

Committee: SOCHUM 1

Topic: Decriminalisation of same sex marriages

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Introduction

Same Sex Marriages also known as Gay Marriage is the marriage of two people of the same sex or gender. There are records of same-sex marriage dating back to the first century. Today same sex marriages are available in 28 countries. Same sex marriages have not only sparked disagreements within countries but it has also made religious, ethical and cultural issues. These factors impact people's views on the legalisation of same sex marriages, making it a very fragile topic. Under 15% of countries have legalised this act. In December of 2000, the Dutch parliament passed by a three-to-one margin a bill allowing same-sex marriages, permitting same-sex couples to marry, divorce and adopt children. In July 2013, the Office of the United Nations High Commissioner for Human Rights (OHCHR) launched UN Free & Equal – an unprecedented global UN public information campaign aimed at promoting equal rights and fair treatment of LGBTQ people. Between 7 and 11 nations with large Muslim populations have laws providing for the death penalty for gay sex or otherwise allow such executions which are ran by the state.

Seven, is the number of countries that have laws providing the death penalty, for gay sex or gay people in general allow such executions to occur. (Those nations are Iran, Saudi Arabia, Iraq, Somali, Yemen, Sudan, and part of Nigeria.)

Definition of Key Terms

LGBTQ: is an acronym for Lesbian, Gay, Bisexual, Trans, Queer/Questioning, and others.

Same Sex Marriages: also known as Gay Marriage is the marriage of two people of the same sex or gender.

Capital punishment: also known as the death penalty, is a government-sanctioned practice whereby a person is killed by the state as a punishment for a crime.

Gender: either of the two sexes (male and female), especially when considered with reference to social and cultural differences rather than biological ones. The term is also used more broadly to denote a range of identities that do not correspond to established ideas of male and female.

Sex: either of the two main categories (male and female) into which humans and most other living things are divided based on their reproductive functions.

Decriminalisation: The action or process of ceasing to treat something as legal or as a criminal offense.

Civil Partnership: A legally recognised union of a same-sex couple with rights similar to those of marriage.

Background Information

The 28 countries where Same-sex marriage is legally performed and recognised (nationwide or in some jurisdictions) are:

Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Taiwan, the United Kingdom, the United States, and Uruguay.

One of the main factors contributing to violence against Same Sex marriage is religious beliefs. Same sex marriage is not permissible in Islamic teachings. This is stated in a chapter named "Lut" in the Quran. The Roman Catholic Church argues from a theological perspective against recognising same-sex unions. According to Catholic moral doctrine, acts of sexual intimacy are only proper between a man and a woman within wedlock. One of the cons of gay marriage cited by people is that marriage is for procreation (having children) and shouldn't be extended to same-sex couples since they are not able to produce children together.

Timeline of Events

1972

15th October: The Supreme Court of the U.S. state of Minnesota upholds the decision of a lower court that denying a marriage license to a same-sex couple does not violate the U.S. Constitution.

1973

1st January: Maryland becomes the first state in the U.S. to statutorily ban same-sex marriage.

1992

29th November: A woman was murdered in Montreal by a gang of four neo-Nazis.

2002

June: National Assembly of Quebec passed the Act Instituting Civil Unions and Establishing New Rules of Filiation. This created civil unions, which allow both same-sex and opposite-sex couples to make a public commitment to live together and comply with the resulting rights and obligations.

October: Bertrand Delanoë, the openly gay president of France was non-fatally stabbed by a muslim immigrant.

2004

12th May: The Parliament of Luxembourg approves a civil partnerships bill. It came into effect on 1st November.

2005

Ali al-Sistani issued a non-binding opinion on his website calling for the execution of gays in the “worst, most severe way.”

14th October: A man was beaten to death in Clapham, London by two men as they perceived him as being gay.

2006

9th November: The Legislative Assembly of Mexico City passes a civil union law, making it the first jurisdiction in Latin America to legally recognise same-sex unions.

10th June: burnt bodies of two gay men were found in the back of a car in Brazil.

2008

17th June: Norway legalises same-sex marriage in a 23–17 vote.

25th July: An 18 year old boy was attacked by a group of men at a party in Liverpool and later died from his injuries.

2010

17th May: Portugal signs a same-sex marriage bill into law, making Portugal the eighth country overall, to legalise same-sex marriages.

11th June: Iceland approves a law legalising same-sex marriage. The law took effect on 27th June.

2012

7 June: The Parliament of Denmark legalises same-sex marriage becoming the eventh country overall, to do so.

2014

13 March: Legislation to allow same-sex marriage in England and Wales came into force.

2016

13th October: Same-sex marriage becomes legal in the British Antarctic Territory

2018

5th June: The European Court of Justice rules that EU member states should recognise same-sex marriages for residency if at least 1 person is an EU citizen. Slovakia announces that they will comply with this ruling, recognising marriages performed abroad

Relevant UN Treaties and Events

In 2006 discussions included gender identity, when Norway presented a statement on human rights violations based on sexual orientation and gender identity.

The report which came out in December 2011, documented human rights violations based on sexual orientation and gender identity, including hate crimes, criminalisation of homosexuality and discrimination.

In 2016, the UNHRC passed a resolution to appoint an independent Expert to find the causes of violence and discrimination against people due to their gender identity and sexual orientation, and discuss with governments how to protect those people.

Also in 2016, the UNSC (United Nations Security Council) condemned the 2016 Orlando nightclub shooting; this statement marked the first time the UNSC used language recognising violence targeting the LGBT community.

The UNHRC (United Nations Human Rights Council) had voted to condemn the imposition of the death penalty for consensual same-sex relations at the 2017 Geneva conference

Previous Attempts to solve the Issue

Stonewall, UK started a campaign called 'Come out for LGBT' which highlights the shocking levels of hate crime and discrimination which LGBT people face in the UK.

OutRight Action International is a LGBTQ human rights non-governmental organisation that addresses human rights violations and abuses against the community. They are in partnership with activists, advocates, media, NGOs and allies on a local, national and international level. They hold consultative status with ECOSOC (Economic and Social Council).

In July 2013 the Office of the United Nations High Commissioner for Human Rights (OHCHR) launched UN Free & Equal- an unprecedented global UN public information campaign aimed at promoting equal rights and fair treatment of LGBTQ people.

Possible Solutions

One solution is to create more and protect the safe spaces for the LGBTQ community. Organisations including the Human Rights Campaign and GLSEN have guides about how to create safe zones for students at school and for locals in communities.

Another solution is to continue with trying to implement teachings and talks within schools about protecting the community and giving them more information about the community. Yes, in the UK this has caused some backlash with the parents and teachers but this solution can work.

Bibliography

<https://www.unfe.org/about/>

<https://www.unhcr.org/lgbti-people-56a7a9164.html>

<https://news.un.org/en/tags/lgbt?>

https://en.wikipedia.org/wiki/List_of_LGBT_rights_organizations

https://en.wikipedia.org/wiki/LGBT_rights_at_the_United_Nations