

# Background Guide

United Nations Human Rights Council





# Message from the Executive Board

Welcome to the simulation of the Human Rights Council at Utopia MUN. This year, we will discourse about a pressing issue which has been plaguing the international community for quite some time now. The agenda “LGBT Rights” is an importunate and burning issue that requires comprehensive research. This background guide has been created to give the delegates an insight into the topics that can act as a stepping stone to their research. This guide is by no means exhaustive and delegates are expected to do in-depth research for the conference. One of the things that the delegates should acknowledge is the mandate of the council. Debate and solutions should be pertinent to the mandate of the Human Rights Council. If any questions or concerns arise please feel free to contact the Executive Board regarding the same.

All the best!



# Committee Introduction

The Office of the United Nations High Commissioner for Human Rights (OHCHR) represents the world's commitment to universal ideal of human dignity. We have a unique mandate from the international community to promote and protect all human rights. It supports the work of the United Nations human rights mechanisms, including the treaty bodies established to monitor State Parties' compliance with the core international human rights treaties and the Special Procedures of the Human Rights Council. It promotes the right to development, coordinates United Nations human rights education, public information activities, and strengthens human rights across the United Nations system.

We work to ensure the enforcement of universally recognized human rights norms, by promoting both universal ratification and implementation of the major human rights treaties and respect for the rule of law. To fulfil its comprehensive human rights mandate, OHCHR speaks out objectively against human rights violations worldwide. It provides a forum for identifying, highlighting and developing responses to today's human rights challenges. It acts as the principal focal point of human rights research, education, public information, and human rights advocacy activities in the United Nations system.

## Work Method

OHCHR's method of work focuses on three major dimensions: Standard-setting, Monitoring, and Implementation on the ground. We do so, by offering expertise, and substantive and secretariat support to the different United Nations human rights bodies as they discharge their standard-setting and monitoring duties. It ensures these international human rights standards are implemented on the ground through greater country engagement and we have a field presence.

# Mandate

The HRC possesses a unique and comprehensive mandate outlined in GA resolution 60/251. The GA mandated the HRC to promote universal respect for human rights and fundamental freedoms; to address and provide recommendations on all, particularly grave and systematic, violations of human rights; and to promote an effective system of coordination within the UN system, including mainstreaming mechanisms, with respect to human rights issues. Further, the GA designated the HRC as a forum for debate and dialogue on all human rights issues, including addressing violations and responding to emergencies, promoting cooperation and education on human rights, reviewing Member States' track records, and preventing abuses from occurring. The HRC is guided by the underlying principles of "universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation."





# LGBTQ Rights

## Introduction

LGBTQI (abbreviation for Lesbians, Gays, Bisexuals, Transgender, Queers and Intergenders) is a term used for a diverse group of sexuality and gender based identities. These terms are based on self-identification and thus, the identity label is not limited to LGBTQI. Often termed as sexual minorities for legal reasons, both for recognition and for criminalization, the LGBTQI community has been persecuted and punished in various countries for their expression and activism. These punishments are inflicted in the name of religion, morality, public policy and so on. Realizing this, a statement for support of the LGBTQI rights proposed jointly by the Netherlands and France in the UNGA got considerable support from 66 nations. However, an Arab – League backed opposing resolution was also tabled with sharp critique of the Dutch- French proposal. The current result is a stalemate as both documents remain to be adopted as a resolution. The first resolution that got passed in the UN system is the United Nations High Commissioner for Human Rights (UNHCR) report on situations of LGBT people and their rights, initiated by South Africa. This resolution addressed the issues of targeted violence, various forms of discriminatory practices and discriminatory laws. Another proposal led by Brazil, Chile, Colombia and Uruguay got passed as a resolution in 2014. This resolution reaffirmed human rights, sexual orientation and gender identity.

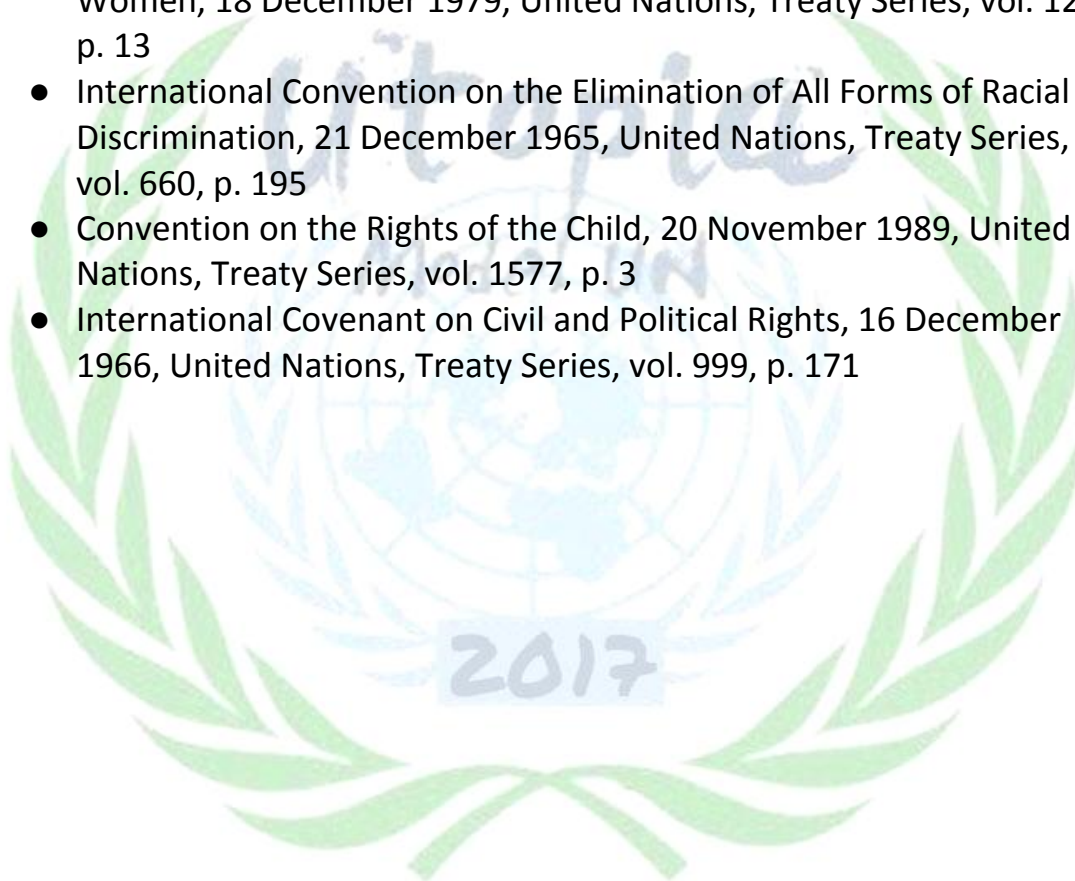
The principles of equality, universality, and non-discrimination are the foundation of human rights, enshrined in the 1945 Charter of the United Nations and the 1948 Universal Declaration of Human Rights (UDHR).<sup>119</sup> The first article of the UDHR is unequivocal, stating, “all human beings are born free and equal in dignity and rights.”

# United Nations Involvement

- GA Assembly Resolution 2008 AG/RES. 2435 (XXXVIII-O/08):
- General Assembly resolution - Extrajudicial, summary or arbitrary executions - A/RES/69/182
- General Assembly resolution - Extrajudicial, summary or arbitrary executions - A/RES/67/168
- General Assembly resolution - Extrajudicial, summary or arbitrary executions - A/RES/65/208
- General Assembly resolution - Extrajudicial, summary or arbitrary executions - A/RES/63/182
- General Assembly resolution - Extrajudicial, summary or arbitrary executions - A/RES/61/173
- General Assembly resolution - Extrajudicial, summary or arbitrary executions - A/RES/59/197
- General Assembly resolution - Extrajudicial, summary or arbitrary executions - A/RES/57/214
- Human Rights Council resolution - Human rights, sexual orientation and gender identity (adopted 17 June 2011)
- Human Rights Council resolution - Human rights, sexual orientation and gender identity (adopted 26 September 2014)

# Applicable Treaties of International Law

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85
- Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13
- International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195
- Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3
- International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

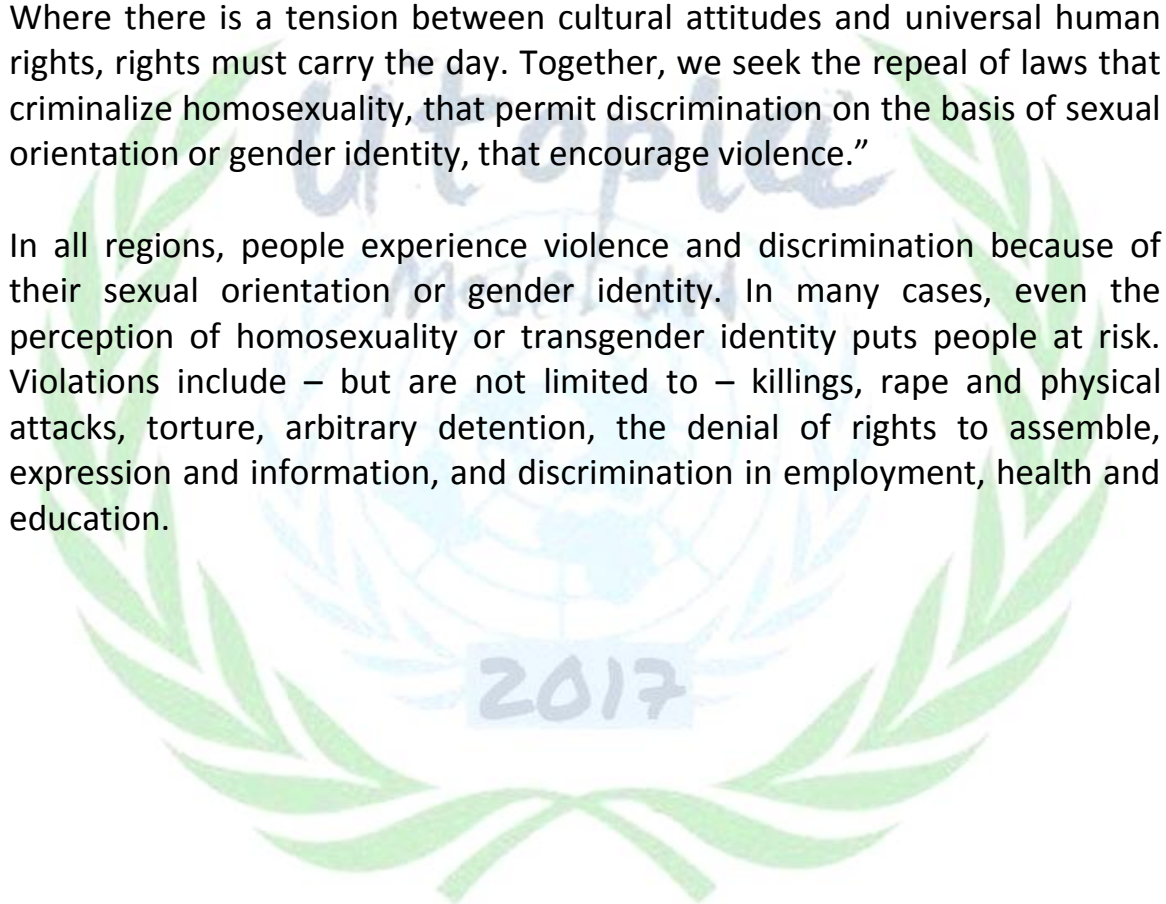




# The Recognition and Protection of LGBT Rights

The Secretary-General in his speech on Human Rights Day 2010 stated, “As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity ... Where there is a tension between cultural attitudes and universal human rights, rights must carry the day. Together, we seek the repeal of laws that criminalize homosexuality, that permit discrimination on the basis of sexual orientation or gender identity, that encourage violence.”

In all regions, people experience violence and discrimination because of their sexual orientation or gender identity. In many cases, even the perception of homosexuality or transgender identity puts people at risk. Violations include – but are not limited to – killings, rape and physical attacks, torture, arbitrary detention, the denial of rights to assemble, expression and information, and discrimination in employment, health and education.



# LGBTQ Related Issues At Hand

## Decriminalization

Laws criminalize same-sex sexual conduct in several countries around the world. They are often referred to as sodomy laws. Sometimes these laws criminalize specific sexual acts, such as anal and oral sex, regardless of the sex of the partners. Sometimes these laws criminalize any kind of sexual contact between partners of the same sex. The major focus is on sex between men, although recently Botswana and Malawi have enacted laws criminalizing lesbian sex. Occasionally these laws are drafted with great precision, but more commonly they use language such as “carnal knowledge against the order of nature” or “gross indecency”. These are usually known as morals offences and are justified by reference to tradition, popular opinion, and public morality. What they share is that they all make private sexual activity between consenting adults illegal.

Internationally, in 1994 the UN Human Rights Committee decided (in the case of *Toonen v. Australia*) that Tasmania’s sodomy laws violated Articles 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR). In so doing, it rejected Tasmania’s public morality justification. Since this case, the Human Rights Committee and other UN treaty bodies have repeatedly urged States to decriminalize consensual same-sex sexual conduct. However several nations still retain criminal liability.

## Universality, Equality and Non-Discrimination

Article 1 of the Universal Declaration of Human Rights provides: “All human beings are born free and equal in dignity and rights.” The Preamble of the ICCPR recognizes that “the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace in the world”.

Every regional human rights instrument also refers to the universality of rights. The Vienna Declaration and Programme of Action, adopted

unanimously by all States at the World Conference on Human Rights in 1993, states: “Human rights and fundamental freedoms are the birth right of all human beings; their protection and promotion is the first responsibility of Governments”. What this should mean is that every human being, regardless of sexual orientation or gender identity, is entitled to the full enjoyment of all human rights.

In general terms, all the questions at hand fit into this heading of universality, equality and non-discrimination here only cases of explicit treatment of the subjects are to be discussed. The same can be understood in reference to certain case laws like *Romer v. Evans* and *Sunil Babu Pant & Others v. Nepal Government and Others*.

## Employment Discrimination

Article 6 of the Covenant on Economic, Social and Cultural Rights obliges States Parties to “recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”. When LGBT individuals challenge job-related decisions based on their sexual orientation and gender identity, they assert their right to be treated as equal citizens in matters of employment. For many years this was a controversial proposition. Where same-sex sexual conduct was criminalized, States often enacted statutory prohibitions on employment. Even criminal laws had not been passed. Terms such as “moral turpitude” or “immoral behaviour” were often used to bar gay men and lesbian women from jobs. Certain fields of employment, especially teaching and police professions, were essentially closed to people who were suspected of, or who admitted to being gay or lesbian. Transgender individuals still frequently stand to lose jobs (or job offers) when they are in the process of gender transitioning.

## Freedom of Assembly, Association and Expression

The rights to freedom of expression, association, and peaceful assembly are grouped together because they are often intertwined. Freedom of

expression is a necessary component of the rights to freedom of assembly and association when people join together for an expressive purpose. All three are protected in international and regional human rights instruments and are considered essential to the functioning of a pluralistic and democratic society. Human rights activists also need to be able to exercise these rights to do their work.

The ability of LGBT individuals and organizations to organize, mobilize, and speak out on matters of sexuality is often restricted. Historically, discussion of homosexuality was frequently prohibited in the name of public morality. For example, in 1988, the United Kingdom adopted Section 28 of the Local Government Act, which prohibited local authorities from “promoting homosexuality or publishing material with the intention of promoting homosexuality”. Local authorities were also prohibited from teaching in schools about “the acceptability of homosexuality as a pretended family relationship”.

Although Section 28 has now been repealed, similar laws still exist elsewhere.

Although public morality is a legitimate purpose justifying restriction of the rights to freedom of expression, peaceful assembly, and association in the ICCPR, courts have been alerted to ensure that “Public morality” does not mask prejudice. They have distinguished between a genuine public morality and one that merely reflects majority opinion.

## Military Service

Whether gays and lesbians may serve openly in the armed forces is an issue that continues to rattle courts and legislatures around the world. At least twenty five countries, including Canada, Germany, France, and The Netherlands, currently permit gay and lesbian service members. Some countries never introduced an express ban on military service, while in others bans were repealed either through legislative or judicial action.

The United States had initially banned gays and lesbians from serving openly in the military (10 U.S.C.654) which was referred to as “Don’t Ask Don’t Tell.” However, on December 18, 2010, the US Congress passed a



legislation to repeal this law and in September 20, 2011 the repeal became effective. In 2000, Canada released a report declaring that after the repeal of the law prohibiting homosexuals from serving in the military in 1992, it has been found that gays do not undermine the performance of the Canadian military and that self-identified gays, lesbians and transsexuals interviewed had reported good working relations with their peers. Moreover, of the assault cases reported from 1992 to 1995, none were attributed to gay bashing or sexual orientation of parties involved. As a result, the Canadian case is often raised as an example that allowing homosexuals to serve will not undermine the performance of the military. Even so, many countries still ban homosexuals from serving in the military. While Italy does not prohibit homosexuals from serving in the military, if the presence of a gay service member disrupts discipline, he could be dismissed from service.

Moreover, a law in Italy allows gays to avoid serving in the military based on their sexual orientation.

Thus, the laws prohibiting discrimination in the military may not be successful if they are not enforced properly. Moreover, stricter enforcement is required.

## Intersex

The term “intersex” refers to a range of anatomical conditions that do not fall within standard male and female categories. They may be the result of variations in an individual’s chromosomes, hormones, gonads, or genitalia. For example, having one ovary and one testis, or gonads that contain both ovarian and testicular tissue, is an intersex condition. Chromosomal patterns that are XXY or XO instead of XX or XY are also intersex conditions. The genitalia of some but not all intersex individuals are not clearly identifiable as male or female. Intersex conditions may not become apparent until puberty or later, when sterility is an issue. This condition is not itself a medical condition. It is better understood as a label which is used to describe biological variety. The recognition of this third sex is necessary.



## Gender Expression & Cross-Dressing

One way in which law has played a role in enforcing gender norms is by prohibiting cross-dressing. Sumptuary laws were common in medieval Europe, Elizabethan England and colonial North America. They served to regulate public attire according to occupation, class and gender. Colonial systems exported dress regulations to many countries around the world. Contemporary sumptuary laws, known as cross-dressing laws, have been used to target individuals who transgress gender roles, whether they are gay, lesbian, transgender or straight. For example, in Sudan, laws prohibiting indecent or immoral dresses have been used to punish men who wear women's clothes as well as women who wear trousers and male models who wear make-up. In Nigeria, laws on indecent dressing have been used to fine and imprison cross-dressing men. In Guyana, it is a crime under section 153 of the Summary Jurisdiction (Offences)

Act when “a man, in any public way or public place, for any improper purpose, appears in female attire, or being a woman, in any public way or public place, for any improper purpose, appears in male attire”.

Cross-dressing laws can be challenged on various grounds. One's choice of attire may be described as an expression of individual liberty and autonomy, or an expressive statement protected under the right to freedom of expression. Cross-dressing may also be considered an element of trans-identity protected under non-discrimination and equality guarantees. Early cases, however, dealt with the textual vagueness of laws that criminalized dressing in clothing of the opposite sex.

## Recognizing Gender Identity

Transgender law covers a wide range of issues that arise when an individual's internal experience of gender does not correspond with the sex assigned at birth. Transgender individuals typically face discrimination in education, employment, immigration, and child custody decisions. They suffer high rates of hate crimes and are especially vulnerable to physical and sexual abuse in prison. The cases here focus on one particular aspect of transgender law: legal recognition of the preferred gender of a transgender individual.

Legal recognition cases most commonly arise when individuals seek to change their sex on identity documents, such as birth certificates, passports, and national identity cards. This right is interrelated with the transgender marriage discussed below.

## Transgender Marriage

Transgender marriage occurs when a change of gender identity is judicially recognized in the context of marriage. Since marriage in the majority of jurisdictions is defined in terms of opposite-sex partners, courts ask whether an individual is a man or a woman for the purpose of the marriage statute. What does it mean to be male or female? Is a person's sex a biological fact, a legal construction, or a bit of both? Is one's capacity to marry defined by the ability to engage in penile-vaginal sex? Or is the ability to procreate determinative?

There is a great lack of consistency. Some courts reject the notion that a person can be legally recognized in a new sex for the purpose of marriage, even if that person has been recognized in the new sex for other purposes. Other courts apply various tests of sexual functionality or physical appearance. Because of the medical risks involved in the surgical construction of male genitalia, physical appearance tests are significantly harder for transgender men to meet than transgender women.

## Freedom of Religion and Non-Discrimination

The work of activists who campaign for LGBT equality is frequently presented as a direct threat to religious values and institutions. The right to demand freedom from discrimination based on sexual orientation or gender identity is protected by international human rights law and by many domestic legal systems. At the same time, international law protects the right to freedom of religion, conscience, and belief. Article 18(1) of the ICCPR affirms that the right to freedom of thought, conscience or religion includes a person's "freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in

public or private, to manifest his religion or belief in worship, observance, practice and teaching”.

Under Article 18(3), the freedom to “manifest one’s religion” may only be subject to limitations that are prescribed by law and “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”. A similar right is found in regional human rights treaties and many constitutions. Considering the fact that some religious teachings declare same-sex sexual conduct as immoral, and some religions condemn not only same-sex sexual activity but also LGBT individuals, conflicts between the right to freedom from discrimination and the right to manifest one’s religion are inevitable. Some religious individuals and organizations argue that compliance with non-discrimination norms limits their right to freedom of religion. Some commentators claim that removing religion from the public sphere closets religious identity. Judicial systems of various nations are often expected to balance the tension between the two sets of rights.

Religiously motivated disapproval of homosexuality may be manifested publicly or privately, by an individual, by religious institutions and private businesses, or by State employees. In two of the cases included here, the conflict was generated by the restrictions that religious institutions imposed on individuals who asserted a gay identity.

## Parenting

Article 23 of the ICCPR protects the “right of men and women of marriageable age to marry and to found a family”. Similar rights to founding or raising a family are protected in regional human rights instruments. Do lesbian, gay, and transgender individuals have the same right to be parents as everyone else? Does a person’s sexual orientation or gender identity affect his or her ability to raise a child? One US court ruled that a biological father’s homosexual relationship rendered him “an unfit and improper custodian as a matter of law”. Even courts that did not adopt per se rules of unfitness imposed extra evidentiary burdens on homosexual parents. Another court thus reasoned that “there are sufficient social, moral and legal distinctions between the traditional heterosexual family relationship and illicit homosexual relationship to raise the presumption of regularity in



favour of the licit, when established, shifting to the illicit and the burden of disproving detriment to the children”.

## Asylum and Immigration

The main international instruments governing determinations of refugee status is the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. Article 1A (2) of the Convention defines a refugee as “any person who ... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”.

With certain exceptions that are not relevant here, the Convention prohibits State Parties from returning refugees to their countries of origin. To qualify for refugee status, therefore, successful applicants must demonstrate (1) a well-founded fear of persecution (2) on one of the above-enumerated grounds and (3) lack State protection, because the State is either unable or unwilling to provide such protection. If a person does not fulfil the requirements for refugee status, he or she may nevertheless qualify for protection outside his or her country of origin under other international human rights treaties.

A significant volume of research, documents the harms suffered by LGBT individuals at the hands of State and non-State actors. Research also shows how LGBT claims for asylum have fared in various national systems. In addition, in 2008, the Office of the UN High Commissioner for Refugees (UNHCR) published a Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity.

## Marriage

This issue focuses on the responses of courts to demands by same-sex couples for marriage equality. Marriage equality has been achieved by both legislative and judicial means and court cases have often served to drive legislative reform. With the question of same sex marriages the

corresponding questions of adoption, rights in property and other rights arising out of marriage also come about.

In the current state of international law, marriage is defined as a union of opposite sex couples.

Thus, Article 16 of the Universal Declaration of Human Rights provides: “Men and women ... have the right to marry and to found a family”. Article 23 of the ICCPR states: “The right of men and women of marriageable age to marry and to found a family shall be recognized.” The terms of Article 12 of the European Convention are almost identical.

Interpreting Article 23, in *Joslin v. New Zealand*, the UN Human Rights Committee found New Zealand had not violated rights under the ICCPR because it did not provide for same-sex marriage. The Human Rights Committee stated: “Use of the term “men and women” rather than the general terms used elsewhere in Part III of the Covenant, has been consistently and uniformly understood as indicating that the treaty obligation of States parties stemming from article 23, paragraph 2, of the Covenant is to recognize as marriage only the union between a man and a woman wishing to marry each other”.

## Emerging Responses and Best Practices

There is a clear consensus on the alarming pattern of violence and discrimination targeted directly at people because they are, or are perceived as belonging to the LGBTQI community. Since this pattern has often been overlooked by governments, whether in practice, or in law, there is no clear guide. Recent emerging responses aimed at bridging the gap between international legal standards and national policies, have been suggested as comprehensive solutions. HRC has specified that Member States have a common shared responsibility to uphold international binding human rights standards.

This implies a direct obligation to protect the human rights of LGBTQI people through five core legal obligations:

(1) Protect individuals from violence rooted in homophobia and transphobia;



- (2) prevent any forms of torture and cruel, inhuman and degrading treatment targeted at LGBTI persons;
- (3) rescind any legislation that criminalizes homosexuality;
- (4) Prohibit any forms of discrimination on the grounds of SOGI; and
- (5) Safeguard LGBTQI people's rights to freedom of expression, association, and peaceful assembly.

Further, CSOs suggest that States should take a more proactive role in mainstreaming these issues within their national institutions. Specifically, the repeal of detrimental national laws criminalizing and targeting the LGBTQI community is indispensable. Additionally, the omission of these issues within national policies that influence access to health care, education, housing, welfare, and justice can lead to unlawful discrepancies in everyday life. Emerging responses have shown that countries include trade unions in combating LGBTQI employment discrimination and train public officials. Another key recommendation to take into account is the need to respect the right of asylum, so as to protect any individual fleeing persecutions on grounds of SOGI.

Similarly, countries should be encouraged to provide documentation that reflects each person's gender identity. While progress is directly articulated at a national level, reports stress that an intergovernmental organization such as the UN should take leadership on this issue, to prevent further violence and prohibit harassment based on homophobia and transphobia. In particular, creating accountability measures and effective monitoring mechanisms focused specifically on sexual orientation and gender identity to record and reduce the widespread pattern of violence is critical. UN leadership would also allow Member States to share best practices more efficiently, encourage standardized legal reform, and safeguard the pre-existing legal framework already grounded within UN institutions. This is particularly important considering the upcoming post-2015 development agenda of the UN, which should be used as an opportunity to create an enabling environment in which sexual orientation, gender identity, and sexual rights are ensured. SOGI should be considered as a crosscutting thematic of the future development program, so as to ensure that all areas of the forthcoming agenda promote non-discrimination and encourage a healthy outlook on sexual expression.

The ICPD Beyond 2014 review process, spearheaded by the UNFPA, is another international mechanism which can help advance sexual rights at

the UN and national level. Combating LGBTQI prejudices requires the promotion of social change, and cultural awareness, as well as the implementation of education programs targeting different groups, including law enforcement and educators. Public awareness campaigns can help individuals identify, register, and respond to hate crimes and everyday discrimination in an appropriate and healthy manner. For example, British transportation systems carried billboards promoting LGBTQI acceptance and the government of Brazil launched the national “Brazil without Homophobia” campaign. Additionally, the adoption of CSE is advocated for in order to foster a greater understanding of sexual orientation and gender identity. CSE can also help root out discrimination and help young individuals make responsible, safe, and healthy decisions in relationships. CSE’s ambitions are to provide the youth with inclusive, accurate, and age-sensitive sex education.

However, these programs can also be targeted at a wider audience, as all individuals are concerned by health rights, and should be kept informed on the risks of HIV/AIDS contraction, or other sexually transmitted infections, in addition to reproductive health issues relating to pregnancy. Further, education programs and curricula are efficient methods to address discrimination, and counter homophobic and transphobic attitudes. Recent education initiatives include Hong Kong’s Boys and Girls Clubs Association and Australian’s Safe Schools Coalition, which offer counselling in schools and youth centres, and promote a safe space to discuss SOGI.

## Conclusion

The abovementioned issues at hand are aimed at furthering debate by highlighting various aspects to be deliberated in committee. The delegates are encouraged to explore further facets of LGBTQI rights. The delegates may find helpful Refworld run by the UNHCR.

The delegates are also advised to refer to their own national legislations and legal systems to understand the scenarios in their respective nations. For example, nations following the Sharia are encouraged to know the provisions in the same related to the agenda at hand.

# Possible Discussion Topics:-

- Global Documentation on Violations of the rights of LGBT people
- Global Efforts against Hate crimes against Sexual Minorities, Criminalization of Homosexuality, and Discrimination.
- Universal Comprehensive laws against discrimination based on sexual orientation
- International Measures to Ensure Protection of the Sexual Minority Groups

## Additional Resources:-

- <http://iglhrc.org/content/historic-decision-united-nations>
- <http://iglhrc.org/content/new-video-un-high-commissioner-human-rights-lgbt-rights>
- <http://iglhrc.org/content/demanding-post-2015-development-agenda-inclusive-sexualorientationand-gender-identity>
- <http://www.amnestyusa.org/our-work/issues/lgbt-rights>
- <http://debatewise.org/debates/1047-same-sex-marriage-should-be-legal/>
- <http://www.pewforum.org/2015/06/26/gay-marriage-around-the-world-2013/>
- <http://www.missionislam.com/knowledge/homosexuality.htm>
- <http://www.thereligionofpeace.com/quran/026-homosexuality.htm>
- <http://www.islamawareness.net/Homosexuality/homo.html>