Executive Board of the Security Council.

- **UN Bodies:** Like the SC (<http://www.un.org/Docs/sc/>), GA (<http://www.un.org/en/ga/>), HRC (<http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>) etc.
- **UN Affiliated bodies** like the International Atomic Energy Agency (<http://www.iaea.org/>), World Bank (<http://www.worldbank.org/>), International

Monetary Fund (<http://www.imf.org/external/index.htm>), International Committee of the Red Cross (<http://www.icrc.org/eng/index.jsp>), etc.

- **Treaty Based Bodies** like the Antarctic Treaty System (<http://www.ats.aq/e/ats.htm>), the International Criminal Court (<http://www.icc-cpi.int/Menus/ICC>)

Under no circumstances will sources like Wikipedia (<http://www.wikipedia.org/>), Amnesty International (<http://www.amnesty.org/>), or newspapers like the Guardian (<http://www.guardian.co.uk/>), Times of India (<http://timesofindia.indiatimes.com/>), etc. be accepted.

ELIMINATION OF INTOLERANCE AND DISCRIMINATION AGAINST, AND IMPROVING EFFECTIVE ENJOYMENT OF LGBT RIGHTS

The Secretary-General in his speech on Human Rights Day 2010 stated, “As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity ... Where there is a tension between cultural attitudes and universal human rights, rights must carry the day. Together, we seek the repeal of laws that criminalize homosexuality, that permit discrimination on the basis of sexual orientation or gender identity, that encourage violence.”

In all regions, people experience violence and discrimination because of their sexual orientation or gender identity. In many cases, even the perception of homosexuality or transgender identity puts people at risk. Violations include – but are 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.

Listed below are various questions as to the rights of the LGBT community. Apart from the recognition of rights corresponding measures of protection are also to be discussed.

LGBT Related Issues at hand

- Decriminalisation

Laws criminalise same-sex sexual conduct in several countries around the world. They are often referred to as sodomy laws. Sometimes these laws criminalise specific sexual acts, such as anal and oral sex, regardless of the sex of the partners. Sometimes they criminalise any kind of sexual contact between partners of the same sex. The majority focus on sex between men, although recently both Botswana and Malawi have enacted laws criminalising lesbian sex. Occasionally the laws are drafted with great precision, but more commonly they use language such as “carnal knowledge against the order of nature” or “gross indecency”. These are usually known as morals offences and are justified by reference to tradition, popular opinion, and public morality. What they share is that they all make private sexual activity between consenting adults illegal.

Internationally, in 1994 the UN Human Rights Committee decided (in the case of *Toonen v. Australia*) that Tasmania’s sodomy laws violated Articles 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR). In so doing, it rejected Tasmania’s public morality justification. Since *Toonen*, the Human Rights Committee and other UN treaty bodies have repeatedly urged States to decriminalise consensual same-sex sexual conduct. However several nations still retain criminal liability.

- Universality, Equality and Non-Discrimination

Article 1 of the Universal Declaration of Human Rights provides: “All human beings are born free and equal in dignity and rights.” The Preamble of the ICCPR recognises that “the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. Every regional human rights instruments also refers to the universality of rights. The Vienna Declaration and Programme of Action, adopted unanimously by all States at the World Conference on Human Rights in 1993, states: “Human rights and fundamental freedoms are the birth right of all human beings; their protection and promotion is the first responsibility of Governments”. What this should mean

is that every human being, regardless of sexual orientation or gender identity, is entitled to the full enjoyment of all human rights.

Though in general terms all the question at hand fit into this heading of universality, equality and non-discrimination herein under only cases of explicit treatment of the subjects are to be discussed. The same can be understood in reference to certain case laws like *Romer v. Evans*¹ and *Sunil Babu Pant & Others v. Nepal Government and Others*.²

- **Employment Discrimination**

Article 6 of the Covenant on Economic, Social and Cultural Rights obliges States Parties to “recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”. When LGBT individuals challenge job-related decisions based on their sexual orientation and gender identity, they are asserting the right to be treated as equal citizens in matters of employment. For many years this was a controversial proposition. Where same-sex sexual conduct was criminalised, States often enacted statutory prohibitions on employment. Even criminal laws had not been passed, terms such as “moral turpitude” or “immoral behaviour” were often used to bar gay men and lesbian women from jobs. Certain fields of employment, especially teaching and police professions, were essentially closed to people who were suspected of or who admitted to being gay or lesbian. Transgender individuals still frequently stand to lose jobs (or job offers) when they are in the process of gender transitioning.

- **Freedom of Assembly, Association and Expression**

The rights to freedom of expression, association, and peaceful assembly are grouped together because they are often intertwined. Freedom of expression is frequently a necessary component of the rights to freedom of assembly and association when people join together for an expressive purpose. All three are protected in international and regional human rights instruments and are considered essential to the functioning of a pluralistic and democratic society. Human rights activists also need to be able to exercise these rights to do their work.

The ability of LGBT individuals and organisations to organise, mobilise, and speak out on matters of sexuality is often restricted. Historically, discussion of homosexuality was

¹ Supreme Court of the United States (20th May, 1996).

² Supreme Court of Nepal (21st December, 2007).

frequently prohibited in the name of public morality. In 1988, for example, the United Kingdom adopted Section 28 of the Local Government Act, which prohibited local authorities from “promot[ing] homosexuality or publish[ing] material with the intention of promoting homosexuality”. Local authorities were also prohibited from teaching in schools about “the acceptability of homosexuality as a pretended family relationship”. Although Section 28 has since been repealed, similar laws exist elsewhere.

Although public morality is expressly a legitimate purpose justifying restriction of the rights to freedom of expression, peaceful assembly, and association in the ICCPR, courts have been alert to ensure that “public morality” does not mask prejudice. They have distinguished between a genuine public morality and one that merely reflects majority opinion.

- **Military Service**

Whether gays and lesbians may serve openly in the armed forces is an issue that continues to confront courts and legislatures around the world. At least twenty five countries, including Canada, Germany, France, and The Netherlands, currently permit gay and lesbian service members. Some countries never introduced an express ban on military service, while in others bans were repealed either through legislative or judicial action.

The United States had initially banned gays and lesbians from serving openly in the military (10 U.S.C. 654) which was referred to as “Don’t Ask Don’t Tell.” However, on December 18, 2010, Congress passed a law to repeal this law and in September 20, 2011 the repeal became effective. In 2000, Canada released a report declaring that following the repeal of the law prohibiting homosexuals from serving in the military in 1992 it has been found that gays do not undermine the performance of the Canadian military and that self-identified gays, lesbians and transsexuals interviewed had reported good working relations with their peers. Moreover, of the assault cases reported from 1992 to 1995, none were attributed to gay bashing or sexual orientation of parties involved. As a result, the Canadian case is often raised as an example that allowing homosexuals in the military service will not undermine the performance of the military. Even so, many countries still ban homosexuals from serving in the military. While Italy does not prohibit homosexuals from serving in the military, if the presence of a gay service member disrupts discipline, he could be dismissed from service.

Moreover, a law in Italy allows gays to avoid serving in the military based on their sexual orientation.

Thus, the laws prohibiting discrimination in the military may not be successful if they are not enforced properly and as such stricter enforcement is required.

- **Intersex**

The term “intersex” refers to a range of anatomical conditions that do not fall within standard male and female categories. They may be the result of variations in an individual’s chromosomes, hormones, gonads, or genitalia. For example, having one ovary and one testis, or gonads that contain both ovarian and testicular tissue, are both intersex conditions. Chromosomal patterns that are XXY or XO instead of XX or XY are also intersex conditions. The genitalia of some but not all intersex individuals are not clearly identifiable as male or female. Intersex conditions may not become apparent until puberty or later, when sterility is an issue. Intersex is not itself a medical condition. It is better understood as a label used to describe biological variety. The recognition of this third sex is necessary.

- **Gender Expression & Cross-Dressing**

One way in which law has played a role in enforcing gender norms is by prohibiting cross-dressing. Sumptuary laws were common in medieval Europe, Elizabethan England and colonial North America and served to regulate public attire according to occupation, class and gender. Colonial systems exported dress regulations to many countries around the world. Contemporary sumptuary laws, known as cross-dressing laws, have been used to target individuals who transgress gender roles, whether they are gay, lesbian, transgender or straight. In Sudan, for example, laws prohibiting indecent or immoral dress have been used to punish men who wear women’s clothes as well as women who wear trousers and male models who wear make-up. In Nigeria, laws on indecent dress have been used to fine and imprison cross-dressing men. In Guyana, it is a crime under section 153 of the Summary Jurisdiction (Offences) Act when “a man, in any public way or public place, for any improper purpose, appears in female attire, or being a woman, in any public way or public place, for any improper purpose, appears in male attire”.

Cross-dressing laws can be challenged on various grounds. One’s choice of attire may be described as an expression of individual liberty and autonomy, or an expressive statement

protected under the right to freedom of expression. Cross-dressing may also be considered an element of trans-identity protected under non-discrimination and equality guarantees. Early cases, however, dealt with the textual vagueness of laws that criminalised dressing in clothing of the opposite sex.

- **Recognising Gender Identity**

Transgender law covers a wide range of issues that arise when an individual's internal experience of gender does not correspond with the sex assigned at birth. Transgender individuals typically face discrimination in education, employment, immigration, and child custody decisions. They suffer high rates of hate crimes and are especially vulnerable to physical and sexual abuse in prison. Cases involving transgender individuals are included in a number of other chapters in this book. The cases here focus on one particular aspect of transgender law: legal recognition of the preferred gender of a transgender individual.

Legal recognition cases most commonly arise when individuals seek to change their sex on identity documents, such as birth certificates, passports, and national identity cards. This right is interrelated with the transgender marriage discussed below.

- **Transgender Marriage**

Transgender marriage occurs when a change of gender identity is judicially recognised in the context of marriage. Since marriage in the majority of jurisdictions is defined in terms of opposite-sex partners, courts ask whether an individual is a man or a woman for the purpose of the marriage statute. What does it mean to be male or female? Is a person's sex a biological fact, a legal construction, or a bit of both? Is one's capacity to marry defined by the ability to engage in penile-vaginal sex? Or is the ability to procreate determinative?

There is a great lack of consistency. Some courts reject the notion that a person can be legally recognised in a new sex for the purpose of marriage, even if that person has been recognised in the new sex for other purposes. Other courts apply various tests of sexual functionality or physical appearance. Because of the medical risks involved in the surgical construction of male genitalia, physical appearance tests are significantly harder for transgender men to meet than transgender women.

- **Freedom of Religion and Non-Discrimination**

The work of activists who campaign for LGBT equality is frequently presented as a direct threat to religious values and institutions. The right to demand freedom from discrimination based on sexual orientation or gender identity is protected by international human rights law and by many domestic legal systems. At the same time, international law protects the right to freedom of religion, conscience, and belief. Article 18(1) of the ICCPR affirms that the right to freedom of thought, conscience or religion includes a person's "freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching".

Under Article 18(3), the freedom to "manifest one's religion" may only be subject to limitations that are prescribed by law and "necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others". A similar right is found in regional human rights treaties and many constitutions. Given that some religious teachings declare that same-sex sexual conduct is immoral, and some religions condemn not only same-sex sexual activity but also LGBT individuals, conflicts between the right to freedom from discrimination and the right to manifest one's religion are inevitable. Some religious individuals and organisations argue that compliance with non-discrimination norms limits their right to freedom of religion; Some commentators claim that removing religion from the public sphere closets religious identity. Judicial systems of various nations are often expected to balance the tension between the two sets of rights.

Religiously motivated disapproval of homosexuality may be manifested publicly or privately, by an individual, by religious institutions and private businesses, or by State employees. In two of the cases included here, the conflict was generated by the restrictions that religious institutions imposed on individuals who asserted a gay identity.

- **Parenting**

Article 23 of the ICCPR protects the "right of men and women of marriageable age to marry and to found a family". Similar rights to founding or raising a family are protected in regional human rights instruments. Do lesbian, gay, and transgender individuals have the same right to be parents as everyone else? Does a person's sexual orientation or gender

identity affect his or her ability to raise a child? One US court ruled that a biological father's homosexual relationship rendered him "an unfit and improper custodian as a matter of law". Even courts that did not adopt per se rules of unfitness imposed extra evidentiary burdens on homosexual parents. Another court thus reasoned that "there are sufficient social, moral and legal distinctions between the traditional heterosexual family relationship and illicit homosexual relationship to raise the presumption of regularity in favour of the licit, when established, shifting to the illicit, the burden of disproving detriment to the children".

- **Asylum and Immigration**

The main international instruments governing determinations of refugee status is the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. Article 1A(2) of the Convention defines a refugee as "any person who ... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country".

With certain exceptions that are not relevant here, the Convention prohibits State Parties from returning refugees to their countries of origin. To qualify for refugee status, therefore, successful applicants must demonstrate (1) a well-founded fear of persecution (2) on one of the above-enumerated grounds and (3) lack State protection, because the State is either unable or unwilling to provide such protection. If a person does not fulfil the requirements for refugee status, he or she may nevertheless qualify for protection outside his or her country of origin under other international human rights treaties.

A significant volume of research documents both the harms suffered by LGBT individuals at the hands of State and non-State actors and how LGBT claims for asylum have fared in various national systems. In addition, in 2008 the Office of the UN High Commissioner for Refugees (UNHCR) published a Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity.

- **Marriage**

This issue focuses on the responses of courts to demands by same-sex couples for marriage equality. Marriage equality has been achieved by both legislative and judicial means

and court cases have often served to drive legislative reform. With the question of same sex marriages the corresponding questions of adoption, rights in property and other rights arising out of marriage also arise.

In the current state of international law, marriage is defined as a union of opposite sex couples. Thus Article 16 of the Universal Declaration of Human Rights provides: “Men and women ... have the right to marry and to found a family”. Article 23 of the ICCPR states: “The right of men and women of marriageable age to marry and to found a family shall be recognized.” The terms of Article 12 of the European Convention are almost identical.

Interpreting Article 23, in *Joslin v. New Zealand*³ the UN Human Rights Committee found New Zealand had not violated rights under the ICCPR because it did not provide for same-sex marriage. The Human Rights Committee stated: “Use of the term ‘men and women,’ rather than the general terms used elsewhere in Part III of the Covenant, has been consistently and uniformly understood as indicating that the treaty obligation of States parties stemming from article 23, paragraph 2, of the Covenant is to recognize as marriage only the union between a man and a woman wishing to marry each other”.

Conclusion

The abovementioned issues at hand are aimed at furthering debate by highlighting various aspects to be deliberated aspects in committee. The delegates are encouraged to explore further aspects to the LGBT rights. The delegates may find helpful Refworld run by the UNHCR.

The delegates are also advised to refer to their own national legislations and legal systems to understand the scenarios in their respective nations. For example nations following the Sharia are encouraged to know the provisions in the same related to the agenda at hand.

³ Communication No. 902/1999, Views of 17 July 2002.