



HELP Model United Nations Conference 2021
United Nations Human Rights Council (UNHRC)



Chair Introduction

Nicholas Chan, Chair

Hello delegates, my name is Nick and I just started studying AS levels at Charterhouse Malaysia a few months ago. My ambition which I struggled for so long to figure out is to become a doctor. For hobbies, I play a lot of video games and read a lot of manga, usually gravitating towards the horror genre.

I am looking forward to making your HELPMUN experience engaging and worthwhile, though this is my first time chairing so I apologise in advance for any hiccups throughout the conference. This research report is just a primer and does not by any means include everything there is to know about both topics, so it is compulsory for all delegates wanting to have competent arguments to conduct further research. HRC is simpler compared to some other councils, so it is a good first council for beginner delegates. But beginner or not, never hesitate to ask me or Aidan for help on anything.

Email: nicholaschan187@gmail.com

Best Regards,
Nicholas Chan Ze Shan

Aidan Jude Mark, Co-Chair

Greetings delegates, my name is Aidan. I am a 13 year old student at SMK Subang Utama. I started my MUN journey in late February when I delegated in TLMUN 2021. Since then I have delegated in councils such as the UNHRC and Dewan Rakyat. I've always planned to become a corporate lawyer but my increasing interest in Malaysian politics has had me thinking twice. During my free time you will find me listening to Billy Joel or bottom fragging in Valorant. Anyways, I hope you have a wonderful and fruitful experience in HELPMUNC and I look forward to meeting you.

Email: aidanmark77@gmail.com

Cheers,
Aidan Jude Mark



Position Paper Guidelines

Since the UNHRC will be conducted in Malaysia Standardised Harvard MUN Rules of Procedures, position papers are mandatory in order to be considered for any rewards. It provides the council with detailed information of your country's stance and policy as well as your proposed course of action. This also helps the Board of Dias to paint a comprehensive picture of your position and research.

Keep in mind that plagiarism (20% or more) will not be tolerated, in which the Dais or Secretariat has the right to disqualify them from any awards.

A position paper should include the following:

- Background of the issue;
- Stance and policy of your stakeholders;
- Relations to other parties;
- Solutions relevant to the topic and;
- Bibliography.

Formatting guidelines for the position paper:

- Font: Times New Roman
- Size and spacing: size 12 and 1.15 spacing
- Paragraphing format: justified
- Page size: A4 and normal margin
- Citation/Bibliography: APA citation
- Maximum pages: 1.5 pages per topic (excluding Bibliography)



Introduction To Committee

Brief History

The Human Rights Council is the main organ of the United Nations “responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.” Its duty entails responding to urgent human rights and humanitarian law. HRC has a global scope, working to promote and protect all human rights.

Since the adoption of the *Universal Declaration of Human Rights* (UDHR) in 1948, the human rights agenda has expanded greatly. To facilitate the implementation of the UDHR, the UN Secretariat established a UN department responsible for overseeing its human rights program. This department, known as the Center for Human Rights, expanded its reach in the 1980s and moved from New York to Geneva. In 1993, at the World Conference on Human Rights, Member States created the Office of the UN High Commissioner for Human Rights (OHCHR) with the responsibility of coordinating the human rights agenda across all intergovernmental agencies and departments within the UN. OHCHR is responsible for the substantive, logistical, and administrative needs of all UN human rights mechanisms, including core treaty-based bodies, thematic working groups, and the HRC.

Mandate and Nature of UNHRC

The HRC possesses a unique and comprehensive mandate guided by the principles of “universality, impartiality, objectivity and non-selectivity, constructive international dialogue, and cooperation.” The General Assembly mandates the HRC to promote universal respect for human rights and fundamental freedoms; to address and provide recommendations on all, and particularly grave and systematic violations of human rights; and to promote an effective system of coordination within the UN system with respect to human rights issues.

Also crucial in informing the mandate and work of the HRC is the *International Bill of Human Rights*, which encompasses the UDHR, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and the *International Covenant on Civil and Political Rights* (ICCPR) with its two Optional Protocols. Additionally, the *2030 Agenda for Sustainable Development* and the 17 Sustainable Development Goals guide the work of the HRC



Topic 1: Addressing the Erosion of LGBTQ Rights **NOTE: This chapter for this research report is by no means comprehensive to use as the only research instrument for a delegate's conference preparation. That being said, delegates can use this as a guideline and further their research based on the broad topics that are mentioned in this report.*

"Injustice anywhere is a threat to justice everywhere"

Brief Introduction to the Topic

In all regions of the world people who identify as lesbian, gay, bisexual and transgender (LGBT) as well as other sexual minorities, or those who are perceived to fit this category regardless of their actual sexual orientation, often battle with discrimination, harassment and violence on a daily basis. Putting it simply, those who do not conform to social norms in regard to sexuality face challenges in the different arenas that constitutes a person's everyday life. These arenas include but are not limited to school, the labour market and healthcare.

One's sexuality may also impede one's life in a negative manner in other settings, as it might result in rejection by family and community and prompt hate motivated violence directed at the LGBT-individual.

The worldwide community has recognised the predicament of LGBT people and, inspired by a sense of equality, has taken steps to protect them by strengthening existing laws and passing new legislation.

LGBT people's rights There is currently no international instrument that directly addresses this issue.

Individuals who identify as LGBT are protected, but there are alternative options.

LGBT people continue to face horrific discrimination around the world, and international organisations' efforts to protect them are thwarted by governments that refuse to recognise their rights. In recent years, certain countries have attempted to establish legislation criminalising homosexuality and "LGBT acts" that are now punishable.

Shown below are small insights from a range of countries where the erosion of LGBTQ rights is a prevalent problem:

The United States: 2020 has been the deadliest year on record in the U.S. for murders of trans- and gender-nonconforming people. At least 37 people have died, and those are the ones that are known.

Kuwait: Quash Conviction Against Transgender Woman



Egypt: Discriminatory System Killed a Transgender Man, Ezz Eldin, who also went by Ahmed Fares, need not have died, and what should have been a life-affirming surgery instead became a life-threatening procedure in an unauthorized clinic. A dysfunctional, discriminatory system left him with no surgical alternative.

Cameroon: Intersex Person Victim of Horrific Attack, law enforcement arrested a man in connection with the attack but released him 48 hours later.

The erosion of the LGBTQ rights was also shown in the United States under the Trump Administration. The Trump Department of State released a report in July 2020 via its controversial Commission on Unalienable Rights (launched in 2019), which demonstrated an alternative view of human rights that emphasizes property rights and puts primacy on certain rights over others, specifically religious liberty.

The commission, launched to allegedly examine the role of human rights in foreign policy, is stacked with anti-choice and anti-LGBTQ thinkers. A GLAAD analysis determined that 7 of the 10 members have a history battling LGBTQ rights. More than 160 groups signed a letter expressing grave concern about the commission in 2019 when it launched.

In March, several groups filed a lawsuit to stop the commission's work, alleging it was created and operated in violation of the Federal Advisory Committee Act of 1972. The act stipulates, among other things, that members of such committees be "fairly balanced" in terms of points of view.

2020 also saw the ramping up of anti-trans work. According to the ACLU, a record number of anti-trans bills directed at trans youth were proposed in at least 23 states (according to the ACLU map on its site). The most common bills included attempts to restrict access to gender-affirming healthcare for minors and excluding trans youth from school athletics.

The opposition to comprehensive sexuality education in public schools is another facet of the anti-LGBTQ movement. Smaller state coalitions, many of which include the word "parent" in their names, are uniting against school districts and garnering the support of state politicians and groups to establish abstinence-only programmes. Comprehensive sexuality education, according to the groups, "sexualizes" children and "indoctrinates" them into becoming LGBTQ.

Past Initiatives taken on LGBTQ Rights

Many institutions, NGOs and privately owned businesses have taken many initiatives for the betterment of the LGBTQ community. Among them are,



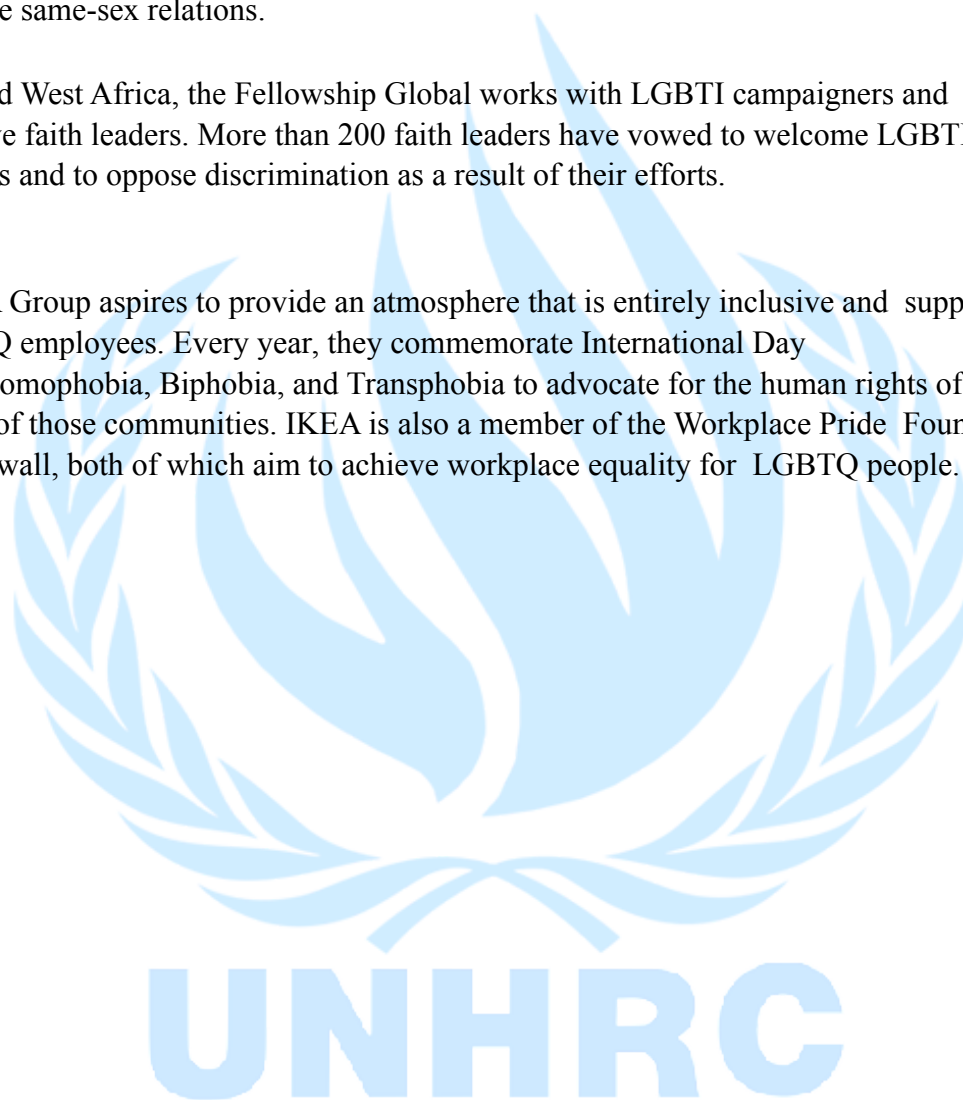
The United Nations Free and Equal campaign which advocates for equal rights and fair treatment among those in the LGBTQ community.

LGBT Freedom Asylum Network which supports LGBT asylum seekers, asylees and refugees living in the U.S., and the faith-based groups working with them.

Erasing 76 Crimes, A news blog focusing on the human toll of the 78 countries that criminalize same-sex relations.

In East and West Africa, the Fellowship Global works with LGBTI campaigners and progressive faith leaders. More than 200 faith leaders have vowed to welcome LGBTI individuals and to oppose discrimination as a result of their efforts.

The IKEA Group aspires to provide an atmosphere that is entirely inclusive and supportive of LGBTQ employees. Every year, they commemorate International Day Against Homophobia, Biphobia, and Transphobia to advocate for the human rights of members of those communities. IKEA is also a member of the Workplace Pride Foundation and Stonewall, both of which aim to achieve workplace equality for LGBTQ people.





Possible Solutions

Some key factors to ensuring the success of governmental programs to end the erosion of LGBTQ rights include:

- Integrate LGBTQ related Topics into the Curriculum.
- Passing laws that protect the rights of the LGBTQ community •

Organise campaigns on LGBTQ awareness.

- Political commitment
- Aiding NGOs that protect the rights of the LGBTQ community financially.

A large, light blue watermark of the UNHRC logo is centered on the page. It features a stylized flame or leaf design within a laurel wreath, with the letters "UNHRC" in a bold, sans-serif font below it.

UNHRC



Topic 2: Addressing the Practice of Shackling

**NOTE: This chapter for this research report is by no means comprehensive to use as the only research instrument for a delegate's conference preparation. That being said, delegates can use this as a guideline and further their research based on the broad topics that are mentioned in this report.*

“If you have been chained, life becomes meaningless to you. You are no longer treated as part of society, you feel all is lost.” **Brief Introduction to Topic**

Shackling

The inhumane practice called “shackling” involves the chaining and locking of men, women and children with mental health conditions. These people are held in overcrowded, small rooms where they are forced to eat, sleep, urinate and defecate. It exists due to inadequate support and mental health services as well as widespread beliefs that stigmatize people with psychosocial disabilities.

Some Definitions

- Faith healing:

Divine power to cure mental or physical disabilities, either in conjunction with orthodox medical care or in place of it.

- Psychosocial disability:

The social consequences of disability and the way lives are impacted upon due to mental illness.

- Social exclusion:

The denial of access to various rights, benefits and resources to certain groups of individuals within society.

Shackling in our world

Article 5 of the UN Universal Declaration of Human Rights (UDHR) states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”. Unfortunately, like many articles of the UDHR, it is ignored and avoided, with issues like shackling and mental health drawing limited government attention in many nations.



Shackling is forced upon many different communities in a wide range of countries (about 60) for a range of motivations. Generally, shackling is more common in countries with high poverty rates that spend less than 2 percent of their annual budgets on mental health. The many decades of conflict in these nations result in large numbers of people with mental issues that are not met with adequate support systems. Hence families resort to cultural and religious institutions for help. The shame and stigma attached to mental illness is reinforced by these institutions, with some stating that the mentally ill are “possessed by demons”.

Existing mental health services are often under-utilized or do not comply with international human rights standards because of limited understanding and awareness of mental health. In many countries around the world, there is a widespread belief that mental health conditions are the result of possession by evil spirits or the devil, having sinned, displaying immoral behaviour, or having a lack of faith. Therefore, people first consult faith or traditional healers and often only seek medical advice as a last resort.

Families who struggle to cope with the demands of caring for a relative with a psychosocial disability may feel they have no choice but to shackle them. People with real or perceived psychosocial disabilities can be shackled for days and weeks, to months, and even years.

Generally, in countries where people believe mental health is a spiritual issue and robust mental health services are lacking, private institutions and faith-healing facilities flourish.

Shown below are small insights from a range of countries where shackling is a prevalent problem:

- China – about 100,000 people are shackled or locked in cages in Hebei province alone
- Indonesia – 57,000 people with mental health conditions have been in shackles at least once in their lives.
- India – thousands of people with mental health conditions were found chained like cattle in the state of Uttar Pradesh



- Nigeria – the youngest child chained was 10 years old and the oldest person was an 86 year old man
- Saudi Arabia – a man with a psychosocial disability spent 37 years chained in a cave in the mountains in Wadi Al-Sabab
- Philippines – the ratio of psychiatrists to persons is 0.52 to 100,000, much lower than other countries with similar income levels. Most psychiatrists in the Philippines work in for-profit or private sectors.

Past Anti – Shackling Initiatives

In a few countries, government efforts at the national level to eradicate shackling have had some success in creating a roadmap to ending the practice. Shown below are key examples of good progress from the Human Rights Watch (HRW) report on shackling, taken with little alteration from the report itself:

In 2006, the WHO launched the “Chain-Free Initiative” in Somalia and Afghanistan. The objective was to combat stigma by raising awareness on mental health and put an end to chaining in homes as well as in hospitals. As a result of this initiative, according to the WHO, 1,700 people were freed from chains in Somalia between 2007 and 2010. Of these, 1,355 had been chained in Habeb hospital in Mogadishu, the capital, and 417 in the surrounding community. Overt commitment by political leaders and building capacity of existing health workers were critical to the success of the chain-free initiative in Somalia.

Between 2005 and 2015, China implemented the “686” pilot program to provide basic mental health services on a large scale, which included an initiative to “unlock” people with psychosocial disabilities shackled in homes. By 2012, the program had “unlocked” 271 people who had been shackled for periods ranging from 2 weeks to 28 years across 26 provinces. The program demonstrated that accessible community-based mental health services were key to ensuring people remained free from chains and proved to be an example of how non-healthcare workers could be mobilized to deliver services in rural and low-resource settings. However, one of the main concerns about the 686 program was that it predominantly took a medical approach to mental health that focused on freeing people from chains and then admitting them to a psychiatric hospital for treatment or putting them on a regimen of mental health medication.



Under the 686 “unlocking” initiative, 266 people were given mental health medication and 88 percent of all those who were unlocked were admitted to a psychiatric hospital. Human Rights Watch’s research into mental health settings in at least 25 countries has found that people with mental health conditions can face a range of abuses when sent to a psychiatric hospital, such as arbitrary detention, involuntary treatment, including electroconvulsive therapy, forced seclusion as well as physical and sexual violence. As of 2012, 92 percent of the people who had been “unlocked” in China remained free from chains. There is no publicly available current data on whether the people released by the 686 initiative remain free or whether they have access to ongoing support in the community.

In Sierra Leone, while chaining continues to be practiced in faith healing centres, it is now prohibited at the Sierra Leone Psychiatric Teaching Hospital, the country’s only mental health facility located in Freetown. Until 2018, people with mental health conditions being admitted to the psychiatric hospital were asked to pay for a padlock and chain prior to admission. After long-term advocacy by organizations such as the Mental Health Coalition of Sierra Leone, chaining was banned in policy.

Possible Solutions

Some key factors to ensuring the success of governmental programs to end shackling include:

- Sustained political commitment;
- A ban on shackling in law and in policy;
- Awareness on mental health, combating negative stereotypes and beliefs that mental health conditions are the direct result of demonic possession;
- Independent and regular monitoring to ensure the ban on shackling is enforced;
- Access to affordable and quality mental health services that help prevent shackling and support and reintegrate recently freed people.

With the right kind of support, people with mental health conditions can live and thrive in their communities. In Tanzania, Malaki, a boy with an intellectual disability was chained to a pole by his family to ensure he remained safe in his home in Nyarugusu refugee camp in Kigoma province in Tanzania in 2017. When the Special Olympics team had Malaki released, he got the opportunity and training to play football. Malaki’s story helped shape his community



to be more inclusive and accepting. Malaki went from playing football in the Nyarugusu camp in Tanzania to the 2019 Special Olympics World Games in Abu Dhabi, United Arab Emirates.





Citations for Topic A

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Citations for Topic B

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