



Delhi Public School,  
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# UNHRC

United Nations Human Rights  
Council

## Letter from the Executive Board

Greetings Delegates! Firstly, welcome to the United Nations Human Rights Council at DPSHMUN 2023.

We are glad that you are here and hope to give you a positive learning experience in an entertaining and fun manner. The main focus of the committee is obviously going to be the delegates and we'll make sure from our end that every delegate is heard and that there is an unbiased judgement on our end. Secondly, we would like to emphasise that there are certain positive actions that we expect from every delegate. These include participating in the committee, reading the background thoroughly and understanding the agenda. For success in anything, hard work is going to be key, and this committee is not going to be any different. We expect every delegate to research appropriately on the agenda and about their country's position and foreign policy.

This guide exists solely, as the name states, to give you some basic information about the agenda. This cannot suffice as your only source of information. Delegates will need to scratch far beyond the surface as the agendas that have been presented to you are quite gargantuan in nature. We would still recommend that you are thorough with the content in the guide, as it acts as a springboard for further research. Extensive research will help you take the committee in the right direction, it will prevent debate from getting rancid. The executive board will not interfere substantially at any time unless necessary. If you are a first-timer, we would like to reiterate what we were saying before - research goes a long way. MUNs can be a great learning experience and we will do our best to make sure you have an amazing time and experience. Hoping to see you guys soon and happy researching!

## ABOUT THE COMMITTEE

The United Nations was founded in 1945 after the Second World War by 51 countries that were committed to achieving success in terms of these four goals listed while promoting social progress, better living standards, and human rights. The Human Rights Council is an inter-governmental body within the United Nations system 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. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.

UNHRC has played the role of a political platform that aims to ensure that human rights remain a top priority within the UN.

1. **Global Reach** - UNHRC has a wide mandate which facilitates it to respond to human rights cases across the globe. In doing so, it also brings the members of civil society together for voicing concerns related to human rights in their respective local regions.
2. **Special Procedures** - Special Procedures of UNHRC are a universal source of knowledge on human rights themes and country-specific conditions which helps to improve the understanding of human rights law
3. **Universal Periodic Review** - The Universal Periodic Review motivates nation-level dialogues on human rights, and also mandates that every UN member state examines human rights on a regular basis. It ensures transparency and accountability in the functioning of UNHRC.
4. **Condemning the violations** - In the recent past, the resolutions adopted by the UNHRC have highlighted and condemned distinctive violations despite the efforts to the contrary by some members of the HRC.
5. **Issue-based coalitions** - There is an increasing number of countries from all parts of the world which have started working together to further human rights, irrespective of their shared history and regional politics. The regional bloc voting practices have become a matter of the past, and considered discussion along with collective action is becoming possible.
- 6) **Role of special rapporteurs** - The experts' mandates (Special Rapporteurs) recommended by UNHRC have resulted in manifested actions on problems ranging from combating torture in Jordan to protecting journalists in

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## **INTERNATIONAL HUMAN RIGHTS LAW**

International Human Rights Law can be defined as the set of laws that promote human rights which are made up of treaties, agreements between states, and customs that hold the force of law. While international treaties and customary law form the backbone of international human rights law other instruments, such as declarations, guidelines, and principles adopted at the international level contribute to its understanding, implementation and development.

### **UDHR**

The Universal Declaration of Human Rights (UDHR) is one of the most important international frameworks concerning human rights. It was signed on 10<sup>th</sup> December, 1948 in New York, United States of America. It set the foundation of the corpus of International Human Rights Law.

### **ICCPR AND ICESCR**

The International Covenant on Civil and Political Rights and its two optional protocols and the International Covenant on Economic, Social and Cultural Rights built on the rights that were enshrined in the UDHR, and set forth everyday rights such as the right to life, equality before law, freedom of expression, etc. They came into force in 1976 and became effectively binding on Countries that ratified them and the UDHR. Together with the UDHR, the two covenants form the ‘International Bill of Human Rights’. While the ICCPR focused on freedom of expression and right to life, ICESCR focused on food, education, shelter and health.

Some legal instruments, like the aforementioned ‘International Bill of Human Rights’, have legal force while some don’t. However, these other international human rights instruments do have persuasive value and have been recognized as a source of political obligation.

A state becomes a party to a treaty when it ratifies the said treaty. This ratification can be done by various ways which differ from country to country. But upon ratification every country assumes obligations and duties under international law to respect, to protect and fulfil human rights which are laid down in the international human right treaties. This means the states must refrain from curtailing the enjoyment of human rights and protect the individuals and groups against human right abuses.

The governments are also obligated to put in place domestic measures and legislations based on their treaty obligations and duties. If the domestic provisions fail then the international human right standards can be implemented and enforced at a local level.

## INTRODUCTION TO THE AGENDA

### What is marriage equality?

Marriage Equality refers to the recognition of equal rights to marry someone irrespective of their caste, class, gender, religion, race, sex, place of birth. While this appears to be a broad definition, there are various nuanced problems relating to granting of such rights. Some of the difficulties that arise in achieving this manifest themselves in the forms of social and legal barriers to marriage between inter-religious or inters-sex marriages.

### Current State of Marriage Equality

There are currently 34 countries where same-sex marriage is legal: Andorra, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, the United Kingdom, the United States of America and Uruguay.

### International Institutions & Marriage Equality

**The Inter-American Court of Human Rights** is an independent judicial institution of the Organization of American States. In 2018, it issued an advisory opinion to Costa Rica that signatories of the American Convention on Human Rights are obliged to make same-sex marriage legal. The Court's guidance applies to 20 signatory countries and has proven a powerful tool in advocating for marriage equality in these countries.

**The European Court of Justice (ECJ)** serves as a high court in the European Union. In 2018, the ECJ determined that all EU countries were required to recognize the same-sex marriages of EU and non-EU citizens for purposes of immigration, regardless of whether same-sex

marriage is legal in those countries. In recognition of this decision, the Supreme Administrative Court of Bulgaria affirmed in 2019 that the country would recognize such same-sex marriages for the purposes of immigration.

### **Intercaste and Interracial Marriage**

Marriage equality and inter-caste marriage have become significant topics in the political landscape, representing the ongoing struggle for equal rights and social progress. From a political standpoint, supporting marriage equality entails advocating for the recognition and legal protection of same-sex marriages, ensuring that all individuals, regardless of their sexual orientation, have the right to enter into a committed and loving union. It reflects a commitment to inclusivity, human rights, and the acknowledgment that love and companionship should not be limited by gender. Similarly, endorsing intercaste marriage acknowledges the importance of dismantling social barriers and promoting unity in diverse societies. Political leaders who champion these causes demonstrate their commitment to fostering a fair and just society that values diversity and upholds the principles of equality and individual freedom.

Endorsing interracial marriage reflects a political commitment to dismantling racial discrimination and embracing diversity. Acknowledging the validity of interracial relationships acknowledges the importance of love and personal choice above superficial considerations such as race. From a political standpoint, championing both marriage equality and interracial marriage demonstrates a commitment to fairness, justice, and equal treatment for all individuals, fostering a more inclusive and harmonious society.

Marriage equality and interracial marriage stand as vital milestones in the pursuit of social justice and equal rights. The recognition and legal protection of these unions demonstrate a commitment to upholding fundamental principles of fairness, inclusivity, and non-discrimination. By extending the right to marry to same-sex couples, societies have acknowledged that love and commitment are not restricted by gender, fostering a more inclusive and equitable society. Similarly, embracing interracial marriages signifies a rejection of historical racial prejudices and an affirmation of the principles of equality and unity. These progressive advancements reflect the evolving social consciousness, demonstrating that political systems can play a crucial role in dismantling discriminatory practices and ensuring equal rights for all individuals, regardless of their sexual orientation or race.

### **Interfaith marriage**

Interfaith marriages, which involve couples from different religious backgrounds, not only encounter cultural and societal challenges but also face various legal hurdles. This note sheds

light on some of the legal challenges faced by interfaith couples, highlighting the importance of legal awareness, protection of individual rights, and the need for inclusive legal frameworks.

#### Legal Challenges Faced by Interfaith Couples:

**Marriage Laws:** Different countries have diverse legal frameworks surrounding marriage, including requirements for marriage licenses, documentation, and ceremonies. Interfaith couples may face complexities in complying with these laws, particularly if they have different religious customs or lack recognition for their specific type of interfaith marriage.

**Religious Ceremony and Civil Registration:** Interfaith couples often navigate the dual process of religious ceremonies and civil registration. In some cases, conflicts may arise between religious customs and legal requirements, necessitating careful consideration and negotiation between the couple, their families, and religious and civil authorities.

**Recognition and Legitimacy:** Interfaith marriages may not be recognized or may face limited recognition in some jurisdictions, leading to potential issues with legal rights and benefits. This lack of recognition can affect matters such as inheritance, property rights, spousal support, and child custody, creating uncertainties and potential inequalities for interfaith couples.

**Personal Status Laws:** In countries with personal status laws based on religious traditions, interfaith couples may encounter challenges related to divorce, child custody, adoption, and inheritance. These legal systems, rooted in specific religious principles, may favor one religious partner over the other, potentially resulting in unequal treatment and discrimination.

### **UN Documentation on marriage laws**

#### **Article 16: Right to Marry and to Found a Family**

Most of the 30 Articles in the Universal Declaration of Human Rights (UDHR) begin with gender-free language: "Everyone," "All" or "No One." But Article 16 states that "men and women" have the right to marry, with the women drafters of the UDHR succeeding in their determination that it should spell out clearly that women had equal rights in marriage, given there was still very widespread discrimination in matters relating to marriage at the time.

Some subsequently interpreted the wording as limiting marriage rights to heterosexual couples, although nowadays it is increasingly interpreted as simply referring to both sexes having an equal right to marry, rather than stipulating they must marry someone of the opposite sex. Various UN human rights mechanisms have urged all States to legally recognize same-sex unions – whether by making marriage available to same sex couples or through other arrangements, such as civil partnerships – and have also called for the same benefits and



protections for all. And an increasing number of states are bringing in legislation along these lines.

The UN Human Rights Council, expressing “grave concern” over violence and discrimination against individuals based on sexual orientation and gender identity, commissioned the body’s first study on the topic [PDF] in 2011. In 2014, the council passed a resolution to combat anti-LGBTQ+ violence and discrimination. Two years later, the United Nations appointed its first-ever independent expert on sexual orientation and gender identity. “What is important here is the gradual building of consensus,” says Graeme Reid, director of the lesbian, gay, bisexual, and transgender rights program at Human Rights Watch. “There’s an accumulation of moral pressure on member states to at least address the most overt forms of discrimination or violence.”

### **Questions to be answered in committee**

1. How does marriage equality intersect with broader notions of human rights, non-discrimination, and equality? What legal and social frameworks need to be in place to ensure equal treatment and protection for all individuals regardless of their sexual orientation or gender identity?
2. What are the existing laws and policies regarding marriage equality across different countries? What legal barriers and disparities exist globally, and how can a global framework address these inconsistencies?
3. What role does religion play in discussions around marriage equality? How can religious freedom and LGBTQ+ rights be balanced within a global framework, considering that different religious beliefs and practices may have varying stances on same-sex marriage?
4. How can the global framework address the potential clash between marriage equality and cultural norms or traditional values? What strategies can be implemented to promote understanding, dialogue, and acceptance of diverse perspectives?
5. How can a global framework address the socio-economic disparities and discrimination faced by LGBTQ+ individuals within the institution of marriage? How can it ensure equal access to legal benefits, rights, and protections for same-sex couples?
6. What are the potential challenges in implementing a global framework for marriage equality, considering the political, legal, and cultural complexities across different regions and countries? How can these challenges be overcome or mitigated?

7. How can global organizations, such as the United Nations, play a role in promoting and supporting a global framework for marriage equality? What strategies and initiatives can be implemented to foster international cooperation and advocacy on this issue?
8. How can education and awareness campaigns contribute to changing societal attitudes and perceptions regarding marriage equality on a global scale? What measures can be taken to promote inclusivity, respect, and understanding among diverse communities?
9. What lessons can be learned from countries and regions that have successfully implemented marriage equality? How can best practices and success stories be shared and utilized to advance the global conversation and promote positive change?

Delegates can start their research by visiting the following links

<https://www.hrc.org/resources/marriage-equality-around-the-world>

<https://www.cfr.org/background/marriage-equality-global-comparisons#chapter-title-0-10>

<https://www.ohchr.org/en/press-releases/2018/11/universal-declaration-human-rights-70-30-articles-30-articles-article-16>