BACKGROUND GUIDELINES

HUMAN RIGHTS COUNCIL

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Dear delegates,

It is our pleasure to welcome you to the Human Rights Council at Shri MUN - 2012. We hope that this guide prepared by your Executive Board will help you to develop a basic understanding of the agendas and will serve as a starting point for your research.

However do note that this guide is not meant to serve as a source or a framework for your research. Instead, use this guide to understand the nature of the agendas at hand.

Thus do not let this guide restrict the scope of your research in any way whatsoever. Do remember to place an emphasis on originality with regard to the solutions you wish to propose.

We look forward to a productive and mutually enriching conference.

If any of you have any questions whatsoever, be it about the agenda or the committee, don’t hesitate to send us an e-mail on the addresses given below.

Warm Regards,
The Executive Board, Human Rights Council, Shri-MUN 2012

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The Human Rights Council

Introduction

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, herein 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.

The General Assembly established the UNHRC by adopting a resolution (A/RES/60/251) on 15 March 2006, in order to replace the previous CHR, which had been heavily criticized for allowing countries with poor human rights records to be members.

Beginning in 2009 the HRC was becoming increasingly relevant as the Council addressed human rights situations in Burma, Guinea, North Korea, Cote d'Ivoire, Kyrgyzstan, Syria, Libya, Iran, and Sri Lanka, and addressed important thematic human rights issues such as Freedom of Association and Assembly, Freedom of Expression, Discrimination Against Women and Freedom of Religion.

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. Among the elements was the Universal Periodic Review. The Universal Periodic Review assesses the human rights situations in all 193 UN Member States. Another element is an Advisory Committee, which serves as the UNHRC's think tank, and provides it with expertise and advice on thematic human rights issues, that is, issues which pertain to all parts of the world. Another element is a Complaint procedure, which allows individuals and organizations to bring complaints about human rights violations to the attention of the Council.

Structure

The members of the General Assembly elect the members who occupy the UNHRC's forty-seven seats. The General Assembly takes into account the candidate States’ contribution to the promotion and protection of human rights, as well as their voluntary pledges and commitments in this regard. 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 (GRULAC), and seven for the Western European and Others Group (WEOG). The previous CHR had a membership of 53 elected by the Economic and Social Council (ECOSOC) through a majority of those present and voting.

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. The resolution establishing the UNHRC states that "members elected to the Council shall uphold the highest standards in the promotion and protection of human rights."

**Sessions**

The UNHRC holds regular sessions three times a year, in March, June and September. The UNHRC can decide at any time to hold a special session to address human rights violations and emergencies, at the request of one third of the member states. To date there have been 19 Special Sessions.
Agenda Topic A

LGBT Rights

Direct Translation: Lesbian, Gay, Bisexual and Transgender Rights

All human beings have a sexual orientation and a gender identity, and this shared fact means that discrimination against members of the Lesbian, Gay, Bisexual and Transgender community, based on sexual orientation and/or gender identity, is an issue that transcends that community and affects countries globally. Sexual orientation covers sexual desires, feelings, practices and identification. Sexual orientation can be towards people of the same or different sexes (same-sex, heterosexual or bisexual orientation). Gender identity refers to the complex relationship between sex and gender, referring to a person's experience of self expression in relation to social categories of masculinity or femininity (gender). A person's subjectively felt gender identity may be at variance with their sex or physiological characteristics.

Human sexuality is diversely experienced, and can be fixed or fluid. Male/female sexuality is blurred further with the existence of transgender, transsexual and intersex identified people. Heterosexuality should no longer be assumed; this assumption is called heterosexism.

More and more people all over the world are openly expressing their sexual orientation, and organizing and demanding their rights. Due to the work of these groups and their allies, acceptance of LGBT rights around the world is growing, and governments in certain countries are beginning to legislate in favour of LGBT rights and anti-discrimination laws. Influential international human rights organizations such as Amnesty International and Human Rights Watch continue to run effective campaigns.
Laws and Legislation

Laws affecting lesbian, gay, bisexual, and transgender (LGBT) people vary greatly by country or territory—everything from legal recognition of same-sex marriage or other types of partnerships, to the death penalty as punishment for same-sex sexual activity or identity.

Although many societies have made significant strides in human rights advocacy, LGBT rights struggle to find universal acceptance. The fact that the Universal Declaration for Human Rights, drafted in 1948, does not specifically include sexual orientation allows some people to consider LGBT rights debatable. The declaration does however state: “Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind…”

LGBT-related laws include but are not limited to: government recognition of same-sex relationships, LGBT adoption, sexual orientation and military service, immigration equality, anti-discrimination laws, hate crime laws regarding violence against LGBT people, sodomy laws, anti-lesbianism laws, and higher ages of consent for same-sex activity.

In 2011, the United Nations passed its first resolution recognizing LGBT rights, and followed up with a report documenting violations of the rights of LGBT people, including hate crime, criminalization of homosexuality, and discrimination.

Variation in Perspectives:

Western nations have recently begun to form legislations regarding LGBT rights. With ‘gay parades’ and various Non Governmental Agencies across the world spreading awareness regarding LGBT rights, countries in the East such as India, Thailand etc. are also focusing on legislative matters regarding this topic, and are urged by the people to democratically give the LGBT community more rights. LGBT movements are opposed by a variety of individuals and organizations, In Islamic nations homosexuality is considered 'sinful'. Homosexuality as far as Islam is concerned is a profound mistake (as are all sins if they are not intending to do wrong). They believe that humans are not homosexuals by nature. This is the juncture wherein religious beliefs of different communities affect the issue at hand. It is believed to be purely psychological in nature and a hindrance to the global community. It is believed by these communities that the problem must be stemmed at all costs. They may have a personal, moral, political or religious objection to gay rights,
homosexual relations or gay people. Opponents have said same-sex relationships are not marriages, that legalization of same-sex marriage will open the door for the legalization of polygamy, that it is unnatural and that it encourages unhealthy behavior. Some social conservatives believe that all sexual relationships with people other than an opposite-sex spouse undermines the traditional family and that children should be reared in homes with both a father and a mother. Since society has become more accepting of homosexuality, there has been the emergence of many groups that desire to end homosexuality; during the 1990s, one of the best known groups that were established with this goal is the ex-gay movement. Some people worry that gay rights may conflict with individuals' freedom of speech, religious freedoms in the workplace and the ability to run churches, charitable organizations and other religious organizations that hold opposing social and cultural views to LGBT rights. There is also concern that religious organizations might be forced to accept and perform same-sex marriages or risk losing their tax-exempt status. Such opposition has even led to violence against the Gay community in countries like Iraq and Afghanistan.

**SOCIAL MOVEMENTS**

Lesbian, gay, bisexual, and transgender social movements share inter-related goals of social acceptance of sexual and gender minorities. Lesbian, gay, bisexual, and transgender (LGBT) people and their allies have a long history of campaigning for what is generally called LGBT rights, also called gay rights and gay and lesbian rights. Various communities have worked not only together, but also independent of each other in various configurations including gay liberation, lesbian feminism, the queer movement and transgender activism. There is no one organization that represents all LGBT people and their interests, although there are two organizations that are inclusive of many of the LGBT community issues: InterPride by coordinating and networking gay pride events worldwide, and International Gay and Lesbian Human Rights Commission (IGLHRC), which addresses human rights violations against LGBT and HIV-positive people and works with the United Nations.

In the coming years the major issues for LGBT rights on a global scale will be:

- eradicking persecution based on sexual orientation;
- protection in the law from hate crimes and hate propaganda;
• equal rights and privileges (marriage, common law partnerships, medical-decision making, wills and estates, parenting and adoption) and to work and educate others on homophobia
• heterosexism

AIM OF AGENDA:

The following are what the committee wishes to address at the time of discussion of this agenda, and research should be done along the following parameters:

• Definition of LGBT in different countries
• Biological explanation for LGBT by different nations
• History of LGBT issue
• Health concerns regarding LGBT
• Discrimination against LGBT
• Domestic Legislation regarding LGBT rights
• Global Legislation regarding LGBT rights.

The committee thus aims to seek a cohesive solution to this obscure and controversial issue which plagues the world. The committee hopes to see countries coming together to address this issue so that steps may be taken to understand and address this question.
Recommended Further Reading/ Bibliography

1. www.hrc.org/
2. www.lgbt-ep.eu/
3. www.hrw.org/topic/lgbt-rights
5. civilliberty.about.com/od/.../tp/History-Gay-Rights-Movement.html
6. www.iglhrc.org
8. www.unfoundation.org/blog/the-time-has-come-for-lgbt-rights.html
Introduction - HIV/AIDS as a human rights issue

The problem of HIV/AIDS has always been interwoven with granting equitable rights to all HIV afflicted patients, both at a national and global level. In recent years, the problem of HIV/AIDS has brought with it discrimination against afflicted social communities, marginalisation and stigmatisation, all of which results in neglect for afflicted communities, and moreover a violation of their human rights. The discrimination that follows could be based on race, sex, migrant status, or even sexual orientation, which further limits their access to proper healthcare due to a marginalised status.

The epidemic continues to confirm that the relationship between HIV/AIDS and human rights is profound. Vulnerability to HIV infection and to its impact feeds on violations of human rights, including discrimination against women and violations which create and sustain poverty. During the decade, the role of human rights in responding to the epidemic and in dealing with its effects has become increasingly clear.

Either through legislation or litigation, many countries have recognized that their people have the right to HIV treatment as a part of their human rights, confirming that economic, social and cultural rights are justifiable.

Against this background, it is of utmost importance for every member country of the UNHCR to contribute to arriving at a robust mechanism to ensure equal rights to all HIV/AIDS afflicted patients. This will involve stating not only prior legislation in your respective countries, but also legislation that you would like to implement as a collusive committee.

Definition and Dimensions of HIV/AIDS

In this committee, we hope to delve into the implications that HIV/AIDS has on social dynamics and social status, the rights granted to HIV/AIDS afflicted patients and the international cooperation required to ensure equitable rights for all patients—be it fundamental rights, rights to healthcare, or rights to employment and education. The primary cause of the disease is unprotected sexual intercourse, and the number of patients is
seen to be far more in countries where economic inequality, poverty or marginalisation forces girls to become sex workers or prostitutes. Other causes of the disease could be blood transfusion, using unsterilized needles for vaccines, and through the placenta from a mother to her unborn baby. Countries in Africa, mainly Sub-Saharan Africa, are by far the region most affected by the HIV/AIDS epidemic. Women are particularly affected in this region. However, finding a solution to this problem falls under the purview of collective international responsibility, as mentioned above.

While doing your research, please be sure to follow a three-fold process— the cause of social marginalisation of afflicted parties, the implications that it has, and the solutions, both ones that have been implemented and should be implemented in the final resolution. Also keep in mind, that the issue of HIV/AIDS can be linked with a variety of social, economic and healthcare factors, all of which should be included in your study. It poses an interesting index of a country’s all round economic development.

**Historical Evolution**

When HIV first came to be known in 1981, it was thought to be a type of cancer and very little was known about the disease. In effect, people afflicted with the disease were deprived of basic rights to education, employment, marriage, etc. and were treated as outsiders. Over the years, however, awareness about HIV/AIDS has increased greatly and the United Nations has too implemented a number of programmes and policies to ensure a dignified life for patients.

The United Nations General Assembly, in its resolutions 45/187 of 21 December 1990 and 46/203 of 20 December 1991, emphasized the need to counter discrimination and to respect human rights and recognized that discriminatory measures drove HIV/AIDS underground, making it more difficult to combat, rather than stopping its spread.

**International Action**

Evidence of the effectiveness of a treatment for HIV was first announced in 1996, which for many changed HIV from a situation of hopelessness to a manageable health condition. But as the HIV epidemic cast its glaring light on the vast inequity in health care across the globe, people living with HIV, among others, began to demand that something be done about the fact that millions were dying of a treatable condition.
Numerous charters and declarations which specifically or generally recognize the human rights of people living with HIV were adopted at national and international conferences and meetings, such as the London Declaration (1988) and Paris Declaration (1989).

New antiretroviral treatment began to extend the lives of those who were infected. More than 5 million people had access to antiretroviral treatment in 2009, which has reduced AIDS-related deaths by more than 20% in the past 5 years.

Also in the past ten years at least 56 countries have either stabilized or reduced new HIV infections by more than 25%. HIV infections among babies have dropped by 25%—a significant step towards achieving virtual elimination of mother-to-child transmission of HIV by 2015.

In 2001, the Commission on Human Rights adopted a resolution in which it stated that the right to the highest attainable standard of health includes access to antiretroviral therapy for HIV. At the Second International Consultation on HIV/AIDS and Human Rights, the participants considered strategies for dissemination and implementation of the Guidelines. It was considered that there are three groups of key actors who, jointly and separately, are critical to the implementation of the Guidelines, namely States, the United Nations system, regional intergovernmental organizations and non-governmental and community-based organizations.

Following this, in 2002, OHCHR and UNAIDS sponsored the Third International Consultation on HIV/AIDS.

Law reform programmes focusing on human rights have been ongoing in countries such as Australia, Canada, the United States, South Africa and in the Latin American region, together with networks of legal advocates, practitioners and activists at governmental and community levels.

Civil legislation exists in the United States, the United Kingdom, Australia, New Zealand and Hong Kong. In France, such a definition is contained in the Penal Code. Some countries have constitutional guarantees of human rights with practical enforcement mechanisms, such as the Canadian Charter of Rights.
**Objectives for the future**

In committee, various objectives should be kept in mind.

States should establish an effective national framework for their response to HIV which ensures a coordinated and accountable approach as well as ensure that community consultation occurs in all phases of HIV policy design and programme implementation. States should review and reform public health laws to ensure that they adequately address public health issues raised by HIV, that their provisions applicable to casually transmitted diseases are not inappropriately applied to HIV and that they are consistent with international human rights obligations. They should enact or strengthen anti-discrimination and other protective laws that protect vulnerable groups.

**Research Guidelines**

Delegates should research in accordance with the following parameters:

- History of country in context to HIV/AIDS.
- The degree to which the country is currently affected and the various ways in which it is affected.
- Measures already adopted by the country to tackle the problem of HIV/AIDS.
- Future solutions to be proposed and implemented in accordance with the country’s policy and stand on the agenda.
Further Reading (recommended)


2. http://hivinsite.ucsf.edu/InSite?page=kb-08-01-07


Bibliography


2. http://hivinsite.ucsf.edu/InSite?page=kb-08-01-07