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*ASMUN Conference 2019*

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# **Committee guide Human Rights Council**



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## CHAIRS

We are *Jiske de Vries* and *Sander Teule* and we will be the chairs for the Human Rights council at ASMUN 2019. We are both VWO 6 students and planning to go to university next year. We are highly educated and expect you to respect us because of this.

We have both actively participated in many MUN conferences and have also chaired MEP. We believe that these skills will help us develop a status of authority and fromagery. Furthermore, we are exceptionally enthusiastic to witness your debating skills (or the lack of which) and are looking forward to see your engagement in the subject, as we're highly invested in it ourselves.



*Jiske de Vries, parading for gay rights, dress will be used again with carnival*



*Sander Trudeau, guy in the middle, Gay Pride*

As we are not eighteen yet, we have not put much thought yet in our political preferences, but according to the Kieswijzer, Jiske would vote for Groenlinks, while Sander leans more towards the SGP. We believe that social equality is one of the most crucial basic rights humans should possess and are devastated to see that this is not present globally and are expecting this to change in the near future.

Since this committee is the main advocate of these rights in Tanzania for the upcoming conference, we advise you to prepare particularly well for the committee sessions. We are especially hopeful for this committee to bring forth a more than noteworthy resolution in order to bring this world a little closer to the utopia we want it to be.

## COUNTRIES IN THE COMMITTEE

- People's Republic of China
- The Russian Federation
- United Kingdom of Great Britain and Northern Ireland
- United states of America
- The Kingdom of France
- The Federal Democratic Republic of Ethiopia
- The Kingdom of Sweden
- The Federal Republic of Germany
- The Plurinational State of Bolivia
- The Republic of Côte d'Ivoire
- The Republic of Colombia
- The Independent State of Papua New Guinea
- The Argentina Republic
- The Kingdom of Saudi Arabia
- The Syrian Arab Republic
- The Islamic Republic of Iran
- The Islamic Republic of Afghanistan
- Japan
- The Kingdom of The Netherlands
- The United Republic of Tanzania

## INTRODUCTION AND TASK

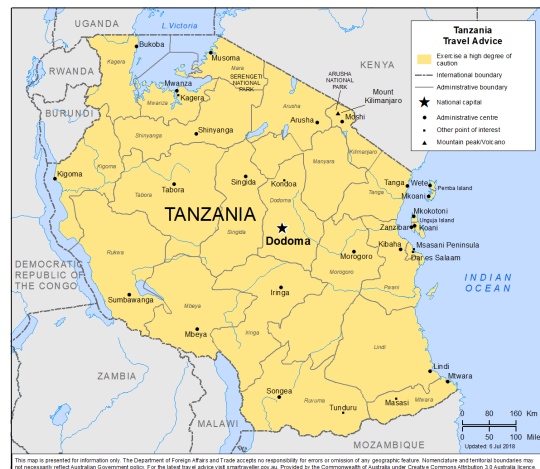
The United Republic of Tanzania is a country in Eastern Africa, with a population of almost 55,5 million people. The country's origins go a long way back, with the first signs of inhabitation dating approximately 2,300 years ago.<sup>1</sup> With a past of colonialism and liberation, culture got more and more enriched.

The country unfortunately has serious issues regarding various human rights. From gender inequality to unlawful convictions of indigenous people, the state covers a lot of violating grounds. One of the most pressing human rights violations at the moment is the persecution of LGBT people in Tanzania. Homosexuality is taboo and same-sex acts are being seen as criminal and may even result in life imprisonment.

The last two years the situation has become more urgent, since the LGBT community in Tanzania is enduring more and more violent and discriminatory attacks, with members of the public encouraged to report people suspected of being gay. The goal of this session of the Human Rights Council is to consider and debate on every possible option to stop the violation of LGBT rights in Tanzania.

Luckily, you are not alone. Along with 29 others, as members of the HRC, you will seek solutions to get these human rights violations to a hold. Together you will debate on various aspects of the violations taking place, but more importantly you will look for solutions to help the LGBT people in Tanzania. Be specific in your solution-seeking! Do not think about the 'what', think about the 'how'.

For more specific resolution goals, look at the QARMA'S at page ... of the committee guide.



<sup>1</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html>

## HISTORY OF THE HRC

The current Human Rights Council was created on March 15 in 2006 by the General Assembly. The HRC consists of 47 member states, reelected every 3 years. Its predecessor became ineffective because certain states committed serious offenses concerning human rights while being a member of the council at the same time.



The HRC today consists of a lot of different mechanisms and procedures. The most important procedures and mechanisms are:

1. The Universal Periodic Review, a mechanism which helps with judging situations related to human rights and human rights' violations in all member states. This so-called 'check' is carried out every year. All member states will be evaluated, and then encouraged to improve possible issues. The UPR is established to make sure every country gets equal treatment as their specific human rights-related situation is being investigated. The true meaning of this mechanism is to improve human rights issues in all countries and address violations wherever they occur. At the moment, this mechanism is unique.
2. The advisory committee, which serves as a 'think-tank' using experts and advisors to advise them on human rights related issues. Currently, the committee is composed of 18 independent experts, with different professional backgrounds and different parts of the world. Their goal is to provide their expertise to the Council, based on research and studies.
3. The complaint procedure. This allows not only organizations but also individuals to report human rights violations and thus get the attention of the Council.

After being established for over 10 years, a lot has been accomplished. The Council drafted over 1200 resolutions. However, the Council only has the right to give recommendations on how to proceed with certain acts as prescribed in the Universal Declaration of Human Rights. This means that they cannot send a peace-keeping force or any other form of troops to the area discussed in meetings. This decision remains with one of the most important bodies of the United Nations, namely the Security Council. One other thing they can do is to send observers to certain states to report local conditions.<sup>2</sup> These observers are independent, and via reports they can give the council a more detailed view of specific hazardous situations.

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<sup>2</sup> <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

## THE IMPORTANCE OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Universal Declaration of Human Rights was originally constructed to ensure every human in every country has the same fundamental freedom to live a free life. This includes freedom of religion and the right to freedom, for example.

Article 2 of the Universal Declaration of Human Rights (UDHR, 1948)<sup>3</sup>, states the following: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, 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.”*

This means that the right of sexuality is a part of the non-discriminatory law as well, falling under ‘other status’. Tanzania, among other countries, is violating those declarations by illegalizing being gay and persecuting people who appear to be part of the LGBT community.

## DOCUMENTATIONS ON VIOLATIONS OF HUMAN RIGHTS IN TANZANIA



Tanzania’s anti-homosexuality law is one of the harshest in the world. As a queer person, you can get 30 years to life imprisonment for being gay. This is an urgent business that is being discussed gravely by the Human Rights Watch and a Tanzanian coalition. Together they have documented police abuse, public violence and discrimination to get international attention. More on this in the next chapter.

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<sup>3</sup> [https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)



Although the government of the United Republic of Tanzania denies violating any human rights, the opposite is true. Various sources mention the restriction of personal freedom in the United Republic of Tanzania. A few examples:

## UNIVERSAL PERIODIC REVIEW

In the Report of the Working Group on the Universal Periodic Review on the United Republic of Tanzania<sup>4</sup> was the next excerpt mentioned:

*“Sweden noted that the Tanzania constitution guaranteed the freedoms of expression, assembly and information. However, several restrictive laws limited them. Sweden welcomed the de facto moratorium on executions; however, it noted that courts continued to impose the death penalty. Sweden noted that the criminalization of sexual minorities contributed to the stigmatization and vulnerability of lesbian, gay, bisexual and transgender persons.”*

This annotation from 2011 shows that the LGBT community is in an especially vulnerable position regarding the limitation of personal freedom. Not only in their social life, but in work and health-care opportunities they are being discriminated against. They are likely less able to get a job, even if they are not publicly queer. In this environment, a whisper is enough to get denied basic human rights, not just the freedom of sexuality, but the right to health-care too, for example.

In 2011, the United Nations tried to put a hold to the laws of Tanzania that criminalize same-sex activities. The following was discussed:

The Universal Periodic Review of the Republic of Tanzania in 2011<sup>5</sup> noted the following on same sex relations in the country:

*“Homosexuality is considered contrary to cultural norms; same sex sexual relations are criminalized. Group arrests in connection to peaceful assemblies, non-attendance to HIV patients, as well as forcible evictions of persons due to their sexual orientation by local and religious communities have been reported. Moreover, representatives of the groups and other human rights defenders may not be willing to make public statements in favor of tolerance and decriminalization for fear of reprisals. The Government is urged to take a proactive stance, consider applying the Yogyakarta Principles as a guide to State policy-making and repeal any criminal provision against persons based on their sexual orientation.”*

## RESPONSE FROM THE MINISTER

The Tanzanian Minister of State and Good Governance responded with the following:

*“There was an issue raised on same-sex marriages. It is true we do not have a law allowing same-sex marriages in our country, and that I say again, due to our own traditions and very strong cultural beliefs. Although activities involving same-sex do take place, but they do take place under cover, so to say, and like I said when I was presenting our report on the ICCPR*

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<sup>4</sup> [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-4\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-4_en.pdf)

<sup>5</sup> <https://lib.ohchr.org/HRBodies/UPR/Documents/session12/TZ/UNCT-eng.pdf>

*[International Covenant on Civil and Political Rights], that if one were to exhibit such a behavior in public, one could be, actually be stoned by the public itself. It is a cultural thing. It's not yet acceptable. It would be very strange for the government to propose a law towards allowing that; time has not come for us to consider such freedoms in our country."*

This example illustrates a bigger problem as well: the government of Tanzania does not adhere to the declarations of the UDHR, as can be read in the excerpt above. The purpose of the UDHR is for every country to live up to these rules, although they are not binding like a treaty. The United Nations has expressed their worries in the past, but with the recent developments immediate counseling is being perceived as necessary.

The people of Tanzania are extremely divided as well. The liberal mindset of the Western countries gets incorporated slowly into the country's culture, but the old prejudices are still widely believed. This creates tension between two groups of people in Tanzania who are either fighting for or against gay rights.

## RECENT ACTIVITIES REGARDING SAME-SEX RIGHTS IN THE REPUBLIC OF TANZANIA



After 2011 and 2013's reports on the situation in Tanzania, some improvements took place. For example, HIV/AIDS agencies were now able to reach out to key populations in the HIV epidemic and new organizations had the opportunity to form, including some of those parties representing gay and transgender people.

## TORTURE

Things started to go south when President John Magufuli was elected in 2015. Progress on LGBT rights has been reversed. Police abuse started to rise again, by subjecting some suspected gay men to forced anal exams. All this to 'prove' homosexual activities. Later on, the Human Rights Watch issued for a ban<sup>6</sup>.

Furthermore, the government shut down gay-friendly health clinics, interrogated leaders of organizations and deported South African lawyers because of their actions regarding LGBT rights. In October 2017, Tanzania deported several HIV/AIDS groups for 'promoting homosexuality'. This is a severe consequence of years of unacceptance and hatred.

Moreover, the regional commissioner Makonda threatened to arrest queer people and their followers on Social Media. He would accomplish this partially through the set-up of his special committee described in the next paragraph/chapter.

## INTERNATIONAL RESPONSE ON RECENT HUMAN RIGHTS' VIOLATIONS IN THE REPUBLIC OF TANZANIA

Another recent example of clear violation of the UDHR was committed in November 2018, the regional commissioner of Dar es Salaam announced the arrival of a special committee developed to identify and punish homosexuals and prostitutes. This committee consists of lawyers, police and doctors who search the internet for 'illegal gay activity'. However, the government of Tanzania distanced itself from this decision saying it was not representative for the official policy. They also pointed out that they would continue upholding all human rights they way described in the constitution.<sup>7</sup>



Commissioner Makonda

Human Rights Watch posted the following regarding this statement:

*"His campaign appeared to have been prompted by a viral video of explicit heterosexual sex, but the bulk of his 30-minute news conference centered on stirring up homophobic sentiment. He threatened to 'test' gay men for homosexuality, provide counselors for those who want to 'get out of homosexuality', and jail others for life, saying his task force would start its work on November 5."<sup>8</sup>*

This is a serious threat to make. Especially with the UDHR in mind, it violates article 2 and oppresses his own people.

<sup>6</sup> <https://www.hrw.org/news/2016/07/12/ban-forced-anal-exams-around-world>

<sup>7</sup> <https://www.bbc.com/news/world-africa-46096918>

<sup>8</sup> <https://www.hrw.org/news/2018/11/06/tanzania-mixed-messages-anti-gay-persecution>

UN commissioner for Human Rights Michelle Bachelet expressed concern over this statement:<sup>9</sup>

*“Lesbian, gay, bisexual and transgender people in Tanzania have already been subjected to growing violence, harassment and discrimination over the past two years, and those defending their rights to health, to a life free from discrimination, violence and arbitrary arrest have themselves been increasingly targeted, even arrested. This could turn into a witch-hunt and could be interpreted as a license to carry out violence, intimidation, bullying, harassment and discrimination against those perceived to be LGBT.”*

Other countries, primarily Western countries, have acknowledged their disapproval of the case and are deeply saddened to learn of the news of this new committee. Although the content of the UDHR cannot be forced onto a country, they are generally seen as the standard way of living.

## BLOC POSITIONS

### THE INTERVENTION STATES

States as the republic of the Kingdom of Sweden and the Kingdom of The Netherlands lead a bloc with similar goals. Followed by their allies (United States, United Kingdom, France, Belgium, Germany, Bolivia, Argentina, Colombia and Japan)<sup>10</sup>. Whilst acknowledging the importance of legalizing LGBT rights in Tanzania, this bloc also reaffirms that laws for anti-discrimination, concerning sexual orientation, are important.

### THE ANTI-INTERVENTION STATES

In the committee, the United Republic of Tanzania leads a bloc together with China, Russia, Ethiopia, Saudi Arabia, Papua New Guinea, Indonesia, Syria, Iran, Afghanistan<sup>11</sup>. These member states are generally not in favor of the legalization of LGBT rights in Tanzania. In countries like Iran and Afghanistan homosexuality comes with the punishment of a death penalty. Keep in mind that not every anti-intervention state has the same tough punishments regarding LGBT, it certainly differs per country.

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<sup>9</sup> <https://news.un.org/en/story/2018/11/1024792>

<sup>10</sup> <http://www.equaldex.com/> - country name

<sup>11</sup> <http://www.equaldex.com/> - country name

## **QUESTIONS A RESOLUTION MUST ADDRESS (QARMA'S)**

1. To what extent does the sovereignty of Tanzania play a role in this issue?
2. To what extent are human rights regarding LGBT-rights violated in the United Republic of Tanzania?
3. How should the international community engage to protect the LGBT-rights in the United Republic of Tanzania?
4. Should sanctions on the United Republic of Tanzania be implemented?
5. How can the international community engage in encouraging the United Republic of Tanzania to recognize LGBT-rights?

## SOURCES FOR FURTHER RESEARCH

- [people-with-hiv-are-panicking-due-to-tanzanias-crackdown-on-gays](#) (interview/information)
- [forced-anal-examinations-homosexuality-prosecutions](#) (information)
- <https://www.hrw.org/world-report/2018/country-chapters/tanzania-and-zanzibar#e81181> (report)
- <https://www.equaldex.com/region/tanzania>
- <https://news.un.org/en/story/2018/11/1024792> (news story about the UN chief warning for potential 'witch-hunt')
- <https://www.state.gov/documents/organization/220379.pdf> (human rights report)
- <https://lib.ohchr.org/HRBodies/UPR/Documents/session12/TZ/UNCT-eng.pdf> (UPR)
- <https://www.amnesty.org/en/countries/africa/tanzania/report-tanzania/>