

# MUN 2014

*Background Guide:*

*General Assembly  
Third Committee:*

*Social, Humanitarian  
and Cultural Affairs*

University of Illinois at Urbana-Champaign  
March 14-16, 2014

# *Letter from the Director*

*Dear Delegates,*

Welcome to SOCHUM and MUNI 2014. My name is Dinara Healy and I am your Committee Director. I am in my fourth and final year here at the University of Illinois. I am currently pursuing a double major in Global Studies and German.

In addition to Model UN, I have spent my four years creating the Kazakh Student Association, volunteering at the local food pantry, working two different campus jobs, serving as Vice President of the Global Studies Honors Fraternity Sigma Iota Rho and participating for two and a half years in a living-learning residential community called Global Crossroads. My best experience during my university years was studying abroad in Vienna, Austria for a semester.

I am excited for MUNI 2014 and look forward to working with everyone in SOCHUM. This year's topics are LGBT Oppression and advocacy and government control and monitoring of information. Hopefully, this will encourage a lively debate that will introduce resolutions that can eventually be adopted by the United Nations. Since both topics are divisive, the challenge will be to put aside personal country biases in order to develop an international consensus on both issues. I am eager to see what you do with each topic.

Good luck and see you all in March.

Sincerely,

*Dinara Healy*

# *Topic: Rights of Lesbian, Gay, Bisexual, and Transgender Individuals*

## *Brief Overview*

For centuries, LGBT communities have fought for recognition and acceptance. The term LGBT rights refers generally to the ability of lesbian, gay, bisexual, and transgender individuals to exercise the same rights as their heterosexual and sexually normative counterparts. While the earliest LGBT communities were forced into the edges of society, barely acknowledged, a new era of LGBT empowerment and acceptance is beginning to change the tides in most of the world. Just in 2013, there have been two major events that show both sides of the coin of LGBT advocacy and oppression in the modern world. In France, the mechanisms of democracy granted marriage equality for gay and lesbian couples. Then, the Russian government outlawed the practice of a LGBT lifestyle with the threat of imprisonment. While these are only the most prominent cases in recent memory, these developments have brought the pressing issue back to the surface and call for a more international approach to dealing with LGBT oppression. According to Freedom House, over 70 countries criminalize same sex relationships with harsh and common measures including torture and imprisonment. Governments have also taken harsh measures, which include unlawful arrests and beatings, when dealing with those activists who support gay marriage. Although decisions regarding LGBT rights are strictly under the jurisdiction of sovereign states, the Social, Humanitarian and Cultural Affairs Committee has a vested interest in the issue. This interest stems from the Committee's oversight of social, humanitarian, and human rights issues around the world. The Committee specifically focuses on the examination of human rights questions and the fundamental freedoms of racism and discrimination. According to the United Nations' Universal Declaration on Human Rights as articulated by Article 2 states that, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" ("The Universal"). LGBT rights are a subset of basic human rights guaranteed by the Universal Declaration on Human Rights and, therefore, need to be protected in all member states of the United Nations.

## *History of the Issue*

Following the trend of considering LGBT rights protection a non-issue, the United Nations did not formally deal with this problem until a 2008 declaration in the General Assembly. The resolution was sponsored by France and gained support from both Europe and Latin America (MacFarquhar). Particularly, the declaration “condemns human rights violations based on homophobia” (MacFarquhar). The sponsor delegate France chose to present a declaration, because there was a lack of support for a resolution. A resolution is a formal text and, informally considered, “recommendations”; a declaration is an articulation or acknowledgement of an important issue. A declaration is chosen “to indicate that the parties do not intend to create binding obligations but merely want to declare certain aspiration” (Definition). The declaration also dismissed the concept that homosexuality results from different genetic encoding (MacFarquhar). At the time of its introduction, the declaration received the support of 66 countries, though it had notable omissions from that list. The United States refused to support the measure, claiming that it could not enter such an agreement that could override the individual states’ power (MacFarquhar). Russia, China, the Roman Catholic Church and the Organization of the Islamic Conference were also among those opposed to the declaration. Though the declaration, by nature, lacks a binding measure that would enforce the protection of gay rights, the unprecedented statement achieved some results. Firstly, the articulation of gay rights protection allowed gay rights advocates in the individual member countries to continue their support for LGBT rights domestically by breaking the silence by the UN on this rising issue. Additionally, the declaration would lead the way for a subsequent resolution in the UN Human Rights Council, which would make even more progress in the UN protection of LGBT rights.

## *Problems Regarding the Issue*

These issues are continually One of the most prominent is the issue of sovereignty. Since the Treaty of Westphalia, countries have claimed total control of the laws within their own borders. The emergence of multinational alliances like the United Na-

tions has questioned the power of sovereignty, but many nations, including the United States, remain steadfast in their protection of national sovereignty. Importantly, the Universal Declaration on Human Rights states that “no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty” (“The Universal”). Only the individual countries have the power to pass legislation that will either protect or discriminate against LGBT members of the community; however, the United Nations has the power to pass resolutions and give suggestions for how the international community would suggest how the individual member states could handle LGBT rights.

There is also a general denial of the issue which has been a problem. For instance, the United States, a prominent member of the United Nations allowed the military to implement “Don’t Ask, Don’t Tell” measures from 1994 until it was repealed in 2011. At first, the measures attempted to avoid discrimination of the LGBT community, if a member of the community is discovered; it used to result in the immediate dismissal of said member. Other countries attempt to deny that there is a community of LGBT individuals in their country. Ignoring the community can be just as harmful, because it can result in dismissals of cases where discrimination occurs based on a lack of legislation protecting or condemning the community.

Another prominent issue is religion. In 2012, the Organization of the Islamic, which represents 57 countries in the Middle East, Africa and Asia walked out on the Human Rights Council meeting on LGBT Rights and openly criticized other member states in addition to the Office of the High Commissioner for attempting to create international standards that would implement human rights for the community. It is important to respect the beliefs of other religions and also anticipate the response from those countries that do not separate church and state.

## *Corrective Action*

In 2011, the United Nations Human Rights Council passed the “Human Rights, sexual orientation and gender identity” resolution that stated that the body had “grave concern” for human rights abuses based on sexual orientation and gender identity (Zebley). At

the same time, the resolution stated that they were commissioning a study and panel to investigate violence against homosexuals and transgendered individuals. The votes were extremely close at 23 in favor and 19 against, which illustrate how divisive this issue can be especially among the member states. In addition to providing a global response to the human rights abuses that have occurred, the resolution provides a means of documenting human rights abuses. These abuses include the discriminatory laws and violence that are still commonplace in many countries. The resolution is the first step in promoting LGBT rights and ensuring the security of every member of the community.

In 2013, the United Nations launched a website and movement called “Free and Equal” which hopes to fight homophobia and inform the general public about the main issues of LGBT rights. The movement hopes to promote the idea that LGBT rights are a fundamental human right that deserves protection. Even though the timing of the website seems to be perfect following Russia’s very public passing of anti-gay legislation, some critics say that the website may do the opposite of what it intends. It could result in significant and violent backlash in countries that are not as progressive as European countries or equality and free minded towards the gay, bisexual and transgendered communities. Russian activist and journalist Masha Gessen, author of *The Man without a Face: The Unlikely Rise of Vladimir Putin*, has even claimed that, in the case of Russia, the website is simply too little too late. Since the target of this sort of informational system is the countries that have passed legislation similar to Russia’s and the other countries mentioned in the introduction, the effect of Free and Equal is questionable. Nonetheless, the website provides information and positive propaganda for those who wish to learn more.

## *Questions to Consider*

- How can the United Nations promote the protection of LGBT rights within Member States?
- Is it possible to separate protection of LGBT rights from other critical issues like sovereignty and religion?
- What have previous UN endeavors caused and how can they be improved to receive more support during this GA session? How did your Member State vote on each one?

## *Works Cited*

“Combating Discrimination Based on Sexual Orientation and Gender Identity.” Combating Discrimination Based on Sexual Orientation and Gender Identity. United Nations Human Rights: Office of the High Commissioner for Human Rights, n.d. Web. 11 Nov. 2013.

“Definition of Key Terms Used in the UN Treaty Collection.” United Nations Treaty Collection. United Nations, 2013. Web. 13 Dec. 2013.

Hagen, Jamie J. “Will the U.N.’s New Campaign Help or Hurt Gay Rights Abroad?” Rolling Stone Politics. Rolling Stone, 8 Aug. 2013. Web. 18 Dec. 2013.

MacFarquhar, Neil. “In a First, Gay Rights Are Pressed at the U.N.” The New York Times: World. The New York Times, 18 Dec. 2008. Web. 13 Dec. 2013.

The Universal Declaration on Human Rights. Rep. N.p.: n.p., n.d. United Nations Website. United Nations. Web. 2 Dec. 2013.

“UN General Assembly - Third Committee - Social, Humanitarian & Cultural.” UN News Center. UN, n.d. Web. 20 Nov. 2013.

“UN: General Assembly Statement Affirms Rights for All | Human Rights Watch.” UN: General Assembly Statement Affirms Rights for All | Human Rights Watch. United Nations, n.d. Web. 22 Oct. 2013.

Wong, Curtis M. “U.N. Gay Rights Protection Resolution Passes, Hailed As ‘Historic Moment’” The Huffington Post. TheHuffingtonPost.com, 17 June 2011. Web. 19 Oct. 2013.

Zebley, Julia. “JURIST - Paper Chase: UN Rights Council Passes First Gay Rights Resolution.” JURIST - Paper Chase: UN Rights Council Passes First Gay Rights Resolution. University of Pittsburgh School of Law, 17 June 2011. Web. 20 Nov. 2013.



# *Topic: Government Control & Surveillance of Communication & Media*

## *Brief Overview*

Historically, government control and monitoring of the media was most often associated with extreme governments that attempted to control the flow of information to stay in power. Although many believe that these governments exist only in history books that describe the KGB during the Cold War and the Schutzstaffel (SS) during the Third Reich, it is important to recognize that information control is still a pressing issue on the global stage today. However, with recent discoveries that the National Security Agency has been spying on the American citizens and the creation and leaking of secret government information by WikiLeaks, the monitoring of the flow of information has once again emerged as a prominent issue on the world stage. At the same time, governments and regimes have discovered the power of social media and the press and their role in toppling governments. Political theorists like Adam Smith and formative legislative tools like the United States Constitution have introduced the principle that the people of a nation have a fundamental right to know the truth. As discussed in the previous background guide, the Social, Humanitarian Cultural Committee is responsible for social, humanitarian and human rights issues around the world. The Committee specifically focuses on the promotion of fundamental freedoms of the world. According to the Universal Declaration of Human Rights, freedom of expression is a fundamental human right.

## *History of the Issue*

In 1946, the United Nations General Assembly adopted Resolution 59, which stated, “Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated.” (Mendel). In 1993, the United Nations Commission established the position for a Special Rapporteur on the promotion of freedom of opinion and expression (Special Rapporteur). Since 2008, the mandate has been extended twice for a combination of six extra years, which will extend into 2014 (Special Rapporteur). The Rapporteur must collect information and provide suggestions for better promotion of human rights (Special Rapporteur). The



Rapporteur is not a paid staff member of the United Nations. Furthermore, the Special Rapporteur's information can only be used for non-binding suggestions to improve the situation.

## *Problems Regarding the Issue*

Sovereignty is once again a divisive issue. In the case of newspapers, the media can be controlled by the head of the government. On the other hand, as will be mentioned later, the evolution of the internet and the World Wide Web means that the borders of information are not as defined. Another domestic issue is the ability for individual governments to conform to the policies and suggestions of the United Nations. Even if the United Nations were able to agree on a freedom of information law, some governments are not able to provide responses to recommendations or make certain types of information accessible ("Press, News"). This creates the need for information managing systems in order to keep records effectively and monitoring mechanisms are developed ("Press, News"). Many countries have not yet created freedom of information legislation within the member countries.

Another issue is global and national security and its effect on government control of the media. This has become a prominent issue in the United States, one of the nations where wiretapping has been revealed. The question remains: should government control of the media be allowed in order to monitor possible terrorist networks and protect the overall security of a nation of people? Many governments may argue that they must control information also to avoid leaks, which could reveal the covert operations and jeopardize operations abroad. Where is the line between privacy and governmental intelligence?

Today, the Internet has become a primary agent for releasing information. In addition to allowing more access for the public, the Internet has become increasingly hard to control. Some countries, like China, have famously cracked down on the Internet completely and control the access of the people to both social media forums and global news in attempt to control what their populations are reading. There is also the fact

that the Internet is a cross-border network. After the revolution in Egypt, which gained publicity and international attention through the use of Twitter and other online media outlets, led to the overthrow of the government, other oppressive regimes have begun to fear the power of the social media.

## *Corrective Action*

In 2011, the United Nations Human Rights Committee created the General Comment Number 34, which has “authoritative legal credibility”, which could influence courts and tribunals (Colivier). Specifically, the Committee has decided how to interpret “freedoms of opinion and expression” articulated by Article 19 of the International Covenant on Civil and Political Rights (Colivier). The most telling of the General Comment Number 34 states, “The obligation to respect freedoms of opinion and expression is binding on every State party as a whole” (United Nations). The General Comment Number 34 is using stronger language in order to try to promote freedom of expression. In the past, the United Nations never explicitly stated that member states should follow a policy of press freedom. Comment Number 34 also requests that States also provide information on domestic legal rules that are directly related to either Article 19 of the International Covenant regarding freedom of expression (United Nations).

In 2012, the United Nations attempted to open the Internet and allow national governments to monitor every facet of the Internet through a UN Treaty proposed through the International Telecom Union (ITU). The treaty was blocked by many countries including the United States, Canada, Great Britain and France among others. The main proponents for the treaty included Russia, China and the United Arab Emirates. This would have been a step in the opposite direction had the treaty passed. The goal was to limit the amount of government monitoring of the media, especially the Internet. Since the treaty failed, it showed that many countries would be supportive of not only keeping the Internet free and open, but also limiting government controls.

Annually, as mentioned previously, the Special Rapporteur to the Commission on Human Rights (CHR) and Human Rights Council (HRC) is required to submit a report on his or her area of expertise. In 2013, the Special Rapporteur on the State Surveillance And Exercise To Human Privacy And The Freedom Of Expression and opinion released

an analysis. The United Nations Commission created a mandate, which established the position back in 1993. The Special Rapporteur must provide recommendations that may be helpful to the members of the Social, Humanitarian Committee. The current Special Rapporteur is Frank La Rue from Guatemala. His report emphasizes the importance of the right of privacy, which goes hand in hand with the right to the media (La Rue). Without these, journalists have no way to ensure that their work will not be hindered by government censorship. It also suggests that surveillance should only be used in exceptional circumstances, but fails to give any suggestions on what these circumstances are (La Rue). The report also recommends that the governments notify the public when they are the subject of surveillance (La Rue). In addition, La Rue's report underscores that the public should have access to information on threats to their policy (La Rue). These are just suggestions and have yet to be agreed upon in any formalized sense such as a treaty or a resolution. In such a form, they could act as guidelines for governments that would become part of the discourse on this issue internationally.

In 1993, The United Nations General Assembly established May 3rd as World Press Day. This came after a recommendation of the UNESCO General Conference. World Press Day celebrates press freedom, defends the media and honors journalists who have died for the cause (Press Freedom). It also serves to remind the global community of freedom of the press as a fundamental freedom that needs to be promoted. The day also serves to reveal the shortcomings of the work being done to try to protect both journalists and their freedoms. World Press Day does create awareness of the issue internationally; however, the effect is questionable. After all, in 2013, the percentage of the world population that has media freedom has fallen to the lowest point in almost ten years.

## *Questions to Consider*

- Can freedom of expression protected in addition with Member States' national security or sovereignty?
- How have previous UN resolutions effected the promotion of freedom of expression? How did your Member State vote on each?
- Is it possible to promote freedom of expression in countries with different political climates?

## *Works Cited*

“Freedom House.” Freedom House. Freedom House, n.d. Web. 11 Nov. 2013.

<<http://www.freedomhouse.org/>>.

La Rue, Frank. “Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.” United Nations. United Nations, 17 Apr. 2013. Web. 13 Dec. 2013.

“Press, News, Journalists, Journalism, Freedom, Reporting, Censorship, Expression, Media, Governance, Democracy, Democratic, Windhoek, UNESCO, United Nations.” UN News Center. UN, 3 May 2013. Web. 13 Dec. 2013.

“Press Freedom.” UN News Center. United Nations, n.d. Web. 23 Dec. 2013.

<<http://www.un.org/en/events/pressfreedomday/background.shtml>>.

“Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.” United Nations Human Rights. Office of the High Commissioner for Human Rights, 2013. Web. 10 Dec. 2013.

Tassi, Paul. “The Internet Will Stay Free from Government Control with UN Treaty Blocked.” Forbes. Forbes Magazine, 14 Dec. 2012. Web. 23 Dec. 2013. <<http://www.forbes.com/sites/insertcoin/2012/12/14/the-internet-will-stay-free-from-government-control-with-un-treaty-blocked/>>.

United Nations: International Covenant on Civil and Political Rights General Comment No. 34. Rep. United Nations, 12 Sept. 2011. Web. 23 Nov. 2013. <<http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>>.