

ATUMUN SOMMERCAMP 2023

United Nations Human Rights Council



Position Papers

Furthering the safety of all people regardless of sexuality
and gender identity

Welcome from the dais

Dear Delegates,

The following document is a collection of Position Papers for the countries represented in our ATUMUN conference on the topic of furthering the safety of all people regardless of sexuality and gender identity. We expect you to have read the Study Guide before reading yours and others Position Papers. It is of great importance that you read the Position Paper for your respective country before the session begins, as this will serve as the very basis of the negotiations.

When reading your Position Paper, it is important to note the central view that your country represents. We highly recommend that you compliment your Position Paper with your own research. The Position Papers are kept short in order for you to make your own conclusions as well as the position that the paper reveals.

In order for you to be able to have a fruitful debate, we highly recommend that you read other countries' Position Papers as well. By doing so, you will get a better understanding of the topic and the different perspectives that the countries represent.

With this being said, there is another matter that your secretariat would like to formally address. This topic is one that, unfortunately, divides the waters quite drastically. We want to make it perfectly clear that during our committee sessions, you are not representing *you*, but rather the nation you have been given. For some of you, this means that you need to negotiate for conservative countries with views that differ greatly from your own personal views.

We recognise that advocating for some conservative countries is a difficult task, but would like to say that this is an exercise in diplomacy; your prime task is to negotiate a draft resolution that your country could vote in favour of. However, do remember that in all cases of discussing human rights, we are also talking about the lives of real people, and these people deserve respect when speaking in and outside of sessions.

As a helpful push in the right direction, we have provided you with a short guide on negotiation tactics for conservative countries at the bottom of this document.

Lastly, we would like to present an official thanks to all of the co-authors of these Position Papers; Rikke Udengaard, Camilla Østergaard Kristensen, Emilie De Neergaard Ravn, Esther Rasmussen, Signe Ottesen, and Luke van Harten.

If you have any questions, we would like to remind you that our inbox is open at atumunsekretariat@gmail.com, and if you need any help with your research, we would like to refer to Questions a resolution should answer, Further reading, and Bloc positions in the Study Guide.

Sincerely, your secretariat,

Dicte Møberg, Lucca Dybtved Kjærgaard, Simon Jørgensen, and Julie Blom.

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The Argentine Republic

The rights of LGBTQ+ people in the Argentine Republic (henceforth known as Argentina) is known as some of the most progressive in the world as of 2023, which is rooted in the fact that activism is a key cornerstone in Argentine culture, where the public has been advocating for minorities as well as oppressed and marginalised people for years¹. This culture of activism is also part of the reason why Argentina became the very first country in Latin America to legalise same-sex marriage in 2010, being the second country in the Americas to do so and overall only tenth in the world to legalise it, making the Argentine Republic a true world leader when it comes to LGBTQ+ rights, especially with not only legalising gay marriage in 2010, but also allowing same-sex couples to adopt as well as allowing lesbian couples equal access to IVF treatments in that very same bill². This is not to mention the fact that WHO has cited Argentina as an “exemplary country for transgender rights” for their Gender Identity Law that was passed in 2012³, a law that ensures trans peoples’ rights to, for instance, request having their recorded sex amended at the age of 18 or with the consent of a legal representative. When this amendment is made, it will create rights against third parties and thus protect the rights of the transgender person.

With this being said, Argentina has 23 provinces that each have their own constitution and laws that leave room for significant disparities in polity and service provision, in which many provinces do not incorporate this legislation that is made to ensure LGBTQ+ rights⁴.

Whereas Argentina keeps no official records of hate crimes in the country, it is clear that trans women in particular are still the target of corrective violence and trans femicide.

This means in particular that while the Argentine Republic is indeed a frontrunner in LGBTQ+ rights, they still have a long way to go in implementing these rights and ensuring safety for all.

¹ <https://theculturetrip.com/south-america/argentina/articles/an-lgbtq-guide-to-living-in-argentina/>

² Ibid.

³ Ibid.

⁴

<https://www.unwomen.org/en/news-stories/feature-story/2022/11/pushing-forward-dismantling-anti-lgbtq-discrimination-in-argentina>

The Federative Republic of Brazil

From a bird's eye view, The Federative Republic of Brazil's (henceforth known as Brazil) legal landscape in regards to LGBTQ+ rights seems to be quite progressive. Same-sex marriage has been legal since 2013⁵, same-sex couples adoption since 2010 as well as the process for legal gender-recognition has been in place since 2009.

However, when one takes a closer look at Brazil, the truth is that this is one of the most dangerous countries for transgender and queer people. The president of Brazil Jair Bolsonaro, whose term started in 2019, claimed in an interview in 2011 that he would "rather have a dead son than a gay one". This specifically means that the political climate of Brazil is part of fostering LGBTQ+ hate - which is especially an issue when considering that when the nature of a crime is based on hate (a 'hate crime'), these circumstances are not perceived to be aggravating when it comes to sentencing in the judicial system, leading to shorter sentences for hate crimes⁶.

When it comes to violence against LGBTQ+ people, Brazil was in 2021 for the 13th consecutive year the country with the largest amount of transgender and queer people being killed (this number, however, NOT being per capita), with the number being the largest it has been since 2008⁷. This remains to be a longstanding Brazilian issue that they have yet to find a solution to.

Alongside with the issue of violence against LGBTQ+ people, the legislative powers in Brazil have since 2014 introduced over 200 legislative proposals to ban "indoctrination" or "gender ideology" in Brazilian schools, which greatly limits the rights children have to comprehensive sexuality education from an international law perspective.⁸

⁵ <https://outrightinternational.org/our-work/americas/brazil>

⁶ <https://sites.uab.edu/humanrights/2022/09/30/lgbtq-rights-in-brazil/>

⁷ <https://pulitzercenter.org/stories/brazil-continues-be-country-largest-number-trans-people-killed>

⁸

https://www-hrw-org.translate.goog/report/2022/05/12/i-became-scared-was-their-goal/efforts-ban-gender-and-sexuality-education-brazil?_x_tr_sl=en&_x_tr_tl=da&_x_tr_hl=da&_x_tr_pto=sc

Dominion of Canada

On the Dominion of Canada's (henceforth known as Canada) official government website, they state that "*Canada stands up for the protection of the human rights of [...] (LGBTQ2I) people globally*"⁹. According to them, Canada has taken several steps to promote and protect these human rights - these steps being: engaging constructively at both bilateral and multilateral levels to promote and protect the human rights of LGBTQ+ people, consulting and working closely with civil society organisations in Canada and abroad, and lastly supporting international assistance programming that seeks to advance human rights and improve socio-economic outcomes for LGBTQ+ people¹⁰.

In Canada, same-sex sexual activities has been legal between consenting adults since 1969, where Canada passed their Omnibus bill decriminalising private sexual acts between two people over the age of 21 (Which today is 16 for all sexual acts). Almost ten years later, Quebec became the very first jurisdiction in Canada to amend its provincial charter of human rights to include sexual orientation as a prohibited ground for discrimination, something that the entirety of Canada now must follow under the 1996 Canadian Human Rights Act. In 2005, same-sex couples were legally allowed to marry¹¹. In 2013, the House of Commons passed Bill C-279 that officially extended the human rights protections to also include transgender people in Canada¹².

Whilst Canada is a progressive country, they still face issues in regards to hate crimes against LGBTQ+ people. In 2019, the Canadian police reported no less than 263 hate crimes, which is a 41 percent increase over the previous year as well as the highest total since 2009¹³. Besides the violence committed against LGBTQ+ people, Canada is currently facing a crisis of transgender healthcare. For instance, a survey on trans youth health from 2019 concluded that almost two thirds of the trans and/or non-binary youth have self-harmed or seriously considered suicide within the past year, at the same time Canadian trans healthcare is currently undergoing further privatisation, primarily impacting the poorest, most isolated and vulnerable members of the community¹⁴.

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https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights_lgbti-droits_lgbti.aspx?lang=eng

¹⁰ Ibid.

¹¹ <https://www.canada.ca/en/canadian-heritage/services/rights-lgbti-persons.html>

¹² <https://nelliganlaw.ca/a-legal-timeline-of-lgbtq-rights-in-canada/>

¹³ <https://www.cbc.ca/news/politics/statistics-canada-lgbtq-pride-report-1.6066638>

¹⁴ RECOMMENDATION FROM THE DAIS; PLEASE READ:

<https://canadiandimension.com/articles/view/the-crisis-of-trans-health-care-in-canada>

People's Republic of China

In 1997, the Chinese government removed 'hooliganism' from the Chinese Criminal Law, which had been used to criminalise same-sex behaviours. In April of 2001, homosexuality was removed from their list of mental disorders and lastly, according to the Ministry of Public Security in 2002 and 2008, people who have changed their sex through sex reassignment operations in China or abroad, could change their sex on their legal identity documents, such as Chinese legal identity as well as passport¹⁵.

However, the People's Republic of China (Henceforth known as China) still has gaps that need further progressive actions from the government to ensure equal protection before the law. The most important of these gaps is the fact that China currently has no law or policy which ensures that LGBTQ+ people enjoy equal rights to other citizens. As a result people in the LGBTQ+ community are routinely being discriminated against in their daily lives. This could be at school or in their workplace (thus interfering with their rights of education and their rights to work). Secondly, being transgender is still listed as a mental disorder in China¹⁶.

When it comes to the rights to education, LGBTQ+ children cannot, as the system is set up right now, enjoy the rights to an education as there is no consolidated curriculum throughout China for comprehensive sexual education. The few sex education books that are published in China often has either missing, misleading or outdated LGBTQ+ information¹⁷.

Another gap in need of addressing in China is the fact that LGBTQ+ people are not fully guaranteed the rights of health. This for instance shows through the fact that HIV transmissions have increased rapidly in China¹⁸.

¹⁵ Stakeholder Submission on Lesbian, Gay, Bisexual and Transgender (LGBT) Rights in China For the 17th Session of the Universal Periodic Review - October 2013 by the Sexual Rights Initiative

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

Democratic Republic of Congo

In the Democratic Republic of Congo (Henceforth known as DR Congo), same-sex sexual acts has technically never been illegal and there is no explicit criminalisation in their constitutional provisions. It should be noted, however, that same-sex sexual acts can be criminalised under the ‘public decency provisions’ in the Congolese Penal Code, article 176. While, in practice, prosecutions are rare the possibility is there¹⁹.

In Congolese laws they do not recognise same-sex couples and in the very first paragraph of Article 40 of the Congolese Constitution, marriage is defined by “marrying a person of their choice of the opposite sex”. Furthermore, while DR Congo has anti-discrimination laws, they have no specific laws protecting LGBTQ+ rights, as well as the fact that they have no laws that serve as rights for gender recognition or other rights for transgender or intersex people²⁰.

DR Congo does focus on creating a better health-sector in regards to sexual and reproductive health. One of their primary goals is to eliminate practices that undermine the human body in the area of sexuality and reproduction, including poverty, sexual violence and especially HIV/AIDS. It should also be noted that significant progress has been made in DR Congo when it comes to MSM (males having intercourse with other males) and transgender people. Taking these groups further into account and even integrating them in national health programmes, realising that these groups of people must be included if they want to eradicate HIV and AIDS²¹.

DR Congo currently has a plan in motion to increase the quality of sexual education. This plan, however, proves to be lacking in regards to LGBTQ+, seeing as the plan is not yet harmonised and makes no mention of neither sexual orientation or gender identity²².

¹⁹ <https://cdn.sida.se/app/uploads/2021/05/07083458/rights-of-lgbt-persons-drc.pdf>

²⁰ Ibid.

²¹ <https://www.undp.org/sites/g/files/zskgke326/files/2022-07/UNDP-CD-%20igi-drc-baseline-report.pdf>

²² Ibid.

The Arab Republic of Egypt

In the Arab Republic of Egypt (henceforth known as Egypt) homosexuality is technically not illegal. However, in practice members of the LGBTQ+ community and especially homosexuals are systematically being arrested and imprisoned by law-enforcement under charges of habitual practices of debauchery and prostitution. These convictions are often based on weak evidence, gathered by the police using entrapment tactics.²³

It has been documented by *Human Rights Watch* that whilst in police detention many members of the LGBTQ+ community have been tortured, directly going against the Convention Against Torture. This could be beatings or sexual assaults disguised as anal exams or virginity tests. The police have further been reported to encourage other inmates to beat and sexually harass members of the LGBTQ+ community detained by the police.²⁴

In Egypt it is legal to change gender, though it requires you to have gender reassignment surgery first. This surgery is very hard to get, as a member from the Al-Azhar mosque, who is not a medical professional, has to grant you the permit for gender reassignment surgery. Furthermore, the surgeries are very expensive and forbidden in government hospitals.²⁵

The public opinion in Egypt is also extremely negative towards the LGBTQ+ community. Around 84% of the Egyptian population does not want a homosexual as their neighbour, and 95% believe society should not accept homosexuals.²⁶

All of this means that Egypt would like to keep the discussion away from the current state in their country, and they would furthermore wish that no resolution should include specifics on how the legal framework should be changed. Instead Egypt will try to focus on human rights in general without specifically mentioning the LGBTQ+ community.

²³ <https://www.dw.com/en/lgbtq-rights-in-egypt-queer-community-battles-crackdown/a-65170739>

²⁴ <https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>

²⁵ <https://outspokenmiddleeast.com/health/what-its-like-to-be-transgender-in-egypt>

²⁶ <https://www.equaldex.com/region/egypt>

French Republic

In the French Republic (Henceforth known as France), same-sex marriage was legalised in 2013 - however, France's international efforts in ensuring LGBTQ+ rights begun before this. In December of 2008, France alongside the Netherlands presented the text of the Declaration on Sexual Orientation and Gender Identity to the United Nations General Assembly. In 2018, this declaration had been signed by no less than 68 states. France continues to call upon all states who have not yet signed the declaration to do so, as the declaration reaffirms human rights for all²⁷.

This is by far not the last international effort France has made in the fight for equal rights around the world. In fact, they did similar UN work to promote LGBTQ+ rights in 2011, 2012, 2014 and 2016. Aside from this, France also does international work with other European states to promote LGBTQ+ rights and protect LGBTQ+ people. Meanwhile they also support the determined efforts of human rights defenders and NGOs²⁸. In short, France is a big task force in the international scene when it comes to LGBTQ+ rights.

With this being said, France still has a long way to go. In 2021, 7,790 offences in France were committed due to sexual orientation or gender identity. This was an increase of 27.6% from 2020²⁹. When looking at polls within France, the truth is that the acceptance of LGBTQ+ people is generally spreading - however, at the same time, the acts committed by non-accepting people becomes more vindictive and violent. This means France has to work even harder at promoting LGBTQ+ acceptance within their own borders. Considering France's vigorous efforts in protecting international LGBTQ+ people, they would be widely interested in protecting their own people, too.

²⁷ <https://www.diplomatie.gouv.fr/en/french-foreign-policy/human-rights/sexual-orientation-and-gender-identity/>

²⁸ Ibid.

²⁹

https://www.lemonde.fr/en/france/article/2022/05/17/homophobic-violence-in-france-increased-again-in-2021_5983795_7.html

Federal Republic of Germany

The Federal Republic of Germany (henceforth Germany) aligns itself with Western values when it comes to LGBTQ+ rights. This means that in Germany most of the legal framework seen in other Western countries is also in place. On some fronts they are further than the general legal framework and on some fronts they have been quite slow to adapt, though today they have caught up. A good example of the slow adaptation would be the legalisation of same sex marriages, which only happened in late 2017, though civil unions have been legal since 2001. Germany has however also been a first mover in some aspects of LGBTQ+ rights, namely the right to change gender. Since 2011 it has been legal to change gender in Germany. Even though this process can be slightly difficult, a successful change means your gender will be changed everywhere, including the birth certificate.^{30 31}

While the legal framework in Germany generally supports LGBTQ+ rights, and systemic discrimination is quite low, Germany has yet to remove all discrimination against LGBTQ+ people. In parts of Germany discrimination and violence against LGBTQ+ people is still a problem. This has also led to some people being afraid of coming out due to fear of discrimination.^{32 33}

According to the *European Union Agency for Fundamental Rights*, the German LGBTQ+ population on average has the same experience as the LGBTQ+ population of the European Union. In two of the six metrics Germany does however seem to differ from the rest of the EU. This being *Openness about being LGBTI* and *Intolerance and prejudice*. It seems Germans are less likely to publicly display being part of the LGBTQ+ community and they have a higher tendency to avoid certain places out of a fear of discrimination. The LGBTQ+ population in Germany generally still reports that intolerance and prejudice is dropping to a larger extent than the EU average.³⁴

This all means that Germany today is one of the most LGBTQ+ friendly countries in the world, and while not all discrimination is removed, Germany generally seeks to improve LGBTQ+ rights.

³⁰ <https://www.equaldex.com/region/germany>

³¹ https://www.stonewall.org.uk/system/files/global_workplace_briefing_germany_2018.pdf

³² <https://www.expatrio.com/blog/2022-05/lgbtq-germany-history-rights-marriage>

³³ https://fra.europa.eu/sites/default/files/fra_uploads/lgbti-survey-country-data_germany.pdf

³⁴ Ibid.

The Hellenic Republic

In the Hellenic Republic (Henceforth known as Greece), same-sex marriage is not currently legal, however some government officials support it and have proposed the legalisation of it. Whilst same-sex marriage is not permitted, civil LGBTQ+ unions are legal. Greek law also prohibits same-sex couples from adopting children (they can, however, foster them), as well as IVF treatment not being readily available to same-sex couples³⁵. Currently the Greek opposition is vowing to legalise same-sex marriage with full parental rights if they win the general election.

With this being said, Greece is considered one of the most accepting nations in regards to LGBTQ+, seeing as homosexuality has been generally accepted throughout the nation, as well as legalising equal-age consent in 2015. Greece works hard to minimise LGBTQ+ discrimination in their country by having strict anti-LGBTQ+ discrimination laws.

On the flip-side, teachers in Greek schools are not trained to deal with issues of gender nonconformity as well as the fact that sex education is practically non-existent in Greece. Greece has a rather strict educational system that does not allow for organisations to provide or offer support for victims of homophobic or transphobic bullying. There are, however, many organisations throughout Greece whose goal it is to be able to access schools and provide support³⁶.

Greece has come a long way and continues to move forward. For instance, the centre-right government in Greece has announced a 2021-25 national strategy for LGBTQ+ equality and has for the first time openly placed gay individuals in official posts³⁷.

³⁵ <https://www.globalcitizensolutions.com/lgbt-rights-in-greece/#lgbt-rights-in-greece>

³⁶ <http://the-ipf.com/2016/08/04/colour-youth-lgbtq-discrimination-greece/>

³⁷

<https://www.theguardian.com/world/2022/sep/22/greece-urged-to-address-anti-lgbtiq-discrimination-and-intolerance>

The Republic of India

The Republic of India (henceforth known as India) is often referred to as the World's largest democracy and recent years have seen much progress in terms of LGBTQ+ rights, which is crucial given that India is home to millions of LGBTQ+ people.³⁸

In 2014, the Supreme Court recognised transgender people as a “third gender” (Nalsa v Union of India). This ruling took place without support of the government at the time.³⁹ In 2018, the Supreme Court ruled that the use of section 377 of the penal code to ban same-sex intercourse was unconstitutional (Navtej Johar v Union of India).⁴⁰ And in 2023, 18 couples across the union have petitioned the Supreme Court to legalise same-sex marriage.⁴¹ If this passes, India would be the 35th country to legalise gay marriage. However, the government led by the Bharatiya Janata Party has petitioned the court, stating that gay marriage is not compatible with traditional Indian values and that it should be left to parliament to decide on such matters.⁴² At the time of writing, no verdict has been made⁴³.

There has been a growing acceptance of same-sex relationships in sections of Indian society. In a Pew survey from 2020, 37% people said that same sex relationships should be accepted.⁴⁴ Some colleges have hosted talks on gender identity and queer literature, showing a growth in education on LGBTQ+ relationships.⁴⁵ Further, discrimination against those who have contracted HIV is banned. However, a recent study suggests that 2/3rds of transgender Indians have no access to treatment for STIs,⁴⁶ opposition to gay marriage continues, and LGBTQ+ people still face discrimination. This illustrates that India is in a time of transition.

³⁸ <https://www.bbc.co.uk/news/world-asia-india-65061266>

³⁹ <https://www.theguardian.com/world/2023/apr/18/indian-government-labels-same-sex-marriage-elitist-as-supreme-court-hearing-begins>

⁴⁰ <https://freedomhouse.org/country/india/freedom-world/2023>

⁴¹ <https://www.npr.org/2023/05/09/1174752874/india-same-sex-marriage-case-supreme-court>

⁴² See for example:

<https://www.voanews.com/a/indian-government-opposes-legalizing-same-sex-marriage-but-lgbtq-community-optimistic/7003694.html>

<https://www.theguardian.com/world/2023/apr/18/indian-government-labels-same-sex-marriage-elitist-as-supreme-court-hearing-begins>

⁴³ 31st May 2023

⁴⁴ <https://www.bbc.co.uk/news/world-asia-india-65061266>

⁴⁵ <https://www.voanews.com/a/indian-government-opposes-legalizing-same-sex-marriage-but-lgbtq-community-optimistic/7003694.html>

⁴⁶ <https://asia.nikkei.com/Spotlight/Society/World-AIDS-Day-spotlights-India-s-progress-but-also-LGBT-stigma>

Islamic Republic of Iran

The Islamic Republic of Iran (henceforth mentioned as Iran) has currently made it illegal to be homosexual with severe punishment if the law is broken. For men the punishment is the death penalty (unless you are a minor in which case you receive up to 74 lashes) and for women the penalty is up to 100 lashes, however if you are a repeat offender women can become subject to the death penalty as well.⁴⁷

While homosexuality is illegal, sex reassignment surgery (SRS) is recognised in Iran and publicly paid even to such an extent that many European citizens travel to Iran for SRS. However this does not mean there are no problems with SRS in Iran. Trans people still face widespread discrimination, which is a contributing factor to low medical standards for SRS in Iran. This means that while many people use Iran to get SRS performed Iran does not comply with international medical and psychiatric standards.⁴⁸

The public opinion on the LGBTQ+ community in Iran is very negative, which means the LGBTQ+ community faces widespread discrimination besides the legal discrimination. More than 90% of the Iranian population believes that homosexuality can not be justified, with only 3.5% believing it can be justified.⁴⁹ However the LGBTQ+ community has started to rise up to some of the discrimination along with the 2022 protests in Iran regarding the female fight for freedom.⁵⁰

This all means, Iran will not want to talk about how they treat homosexuals, and if they are forced to, they will refer to religion. However they will be happy to talk about SRS and the fact that European citizens come to Iran for surgery, though doing so they will be walking on a thin line, as they do not want to talk about the discrimination faced by the trans community.

⁴⁷ <https://www.equaldex.com/region/iran>

⁴⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9745420/>

⁴⁹ <https://www.equaldex.com/region/iran>

⁵⁰ <https://www.bbc.com/news/world-middle-east-64864132>

The Italian Republic

Italy is largely accepting the LGBTQ+ community, however there is still a long way to go when it comes to the legal rights of LGBTQ+ people. Even though anti-discrimination laws are present in an employment context, it's hard to find other formal laws directly aimed at protecting members of the LGBTQ+ minority. The bigger cities like Rome or Milan tend to be more LGBTQ+ friendly than smaller towns, which tend to be more conservative (especially in the south).⁵¹ A survey conducted by Pew Research Center in 2019 showed that 75% of italians agreed that society should accept homosexuality and 20% disagreed⁵²

Same-sex marriage is illegal in Italy, however in 2016 the bill “Formazioni Sociali Specifiche” was approved and signed into the law, allowing civil partnerships (civil union), with rights similar to those of marriage, except for adoption which is prohibited .⁵³

In 1982 Italy introduced a legislation for the legal recognition of preferred gender, which establishes the requirements that an individual must meet in order to have their gender identity recognized in Italian law⁵⁴

The subject of sexual education is not obligatory in the Italian school curriculum, meaning every school can decide if they want to approach the subject and how they will address it. However, a national survey on the sexual and reproductive health of adolescents by the Ministry of Health from 2019 states that almost all students think “the school should guarantee the right to information on sexual and reproductive health.”⁵⁵

⁵¹ <https://www.intrepidtravel.com/en/italy/is-italy-lgbtqia-friendly>

⁵² <https://www.equaldex.com/region/italy>

⁵³ <https://www.buckles-law.co.uk/blog/gay-marriages-civil-partnerships-and-the-law-in-italy/>

⁵⁴ <https://www.cambridge.org/core/books/abs/legal-status-of-transsexual-and-transgender-persons/italy/6695ED101F8CC8142922EE198FE05A9B>

⁵⁵ <https://europeanacademyofreligionandsociety.com/news/sexual-education-in-europe/>

The Kingdom of Norway

Norway is widely regarded as and proves to have a high LGBTQ+ social acceptance and tolerance and queer people enjoy the same legal rights as cis and heterosexual people. Historically, Norway removed male homosexuality from list of crimes in 1972, legalised registered partnership for lesbians and gays in 1993 and, finally, in 2009 completely secured equality with marriage and parental rights, being the first Nordic country to do so. Today, the majority of the population supports equal civil marriage rights for lesbians, gay and heterosexual couples⁵⁶.

Broadly, Norway has implemented many diversity programmes in public sectors such as police⁵⁷, to work towards equal treatment of queer and heterosexual people⁵⁸. Gender identity and sexuality are topics both included in the public school curriculum from 1st to 10th grade along with discussion on prejudice against LGBTQ+ people⁵⁹ ³³. Discrimination on the basis of gender identity or expression and sexual orientation is prohibited in public and in employment⁶⁰ and the law against hate speech includes bisexual and transgender (the original of 1981 only protecting gay and lesbian people) as of 2020⁶¹. In 2016 a law allowing people to change their legal gender regardless of gender affirming treatment passed in Stortinget³³.

The Norwegian government's plan of action on LGBTQ+ safety, diversity and openness includes education for health professionals and other public servants, and plans to develop a more acceptance through education in the traditionally conservative Sámi society, in muslim communities and other immigrant communities and to focus on improving life for queer people with disabilities⁶².

Norway has historically been a liberal leader, promoting universal human rights for LGBTQ+ people internally as well, and wishes to continue to do so. Norway works together with the other Nordic countries in developing equality in Nordic countries³³.

⁵⁶ <https://link.springer.com/article/10.1007/s13178-011-0049-y>

⁵⁷

<https://www.politiet.no/globalassets/05-om-oss/03-strategier-og-planer/diversity-dialogue-and-trust---action-plan-for-the-work-of-the-police-2022-2025.pdf>

⁵⁸

<https://www.regjeringen.no/en/topics/equality-and-diversity/likestilling-og-inkludering/seksuell-orientering-kjonnidentitet-og-kjonnsuttrykk/id2005942/>

⁵⁹ <https://journals.oslomet.no/index.php/nordiccie/article/view/2208/3032>

⁶⁰ <https://app.uio.no/ub/ujur/oversatte-lover/data/lov-20130621-058-eng.pdf>

⁶¹ <https://www.reuters.com/article/idUSKBN27Q37L>

⁶²

<https://www.regjeringen.no/contentassets/023227879f06471793113a7f116e71b9/210624-handlingsplan-lhbtq-.pdf>

Republic of Poland

Poland is routinely criticised by international LGBTQ+ and human rights organisations. According to ILGA-Europe the Republic of Poland (henceforth known as Poland) has the worst country score in the entire EU⁶³. Homosexuality has been legal in Poland since 1932, excluding the period under Nazi occupation⁶⁴. In day-to-day lives LGBTQ+ people face severe restrictions due to limited legal protections. There are no nondiscrimination protections in housing, and no protections of gender identity in employment⁶⁵. For transgender people can legally change their gender without surgery, although this first requires suing the parents of the transgender person⁶⁶. This process was said to change in 2015, but was vetoed by then newly elected president Andrzej Duda, who still holds his position today.

One example that encapsulates the Polish attitude towards LGBTQ+ are the so-called "LGBT-Ideology Free' Zones" of regions or municipalities. These zones are declarations to promote traditional family values, and refrain from encouraging tolerance towards LGBTQ+ people, and cutting funding from groups promoting nondiscrimination and gender equality⁶⁷. In addition Poland's constitutional court ruled the European Convention on Human Rights being partly incompatible with the Polish constitution⁶⁸. The European Commission has criticised these zones and threatened to withhold EU funds. The European Commission has also started the first stage of a legal infringement procedure against Poland, although further action has yet to be taken ⁶⁹.

Furthermore LGBTQ+ activists also face difficulties in exercising freedom of speech by local authorities. The activists face SLAPP suits by said authorities that have the purpose of silencing them. Blasphemy laws have also been used to arrest LGBTQ+ activists, in October 2022 the Justice Minister Zbigniew Ziobro supported a bill that proposed sentences of up to two years for public insults or ridicules against the church⁷⁰

⁶³ <https://rainbow-europe.org/>

⁶⁴ <https://www.equaldex.com/region/poland>

⁶⁵ <https://rainbow-europe.org/#8653/0/0>

⁶⁶

<https://notesfrompoland.com/2023/03/31/to-change-your-official-gender-in-poland-you-have-to-sue-your-parent-s-causing-trauma-for-trans-people/>

⁶⁷ <https://www.hrw.org/news/2022/12/15/poland-rule-law-erosion-harms-women-lgbt-people>

⁶⁸

<https://www.euronews.com/2022/03/10/polish-court-finds-european-human-rights-convention-incompatible-with-constitution>

⁶⁹ <https://www.hrw.org/news/2022/12/15/poland-rule-law-erosion-harms-women-lgbt-people>

⁷⁰ Ibid

State of Qatar

The State of Qatar has Islam designated as its state religion, and operates under an interpretation of Sharia law, which criminalises sexual activity between men. This is done under Penal Code 2004 in which acts of sodomy and sexual intercourse between people of the same sex is criminalised. While under the Penal code there is a maximum penalty of seven years of imprisonment, in Sharia court it can possibly result in the death penalty.⁷¹

In anticipation of the 2022 FIFA World Cup, Qatar was criticised by many western countries and human rights organisations for their treatment of migrant workers as well and their treatment of LGBTQ+ people. Human rights organisations documented cases where LGBTQ+ people were arrested, in public places, based on their gender expression, and had their phones searched.⁷² Multiple cases of severe and repeated beatings as well as sexual harassment, while in police custody, has been documented between 2019 and 2022. Arrests where sometimes no legal counsel was provided, transgender women, who can be arrested on the grounds of “impersonating a woman”, have had to attend conversion therapy sessions and LGBTQ+ people in general have had to sign pledges regarding ceasing immoral activity.⁷³

This has not been the way that Qatar wants to be viewed. They want to be presented as a modern state that is under transformation and up-and-coming. They have been saying that all people are welcome, as long as their culture is respected.⁷⁴

Doing the debate Qatar's focus will be on not talking about their treatment of the LGBTQ+ people. They will try to have a more broad focus, on how individual countries' cultures should be respected, and not centred around eurocentric values. As the Emir of Qatar, speaking regarding fans travelling to the World Cup, said “all people are welcome” adding afterwards “we expect and want people to respect our culture”.⁷⁵

⁷¹ <https://www.humandignitytrust.org/country-profile/qatar/>

⁷²

<https://www.amnesty.org/en/latest/news/2022/11/qatar-six-things-you-need-to-know-about-the-hosts-of-the-2022-fifa-world-cup/>

⁷³ <https://www.hrw.org/news/2022/10/24/qatar-security-forces-arrest-abuse-lgbt-people>

⁷⁴ <https://www.dw.com/en/opinion-qatar-is-playing-a-double-game-on-lgbtq-issues/a-63715342>

⁷⁵ <https://www.dw.com/en/opinion-qatar-is-playing-a-double-game-on-lgbtq-issues/a-63715342>

Russian Federation

The Russian Federation (henceforth known as Russia) decriminalised homosexuality in 1993, and has a very traditional view of gender, sexuality and marriage. However, homophobia and discrimination remains ever present in the country which was recently ranked 46th out of 49 European Countries for LGBTQ+ inclusion.⁷⁶ In 2021, marriage was defined as a union between a woman and a man in a constitutional amendment,⁷⁷ emphasising the traditional gender and family values promoted within the country.

Issues also remain when it comes to education. In 2013, the Russian parliament passed a bill, which banned dissemination of LGBTQ+ related information and material to minors, thereby prohibiting so-called “gay propaganda”. The scope was broadened in November 2022, to ban any activity that promotes “non-traditional sexual relations and/or preferences.”⁷⁸ It was signed into law in December 2022.⁷⁹ Content promoting or centralising education on LGBTQ+ issues will be banned across cinema, advertising, books, traditional media and the internet.⁸⁰ The law allows for individuals to be fined up to 400,000 rubles for propaganda and up to 200,000 rubles for “demonstrations of LGBT and information that encourages a change of gender among teenagers.”⁸¹ This is in line with several regional laws that tend to rely on vague definitions of “non-traditional” sexual relationships and are argued to defend the traditional family and values.⁸²

Regarding safety for LGBTQ+ people, there have been several reports of violence against LGBTQ+ people, notably in Chechnya, where the police has carried out unlawful detentions, humiliation and beatings of men presumed to be LGBTQ+ since 2017.⁸³ The situation has not improved. Finally, Russia is currently in an HIV epidemic, with an estimated 1,5 million people living with the virus. This is heightened by stigma and the potential persecution of LGBTQ+ people in the country.

⁷⁶<https://edition.cnn.com/2022/12/05/europe/russia-lgbtq-propaganda-law-signed-by-putin-intl/index.html>

⁷⁷ <https://freedomhouse.org/country/russia/freedom-world/2023>

⁷⁸<https://www.wilsoncenter.org/audio/kremlins-favorite-scapegoat-latest-attack-lgbtq-rights-russia>

⁷⁹ibid

⁸⁰<https://edition.cnn.com/2022/12/05/europe/russia-lgbtq-propaganda-law-signed-by-putin-intl/index.html>

⁸¹<https://edition.cnn.com/2022/12/05/europe/russia-lgbtq-propaganda-law-signed-by-putin-intl/index.html>

⁸²<http://www.globalequality.org/component/content/article/1-in-the-news/186-the-facts-on-lgbt-rights-in-russia>

⁸³<http://www.globalequality.org/component/content/article/1-in-the-news/186-the-facts-on-lgbt-rights-in-russia>

The Republic of Serbia

The Republic of Serbia (henceforth known as Serbia) decriminalised homosexuality in 1994 with the age of consent being 18 years of age⁸⁴. Later in 2006 the age of consent was equalised at age 14. In 2009 the Serbian parliament approved a unified anti-discrimination law on the basis of sexual orientation or transgender status in all areas. Since 2019 the law on legally changing genders has been simplified to where gender-reassignment surgery is no longer required, however 1 year of hormone therapy is still required⁸⁵.

Nevertheless Serbia still has room to grow in terms of LGBTQ+ rights, currently marriage is defined as a union between a man and a woman, and there are no legal ways of registering partnerships between same-sex relationships. Additionally, being non-binary is currently not recognised in Serbia⁸⁶. According to a poll conducted by ILGA in 2016, 71% of Serbians feel no concern about their neighbour being gay or lesbian⁸⁷.

Peculiarly, despite the prominent gaps in LGBTQ+ rights, Serbia currently has a lesbian prime minister, Ana Brnabic. She is the second openly gay head of government in the world, and first prime minister in Serbia to attend a pride parade. Despite this she has rejected the label of "Serbia's gay prime minister"⁸⁸. Under her tenureship a draft law on civil unions has continuously been delayed, due to a lack of political will. The president of Serbia, Aleksandar Vucic, has stated that he will not sign the law calling it "unconstitutional"⁸⁹

Finally, the Serbian LGBTQ+-population still faces major threats to their safety from anti-LGBTQ+ groups. From the period of August 2022 to March 3rd 2023 LGBTQ+ rights groups reported 68 cases of violence against LGBTQ+ people⁹⁰. Similar violence was also used as a justification of the attempted banning of Europride, a pan-European pride parade, by the Serbian authorities in light of major counter-protests⁹¹.

⁸⁴<https://www.equaldex.com/region/serbia>

⁸⁵ ibid

⁸⁶ ibid

⁸⁷ <https://ilga.org/ilga-riwi-global-attitudes-survey-2016>

⁸⁸ <https://www.theguardian.com/world/2017/jul/28/ana-brnabic-serbia-prime-minister-interview>

⁸⁹

<https://europeanwesternbalkans.com/2022/01/24/the-delay-in-the-adoption-of-the-law-on-same-sex-unions-in-serbia-is-a-consequence-of-a-lack-of-political-will/>

⁹⁰ <https://apnews.com/article/lgbtq-violence-protest-extremists-4beecb12c16bd2bacf3348e512cd86c9>

⁹¹ <https://www.theguardian.com/world/2022/sep/13/serbia-bans-its-first-staging-of-europride-rally-at-late-notice>

The Kingdom of Sweden

The Kingdom of Sweden (Henceforth known as Sweden) is recognized as a LGBTQ+ friendly country with high acceptance and thorough legal protections⁹². Historically, Sweden has since its decriminalisation of homosexuality in 1944 passed many laws to ensure equal rights for the LGBTQ+ community. Specifically gay marriage was legalized in 2009, gay and lesbian couples gained adoption rights in 2003, and lastly discrimination based on sexual orientation was prohibition under the Swedish constitution in 2011⁹³. Sweden has also tried to improve awareness of the LGBTQ+ community by implementing high standards of sex education and by requiring schools to have a Equality Treatment Plan.⁹⁴ Moreover Sweden deals with individual cases of discrimination through their Equality Ombudsman who enforces the provisions that outlaw discrimination.

In recent years, Sweden has largely focused on improving transgender and intersex rights by removing mandatory sterilisation in regard to legal gender change in 2013 and finally enacting stronger protections from hate crimes in 2019. However Sweden has yet to de-pathologize their gender recognition process, as this still requires a psychiatric diagnosis, and Sweden does not allow for a non binary gender identity and still performs medically unnecessary sex-normalising interventions on minors⁹⁵

Going forward Sweden seeks to improve their LGBTQ+ legislation and through their LGBTQ+ action plan, they hope to strengthen inclusion and equal treatment.⁹⁶ Here it is also stated that special care should be taken for LGBTQ+ people with disabilities or vulnerable backgrounds and that focus areas should also be set for LGBTQ+ working life and older LGBTQ+ people. Overall Sweden wants to continue their progressive commitment to equal rights regardless of sexual orientation, gender identity or gender expression.

⁹² <https://www.equaldex.com/region/sweden>

⁹³ <https://sweden.se/life/equality/gay-rights-in-sweden>

⁹⁴

<https://www.rfsu.se/om-rfsu/om-oss/in-english/national-work/sexuality-education/about-swedish-sexuality-education/>

⁹⁵ <https://www.oecd.org/sweden/OECD-LGBTI-2020-Over-The-Rainbow-SWEDEN.pdf>

⁹⁶

<https://www.government.se/contentassets/a613979cb5e94ba2a236147a2bc979c1/action-plan-for-equal-rights-and-opportunities-for-lgbtiq-people.pdf>

The Kingdom of Thailand

Since the 1990s The Kingdom of Thailand (henceforth known as Thailand) has moved towards more rights for LGBTQ+ people both legally and socially. In 2002 homosexuality was no longer classified as a mental illness and in 2006 open LGBTQ+ people were allowed to serve in the military. However, hate crime (which Thai Law does not recognise as a concept) resulted in the death of 15 lesbians between 2006 to 2012³¹. Same-sex marriage is yet not legal, and a 2021 Human Rights Watch report has concluded that *“legal gender recognition, coupled with insufficient legal protections and pervasive social stigma, limits transgender people’s access to vital services, and exposes them to daily indignities”*⁹⁷.

Geographically, the view on LGBTQ+ people also differs heavily across Thailand, with Bangkok and Phuket amongst few others being more liberal politically than in-land provinces. This has partly contributed to the trend of queer people being frozen out of many professional fields excluding tourism, entertainment and sex work; fields which are mainly located in formerly mentioned liberal provinces. Thai society is conservative. Leadership or boardroom positions are expected to be held by someone who is married, has children and is financially responsible at home. Other family rights are only available to married couples such as adoption and surrogacy⁹⁸.

LGBTQ+ topics are not included in the Thai school curriculum and school bullying because of sexual or gender identity has not seen a fall in occurrence. Moreover, almost all Thai schools have strict school uniform policies, making it impossible for trans people to dress as their preferred gender⁹⁹. There has been little official movement to change this.

On May 14th 2023 the Move Forward Party won the most seats in the national parliament. The Move Forward Party proposed in 2022 a Marriage Equality Act to legalise same-sex marriage, however, the bill failed to pass in the previous parliament. The party, which now holds the Prime Minister position, has *“vowed to drive through an equal marriage act if he can form a government”* and wants to bid to hold the 2028 World Pride in the capital

⁹⁷ <https://www.hrw.org/news/2021/12/16/thailand-transgender-people-denied-equal-rights>

⁹⁸ <https://time.com/6228051/thailand-lgbtq-family-marriage-equality/>

⁹⁹

https://www.academia.edu/1788869/Uniform_free_the_Policy_for_Promoting_LGBT_Students_Rights_in_Thailand

Bangkok¹⁰⁰. If successful Thailand would become the second country in Asia to legalise same-sex marriage. Any bill must, however, be approved by the Thai Senate which consists of conservative military leaders and influential Buddhist monks³².

The United Kingdom of Great Britain and Northern Ireland

The United Kingdom of Great Britain and Northern Ireland (henceforth known as The UK) is generally very accepting of LGTBQ+-identities despite regional disparities, with particularly Northern Ireland historically being behind regarding legislation. There is still much to do, however, considering the fact that conversion therapy has not yet been banned and the UK has dropped down the annual ranking of LGBTQ+ rights across Europe for the third year running.¹⁰¹¹⁰²

Same-sex relations were partially decriminalised in England and Wales in 1967, and in Scotland and Northern Ireland in 1980 and 1981 respectively. This legislation only protected men over 21 in private, the age of consent not being equalised to that of heterosexual relations until 2001 in England, Wales and Scotland, and 2009 in Northern Ireland.¹⁰³

Legislation making civil partnerships and legal gender recognition for transgender people - excluding non-binary people - possible came into effect in 2005, and The Equality Act 2010 was created to protect LGBTQ+ people from workplace discrimination. However, this act has reservations and does not apply in Northern Ireland. Same-sex marriage was legalized in England, Wales and Scotland in 2013 and 2020 in Northern Ireland.¹⁰⁴

Like other places, LGBTQ+-rights in the UK are not improving, going from a high score of 86 in 2015 to 53 in 2023 according to the Rainbow Map created by ILGA-Europe. Taking 17th place in Europe, the UK government has promised to ban conversion therapy, eventually deciding to exclude transgender people in this law, but not yet finishing the law.¹⁰⁵ The main area in which the UK is lacking behind can therefore be said to be transgender rights, considering e.g. trans sports bans, the anti-trans group LGB-Alliance achieving charity status, and the lack of recognition of nonbinary people. However, it is also important to note that the British public is generally very accepting, so the main issue is in regards to legal recognition.¹⁰⁶

¹⁰¹ <https://www.ohchr.org/en/press-releases/2023/05/uk-keep-calm-and-respect-diversity-says-un-expert>

¹⁰²

<https://www.theguardian.com/world/2022/may/12/uk-falls-down-europes-lgbtq-rights-ranking-for-third-year-running>

¹⁰³ <https://www.bl.uk/LGBTQ-histories/lgbtq-timeline#Civil%20Partnership%20Act>

¹⁰⁴ <https://www.bl.uk/LGBTQ-histories/lgbtq-timeline#Civil%20Partnership%20Act>

¹⁰⁵ <https://rainbow-europe.org/#8666/0/0>

¹⁰⁶ <https://www.moreincommon.org.uk/our-work/research/britons-and-gender-identity/>

United States of America

In the United States of America (Henceforth known as the US), both homosexuality and gay marriage is legalised¹⁰⁷. This does not mean, however, that the US is without fault when it comes to LGBTQ+ equality. In 2022, a UN expert stated that the human rights of LGBTQ+ people are being deliberately undermined by the government of some state in the US.

LGBTQ+ people, and especially LGBTQ+ people of colour are facing significant inequality in relation to health, education, employment, and housing - not to mention the fact that they are being disproportionately impacted by violence¹⁰⁸. These discrimination actions against LGBTQ+ people have proven to be caused by prejudice and stigmatised views of LGBTQ+ people.

The US is, generally at least, on the right track. The Biden-Harris administration has adopted powerful and meaningful actions that are in conformity with international human rights law - thus, on the international scene, the US is moving in the right direction.

On a national level, the image proves to be quite different. In the US, LGBTQ+ people are nearly four times more likely than non-LGBTQ+ people to experience violent victimisation. A study from 2017 showed that LGBTQ+ people experienced 71.1 victimisations per 1,000 people, which compared to the 19.2 victimisations per 1,000 people for non-LGBTQ+ people is a significant difference¹⁰⁹.

Furthermore, it is important to mention the 'Parental Rights in Education'-bill (Most commonly known as 'Don't Say Gay'). Whilst this bill is only in motion in Florida, it signifies a significant step backwards in the American education system where LGBTQ+ students are not getting the education they have the rights to. At the same time prejudice is not being prevented from a young age. Similar bills are also being worked on in Tennessee, Kansas, and Indiana¹¹⁰.

In short, the US is both taking steps forward and steps backwards. Whilst they generally wish for equality, there are certain (necessary) steps that they prove unwilling to take.

¹⁰⁷ <https://www.equaldex.com/region/united-states>

¹⁰⁸

<https://www.ohchr.org/en/press-releases/2022/08/united-states-un-expert-warns-lgbt-rights-being-eroded-urges-stronger>

¹⁰⁹ <https://williamsinstitute.law.ucla.edu/press/ncvs-lgbt-violence-press-release/>

¹¹⁰

<https://www.forbes.com/sites/katharinabuchholz/2022/03/30/the-state-of-lgbtq-education-in-the-us-infographic/?sh=1c4ee446f140>

Guide on strategy for very conservative countries

Note from the dais: We recognise that acting as a conservative country when it comes to debates regarding the LGBTQ+ community can prove to be a difficult task. We hope this short strategy guide can help you in how to tackle these difficulties and present possible paths for you and your co-delegate to take on. Do be aware that this is not a guide that you *have* to follow, but merely proposals for you to use as you see fit.

As a very conservative country which has widely been criticised on their handling of LGBTQ+ rights and sometimes human rights in general, sometimes it can be one of the most important steps to play a game of *diverting attention*, making sure that the attention isn't on what your country does 'wrong', but rather what everyone else but you should do right. In the event that you are forced to defend yourself, a good course of action can be to find something your country does particularly well; this could be anything from good health policies and plans to lower rates of violence.

When it comes to a draft resolution, generalisation and vagueness might prove to be your friend. Furthermore, having a significant focus on the *sovereignty of states* as well as emphasising that, for instance, violence 'in general' should be lowered; not just violence against LGBTQ+ communities.

A different strategy to move towards is a tale as old as time; money. It is not unseen that countries request funds to better support the improvement of the LGBTQ+ climate in your country.

We do recommend that you also research *why* your country might be against making their country more friendly for LGBTQ+ communities. In many cases this will be due to religion, culture or something entirely third.

In short these are the main strategic points which can be used as a very conservative country:

- Steer the conversation away from what is happening in your country
- Generalise the topic
- When it comes to the wording of the draft resolution, move towards something vague
- Ask the UN or other countries to fund improvements
- Use your country's culture and background to your advantage

Also, please do note that you can *always* come to your dais with questions on how to approach the debate. We are there to help guide you in the right direction.