

3-7 April 2022

Documentation of the Work of the Human Rights Council (HRC)  
NMUN Simulation\*



## Conference A

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# Human Rights Council (HRC)

## Committee Staff

Director

Assistant Director

Chair

Maike Weitzel

Johannes Schmidl

Jost Giesing

## Agenda

- I. Advancing International Human Rights to Protect against Discrimination Based on Sexual Orientation and Gender Identity
- II. The Impacts of Unilateral Coercive Measures on the Protection and Enjoyment of Human Rights

## Resolutions adopted by the Committee

CODE	TOPIC	VOTE
HRC/1/1	Advancing International Human Rights to Protect against Discrimination Based on Sexual Orientation and Gender Identity	Adopted by acclamation
HRC/1/2	Advancing International Human Rights to Protect against Discrimination Based on Sexual Orientation and Gender Identity	23 votes in favor, 4 votes against, 6 abstentions

## Summary Report

The Human Rights Council held its annual session to consider the following agenda items:

- I. Advancing International Human Rights to Protect against Discrimination Based on Sexual Orientation and Gender Identity
- II. The Impacts of Unilateral Coercive Measures on the Protection and Enjoyment of Human Rights

The session was attended by representatives of 31 Member States and 2 Observers. On Sunday, the committee adopted the agenda in the order I, II after a brief debate and began its discussion on “Advancing International Human Rights to Protect against Discrimination Based on Sexual Orientation and Gender Identity.”

On Monday, the Dais received four proposals on topics ranging from establishing a Rainbow Initiative to promote respect for the LGBTQIA+ community to expanding the mandate of the Special Rapporteur and UNFE, with some aiming to include improving access to mental health services and social acceptance through education and social dialogue.

Throughout Tuesday and Wednesday, Member States continued honing their proposals and merged three proposals with related ideas. Being highly motivated, delegations worked collegially and cooperatively in developing proposals and nuanced negotiations. By Wednesday afternoon, the Dais approved two draft resolutions. The committee proceeded to debate and come to consensus on these draft resolutions. The two drafts focused on improving the legal status of LGBTQIA+ individuals on the national and international level while also aiming to improve the access to support and services for this community. Further proposals stressed the diversity of the participating Member States and aimed at allowing for different approaches in different nations to solve the issue at hand. The body proceeded to adopt one resolution by acclamation and a second resolution with a two-thirds majority.



**National Model United Nations • NY**

**Code:** HRC/1/1

**Committee:** Human Rights Council

**Topic:** Advancing International Human Rights to Protect Against Discrimination Based on Sexual Orientation and Gender Identity

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*The Human Rights Council,*

*Reaffirming the United Nations Charter Articles 2.1 and 2.7, to protect the sovereignty of all nations and their right to regulate all affairs in accordance with their religious, cultural, and historical background,*

*Recalling Article 1 of the Universal Declaration of Human Rights (1948), stating that all human beings are born free and equal in dignity and rights,*

*Bearing in mind Human Rights Council resolution 32/2 of 15th July 2016 on “Protection against violence and discrimination based on sexual orientation and gender identity”, which created an Independent Expert on Sexual Orientation and Gender Identity (SOGI), which was renewed in Human Rights Council resolution 41/18 of 12th July 2019 on the “Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity”,*

*Having considered the pre-existing cultural, religious, and historical norms within nations, their effects on the politics of the nation, and how the spectrum of SOGI may compromise the religious fundamentals of Member States’ values and standards,*

*Taking into account Article 25 of the Universal Declaration of Human Rights ensuring that all citizens enjoy adequate access to healthcare and standards of living without discrimination,*

*Noting with concern the lack of adult education programs relating to SOGI,*

*Recognizing the need of funding for endeavors to advance SOGI recognition and education programs among adult populations,*

*Realizing the importance of individual Member States’ work of community and nationally based organizations in the endeavor to raise SOGI awareness,*

1. *Encourages* Member States to establish an internal commission that will:
  - a. Be composed at the discretion of each nation, and are encouraged to be populated with local experts in sexual health and orientation, psychiatrists, religious leaders, cultural and historical experts, local politicians, and other individuals as deemed necessary by each nation;
  - b. Examine and report the Member States' conformity to international laws regarding SOGI as a part of their Universal Periodic Review submission;
  - c. Correspond with and work alongside the Independent Expert to contextualize their work and inform their research on SOGI;

- d. Research how culture, religion, tradition, and history affect the status of gender and sexual minorities (GSM);
    - e. Define the terms sexual orientation and gender identity, in accordance with a Member States' policy;
2. *Recommends* optional regional summits regarding all aspects encompassing SOGI and GSM individuals, to be held in the five UN regional groups that will be done in accordance with the regional groups' wishes and host nation's laws;
3. *Calls* on representatives of a country's values, and religion when applicable, to engage in a dialogue amongst themselves and with various heads of state to reconcile communal beliefs with changing views regarding GSM individuals towards the goal of providing policy recommendations and inciting discussion among different groups of interest including civilians;
4. *Urges* nations to limit and remove barriers in society for GSM individuals, especially in vulnerable populations, such as the elderly, women, and children, with regard to housing and preventative healthcare access;
5. *Asks* for Member States to create an optional adult education program regarding GSM people, their rights, and the respective Member States' gender definitions;
6. *Decides* to establish the Adult SOGI Awareness Fund to provide non-conditional cash grants for the explicit purposes of an optional adult education program funded by donations:
  - a. To be distributed directly to the Member States upon request;
  - b. And requests the Office of the United Nations High Commissioner for Human Rights to assist and overview the Awareness Fund;
7. *Strongly encourages* Member States to support the work of community and nationally based organizations in their endeavor to raise SOGI issue awareness.



## National Model United Nations • NY

**Code:** HRC/1/2

**Committee:** Human Rights Council

**Topic:** Advancing International Human Rights to Protect Against Discrimination Based on Sexual Orientation and Gender Identity

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*The Human Rights Council,*

*Affirming* the indivisible rights enshrined in the United Nations *Universal Declaration of Human Rights* (1948) (UDHR) guaranteeing all human beings are entitled to all the rights and freedoms without discrimination based on race, color, sexual orientation, gender identity, language, or religion,

*Emphasizing* article 25 of the UDHR ensures the right to a standard of living adequate for the health and wellbeing,

*Cognizant* of the *Vienna Declaration and Programme of Action* (1993) that it is the duty of states, regardless of their political, economic, and cultural systems, to promote and protect all human rights and fundamental freedoms,

*Acknowledging* General Assembly resolution 60/251 of 3rd of April 2006 on the "Human Rights Council", which reaffirms the responsibility of the Human Rights Council of promoting and safeguarding human rights and fundamental freedoms without discrimination,

*Reaffirming* the 2030 Agenda for Sustainable Development to mainstream mental health services and awareness across all Sustainable Development Goals (SDG), emphasizing SDG 4 ("Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all") addressing quality education, SDG 5 ("Achieve gender equality and empower all women and girls"), and SDG 10 ("Reduce inequality within and among countries"),

*Highlighting* the work of the non-governmental organization (NGO) committee on human rights whose purpose is to encourage the promotion and the protection of human rights and fundamental freedoms in accordance with the United Nations Charter, more precisely the NGO Working Group on Human Rights Education and Learning which aims to create bridges between civil society and the United Nations,

*Reiterating* the Office of the United Nations High Commissioner for Human Rights' (OHCHR) 2015 annual report "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity", which highlights the link between the lack of education and discrimination towards LGBTQI+ people,

*Deeply appreciative* of the Office of the United Nations High Commissioner for Human Rights (OHCHR) Evaluation of the United Nations Free & Equal Campaign Report (2021) on the UN Free & Equal Campaign (UNFE), identifying the weakness of integration between global and national campaigns and lack of connection with broader gender justice and human rights networks in the healthcare sector,

*Acknowledging* the Impact of the COVID-19 Pandemic on the Human Rights of LGBTQI+ Persons made by the Independent Expert (IE) on protection against violence and discrimination in which the IE condemned pandemic response measures aimed at persecuting LGBTQI+ persons and limiting their

access to mental health services, healthcare, social protection systems, and discrimination in educational institutions,

*Deeply concerned* by the direct and indirect forms of discrimination committed against people based on their sexual orientation and gender identity (SOGI) in all social, economic, and political contexts,

*Condemning* all forms of torture aimed at the LGBTQI+ community *accepting* the stance of UN experts on SOGI,

*Bearing in mind* the importance of respecting the sovereignty of all Member States,

*Taking into consideration* the cultural, historical, and religious diversity of the Human Rights Council,

*Recalling* the Yogyakarta Principles plus 10, which provides a working framework for analyzing the discrimination faced by LGBTQI+ Individuals,

*Emphasizing* the benefits of including all LGBTQI+ individuals in all future matters of the state,

*Supporting* the OHCHR evaluation report (2021) on the UN Free & Equal Campaign (UNFE) identifying the weakness of integration between global and national campaigns,

1. *Invites* the international community to act in respect of cultural and religious sovereignty by encouraging incentives for countries through the establishment of national guidelines as recommendations in order to achieve the subsequent goals of pursuing the advancement of domestic human rights;
2. *Recommends* the NGO Working Group on Human Rights Education and Learning to hold space for Member States, groups, and individuals from different perspectives to discuss and debate the issue, in order to understand and include cultural and social disparities between pre-existing UN recommendations and the actions taken so far by Member States, with the purpose of promoting education and preventing stigmatization, while bearing in mind that education would be put at the forefront;
3. *Suggests* Member States, while respecting the principle of national sovereignty, to provide an Expert-recommended mental health specialists within the Member States' national mental health associations list as a means to offer support to willing LGBTQI+ people with their healing process if needed from the discriminatory treatment they received;
4. *Recommends* to the OHCHR to strengthen the UNFE campaign to enhance strategic engagement between the global and national campaigns and utilize more regional organizations outside the Global North advocating for the rights of LGBTQI+ people to diversify voices and representation of the global campaign;
5. *Encourages* Member States to raise awareness about LGBTQI+ individuals through public awareness campaigns and mainstreaming mental health services in schools to sustain a healthy environment for youths regarding their SOGI;
6. *Suggests* UNICEF partner with willing Member States to promote mental health services for vulnerable groups with specific concern for LGBTQI+ youth;

7. *Encourages* Member States to allow all LGBTQI+ individuals a safe space through mental health programs and educational awareness in order to stem into more specific rights that individuals belittle the LGBTQI+ from such as medical assistance that will progress states internationally as the HRC promotes the wellbeing of all Member States' citizens by:
  - a. Recommending specific programs for mental health in order to grow a community more inclusive towards the oppressed group of LGBTQI+ people;
  - b. Emphasizing a specific interest in improving medical assistance for the well-being of individuals of the LGBTQI+ community;
8. *Encourages* the cooperation between the Member States, as well as civil society and involved NGOs regarding the issue of LGBTQI+ rights in order to guarantee the cessation of arbitrary arrest and detainment of LGBTQI+ individuals as laid out in Article 9 of the UDHR;
9. *Further invites* support from UNESCO and Member States to create a global dialogue on the impacts of religion and culture on domestic and international attitudes towards the LGBTQI+ community, appointing religious and cultural scholar experts to be present in HRC committee sessions to provide alternative viewpoints and advice on the resolutions concerning policy regarding human rights with the influence of consensus of willing Member States;
10. *Proposes* willing Member States make a contribution to encourage foreign aid to UNESCO through an incentive-based program, with the purpose of strengthening educational reform and contributing to the elimination of inequalities amongst women, varying genders, and sexual orientations in educational settings, by:
  - a. Using this contribution to be used for equitable education programs, created and implemented through UNESCO, in connection with Sustainable Development Goal 4, which emphasizes inclusive quality education and promotes lifelong learning for all;
  - b. Including guidelines based on recommendations of the Annual Report of the High Commissioner for human rights, that allow for educational institutions to cover topics relating to sexual orientation, gender identity, and LGBTQI+ inclusion in society;
  - c. Including additionally guidelines based on recommendations of the Annual Report of the High Commissioner for human rights to include medical school students and practicing healthcare professionals for inclusive training in the handling and awareness of sexual orientation, gender identity, and LGBTQI+ inclusion in physiological and psychological health care;
11. *Calls upon* Member States to introduce adequate protection measures in order to effectively eliminate sexual orientation and gender-based discrimination, as specified by the *Universal Declaration of Human Rights*, and emphasizes the protection of victims of hate crimes and discrimination;
12. *Urges* all Member States to fully implement articles of the *International Covenant on Civil and Political Rights* (1986), which states that every human being has the inherent right to life by:
  - a. Respecting countries that restrain from using the death penalty and calling upon the UN General Assembly to extend resolution 62/149 on the "global moratorium on the death penalty" for another five years;



- b. Encouraging countries to implement a lesser punishment for vulnerable peoples, such as pregnant individuals and those under the age of 18;
13. *Further recommends* to the United Nations General Assembly as well as to the OHCHR to include and amend the Yogyakarta Principles plus 10 to strengthen the strategic engagement between the global and national campaigns and utilize more regional organizations outside the Global North advocating for the rights of LGBTQI+ people to diversify voices and representations of the global campaign;
14. *Advises* to the United Nations General Assembly to include and amend the Yogyakarta Principles plus 10 as well as to the OHCHR to strengthen the strategic engagement between the global and national campaigns and utilize more regional organizations outside the Global North advocating for the rights of LGBTQI+ people to diversify voices and representations of the global campaign:
  - a. The term “LGBTQI+” is the most inclusive, including lesbian, gay, bisexual, transgender, queer, intersexual people as well as everybody who wants to identify with this group;
  - b. The definition of “discrimination” not only refers to violent hate crimes and physical assault but also humiliation by abusive requirements and the creation and tolerance of obstacles to self-determination;
15. *Further advises* to the Member States the creation of the National Councils Against Discrimination (NCAD) to serve as a forum for ensuring the right to SOGI equality is safeguarded and resolving complaints of discrimination against SOGI in the Member States;
16. *Recommends* the UNDP create a global medical equity program that advocates for access to healthcare for all LGBTQI+ individuals, including mental health supports, hormonal, and gender therapy, gender-affirming surgeries, and financial compensation for victims of sexual orientation and gender-based discrimination;
17. *Decides to* extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for three years to enable the mandate holder to continue to work in accordance with the mandate established by HRC resolution 32/2 (2016) on “Protection against violence and discrimination based on sexual orientation and gender identity” and to emphasize the importance of data gathered by the Independent Expert on protection against violence and discrimination based on SOGI considering ethnography and intersectionality which provide insight on the implementation of future educational programs to ensure they are in accordance with state sovereignty and cultural values;
18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the human, technical, and financial resources necessary for the continuation of the effective fulfillment of the mandate;
19. *Calls upon* all governments to cooperate with and assist the Independent Expert by supplying all necessary information requested by the mandate holder, and responding favorably to the requests of the Independent Expert to visit their countries to fulfill the mandate more effectively;

20. *Requests* the Independent Expert on protection against violence and discrimination based on SOGI to continue to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their respective programs of work.