

General Assembly 6 (LEGAL)
Topic 1: The Question of the Legalization of Same Sex
Marriage



Northbridge International School Cambodia
Model United Nations 2025

Head Chair: Sothea Tan

Deputy Chair: Sunpeng Lim

Table of Contents

Introduction	3
Definition of Key Terms	4
Background Information	5
Current Situation	6
Major Parties Involved	7
Timeline of Relevant Events	8
Previous Attempts	9
Possible Solutions	10
Suggested Readings	11
Bibliography	12

[Introduction:](#)

In recent years, the global movement for LGBTQ+ rights has highlighted the critical need for legalizing homosexual unions and protection of marginalized communities. Legalizing LGBTQ+ rights is a step to not only equality but a powerful mechanism to deter homosexual individuals from discrimination and prosecutions. Providing LGBTQ+ rights to laws similar to article 16 of the United Nations charter, societies can create safer environments, foster inclusion, and affirm the inherent dignity of individuals regardless of their sexual orientation or gender identity. Same-sex marriage is the practice of marriage between two women or two men. Despite the regulation of same sex marriage—through various means including law, religion, and customs—in most countries around the world, the legal and social response to this act ranges from celebration to criminalization.

It is worth noting that the topic of same-sex marriage only became an increasingly raised issue in the late 20th century, a period where homosexuality and laws regulating homosexual behavior were liberated as opposed to scrutinized in the western parts of the world and the United States.

Several jurisdictions have legalized same-sex marriage by the early 21st century at both national and subnational levels. In other jurisdictions, constitutional measures were enacted to prevent same-sex marriages from being sanctioned. The earliest systematic analyses of marriage were predicted to be conducted by Swiss legal historian Johann Jakob Bachofen (1861) and American ethnologist Lewis Henry Morgan (1871). By the mid-20th century, many sexual customs across cultures and marriages were documented by similar scholars. They found that although all cultures did express an ideal form of marriage and set of partners, they also practiced flexibility in applying those ideals. (Brittanica, n.d) Most common forms of such include common law marriage, morganatic marriage, exchange marriage, and group marriage (polygyny/polyandry).

Simultaneously, there's no denying that although many countries and customs have come to accept same-sex marriage, it typically only applies to the Western parts of the world and the United States. Internationally, deeply conservative regions of the world—Islamic theocracies and some parts of Asia and Africa—harshly penalize same-sex relations or marriages. For instance, the judicial systems of many predominantly known Muslim countries, invoke the Sharia law in a wide range of contexts which occurred after WWII, peaking during the 1990s and stabilized currently. Sharia is Islam's legal system. It is derived from the Quran, Islam's holy book, as well as the Sunnah and Hadith - the deeds and sayings of the Prophet Muhammad. Sexual acts including same-sex intimacy, were criminalized in these countries where penalties could go as severe as execution. (BBC, 2021) Nonetheless, in rare cases such as during the 20th century where support for transgender individuals was notable, Iranian Ayatollah Ruhollah Khomeini—the first Islamic Republic leader who helped formed Iran's current government—issued a legal decree, or fatwa, supporting gender-reassignment surgery when undertaken by individuals who wished to “fix” their physiology and thus become heterosexual in the eyes of the law. (Brittanica, n.d) Therefore, it is not always impossible for change to occur.

Key Terms:

Discrimination

Unfair or prejudicial treatment of people or groups based on several characteristics: race, age, gender, or sexual orientation.

Equal Protection Clause

Part of the first section of the Fourteenth Amendment to the United States Constitution. The clause mandates that individuals in “similar” situations be treated equally by the law.

Marriage Equality

The state or act of having the same rights and responsibilities of marriage as others regardless of gender identity or sexual orientation. Receiving legal recognition of the rights of marriage.

Lesbian, Gay, Bisexual, Transgender, and or Questioning Individuals (LGBTQ+) Rights

Rights such as physical integrity right—not being executed for their sexuality or gender and not being subjected to conversion therapies—social rights—changing their legal gender, being sexually intimate, marrying, and adopting children with people of the same sex—and so forth formed to protect the LGBTQ+ community fundamental human rights and from prosecution under the eye of the law including same-sex marriage.

Civil Rights

The guarantee of equal social opportunities and protection under the law regardless of religion, race, or other characteristics of one’s identity.

Heterosexual Couples

A romantic partnership between two individuals of the opposite sexes; a man and a woman.

Homosexuality

The act of being sexually and romantically attracted to members of the same sex or gender.

Background Information:

While it is known that same-sex marriage has only been brought up and legalized into law in the past century, many have recorded the existence of same-sex unions that came in various

forms—informal, unsanctioned, highly ritualized unions—before that. They were known to exist in ancient Greece and Rome, some dating back to ancient Mesopotamia, in regions of China such as the Fujian province, and at certain times in the past, in ancient European history.

Furthermore, during the Ming dynasty period in ancient China, the southern Chinese province—now known as Guangdong—would have females binding themselves to younger females in elaborate ceremonies similar to marriage. Males during ancient Chinese periods would also enter similar arrangements. However, it is also worth noting that although egalitarian male/female domestic partnerships were approved by the community, they did not involve any religious ceremony to officially bind the couple. (Hinsch, 1990)

In addition, Western societies since ancient Greece, as early as the 8th century BC, has integrated same-sex marriage. Ancient lawmaker, Philolaus of Corinth, who at that time had a male lover, created and instated laws to support same-sex male unions; and by the 7th century BC, there were at least five different varieties of same-sex relations in ancient Greece. (BBC, 2024) It is known that the practice of same-sex union often took the form of pederasty in which often, co-existed with marriage—as documented in Ancient Greek writings between couples such as Harmodius and Aristogiton, Alexander and Hephaestion, Agathon and Pausanias, and the Sacred Band of Thebes. (Wikipedia, n.d) Likewise with the case of ancient China, none of the same-sex unions that occurred were written or mentioned under the Greek word for “marriage.”

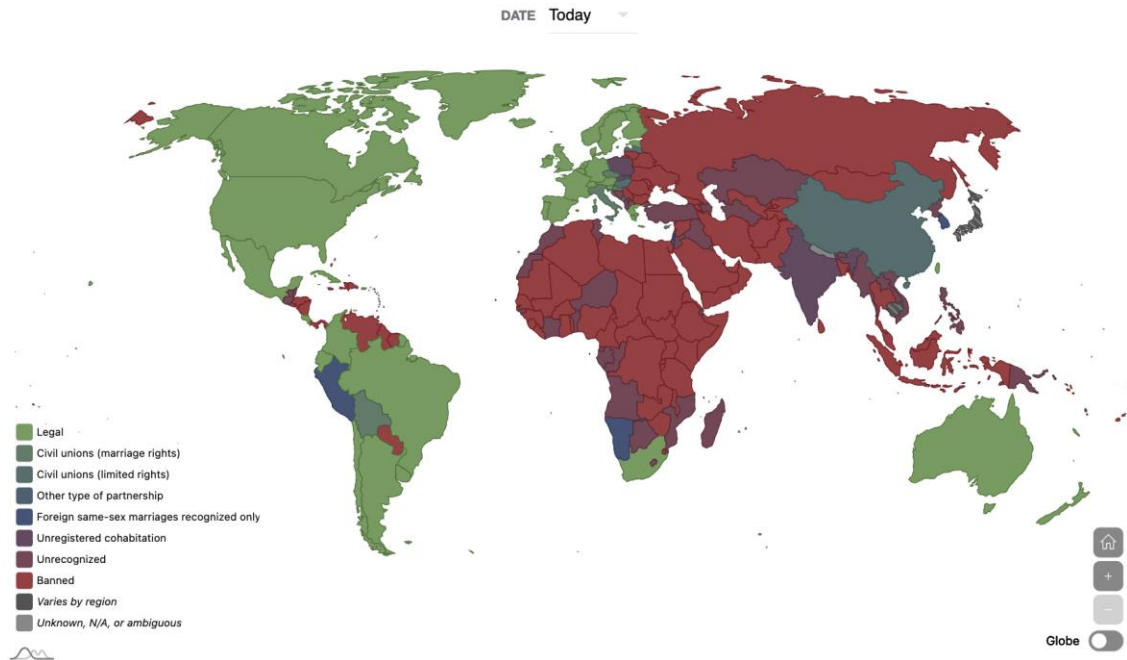
The earliest recorded evidence of same-sex marriage can be found in ancient Rome. There was at least two Roman Emperors who were in same-sex unions—later known that thirteen out of the first fourteen Roman Emperors were either bisexual or exclusively homosexual. (Wikipedia, n.d) Recorded, the first Roman emperor to have married three men on different occasions was Nero. In his marriage with Sporus, a young boy he took in to replace his young teenage concubine whom he killed, was an incredibly public ceremony that included all the solemnities of matrimony, and after, lived with him as his spouse. (Wikipedia, n.d)

Fast forward, after the Middle Ages in Europe, same-sex relationships or marriage started to become increasingly frowned upon and banned in many countries by either the church or state. Stated, “The Catholic Church has always maintained that marriage is a Sacrament instituted by Christ, between a baptized man and a baptized woman.” (Wikipedia, n.d) From this period to the Early-modern period, sanctions were believed to be put in various forms of same-sex marriages. Such instances include entering a legal contract of "embrotherment" (affrèment) in France and changing a supposed marriage ceremony into a union of siblinghood. (Wikipedia, n.d)

Current Situation:

As of today, there are currently 36 countries where same-sex marriage is legal. The list includes the following: Andorra, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile,

Colombia, Costa Rica, Cuba, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, 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. (HRC, n.d)



Equaldex. "Same-Sex Marriage by Country." *Equaldex*, n.d.,
<https://www.equaldex.com/issue/marriage>. Accessed 4 Jan. 2025.

While governmental frameworks across the world have made significant progress, such as in the instance of Greece—a Christian Orthodox majority country—and Estonia—post-Soviet Union country—whose parliament voted to legalize same-sex marriage in 2024, major countries such as the United States, might be reversing back to the past. (HRC, n.d) According to Philip Elliott, Kelley Robinson who saw the overturning of *Roe v. Wade* and is now president of the Human Rights Campaign, the nation’s largest LGBTQ civil rights organization, fears that she’s watching the same slow-moving car crash all over again. Based on Clarence Thomas’ dissent which states, “next they are coming for Windsor and Obergefell and Lawrence,” it can be expected that the foundational underpinning of LGBTQ rights is up there on conservatives’ list of targets, and they’re not exactly announcing it in a whisper. (Time, 2024)

Globally, LGBTQ activists and allies have ramped up their efforts to combat discrimination and advocate for equal rights. Group organizations such as the Human Rights Campaign (HRC) in the United States, ILGA World (International Lesbian, Gay, Bisexual, Trans, and Intersex Association), and Stonewall UK are at the forefront of advocacy. Whereas organizations such as

The Initiative for Equal Rights (TIERs) in Nigeria and GALZ in Zimbabwe continue to challenge anti-LGBTQ laws. The rise of Pride parades, which at first began as protests, has evolved into a mix of activism and celebration. (APNews, 2024) Despite the significant risks of persecution, many who lives in countries where same-sex marriage remains illegal—Russia, Uganda, and parts of the Middle East—protests continue to emerge. Furthermore, with the rise of social media, activists now turn to such platforms to amplify their voices and garner international support, as seen in the #LoveIsNotACrime and #Repeal377 campaigns in India. (CNA, 2022)

Although the global fight for marriage equality and LGBTQ+ rights is far from over, significant impacts have been made. While some countries progress towards inclusivity and acceptance, some remain resistant or actively regress to history. *Note to delegates:* The U.S.'s stance majorly influences international norms. An act of regression can weaken global advocacy efforts, undermine diplomatic pressure on nations with discriminatory policies, and provide justification for governments looking to maintain or introduce anti-LGBTQ laws.

Major Parties Involved:

The Inter-American Court of Human Rights:

An independent judicial institution of the Organization of American States. In 2018, the Inter-American Court of Human Rights 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 guidance applied to 20 signatory countries (Latin American signatories mentioned in current situation) and has proven to be a tool in advocating for marriage equality. (HRC, n.d)

The European Court of Justice (ECJ):

ECJ serves as a high court in the European Union (EU). 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. (HRC, n.d)

United States of America:

The U.S. became one of the very few countries that legalize same-sex marriage with Massachusetts becoming the first U.S. state to legalize same-sex marriage in 2004. California, Connecticut, Iowa, New Jersey, New Mexico, Oregon, and Pennsylvania followed suit between 2008-2014. In 2015, the Supreme Court landmarked Obergefell v. Hodges, ruling that legalized same-sex marriage nationwide and therefore, declared it a constitutional right under the 14th Amendment. However, the current state of the U.S. where conservatives dominate the Supreme Court could change the

century-long fight. (USATODAY, 2015) Currently, there are an estimated 904,000 LGBTQ immigrants in the United States. (Funders for LGBT Issues, 2018)

Human Rights Campaign:

The Human Rights Campaign is the largest organization to support LGBTQ+ rights. With over 3 million members and supporters, since the 1980s, they’ve led the way in fighting for LGBTQ+ equality and inclusion and educating the public and community (HRC, n.d)

Netherlands:

Netherlands became the first country to legalize and sign same-sex marriage into in 2001. Same-sex sexual activity was legalized in 1811 after France invaded the country and installed the Napoleonic Code, erasing any remaining sodomy laws. No more sodomy laws were enacted after the country received independence. An age of consent equal to that of heterosexual activity was put in place in 1971. During the late 20th century, awareness surrounding homosexuality grew and society became more tolerant of gay and bisexual people. . *The Equal Treatment Act 1994* bans discrimination on account of sexual orientation in employment, housing, public accommodations, and other areas. This was extended in 2019 to include discrimination based on gender identity, gender expression and sex characteristics.

Timeline of Relevant Events:

People's Commissariat for Health Same-Sex Marriage Resolution (1929)	Following the decriminalization of homosexuality in the Soviet Union, a conference on sexual and gender diversity organized by the People's Commissariat for Health adopted a resolution calling for same-sex marriage to be officially recognized with a requirement for approval from a psychiatrist. The resolution was not adopted into law and homosexuality was re-criminalized by the Soviet Union in 1933 under Joseph Stalin.
Netherlands Same-Sex Marriage Bill (21 December, 2001)	Queen Beatrix of the Netherlands signs into law the first same-sex marriage bill in the world. It had previously cleared the country's Senate on 19 December in a 49–26 vote and the House of Representatives on 12 September in a 109–33 vote. The law came into effect on 1 April 2001.
Canada Same-Sex Marriage Bill (19 July, 2005)	The Parliament of Canada legalizes same-sex marriage, making Canada the first country in the Americas to legalize same-sex marriage and the fourth in the world to do so. It became law on 20 July after receiving Royal Assent. Eight of ten provinces and one of three territories in Canada already allowed same-sex marriage before being recognized federally.
South Africa Same-Sex Marriage Bill (29 November, 2006)	Deputy President Phumzile Mlambo-Ngcuka of South Africa signs the Civil Union Act into law, making South Africa the first African country to legalize same-sex marriage. The bill was passed by the National Assembly in a 229–41 vote on 14 November, and 36–11 by the National Council of Provinces on 28 November. The first wedding took place on 1 December.
Argentina Same-Sex Marriage Bill (21 July, 2010)	President Cristina Fernandez of Argentina signs a same-sex marriage bill into law, making Argentina the first country in both South America and Latin America, and the second country in the Americas, to legalize same-sex marriage nationwide. The bill

	was previously approved by the country's Senate 33–27 on 15 July and 125–109 by the Chamber of Deputies on 5 May. The first marriage took place on 30 July.
--	---

Previous Attempts:

Article 16 in the Universal Declaration of Human Rights (UDHR) states that "men and women" have the right to marry. In the past, some have subsequently interpreted the wording as limiting marriage rights to heterosexual couples, however, nowadays it is interpreted as simply referring to both sexes having an equal right to marry, rather than stipulating they must marry someone of the opposite sex. (UDHR, 2018) Various human rights mechanisms have urged for 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 called for the same benefits and protection heterosexual couples have for homosexual couples. (UDHR, 2018)

Certain instances would include the repeal of Section 377A of the Penal Code which criminalizes consensual sexual conduct between men announced by the Prime Minister of Singapore back in Geneva, in August 2022. (UDHR, 2022) Repealing Section 377A have helped pave the way for constructive dialogue and greater understanding and acceptance of and safety for LGBTIQ+ individuals in Singapore. The Singaporean prime minister through their announcement, made the following statement, to expedite the repeal process and take measures to protect the rights of LGBTIQ+ people, including enacting anti-discrimination legislation that covers discrimination on grounds of sexual orientation, gender identity and sex characteristics.” (UDHR, 2022)

Internally, in 2014, according to a major policy change, in effect since 26 June, the UN started to honor the marriage of any same-sex couple wed in a country where same-sex marriages are legal. Ex-Secretary-General Ban Ki-Moon stated, “Human rights are at the core of the mission of the United Nations,” and is, “proud to stand for greater equality for all staff, on all members of the UN family to unite in rejecting homophobia.” The Ex-United Nations Chief was an outspoken supporter of decriminalizing consensual same-sex relationships and tackling violence against lesbian, gay, bisexual, and transgender (LGBT) people. (UNNews, 2014)

Possible Solutions:

While there is no denying that the legalization of same-sex marriage not only addresses social equity but also fosters inclusivity, resistance in today’s society persists in many regions due to certain religious, cultural, and political factors. Addressing such an issue requires a comprehensive approach that involves legal reform, education, and advocacy. Below are a few instances of how legislative change, education, and global support can enhance the legalization of same-sex marriage.

Legislative efforts, as seen from the past, play a critical role in advancing the legalization of same-sex marriages. Collaborative advocacy with policymakers and judicial interventions can help challenge discriminatory laws and establish inclusive frameworks. For instance, Ireland's 2015 constitutional referendum and the United States Supreme Court's decision in *Obergefell v. Hodges*. Both of which provided nationwide recognition whilst also giving citizens a process to engage and fight for equality.

Furthermore, public education, as addressed in *Human Rights Campaign*, is a vital component to legalizing same-sex marriage. Misconceptions and biases often drive opposition, making awareness campaigns essential. Therefore, educational initiatives such as inclusive school curriculums and public media efforts, can foster empathy and awareness on the fundamental rights of LGBTQ+ individuals. For instance, during the 2017 postal vote, Australia's "Yes Equality" campaign successfully garnered public support serving as a model for educational efforts.

Most importantly, international supports play a key role in advancing same-sex marriage. Nations with established LGBTQ+ rights and bills garnered to same-sex unions can provide resources and moral backing to countries considering legalization. Global frameworks, such as those promoted by the United Nations, can advocate for same-sex marriage as a fundamental human right, incentivizing countries to align with international human rights standards. Nonetheless, while it is true that certain acts have been attempted, it is worth noting that such acts should continue to proceed forward rather than ultimately changing it entirely. (OpenAI, 2023).

Suggested Readings:

- Same-Sex Marriage ([Link URL](#))

An overview of same-sex marriage, outlining the future and history of the legalization of same-sex marriage, socio-cultural relations to same-sex unions, and most importantly, the list of countries that either aligns or oppose with the legalization of same-sex marriage.

- INTERNATIONAL HUMAN RIGHTS LAW AND THE CRIMINALIZATION OF SAME-SEX SEXUAL CONDUCT ([Link URL](#))

The ICJ Briefing Paper outlines the current state of international law relating to the criminalization of sexual activity between consenting adults of the same sex. This source can be helpful when writing (to be inspired or to reference to) both preambulatory and operative clauses in your draft resolution.

- Timeline of same-sex marriage ([Link URL](#))

A complete international timeline of the progression of legalizing same-sex marriage. This will be incredibly helpful when you are looking for evidence to write your speeches or when writing both preambulatory and operative clauses in your draft resolution.

- Impacts of Marriage Legalization on the Experiences of Sexual Minority Women in Work and Community Contexts ([Link URL](#))

This paper goes through the impact of legalizing same-sex marriage in work and community contexts in the United States. Please go through this paper if you would like to know more about the impacts of legalizing same-sex unions—it will help you regardless of whether you are agreeing and opposing to this issue at hand.

- Resolution on Marriage Equality for Same-Sex Couples ([Link URL](#))

This source can be helpful when writing (to be inspired or to reference to) both preambulatory and operative clauses in your draft resolution. Please note this link should only be used as a *reference*.

- Same-sex marriage ([Link URL](#))

A complete overview of countries supporting and legalizing same-sex marriage along with the inclusion of countries that stand in-between (to a certain extent allow same-sex unions and countries that completely bans the legalization of same-sex marriage.

Bibliography:

American Psychological Association. “Discrimination: What It Is and How to Cope.” *American Psychological Association*, 16 May 2024, www.apa.org/topics/racism-bias-discrimination/types-stress.

BBC News. “Inter-American Human Rights Court Backs Same-Sex Marriage.” *BBC*, 10 Jan. 2018, www.bbc.com/news/world-latin-america-42633891.

BBC News. “What Is Sharia Law? What Does It Mean for Women in Afghanistan?” *BBC*, 19 Aug. 2021, <https://www.bbc.com/news/world-27307249>.

Bachelet, Michelle. “Comment by UN High Commissioner for Human Rights Michelle Bachelet on Repeal of Singapore Law Banning Sex Between Men.” *OHCHR*, n.d., <https://www.ohchr.org/en/press-releases/2022/08/comment-un-high-commissioner-human-rights-michelle-bachelet-repeal-singapore>.

Dictionary.com. “Meanings and Definitions of English Words.” *Dictionary.com*, 9 Dec. 2024, www.dictionary.com/browse/marriage-equality.

Elliott, Philip. "The Fight for Same-Sex Marriage Isn't Over. Far From It." *TIME*, 14 Mar. 2024, time.com/6899864/same-sex-marriage-supreme-court-biden-trump.

Emms, Stephen. "Greece: The Mediterranean's Ancient Gay-Friendly Civilisation." *BBC*, 26 Feb. 2024, bbc.com/travel/article/20240226-greece-the-mediterraneans-ancient-gay-friendly-civilisation.

Funders for LGBT Issues. "Immigration - Funders for LGBTQ Issues." *Funders for LGBTQ Issues*, 19 May 2018, <https://lgbtfunders.org/resources/issues/immigration/>.

Hamlin, Rebecca. "Civil Rights | Definition, Types, Activists, History, and Facts." *Encyclopedia Britannica*, 11 Dec. 2024, www.britannica.com/topic/civil-rights.

Harvard Gazette. "Battle for LGBTQ Rights Amid the Pandemic." *Harvard Gazette*, 9 Nov. 2023, https://news.harvard.edu/gazette/story/2020/10/a-global-look-at-how-covid-19-has-affected-lgbtq-activism/?utm_source=chatgpt.com.

Herre, B., Arriagada, P., and Roser, M. "LGBT+ Rights." *Our World in Data*, 28 Dec. 2023, <https://ourworldindata.org/lgbt-rights>.

Human Rights Campaign. "Marriage Equality Around the World." *Human Rights Campaign*, 30 May 2024, www.hrc.org/resources/marriage-equality-around-the-world.

JSTOR Daily. "The Long History of Same-Sex Marriage." By Matthew Wills. June 2022, daily.jstor.org/the-long-history-of-same-sex-marriage.

Leo, Lester. "Timeline: Repealing Section 377A and Amending the Constitution to Protect the Definition of Marriage." *CNA*, 29 Nov. 2022, <https://www.channelnewsasia.com/singapore/timeline-repealing-377a-gay-sex-law-amending-singapore-constitution-marriage-definition-3101551>.

Mulvihill, Geoff. "LGBTQ+ Pride Month 2024: All You Need to Know." *AP News*, 1 June 2024, <https://apnews.com/article/pride-month-lgbtq-2024-1abf80d0cf1026b60b47f565e9953fec>.

Passions of the Cut Sleeve. *Google Books*, n.d., https://books.google.com.kh/books?id=2a0wDwAAQBAJ&redir_esc=y.

Stone, Amy L. *Gay and Lesbian Movements*. Elsevier, 2015, pp. 632–636, <https://doi.org/10.1016/b978-0-08-097086-8.10202-8>.

The Editors of Encyclopedia Britannica. "Same-Sex Marriage." *Encyclopedia Britannica*, 9 Nov. 2024, www.britannica.com/topic/same-sex-marriage.

USA Today. "Timeline: Same-Sex Marriage Through the Years." By Richard Wolf, 26 June 2015, www.usatoday.com/story/news/politics/2015/06/24/same-sex-marriage-timeline/29173703.

Wikipedia Contributors. "Criminalization of Homosexuality." *Wikipedia*, 31 Dec. 2024, https://en.wikipedia.org/wiki/Criminalization_of_homosexuality.

Wikipedia Contributors. "Equal Protection Clause." *Wikipedia*, 24 Dec. 2024, en.wikipedia.org/wiki/Equal_Protection_Clause.

Wikipedia Contributors. "Heterosexuality." *Wikipedia*, 20 Dec. 2024, <https://en.wikipedia.org/wiki/Heterosexuality>.

Wikipedia Contributors. "History of Same-Sex Unions." *Wikipedia*, 19 Dec. 2024, en.wikipedia.org/wiki/History_of_same-sex_unions.

Wikipedia Contributors. "LGBTQ Rights in the Netherlands." *Wikipedia*, 1 Nov. 2024, https://en.wikipedia.org/wiki/LGBTQ_rights_in_the_Netherlands.

Wikipedia Contributors. "Timeline of Same-Sex Marriage." *Wikipedia*, 1 Jan. 2025, en.wikipedia.org/wiki/Timeline_of_same-sex_marriage.

Wolf, Richard. "In Places Where Same-Sex Marriages Are Legal, How Many Married Same-Sex Couples Are There?" *Pew Research Center*, 14 Apr. 2024, www.pewresearch.org/short-reads

Wolf, Richard. "UN Widens Its Same-Sex Marriage Policy to Include All Legally-Married Staff." *UN News*, 8 July 2014, news.un.org/en/story/2014/07/472572.

Herre, B., Arriagada, P., & Roser, M. "LGBT+ Rights." *Our World in Data*, 28 Dec. 2023, <https://ourworldindata.org/lgbt-rights>.

Passions of the Cut Sleeve. *Google Books*, https://books.google.com.kh/books?id=2a0wDwAAQBAJ&redir_esc=y.