



# Research Report

Cals Model United Nations 2017



"Creating pathways to new opportunities"

**Forum:** Human Rights Council

**Issue:** Pursuing the elimination of all forms of criminalization and persecution of homosexuality

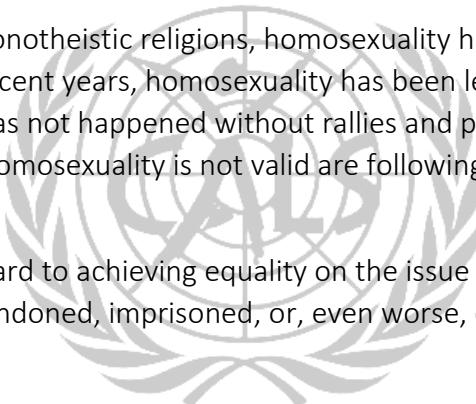
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## Introduction

The issue of homosexuality being criminalized and persecuted is an issue that is more important now than ever before, as more and more countries legalize gay marriage and homosexuality over all. This research report serves to introduce you to the details of this issue and to inform you why we must address this issue.

Ever since the rise of the monotheistic religions, homosexuality has been questioned and criminalized. However, in recent years, homosexuality has been legalized in many countries and societies, though this has not happened without rallies and protests against this progress. Many people who believe homosexuality is not valid are following such beliefs because of their religion.

A result of not moving forward to achieving equality on the issue could be the deaths of many people being punished, abandoned, imprisoned, or, even worse, executed.



## Definition of Key Terms

**Homosexuality:**

*Romantic and/or sexual attraction between members of the same sex or gender and the identity based upon the sexuality*

**Criminalization:**

*Making something punishable by law of the country or international law*

**Same-sex marriage:**

*Sometimes called gay marriage. A marriage where there are two people of the same gender.*

**LGBT+:**

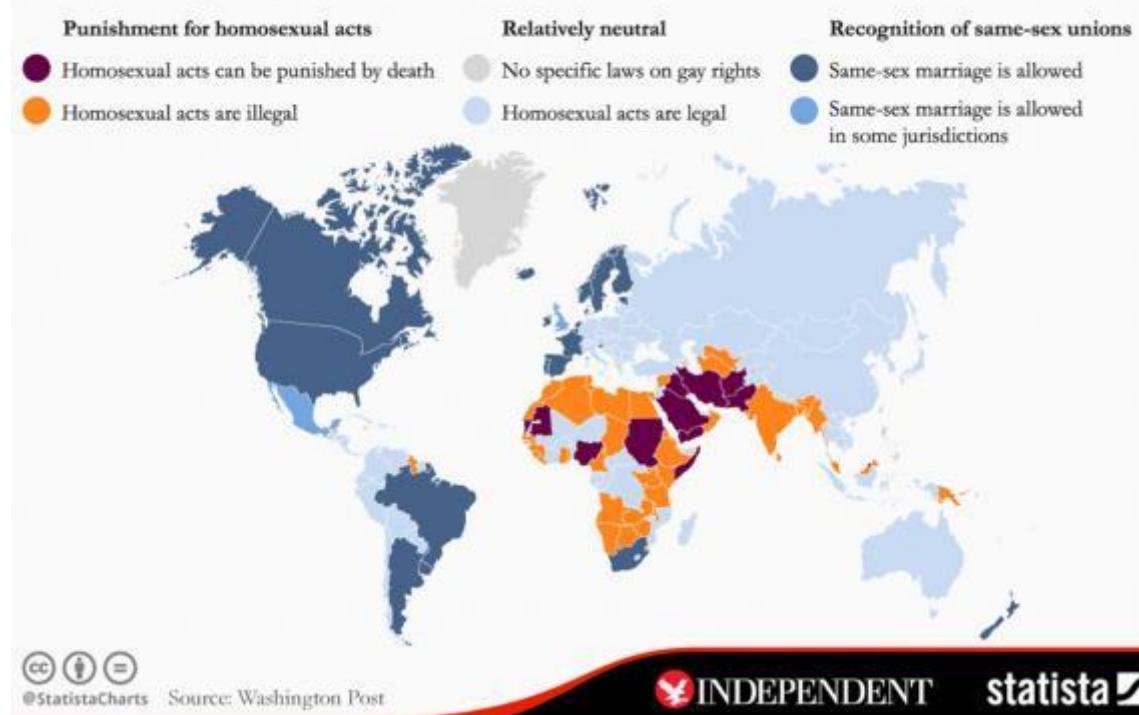
*the community that encompasses lesbian, gay, bisexual, transgender, queer, intersex, pansexual, asexual, etc. Although there are many acronyms for this community (LGBT, LGBTQI, LGBTQI+, LBTTQQIAAP, etc.) this is the one used in this research report.*

## General Overview

Often, the current debate about homosexuality is about if same-sex marriage should be allowed. However, what can be disregarded is that in some countries homosexuality is still punishable, sometimes even by death. Especially in the regions of Africa, the Middle East, and South East Asia there are countries that still consider homosexuality illegal under their domestic policy. In the chart below there is an overview of criminalization of homosexuality in the world.

### Homosexuality is punishable by death in 12 countries

Global laws regarding homosexuality in 2016



The countries that fall under these twelve countries as marked by the map are Iran, Saudi Arabia, Sudan, Yemen, Nigeria, Somalia, Afghanistan, Mauritania, Pakistan, Qatar, Iraq and the United Arab Emirates. The Islamic State, although not recognised as a nation, also executes who they think is homosexual. However, not all of these have the law on the books, or do have the law but execute no people. More information on the laws and execution of laws in those specific countries can be found in the further reading section.<sup>1</sup>

There are also 76 countries, including the ones mentioned before, where homosexuality is illegal. As mentioning all these countries and what kind of status they have in the domestic law and exceptions to these laws would make this research report extraordinarily long, we would recommend a quick scroll through the website in the further reading section.

However, in general it can be said that homosexuality is not illegal in Europe, North America and mainland South America with the exception of Guyana. Most illegality of homosexuality

<sup>1</sup> <https://76crimes.com/10-nations-where-the-penalty-for-gay-sex-is-death/>

can be found in Africa, followed by Asia, including the Middle East. Of course, these statistics do not take into account hate crimes and unlawful actions against the LGBT+ community, which may be more prevalent in some countries than others. Additionally, homosexuality can be semi-criminalized in different ways, such as Russia did with their anti-gay propaganda laws. Some countries may not have unilateral laws about homosexuality and it may be decided regionally.

When we look at the resolutions made about the LGBT+ community by the United Nations, you can see that there are not a lot. There are three resolutions made by the Human Rights Council and seven resolutions by the General Assembly. This is caused mainly by the fact that many of the countries in the United Nations, and thus in the HRC and General Assembly, do not acknowledge or accept the LGBT+ community. In this case, there is a lack of legislation within the UN, and lack of action within the UN.

The resolutions of the Human Right Council focus mainly on the protection against violence and discrimination, LGBT+ rights in human rights, while the General Assembly Fifth resolutions focus on the arbitrary executions that may follow from being homosexual.

## **Major Parties Involved**

*Human Right Watch:*

The Human Right Watch is an important, appreciated human rights organization which also strives to improve the situation for the LGBT+ community. It also has an interactive map, the link to which can be found in the further reading section. This map doesn't only look at the countries but also states and has a clear overview on all laws that hinder or endanger the LGBT+ community. The chairs recommend checking it out.

*Amnesty International:*

This human rights organization also strives to protect LGBT+ rights and identifies two main issues that they want to focus on: decriminalization and same-sex marriage.

## **Timeline of Events**

2000, The Netherlands - The Netherlands is the first country to recognize same-sex marriage.

2015, United States of America - The United States of America recognizes same-sex marriage.

2016, Orlando, USA - Omar Mateen, a security guard, kills 49 people and wounded 53 people in a hate crime inside Pulse, a gay night-club in Orlando.

## **Previous attempts to solve the issue**

*Gay pride parades:*

Around the world, there have been countless gay pride parades, to make a statement about homosexuality and to raise awareness for the oppression many homosexuals still face. These parades have, however, been disputed by many. Some say that these parades have a backfiring effect, by reinforcing the stereotype of homosexuals.

## **Possible Solutions**

*Criminalizing discrimination of LGBTQ+ individuals:*

Although the United Nations often try to persecute bodies of government that try to discriminate against LGBTQ+ individuals, they often cannot take action because of legal restrictions. If this kind of discrimination were to be criminalized by the United Nations Security Council, more action could be taken to achieve equality on this issue.

## **Useful Documents**

Information on countries with a death penalty on homosexuality

<https://76crimes.com/10-nations-where-the-penalty-for-gay-sex-is-death/>

Information on illegality of homosexuality

<https://76crimes.com/76-countries-where-homosexuality-is-illegal/>

Great interactive map of Human Right Watch

<https://lgbt-rights-hrw.silk.co/>