# **ATUMUN SOMMERCAMP 2023**

United Nations Human Rights Council



## **STUDY GUIDE**

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

Written by: Emilie de Neergaard Ravn, Esther M. Rasmussen, Freja Grønnegaard, Luke van Harten, Nicoline Meng Aagaard Andersen, Signe Marie Ottesen and Zia Skælbæk

Edited by: Dicte Møberg, Lucca Dybtved Kjærgaard, Simon Jørgensen, Camilla Østergaard Kristensen, Rikke Udengaard and Julie Blom

Welcome from the dais	3
Abbreviations	4
Key definitions	4
Introduction to the committee	4
Introduction to the topic	5
The current state of LGBTQ+ rights and safety	5
Key issues	9
The state of general education	9
Legal and systemic discrimination against members of the LGBTQ+ community	10
Equal access to healthcare	11
Violence against the LGBTQ+ community committed by civilians	12
The HIV/AIDS epidemic and its influence on LGBTQ+ safety	12
Major bloc positions	13
Conservative countries	13
Western conservative countries	13
Progressive countries	14
Questions a resolution should answer	14
Sources	15
Further Reading	17

## Welcome from the dais

Dear Delegates,

We are truly delighted to welcome you to this year's Sommercamp MUN and the United Nations Human Rights Council!

Whilst it is Pride-month under the duration of our conference, this is purely coincidental; we believe that the topic of furthering the safety of the LGBTQ+ minority internationally is not just interesting, but also of grave importance - hence why it is indeed crucial for the countries present to discuss if and how we can further the rights of LGBTQ+ people.

The following study guide will provide you with an introduction to the committee's topic -Furthering the safety of all people regardless of sexuality and gender identity - as well as a quick rundown of the key issues within the topic.

However, we do encourage you to do further research on your own in order to truly comprehend the various aspects of the topic and to be as well-prepared as possible for our session. Please feel free to utilise the resources provided in the Further Reading section.

We hope that you find the study guide helpful and that you are as excited for Sommercamp MUN as we are. If you have any questions regarding the committee, the topic or a similar matter, we will be added into the Sommercamp Facebook group that will be created, where you are indeed more than welcome to ask your questions. If you are not comfortable asking your question publicly, we will also be accepting questions at <u>atumunsekretariat@gmail.com</u>.

We are looking forward to meeting you all and to an interesting debate!

Sincerely, your secretariat,

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

## Abbreviations

UN - United Nations UNAIDS - Joint United Nations Program on HIV/AIDS UNGA - United Nations General Assembly UNHRC - The United Nations Human Rights Council OHCHR - Office of the United Nations High Commissioner for Human Rights ICD - International Classification of Diseases WHO - World Health Organisation

## **Key definitions**

LGBTQ: The acronym refers to people who identify with one or more of the following identities: lesbian, gay, bisexual, transgender and queer.

Sex: This refers to biological sex and characteristics.

Gender: This refers to the social roles and cultural characteristics often associated with biological sex.

## Introduction to the committee

On March 15th, 2006, the United Nations General Assembly (UNGA) created the United Nations Human Rights Council (UNHRC). As the name suggests, the focus of this committee is to strengthen the promotion and protection of human rights around the globe, as well as address situations of human rights violations and make recommendations on them. The council consists of 47 member states, which are elected by the UNGA, and was formed as a successor and replacement of the Commission on Human Rights.<sup>1</sup> The UNHRC and their advisory committees work to ensure that all people know, understand, and can exercise their rights. These rights include the right to live, be treated fairly and equally, and have a say in the way the country is run. The UNHRC monitors that all governments follow the agreements made by the UN, as well as helps the people whose rights have been violated.<sup>2</sup> The UNHRC responds to all human rights abuses across the world by exposing violators and demanding change. The UNHRC can prevent oncoming human rights disasters and protracted crises from spreading. The council has authorised 37 commissions of inquiry and fact-finding missions, whose main task is discovering evidence on war crimes and crimes against humanity, which are used to hold violators accountable through formal justice processes. The council also has its independent human rights experts, who work either individually or in working groups (This is known as "Special Procedures"). The experts speak out on certain rights or certain countries' situations<sup>3</sup>.

<sup>&</sup>lt;sup>1</sup> <u>https://www.ohchr.org/en/hr-bodies/hrc/about-council</u>

<sup>&</sup>lt;sup>2</sup> https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AboutHRC.doc

<sup>&</sup>lt;sup>3</sup> <u>https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/HRC\_briefingnote\_EN.pdf</u> <u>https://www.universal-rights.org/wp-content/uploads/2015/02/URG\_HUNSP\_28.01.2015\_spread.pdf</u>

## **Introduction to the topic**

According to the Universal Declaration of Human Rights, all humans are born free and equal in dignity and rights.<sup>4</sup> The UN has taken many initiatives to protect LGBTQ+ human rights, including the UN General Assembly passing a resolution on hate crimes towards LGBTQ+ people in 2012<sup>5</sup>, and launching the 'UN Free & Equal' campaign in 2013. Furthermore, the UN refugee agency has helped many LGBTQ+ refugees flee violence and persecution, and UN representatives repeatedly urge nations to fight for equality for everyone.<sup>6</sup>

In recent years, many countries have worked towards the furthering of equality and protection for LGBTQ+ people by banning discrimination, penalising hate crimes, recognizing same-sex relationships and more. It is also becoming more common for countries to grant refugees protection for being a part of the LGBTQ+ minority. However, many countries are also moving the other direction or remaining stagnant, with 77 countries having laws that criminalise same-sex relationships and 11 countries punishing this with the death penalty.<sup>7</sup> At least 5 of these actively implement the death penalty – Iran, Nigeria, Saudi Arabia, Somalia, and Yemen – and the death penalty is a legal possibility in another 5 countries, being Afghanistan, Brunei, Mauritania, Pakistan, Qatar, and the United Arab Emirates. This has recently also been signed into law in Uganda.<sup>8</sup> Many of these countries criminalise same-sex relationships due to a strict interpretation of Sharia law and christianity, while many countries with less strict punishment of being LGBTQ+ can be said to have inherited this aspect of their criminal codes from British colonial laws.<sup>9</sup>

## The current state of LGBTQ+ rights and safety

The UN has foundational documents providing guidelines on the connection between LGBTQ+ rights and fundamental human rights. The United Nations Charter from 1945 states that one of the purposes of the United Nations is "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion [...]" <sup>10</sup>. Additionally, the Universal Declaration of Human Rights Article 2 states that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of

<sup>&</sup>lt;sup>4</sup> <u>https://www.un.org/en/about-us/universal-declaration-of-human-rights</u>

<sup>&</sup>lt;sup>5</sup> The Resolution in question is A/RES/67/168

<sup>&</sup>lt;sup>6</sup> <u>https://www.hrc.org/news/ten-ways-the-united-nations-has-protected-lgbtq-human-rights</u>

<sup>&</sup>lt;sup>7</sup> <u>https://www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus</u>

https://www.theguardian.com/global-development/2023/may/29/ugandan-president-yoweri-museven i-anti-lgbtq-bill-death-penalty

<sup>&</sup>lt;sup>9</sup> <u>https://www.humandignitytrust.org/lgbt-the-law/</u>

<sup>&</sup>lt;sup>10</sup> Chapter 1, Article 1, point 3: <u>https://www.un.org/en/about-us/un-charter/chapter-1</u>.

any kind, such as race, colour, sex, [...] Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, [...].<sup>"11</sup>

Regardless of this, a substantial amount of member states (who have signed the Charter and Declaration) and observer states<sup>12</sup> still criminalise same sex relations, with punishments like fines (21 members), jail sentences (66 members) with maximum sentences ranging from 0,5 years to life, death sentences (11 members) and other punishments (12 members) like flogging, forced labour or psychiatric treatment.<sup>13</sup>

In 1901, the first case of legal same-sex marriage was conducted in Spain. Two women fooled the government and one of them adopted a fake identity as a man. First in 2001 did four couples make history as the first legal same-sex marriages<sup>14</sup>. This historic event happened in the Netherlands, who on April 1st was the first country to recognise same-sex marriage. Since then, 33 other countries have allowed LGBTQ+ people to wed<sup>15</sup>.

In 1906, Karl M. Baer, who was born female, was the first to undergo gender affirmation surgery. In 1907 he was able to change his papers, legally becoming a man<sup>16</sup>.

In 1922, the first law decriminalising homosexuality was passed. This happened in the Russian Soviet Federative Socialist Republic (SFSR). The republic emerged after the end of the Tsar-regime. The SFSR removed all past laws, and wrote new ones, one of them legalising the relationship between two people of the same sex.<sup>17</sup> This law did not last. After Stalin came into power in the Soviet Union, homosexuality was once again considered a crime. First in 1993 was this once again decriminalised, and later in 1997 changing one's gender was legalised. Even though Russia accept sexual relations between two people of the same sex, they do not accept same-sex marriage. The law forbidding same-sex unions was passed in 2020 violating the Declaration of Human Rights article 16 - the human right to marry.

<sup>&</sup>lt;sup>11</sup> Universal Declaration of Human Rights, Article 2: <u>https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf</u>

 <sup>&</sup>lt;sup>12</sup> Consensual same-sex sexual acts are legal in Vatican and in the West Bank in Palestine, its remains illegal in Gaza
 <sup>13</sup> https://database.ilga.org/criminalisation-consensual-same-sex-sexual-acts

<sup>&</sup>lt;sup>14</sup>https://www.nbcnews.com/feature/nbc-out/dutch-couples-mark-20th-anniversary-world-s-first-same-sex-n126

<sup>&</sup>lt;u>2753</u>

<sup>&</sup>lt;sup>15</sup> https://www.hrc.org/resources/marriage-equality-around-the-world

<sup>&</sup>lt;sup>16</sup> https://www.makingqueerhistory.com/articles/2022/12/11/karl-m-baer

<sup>&</sup>lt;sup>12</sup>https://marxist.dk/artikler/historie/5873-bolsjevikkernes-afkriminalisering-af-homoseksualitet-bevidst-valg-ell er-et-uheld.html

In July 2013, the UN High Commissioner for Human rights introduced the 'UN Free and Equal' campaign. This campaign was created to spread awareness of LGTBQ+ people and their rights. Through social media the campaign has reached billions of people. The campaign promotes fair treatment of LGBTQ+ people everywhere. It's developed as a reminder that we all have the same rights no matter who we are or whom we love.<sup>18</sup>

In 2015, all UN member states were invited to a meeting in New York, addressing violence against LGBTQ+ committed by ISIS. This meeting was the first meeting in the Security Council held on LGBTQ+ rights. It was done after it was affirmed that ISIS had executed at least 30 people identifying as LGTBQ+.<sup>19</sup> Since then, the UN refugee agency has helped LGBTQ people flee from violence and persecution, and played a crucial role resettling them in countries, who are more friendly towards the LGBTQ+ community.

Vitit Muntarbhorn was appointed in 2016 as the first UN independent Expert on protection against violence and discrimination based on sexual orientation and gender identity by the Human Rights Council (UNHRC). He pointed to six foundations for the protection of LGBTQ+ people from discrimination and violence based on their sexual orientation or gender identity. These six foundations are:

- 1. "The decriminalisation of consensual same-sex relations and of gender identity expression;
- 2. Effective anti-discrimination measures;
- 3. The legal recognition of gender identity;
- 4. Destigmatisation linked with depathologisation<sup>20</sup>;
- 5. Sociocultural inclusion; and
- 6. Education with empathy".<sup>21</sup>

Today, the UN and other organisations hold countries accountable for upholding human rights, one of those rights being same-sex marriage and other LGBTQ+ rights. Both the Inter-American Court of Human Rights in the US and the European Court of Justice (ECJ) help protect LGBTQ+ rights.

A problem for the LGBTQ+ people is not only violation of their basic human rights in their respective countries, but also discrimination and hate crimes committed against them as a result of their sexual orientation and/or gender identity. Moreover, The modern world's technology has made it easy for homophobic and transphobic groups to express their discriminatory statements. One issue is that hate

<sup>&</sup>lt;sup>18</sup> https://www.hrc.org/news/ten-ways-the-united-nations-has-protected-lgbtq-human-rights

<sup>&</sup>lt;sup>19</sup> https://www.advocate.com/world/2015/08/24/reported-un-meeting-isis-has-executed-30-lgbt-people

<sup>&</sup>lt;sup>20</sup> Depathologisation means to "cease to treat something as a medical disorder", meaning that homosexuality and being transgender is no longer considered to be a medical illness in this regard.

<sup>&</sup>lt;sup>21</sup> <u>https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/vitit-muntarbhorn</u>

speech does not count as incitement of violence<sup>22</sup>, meaning that it is not required that states outlaw this.

The UN wishes to take measures in order to take action against hate speech that poses a threat to their values. Measures against these issues will be taken in a way that seeks to balance the international human rights standards with the freedom of opinion and expression. The key commitments made by the UN are 1) getting a better understanding of the drive behind hate speech; 2) collecting data; and 3) supporting groups opposing hate speech. Hate speech often happens online. Therefore, it might be appropriate for the UN to establish a presence both in online and traditional media in order to counter hate directed towards LGBTQ+ people, women, religious groups and so on. This could take place as a collaboration with the tech industry, who can help reduce the occurrence of hateful statements made in an online forum. Through education, the UN wishes to reduce hate to minorities, educating both the world's youth, but also their own staff, and supporting member states in their fight against discrimination.<sup>23</sup>

Another problem faced by the LGBTQ+ community is laws prohibiting education on LGBTQ+ issues. The subject is treated as improper and sensitive. For example, the state government in Florida has implemented a law restricting teachers from discussions regarding homosexuality and gender identity in school deeming them to be inappropriate for younger pupils. The bill "Parental Rights in Education" commonly known as the "Don't Say Gay" bill, took effect on July 1st, 2022. This act by the government is seen as restrictive and harmful towards LGBTQ+ youth in American schools. In fact, health experts perceive this bill to be dangerous to both the mental and physical health of students<sup>24</sup>, seeing as statistics show that discriminatory laws such as these worsen mental health and suicide rates among LGBTQ+ people. Five other states in the US allow parents to remove their kids from the part of the curriculum that includes LGBTQ+ people.<sup>25</sup>

Another example of a nation where LGBTQ+ education is heavily debated is Hungary, which in June 2021 passed a law banning the dissemination of content in schools that promote homosexuality and gender change. This resulted in heavy criticism from human rights groups and opposition parties, as well as the EU with European Commission President Ursula von der Leyen calling it a shame and stressing that the EU "would not compromise on principles such as human dignity, equality and the

<sup>&</sup>lt;sup>22</sup> Incitement is a term in criminal law for when you are encouraged by another person to commit a crime <sup>23</sup><u>https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20</u> on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf

<sup>&</sup>lt;sup>24</sup>https://www.healthline.com/health-news/why-floridas-dont-say-gay-bill-is-so-dangerous#How-this-legislationcan-affect-mental-and-physical-health

<sup>&</sup>lt;sup>25</sup>https://www.hrw.org/news/2022/02/17/florida-advances-dont-say-gay-bill?gclid=CjwKCAjwjMiiBhA4EiwAZ e6jQ3cECyD0MKkLJDkBz-xPFNIQ22FTx3LCI-Sll8t2Lb53TGzHQ0rRxxoC\_VsQAvD\_BwE

respect for human rights"<sup>26</sup>. Another country facing critique for their approach to LGBTQ+ education is Poland, where the Minister of Education has called LGBTQ+ marches "insult to public morality"<sup>27</sup> and linking "LGBTQ+ ideology" to child suicides.<sup>28</sup>

Poland also faces criticism for their erosion<sup>29</sup> of laws aimed at protecting women and LGBTQ+ rights, creating so-called "LGBTQ+ free zones". This erosion has caused the Human Rights Watch to call for EU action to end the undermining of institutions that protects human rights.<sup>30</sup> The EU has since regarded them as "humanity-free zones", as they do not represent EU principles. Poland has therefore been sanctioned and EU funding has been withdrawn in some provinces.<sup>31</sup>

#### Key issues

#### The state of general education

Even though the inclusion of LGBTQ+ perspectives within general education has been on the rise within the last decade, it still proves itself to be lacking. According to the OHCHR, the bullying, harassment, and general exclusion of LGBTQ+ people is nothing short of a world-wide problem. The violence these students have to live with daily can generally be split into two different categories; explicit and implicit violence<sup>32</sup>. Explicit violence is the general teasing, name calling, public ridicule, rumors, intimidation, stealing or damaging belongings, physical as well as sexual assault and even death threats that LGBTQ+ students face both in class and on the playgrounds.

Implicit violence is different. Implicit violence is discriminatory education policies, regulations, curricula, as well as teaching materials and teaching practices. One of these harmful regulations is the "Parental Rights in Education" as discussed above<sup>33</sup>. This is not to mention the lack of inclusive sex-education, which is paramount for the members of these communities to stay both safe and healthy. In 2013, a school climate survey from the US found that fewer than 5 percent of LGBTQ+ students had health classes that included a positive representation of LGBTQ+ related topics<sup>34</sup>.

<sup>&</sup>lt;sup>26</sup> <u>https://www.reuters.com/world/europe/eu-take-steps-against-hungary-over-anti-lgbt-bill-2021-06-23/</u>

<sup>&</sup>lt;sup>22</sup>https://www.reuters.com/world/europe/polish-education-minister-says-lgbt-march-insult-public-morality-2021-06-23/

<sup>&</sup>lt;sup>28</sup>https://notesfrompoland.com/2023/03/09/lgbt-ideology-responsible-for-child-suicides-says-polish-education-m inister/

<sup>&</sup>lt;sup>29</sup> In this context erosion means the gradual destruction or diminution of something.

<sup>&</sup>lt;sup>30</sup> <u>https://www.hrw.org/news/2022/12/15/poland-rule-law-erosion-harms-women-lgbt-people</u>

<sup>&</sup>lt;sup>31</sup> https://www.eu.dk/-/media/sites/euobeta/filer/pdf/undervisning/ungdomsuddannelser/filmpakke/lgbt/lgbt-faktaark.ashx <sup>32</sup> https://www.ohchr.org/en/statements/2019/10/inclusion-lgbt-people-education-settings-paramount-importance-leaving-no-one

<sup>&</sup>lt;sup>33</sup> https://www.npr.org/2022/03/28/1089221657/dont-say-gay-florida-desantis

<sup>&</sup>lt;sup>34</sup> https://www.hrc.org/resources/a-call-to-action-lgbtq-youth-need-inclusive-sex-education

Various UN Human Rights organs<sup>35</sup> have raised concerns about this violence and discrimination based solely on sexual orientation and gender identity in education. The UN has called for states to take measures to prohibit, prevent and punish the harassment as well as raising public awareness of the problem. They also call for the implementation of safety and support measures as well as the states to conduct studies on the problem in order to inform policy development. Finally, states should develop sex education programs that provide students with comprehensive, accurate and age-appropriate information regarding sexuality and diverse gender identities<sup>36</sup>.

#### Legal and systemic discrimination against members of the LGBTQ+ community

Throughout the last 20 years, the LGBTQ+ people have gained more legal rights around the world, such as legal marriage and the recognition of more than two genders. However, the LGBTQ+ community still faces unfair laws in many countries, although most countries in the world have decriminalised LGBTQ+ people, same-sex relationships, and the gender expression of trans people.<sup>37</sup> Despite the decriminalisation in most countries, many LGBTQ+ people face legal and systemic discrimination. Some governments ignore crimes committed against representatives of the minority group, which leaves them vulnerable and unprotected against hate crimes. For transgender people there are still many difficulties including the inability to obtain important documents which reflect their gender identity. Around the world, cisgender and heterosexual people are protected better by the law. In terms of parenthood, many same-sex couples face legal problems with obtaining shared custody over a child made by artificial insemination, and adoption by same-sex couples is illegal in some parts of the world. In organised medicine, same-sex relationships and trans people are often stigmatised and do not always receive the same treatment as cisgender and heterosexual people. The LGBTQ+ and especially trans youth have the highest suicide rating, but most do not receive the help they need.<sup>38</sup>

#### Equal access to healthcare

The UN recognizes that everyone has the right to the highest attainable standard of health. However, LBGTQ+ people often face discrimination and barriers in accessing healthcare services<sup>39</sup>. This is especially critical, as LGBTQ+ individuals are at a higher risk of some medical conditions,

<sup>&</sup>lt;sup>35</sup> In this context, organs refer to working groups, organisations, committees and councils.

<sup>&</sup>lt;sup>36</sup>https://www.ohchr.org/en/statements/2019/10/inclusion-lgbt-people-education-settings-paramount-importance-leaving-no-o

<sup>&</sup>lt;sup>37</sup>https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/?type\_filter\_submitted=&type\_filter%5B%5D=cri

<sup>&</sup>lt;sup>38</sup> https://www.newportacademy.com/resources/mental-health/lgbt-suicide-rates/

<sup>&</sup>lt;sup>39</sup> https://www.who.int/activities/improving-the-health-and-well-being-of-lgbtqi-people

particularly mental health disorders. A study conducted in the US found that LGBTQ+ teens are six times more likely to suffer from depression than heterosexual teens<sup>40</sup>. Here, transgender people are especially overrepresented, as around 40% of transgender adults in the US have attempted suicide in their lifetime.<sup>41</sup>

Moreover, many LGBTQ+ people experience severe discrimination in healthcare settings. UN-entities have here found examples of violence and torture by healthcare providers, including the withholding of treatments, verbal abuse, and forced procedures.<sup>42</sup> Because of this discrimination and harassment, many LGBTQ+ people may delay or avoid going to the doctor. In the US, a survey found that nearly 1 in 4 trans people avoided seeking health care due to fear of mistreatment<sup>43</sup>. Generally, transgender individuals face very harsh conditions in healthcare and especially gender affirming care, which is social, psychological, behavioural, and medical treatments to help affirm one's gender identity. Typically, in medicine this refers to treatments such as puberty blockers, hormone therapy, and gender affirming surgery. These procedures are not available in many countries, especially not to transgender youth, and even where they are offered, they are often expensive and not covered through insurance.

In some countries, LGBTQ+ people are also subjected to involuntary procedures such as forced sterilisation, sex normalising surgery and conversion therapy. These have all been shown to have very harmful consequences especially on the victim's mental health.

To combat the issues, efforts have been made to introduce a new chapter on 'Conditions related to sexual health' into the International Classification of Diseases (ICD), which would help destigmatise LGBTQ+ people.<sup>12</sup> Furthermore, the World Health Organisation (WHO) develops guidelines, technical support and does research to further inclusivity in healthcare. Experts also highlight that access to treatment, and staff training on LGBTQ+ health issues should be a priority going forward.<sup>44</sup>

#### Violence against the LGBTQ+ community committed by civilians

In many countries, there have been instances of violence such as mass shootings targeting the LGBTQ+ community. In 2016, 49 people were murdered in a mass shooting in Orlando, Florida at the gay nightclub Pulse. Statistics show that LGBTQ+ people are more than twice as likely to be a victim

<sup>42</sup> WHO: "FAQ on Health and Sexual Diversity An Introduction to Key Concepts" https://www.who.int/publications/i/item/WHO-FWC-GER-16.2

<sup>43</sup>https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf

-<u>mtps://transequanty.org/sites/default/mes/docs/dsts/0515-Fun-kepot-Dec17.pdf</u>

<sup>44</sup>https://reports.hrc.org/hei-2022?\_ga=2.145033076.1308964488.1682846351-1636177373.1682846351#patient -non-discrimination

<sup>&</sup>lt;sup>40</sup> <u>https://adaa.org/find-help/by-demographics/lgbtq</u>

<sup>&</sup>lt;sup>41</sup> https://www.nami.org/Your-Journey/Identity-and-Cultural-Dimensions/LGBTOI

https://www.americanprogress.org/article/discrimination-prevents-lgbtq-people-accessing-health-care/

of gun violence than their cisgender and straight peers, and nearly 20% of all hate crimes are motivated by sexual orientation and/or gender identity bias. Sexual assault is a big concern in the violence against the LGBTQ+ community. Around half of transgender people and bisexual women will experience sexual violence at some point in their lifetimes.<sup>45</sup> When travelling, members of the LGBTQ+ are encouraged not to travel to a list of countries either for the criminalisation or because of the treatment from the population, and possible violence. These countries include most African countries, most Asian countries, and some former communist countries. The violence against LGBTQ+ members is primarily based on religious condemnation or conservative social attitudes that portray being homosexual or transgender as a form of illness or a character flaw.<sup>46</sup> The UN Human Rights office works with advancing quality and the strengthening of respect and protection of LGBTQ+ members. They do that by advocating through the UN by campaigning towards ending violence and discrimination against LGBTQ+.<sup>47</sup> The Danish Institute for Human Rights recommends that governments should make a nationwide plan of action to prevent hate crimes and violence against the minority group.

#### The HIV/AIDS epidemic and its influence on LGBTQ+ safety

The last decades have seen a significant decrease in the number of people infected by HIV. According to UNAIDS, a program established by the UN Economic and Social Council, new HIV infections have been reduced by 54% since the peak in 1996. Despite this, around 1,5 million people are still infected each year<sup>48</sup>. LGBTQ+ people, particularly homosexual or bisexual men and transgender women have a propensity of contracting HIV, accounting for almost 25% of all victims globally. This high rate of HIV infections has attached negative stigmas upon the LGBTQ+ community, fueling discriminatory laws. One such example includes the AIDS epidemic in the US in the 1980's, which was met with complacency, as it was the "gay plague"<sup>49</sup>. This attitude lives on particularly in low-income countries. Countries with harsher anti-LGBTQ+ laws have lower rates of HIV testing and treatment. The research cannot yet say whether this is due to the stigma surrounding the LGBTQ+ community, but it is a plausible hypothesis<sup>50</sup>. The lower levels of HIV testing are also a major threat to the non-LGBTQ+ persons in especially sub-Saharan Africa. Additionally, the former UNAIDS director, Michel Sidibé has stated "We must insist that the rights of the minorities are upheld. If we don't do that . . . I think the epidemic will grow again", confirming the need for the destigmatisation of LGBTQ+ persons to ensure ample testing and treatment $^{51}$ .

<sup>&</sup>lt;sup>45</sup> https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community

<sup>&</sup>lt;sup>46</sup> https://en.wikipedia.org/wiki/Violence against LGBT people

<sup>&</sup>lt;sup>47</sup>https://www.ohchr.org/en/topic/lgbti-people?gclid=CjwKCAjwpayjBhAnEiwA-7ena1or7-4i8CxfIBG51tLuikQzbH\_usQq4 eOtYP80AcOsp2v6WOJ15ixoCBs0OAvD\_BwE

<sup>&</sup>lt;sup>48</sup> https://www.unaids.org/en/resources/fact-sheet

 <sup>&</sup>lt;sup>49</sup> https://www.healthygallatin.org/blog/hiv-aids-a-story-of-resiliency/
 <sup>50</sup> https://www.reuters.com/article/africa-lgbt-aids-idUSL3N26S1WX

<sup>&</sup>lt;sup>51</sup> "Homophobia and Africa's HIV epidemic"

However, this remains a major challenge for the foreseeable future, as not all countries are committed to tackling the HIV infections within LGBTQ+ communities. One example of this includes the blocking of LGBTQ+ organisations from a United Conference on Aids in 2016 by 51 Muslim countries<sup>52</sup>

### **Major bloc positions**

Few countries disagree with the overall goal of furthering the safety of all people regardless of sexuality and gender identity. Different countries, however, focus on different aspects of the topic and wish those to be prioritised. Also, countries might favour some approaches over others. The discussions in the committee will likely centre around these blocs:

#### **Conservative countries**

Conservative countries would generally be in favour of furthering the safety of all people. They will strive to keep the discussion away from sexuality and gender and instead work on keeping everyone safer. These countries typically have strong religious and traditional values. Often the countries will have laws in place that either outright ban anything that is not heteronormative, or they will at least not have any protection in place for this group. The civilian population in the conservative countries are often very opposed to anyone breaking sexual or gender norms.

#### Western conservative countries

These countries typically have many of the same religious and/or non-democratic values as the conservative countries. However, they typically align more with the Western economic powers. They will often be in favour of furthering the safety of all people regardless of sexuality and gender identity, however they will be opposed to any sanctions, and will want a large timeframe to implement anything. The Western conservative countries do not want to talk about their current laws and viewpoint on the subject as they will likely differ from the countries they try to align with. Their civilian populations are often very divided on the subject, where some align with the conservative countries, and some align with the progressive countries.

#### **Progressive countries**

The progressive countries are the countries in which it is fully legalised to be homosexual. Furthermore, transgender people are often fully recognised by the government. These countries will typically aim at convincing other countries to adapt similar recognitions and protections of LGBTQ+

<sup>&</sup>lt;sup>52</sup> https://www.bbc.com/news/world-us-canada-36325578

people. Most people in the civilian population of the progressive countries accept or are (at least) not against anyone breaking the norms of sexuality and gender. Furthermore, they will often be quite forward in their rhetoric against other countries which have different viewpoints, while referring to basic human rights.

## Questions a resolution should answer

- 1) Should teaching children inclusivity in regard to the LGBTQ+ minority be further pursued in general education? If so, how should it be pursued?
  - a) Should this pursuit be followed by a general update of sexual education?
  - b) Should the teaching of inclusivity in regard to the LGBTQ+ minority further be pursued post general education?
- 2) How can discrimination against members of the LGBTQ+ minority be lowered?
  - a) How do we ensure equal access to healthcare for the LGBTQ+ minority, especially for transgender people?
- 3) How can the safety of the LGBTQ+ minority best be ensured?
  - a) Should a rehabilitation program be established for inmates convicted of a hate crime against a member of the LGBTQ+ minority? If so, what should this program look like?
  - b) Should the UN help set the general guidelines and furthermore have oversight over this rehabilitation programme?
  - c) Should the legality of conversion therapy be limited on an international scope?

## Sources

- Welcome the the Human Rights Council; https://www.ohchr.org/en/hr-bodies/hrc/about-council
- Informatic Pamphlet on the UNHRC; <u>https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AboutHR</u> <u>C.doc</u>
- Briefing note; <u>https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/HRC\_briefingnote\_EN.pdf</u>
- Universal Declaration on Human Rights; https://www.un.org/en/about-us/universal-declaration-of-human-rights
- Ten way the United Nations has Protected LGBTQ Human Rights; <u>https://www.hrc.org/news/ten-ways-the-united-nations-has-protected-lgbtq-human-rig</u> <u>hts</u>
- UN Informational page on LGBTQI+; https://www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus
- Article from The Guardian Ugandan MPs pass bill imposing death penalty for homosexuality; <u>https://www.theguardian.com/world/2023/mar/21/ugandan-mps-pass-bill-imposing-de</u> ath-penalty-homosexuality
- LGBT people and the Law; <u>https://www.humandignitytrust.org/lgbt-the-law/</u>
- Introduction to the UN charter; <u>https://www.un.org/en/about-us/un-charter/chapter-1</u>
   Overview of where same sex marriage is criminalised:
- Overview of where same sex marriage is criminalised; https://database.ilga.org/criminalisation-consensual-same-sex-sexual-acts
- Dutch couple mark 20th anniversary of world's first same-sex marriage;

https://www.nbcnews.com/feature/nbc-out/dutch-couples-mark-20th-anniversary-worl

d-s-first-same-sex-n1262753

- Marriage equality around the world; https://www.hrc.org/resources/marriage-equality-around-the-world
- Karl M. Baer Making Queer History https://www.makingqueerhistory.com/articles/2022/12/11/karl-m-baer
- <u>https://marxist.dk/artikler/historie/5873-bolsjevikkernes-afkriminalisering-af-homoseksualitet-bevidst-valg-eller-et-uheld.html</u>
- UN Meeting post ISIS lgbt execution; https://www.advocate.com/world/2015/08/24/reported-un-meeting-isis-has-executed-30-lgbt-people
- Expert on Sexual Orientation and Gender Identity https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity y/vitit-muntarbhorn
- UN strategy and plan on action against Hate speech; <u>https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Pl</u> <u>an%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf</u>
- 'Don't say Gay' <u>https://www.hrw.org/news/2022/02/17/florida-advances-dont-say-gay-bill?gclid=Cjw</u> <u>KCAjwjMiiBhA4EiwAZe6jQ3cECyD0MKkLJDkBz-xPFNIQ22FTx3LCI-Sll8t2Lb5</u> <u>3TGzHQ0rRxxoC\_VsQAvD\_BwE</u>

- EU takes steps against Hungary over Anti-LGBT bill; <u>https://www.reuters.com/world/europe/eu-take-steps-against-hungary-over-anti-lgbt-b</u> <u>ill-2021-06-23/</u>
- Polish education minister says LGBT march is an 'insult to public morality'; <u>https://www.reuters.com/world/europe/polish-education-minister-says-lgbt-march-ins</u> <u>ult-public-morality-2021-06-23/</u>
- Polish minister claiming the "LGBT ideology" is responsible for child suicides; <u>https://notesfrompoland.com/2023/03/09/lgbt-ideology-responsible-for-child-suicides</u> <u>-says-polish-education-minister/</u>
- Poland: Rule of Law erosion harms women and LGBT people; <u>https://www.hrw.org/news/2022/12/15/poland-rule-law-erosion-harms-women-lgbt-people</u>
- Florida's governor signs 'Don't Say Gay'; https://www.npr.org/2022/03/28/1089221657/dont-say-gay-florida-desantis
- Why 'Don't Say Gay' is so dangerous; https://www.healthline.com/health-news/why-floridas-dont-say-gay-bill-is-so-dangero us#How-this-legislation-can-affect-mental-and-physical-health
- On safe Sex Education; <u>https://www.hrc.org/resources/a-call-to-action-lgbtq-youth-need-inclusive-sex-education</u>
- The inclusion of LGBT people in education; <u>https://www.ohchr.org/en/statements/2019/10/inclusion-lgbt-people-education-setting</u> <u>s-paramount-importance-leaving-no-one</u>
- Map of countries that criminalise LGBT people; <u>https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/?type\_filter\_s</u> <u>ubmitted=&type\_filter%5B%5D=crim\_gender\_exp</u>
- Teen suicide rates among LGBTQ+ people; https://www.newportacademy.com/resources/mental-health/lgbt-suicide-rates/
- LGBT+ rights in Poland; <u>https://www.eu.dk/-/media/sites/euobeta/filer/pdf/undervisning/ungdomsuddannelser/f</u> <u>ilmpakke/lgbt/lgbt-faktaark.ashx</u>
- Improving the Health and Wellbeing of LGBTQ people <u>https://www.who.int/activities/improving-the-health-and-well-being-of-lgbtqi-people</u>
- Anxiety and Depression among the LGBTQ+ minority; <u>https://adaa.org/find-help/by-demographics/lgbtq</u>
- National Alliance on Mental Illness; https://www.nami.org/Your-Journey/Identity-and-Cultural-Dimensions/LGBTQI
- FAQ on Health and Sexual Diversity; https://www.who.int/publications/i/item/WHO-FWC-GER-16.2
- Discrimination prevents LGBTQ people from accessing Healthcare; <u>https://www.americanprogress.org/article/discrimination-prevents-lgbtq-people-access</u> <u>ing-health-care/</u>
- Report on Non-discrimination in healthcare; https://reports.hrc.org/hei-2022?\_ga=2.145033076.1308964488.1682846351-1636177 373.1682846351#patient-non-discrimination
- Sexual Assault and the LGBT community; https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community
- Violence against LGBT people; https://en.wikipedia.org/wiki/Violence\_against\_LGBT\_people
- Global HIV & AIDS statistics; <u>https://www.unaids.org/en/resources/fact-sheet</u>

- HIV/AIDS: A story of Resiliency; <u>https://www.healthygallatin.org/blog/hiv-aids-a-story-of-resiliency/</u>
- Gay Men seen dying from Aids due to Africa's homophobic laws; https://www.reuters.com/article/africa-lgbt-aids-idUSL3N26S1WX
- LGBT Groups barred from attending UN Aids conference; https://www.bbc.com/news/world-us-canada-36325578
- -

## **Further Reading**

- Universal Declaration on Human Rights; https://www.un.org/en/about-us/universal-declaration-of-human-rights
- UNHRC Resolution from 2026 on LGBTQ+ violence; <u>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/154/15/PDF/G1615415.pdf?</u> <u>OpenElement</u>
- Understanding Human Rights; <u>https://www.un.org/en/global-issues/human-rights</u>
- LGBTQ+ People and human rights; https://www.ohchr.org/en/sexual-orientation-and-gender-identity/about-lgbti-people-a nd-human-rights