



Human Rights Council

President: Ignacio Busto

Moderator: Miguel Yu

HR High Commissioner: Amélie Charton



Institución
Educativa SEK
Est. 1892





THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Honouring the Drafters of the Declaration

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a new world which, in fear and dread has been proclaimed to the common people;

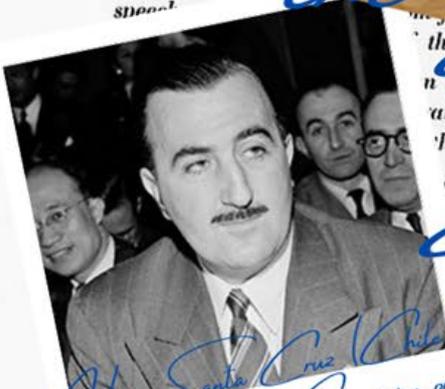
it is not to be hoped to have recourse, against tyrannies, which, when clothed in the rule of law, still tend to destroy the sacred rights of the individual;

and determined to promote social progress and better living conditions in larger freedom,

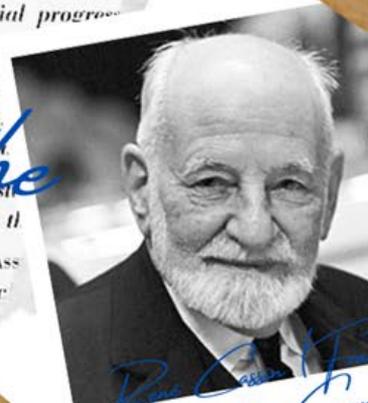
WHEREAS Member States have agreed in cooperation with the United Nations to promote and observe the rights and freedoms set out in the present Declaration;

WHEREAS it is the common understanding of all Members that the rights and freedoms set out in the present Declaration constitute the greatest achievement of the United Nations in the field of human rights;

NOW THEREFORE THE GENERAL ASSEMBLY OF THE UNITED NATIONS, on behalf of all Members, proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to which all should strive as they seek to secure the universal and effective recognition and observance of the rights and freedoms therein.



*Homer Santa Cruz (Chile)
Member of the Commission on Human Rights*



*Pope John XXIII
Member of the Commission on Human Rights*



*Eleanor Roosevelt (USA)
Chairperson of the Commission on Human Rights*



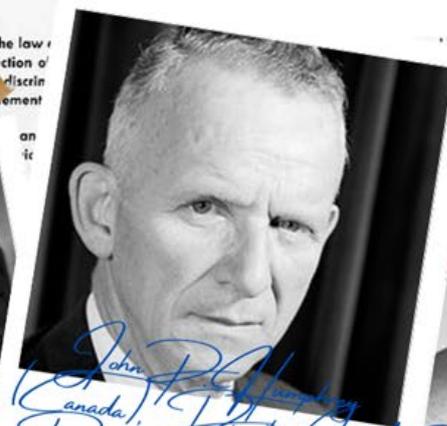
*Charles Malik (Lebanon)
Member of the Commission on Human Rights*



*Alexander Orlov (USSR)
Member of the Commission on Human Rights*



*Dr. Peng-chun Chang (China)
Vice-Chair of the Commission on Human Rights*



*John P. Humphrey (Canada)
Director, Division of Human Rights*



*William Hodgson (Australia)
Member of the Commission on Human Rights*



*Dr. Charles Malik (Lebanon)
Rapporteur of the Commission on Human Rights*

Everyone has the right to life, liberty and security of person.

Everyone has the right to life, liberty and security of person. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No one shall be held in slavery or servitude; slavery or the trade in slaves shall be prohibited in all their forms. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No one shall be held in slavery or servitude; slavery or the trade in slaves shall be prohibited in all their forms.

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1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Everyone has the right to life, liberty and security of person. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No one shall be held in slavery or servitude; slavery or the trade in slaves shall be prohibited in all their forms.

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Letter to the delegations

Dear delegates,

The chairs of this committee, Ignacio Busto, President, Miguel Yu, Moderator and Amélie Charton, High commissioner, would like to welcome you to the XVII edition of SEKMUN and to the Human Rights Council, that specializes in promoting and ensuring human rights globally.

The topics on the agenda this year are of great interest and relevancy, considering the global events that have happened recently. We have selected these topics as they are currently being addressed but effective solutions have not been achieved yet. Hence, the council ought to treat these issues in order to fulfil the objective this committee has in the first place: to ensure international wellbeing. These are the topics in question:

- Ensuring and promoting safe migration methods and handling migration crisis.
- Adequate right to mental and physical well-being affected by discrimination regarding sexual orientation and gender identity in the Middle East.

It is important to remember, delegates, that in any MUN or even the UN itself, there are no small countries. Instead, there are great delegations. Delegations that move the debate; that have carried out a thorough research and that have cooperated with other delegates to achieve constructive solutions to the proposed topic. As the very motto of SEKMUN says, 'dialogue for coexistence', we recommend trying to participate as much as possible and to not be afraid to make mistakes, especially if this is your first MUN, as this is the way we learn. We also recommend reading the handbook that has been handed over by your debate teachers for you to have a general idea on what a Model UN debate works.

As chairs we are here to walk you every step of the journey to help this experience be as joyful and educational as possible.

We thank you in advance for your participation and commitment,
Ignacio, Miguel and Amélie.

Human Rights Council (HR)

The Human Rights Council is one of the inter-governmental bodies of the United Nations and is subordinate to the General Assembly. The goal of this committee is to promote and protect human rights worldwide. And thus, it addresses its issues and violations to improve the health and well-being of all individuals.

This is a relatively young council as it was formed in March 2006, replacing the previous United Nations Commission on Human Rights (UNCHR). HR accounts for 47 members, each elected for three-year staggered terms. Its headquarters are held in Geneva, Switzerland, at the United Nations Office.

HR's functions are carried out in these main capacities:

- To examine and engage in dialogue on the human rights situation, including cases of grave and systematic violations.
- To draw up recommendations to promote and protect human rights.
- To offer recommendations to the General Assembly to develop protection of human rights within the limits of International Law.
- To respond quickly to emergency situations where human rights issues are involved.
- Every four years, the Member States of the UN must present a national report to the Council. It shows the initiatives and measures taken to improve the human rights situation in their country and indicates the level of compliance with the established recommendations. The President of the Council will then make relevant suggestions on the report.

Topic 2: Adequate right to physical and mental health and well-being affected by discrimination and violence regarding sexual orientation and gender in the Middle East [A/HRC/50/27]

The following study guide will be adopting Harvard University's Case Study Framework, to provide a structured format to the information exposition, not to mention its applicability in real-life events requiring professionalism and relevancy, for example, the present MUN Model.

II.i Situational Analysis

“To deny people their human rights is to challenge their very humanity.” – Nelson Mandela, (Branch, 2015)

Recent events have sparked the world's attention towards the Middle East. In the case of Iran, despite international attention sparked by the death of Mahsa Amini, the nation has, for a long time, given place to a major human rights violations concentration, whereas discrimination towards women and girls, has led the Irani Parliament to further undermine the right to sexual and reproductive health, banning public facilities from providing birth control, through the adoption of the “Youthful population and protection of the family” bill, suppressing prenatal screening tests access, etc. As for the LGBTI people, state-endorsed “conversion therapies”, which in reality are torture or other forms of ill-treatment remained present, even against children. Legal gender change requires gender reassignment surgery and sterilization, otherwise would risk criminalisation. (*Everything You Need to Know about Human Rights in Iran - Amnesty International Amnesty International, n.d.*)

Whereas in Israel, the recent re-election of Benjamin Netanyahu to Prime Minister of Israel, together with the most extremist executive since the foundation of the nation, while PM Netanyahu promised to safeguard LGBTQ rights if elected, those promises seem to come into contrast with the chosen coalition with openly racist, anti-Arab and homophobic deputies, including the anti-LGBTQ Noam party, with its leaders and prominent ministers of Netanyahu's government having openly aimed for legalising LGBTQ hatred, such as the prohibition of gay pride parades, calling for healthcare providers and private business owners to refuse service to LGBTQ, in order to avoid acts

that went against their religious beliefs (Ben Zion, 2022). Besides, Avi Maoz, head of the Noam party, “disapproves of equal opportunities for women in the military, ” which further provoked criticism from civic society and the military. (Knell & Gritten, 2022)

Whereas in Qatar, in accordance with the discussed topic, it is necessary to note the legal and practical presence of discriminatory laws (such as the guardian system, which will later be developed; and the Penal Code, which criminalise a range consensual same-sex sexual acts) significantly limits the civil liberties of minority groups. (Grothe, 2022)

According to Amnesty International, women are tied to male guardians, requiring their permission for marriage, education, labour, movement, and well-being decisions, resulting in a lack of freedom of accessing human rights. Noof al-Maadeed, a 23-year-old Qatari woman who sought asylum in the UK because of family abuse, decided to return to Qatar after being ensured by the authorities. Despite authorities’ reassurances of her safety, since 13 October, her whereabouts remain unknown after stating on social media that she received threats from her family to the police. (*Qatar Archives*, n.d.)

Proving that officials working within discriminatory law enforcement systems endanger citizens' security and well-being.

These are just some examples of the most notorious news events regarding this topic during this year.

“Our hopes for a more just, safe, and peaceful world can only be achieved when there is universal respect for the inherent dignity and equal rights of all members of the human family.” – UN Women Executive Director Phumzile Mlambo-Ngcuka

To point a centre of discussion, the selected topic, inspired by the [A/HRC/50/27], resulted in a readaptation in accordance with SEKMUN administration, which sought to focus the debate within the Middle East, (a.k.a Mideast) which its general definition is referencing areas “from Libya east to Afghanistan, usually including Egypt, Sudan, Israel, Jordan, Lebanon, Syria, Turkey, Iraq, Iran, Saudi Arabia, and the other countries of Arabia.” (‘The Middle East | English Meaning - Cambridge Dictionary’, n.d.) Furthermore, areas such as Iran, Afghanistan, India, Tibet, and Myanmar (Burma) are occasionally included, thus, to provide exactitude and avoid confusion, the chair will rather be adopting the concept of the Greater Middle East. (see Figure 1, (El-Hajj et al., 2016))

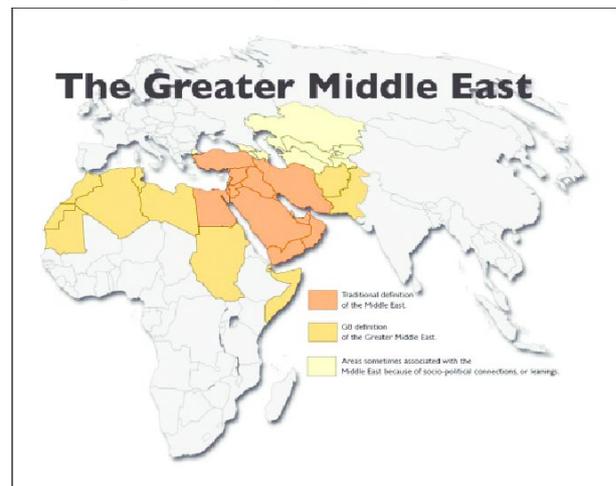


Figure 1. Illustration of the Greater Middle East (El-Hajj et al., 2016)

Moreover, it is necessary to understand the difference between sex and gender. According to the World Health Organisation (WHO), “gender and sex are related to but different from gender identity.” From which sex “refers to the different biological and physiological characteristics of females, males and intersex persons,” While Gender identity refers to “a person’s deeply felt, internal and individual experience of gender, which may or may not correspond to the person’s physiology or designated sex at birth.” (WHO & Kari, n.d.)

But why is the right to physical and mental health and well-being related to discrimination and violence regarding sexual orientation and gender?

According to UN Free & Equal, a wide range of HR violations are committed against individuals due to their sexual orientation and gender identity. For example, violent attacks (aggressive verbal abuse and psychological bullying to physical assault, beatings, torture, kidnapping and targeted killings), discriminatory criminal laws (laws criminalizing consensual same-sex relationships, which violate rights to privacy and to freedom from discrimination), curbs on free speech and restrictions on rights to freedom of association and assembly (including laws banning dissemination of

information on same-sex sexuality under the guise of restricting the spread of so-called LGBT “propaganda.”) and treatment in everyday settings.

Altogether, it is indeed a major human rights challenge that recalls cooperation and negotiation in order to confront it.

II.ii Program, Objectives & Goals

“We declare that human rights are for all of us, all the time: whoever we are and wherever we are from; no matter our class, our opinions, our sexual orientation.” – Former UN Secretary-General Ban Ki-moon, (Branch, 2015)

The delegations should pursue an outcome from the discussed topic that:

- Committed with the established international treaties and respects alternative factors
- Is in accordance with the 17 [Sustainable Development Goals](#) (SDGs),
 - To ensure healthy lives and promote well-being for all at all ages (SDG 3-.3, .4, .7, .8)
 - To achieve gender equality and empower all women and girls (SDG 5-.1, .2, .3, .6, .b, .c)
 - To reduce inequality within and among countries (SDG 10-.2, .3, .4)
 - To promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (SDG 16-.1, .3, .7, .10, .b)
- Develops a specific, measurable, achievable, relevant, and time-bound (SMART) resolution

II.iii Recommendations

While the chair encourages innovation for creative and SMART (setting specific, measurable, achievable, relevant, and time-bound) proposals, it also recommends revising previous approved and rejected resolutions presented by the United Nations

Human Rights Council (UNHRC), to grasp an idea of how proposals work, furthermore, to provide guidance on the appropriate structure of a draft resolution which shall be submitted, presented, and voted on, in order to arrange adequate resolution to the discussed matter.

The exposed topic was prompted by the [\[A/HRC/50/27\]](#), which is a rejected resolution by vote: 20-21-3 from the [50th regular session of the Human Rights Council](#), presented by the Current UN Independent Expert on sexual orientation and gender identity, Victor Madrigal-Borloz. Receiving an [additional amendment](#) proposed by Pakistan.

Madrigal-Borloz recommends' are mainly structured by acknowledgement, support, protection, indirect discrimination, representation, and evidence-based action.

- 1) Acknowledging the need to “leave no one behind” by eradicating discrimination and violence based on sexual orientation and gender identity. Recognising gender diverse and intersex persons as subjects included by the HR and SDGs. Acknowledging the disproportionate impact of COVID-19 on the discussed matter.
- 2) Support the end of laws and policies that place arbitrary and discriminatory restrictions on victims, rather empower conducive legal institutional and social environments. Recognise and support advocates, human rights defenders and organisations.
- 3) Repeal restricting legislature that affects the advancement of the set objective. Provide training for public officials.
- 4) And others.

The chair recommends to check out Madrigal-Borloz's latest report on protection against violence and discrimination based on sexual orientation and gender identity [\[A/77/235\]](#).

A document published online by the UN Free & Equal, a global public information campaign led by the UNHRO, named *International-Human-Rights-Law.pdf*, argued for States to:

1. Protect individuals from discriminatory violence and treatment
 - Enact laws to discourage such actions and create systems of response.
 - Provide training to law enforcement personnel and remedies to victims
 - Recognize persecution on basis of sexual orientation as valid for asylum claims.

2. Repeal discriminatory laws, and ensure unbiased arrests or detention, regardless of sexual orientation or gender identity.
3. Prohibit discrimination, by enacting legislation to prevent those actions. Promote education and training to acknowledge discrimination and stigmatization of LGBT and intersex individuals.
4. Safeguard rights to freedom of expression, association, and peaceful assembly
 - Promote cultural equality and diversity.

In [\[A/HRC/RES/17/19\]](#), the HRC first expressed grave concern about acts of violence and discrimination, worldwide, committed towards individuals on the basis of their sexual orientation and gender identity, and pushed forward the decision of discussion.

In [\[A/HRC/17/L.9\]](#), established an international working group to investigate ways of applying international laws to ensure zero tolerance for previously mentioned actions.

[\[A/HRC/19/41\]](#), a report presented by the UN High Commissioner for Human Rights, presents a wide range of recommendations and observations of the dealt topic.

More resolutions can be found [here](#).

It is recommended for the delegations to review the voting results of resolutions, as often each country's position might be represented through their vote.

Besides the previously listed ones, understanding the discussed topic to be closely interlinked with the World Health Organisation (WHO), the chair also recommends checking its (WHO & Kari, n.d.):

- [WHA 67.15 Strengthening the role of the health system in addressing violence, in particular against women and girls, and against children](#)
- [WHA 60.25 Strategy for integrating gender analysis and actions into the work of WHO](#)

When writing a draft resolution, the chair taking past experiences recommends including certain elements in the preparation and development of the discussed topic:

- i. Extensive understanding of the contextual background and the debated matters during the committee.
- ii. International treaties treating the discussed subject.
- iii. Adaptable recommendations, that are developed from the caucuses and speeches,
- iv. Interests of parties within and outside in reference to the discussed subject.
- v. Recognize clear allies, counterparts, and potential allies.

II.iv Resolution Performance Measurement

To ensure the efficiency and veracity of the resolution's development and results, the UN often recalls the cooperation of external, independent established entities to provide reliable data, though more commonly the committees will rather choose to establish international, independent working groups or demand a Special Rapporteur to report back to the committee the results of their investigations.

II.v Implications

Proposing a resolution is after all the product of negotiation from 6 sessions, whereas delegations through caucuses and speeches, comprehend the interests of each corresponding delegation, taking into consideration the points remarked presented, thus developing a compelling resolution that invites other delegations to hold a similar ground, as often is told, people are driven by interests.

Nevertheless, it is inevitable that conflicts of interest surge from debates, not to mention in political contexts, thus Human Rights Council isn't an exception to such limitation.

“Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. ... Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.” – Eleanor Roosevelt, (Branch, 2015)

From a starting point, when discussing the UDHR, two major sides are proposed, HR universalist advocates and cultural relativists. As argued by Renteln (2013), due to the UDHR draft committee being dominantly formed by lawyers, created two major consequences: first, HRs instead of being empirical became a normative field, which in the words of Panikkar was vulnerable to becoming a so-called “Trojan horse”, as “vehicle for the promotion of Western values and modernity”, and secondly, while lacking multidiscipline scholarship, the HRs turned out to be a legal discipline. (Renteln, 2013) This involves providing an analysis of the outcomes of the proposed solution, including an estimation of the costs and benefits politically, financially, welfare, etc. All in all, Renteln concluded that not “all people share a single moral conception”, however, simultaneously, one should not abandon the search for universal values. Yet, the presumption of universality must be shed, to search through empirical methods, and cross-cultural universals.

“Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them. Our strength is our unity of purpose. To that high concept there can be no end save victory.” – Franklin D. Roosevelt, (Branch, 2015)

For more details, the chair recommends Renteln’s *International Human Rights: Universalism Versus Relativism* (2013).

Another major implication, instead of being the result of the debate, is rather caused by the SEKMUN administration’s demands, as it was informed that the topic to be dealt with should show simplicity to allow delegations to fully and easily comprehend the theme, thus while the original topic prompted by the UNHRC dealt a much more universal context, this context has been focused in the Middle East, as the chair thought that taking into consideration recent event in the past two years, hatred and violence have incremented throughout the years, and in particular cases, discrimination and violence towards minority groups have impacted in their adequate access to the Article 25, and not to mention the violation of respective Articles 1 through 29, with an exception of article, 4, 8, 12, 15, 24, 25 of the [Universal Declaration of Human Rights](#),

and many other correspondent international treaties that secure and provide a safe world to its citizens.

While, indeed, most recent events in the Middle East have flooded the media, it is also crucial for the delegations to bear in mind that discrimination and violence regarding sexual orientation and gender are not subject to specific areas, as it should be clear to everyone reading this guide, the United Nations set forwards by its [Purposes and Principles](#) set by Articles 1 and 2 clearly stated in the [UN Charter](#), the extend of the debate should also acknowledge that most developed nations from the Global North are also subject to the same issues, whether at higher or lower extends, it is, after all, a universal challenge to overcome.

Thus, the chair recommends the delegations avoid falling into a Westernized perspective.

Deepening towards the details of the presented resolutions, as initially mentioned, understanding interests are essential for negotiation, thus having an estimated cost and benefits in political, financial, welfare, etc. areas provide a convincing image of the proposed resolution.

For example, empowering different amounts of financial funds to establish a more open-minded medical system will vary in each state's economical capacities. Or how to establish ideal political contexts to further promote values guided by the UN.

II.vi Conclusion

[“All human beings are born free and equal in dignity and rights.”](#)
(United Nations, n.d.)

All in all, the discussed topic is an urgent challenge that, while being a new issue, the necessity to tackle, is undoubtedly crucial for the human advancement of moral and social development. While it may be a complex topic at first, the comprehension of it will provide extensive comprehension of HR enforcement for all present delegations. The topic will not only provide knowledge about the right to adequate health and well-being and the consequences of discrimination established on the basis of sexual orientation and gender identity, but also enhance comprehension of how global politics

are structured within the UN, and how through negotiation and cooperation, the resolutions are able to promote development for humanity.

Being a previous delegation from the HRC, it is for me an incredible opportunity and honour, to share this passion for global politics and many other disciplines with future players on the international stage.

The chair wishes a great day and welcomes the distinguished delegations to the Human Rights Council, as the chair cannot wait for the commencement of the event.

“There can be no peace without development, no development without peace, and no lasting peace or sustainable development without respect for human rights and the rule of law.” – Former UN Deputy Secretary-General Jan Eliasson, (Branch, 2015)

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