

Forum:	Human Rights Council (HRC)
Issue:	Measures to eradicate discrimination and persecution based on sexual orientation and gender identity
Chair:	Cindy Yang, Deputy President

Introduction

Treaties established by the United Nations and the Human Rights Council have confirmed that sexual orientation and gender identity are among the prohibited grounds of discrimination under international human rights law. This means that it is disobeying the law to restrict people's rights based on being lesbian, gay, bisexual, or transgender (LGBTQ+). In society, heterosexuals are being considered as the norm and because of that, people who have a different sexual orientation and gender identity suffer from discrimination and violence. They are being treated unfairly in schools, labor markets, hospitals, and more due to stigma. People of the LGBT community experience bullying and face the risk of being unemployed. The discrimination and social stigma cause those who identify as non-heterosexual to experience depression, anxiety, and suicidal thoughts. Since then, the LGBTQ+ community seeks equality and rights. The Netherlands became the first country to legalize same-sex marriage in 2001, and since then, there has been an increase of 29 countries out of 193 that legalized same-sex marriage. Unfortunately, homophobia and discrimination against gays, lesbians, bisexuals, and transgenders still exist. Homosexuality is considered a crime in more than 70 countries, which exposes individuals to the risk of arrest, prosecution, imprisonment, and even the death penalty.

The ideas of LGBTQ+ does not conform to traditional ideals; with religious and cultural reasons, many people do not support the LGBTQ+ community. For example, in the religious perspective, homosexuality is considered as a sin, explaining why people who believe in certain religions do not support the LGBTQ+ community. . In the culture of many countries, people look at LGBTQ+ as abnormal. Religion and culture are only two of many reasons why people are unsupportive or even against the LGBTQ+ community.

Scientifically proven, people of the LGBTQ+ community prefer not to take HIV tests, as they fear that they will be harassed, causing them to have a higher chance of attracting HIV. In a 2014 survey made by the Kaiser Family Foundation, they found that 15% of LGBTQ+ men receive unfair and poor treatment because of their sexuality and gender identity. The survey also shows that 30% of them did not

feel comfortable discussing their sexual behaviors with a healthcare provider. Regardless of age, gay and bisexual men have experienced discrimination and homophobia that lead them to not knowing their HIV status.

Definition of Key Terms

Discrimination

Discrimination refers to the unjust or unfair treatment of humans. People discriminate against others based on race, religion, gender, age, sexual orientation, and anything that may go against what is normal. People discriminate against others by letting them feel left out, making them get unfair treatment in the workforce, school, and public area.

Eradicate

Eradicate refers to put an end to a situation, issue, and more.

Persecution

Persecution refers to hostile behavior and mistreatment towards individuals or groups of people because of their differences. This can include political beliefs, religion, race, or sexual orientation.

LGBTQ+

LGBTQ+ refers to a person's sexual orientation or gender identity. It is an acronym for "lesbian, gay, bisexual, transgender, queer, and more" Lesbian stands for a woman who is only attracted to females. Vice versa, a gay is a man who is only sexually attracted to a male. A bisexual is someone who is attracted to both males and females. Transgender are people whose gender identity is different from what they were given at birth.

Sexual Orientation / Sexuality

Sexual orientation and sexuality are what gender a person is romantically and sexually attracted to. There are several combinations: a person can be attracted to the opposite (heterosexuality), the same (homosexuality), both (bisexuality), more than one (pansexuality), none (asexuality), and more genders.

Gender Identity

Gender identity is the personal feeling of their gender. In some cases, people do not feel comfortable or identify themselves as the sex they were given at birth. Those people are transgender, non-binary, and genderqueer.

Equality

Equality refers to the state of being equal for rights and opportunities. For example, every individuals are treated fairly despite their race, sex, sexuality, or social class.

Homophobia

Homophobia is the hatred and negative attitudes toward the LGBTQ+ community. Homophobia can be caused by religion, culture, and more. Homophics tend to think that homosexuality is abnormal. Homophobes go against, put violence, and discriminate on the LGBTQ+ community.

Background Information

The Stonewall riots

The Stonewall Riots made a huge impact on the LGBTQ+ community. In the 1950s to 1960s, homosexuality was considered illegal in 49 states of the United States, excluding Illinois. Gays, lesbians, and others experienced discrimination and harassment. In New York City, gay bars was the place where people with diverse sexual orientations and gender identities can express and feel free to be themselves. The Stonewall Inn is one of the bars. The police went to the inn to arrest people for homosexual interaction, and angered by the mistreatment, the people in the bar started a riot that did not stop until July 1. It influenced and started the modern-day liberation movement, as well as brought the community together and raised the awareness of brutality, discrimination, and persecution against the LGBTQ+ community.



Caption 1: The Stonewall Riot

Problems that the LGBTQ+ community face now a day

Compare to non-LGBTQ+ people, lives are harsher for the LGBTQ+ people. They do not get equal treatment and certain rights. Out of 195 countries, only 29 legalized same-sex marriage. There are some downsides to not getting married. LGBTQ+ partners did not have the same insurance benefits as other non-LGBTQ partners, and they did not have a legal familial connection that prevented them from making decisions for each other when one is hospitalized. 72 countries criminalized same-sex sexual activity, and 15 countries criminalized gender identity and expression of transgender people. LGBTQ+ people can not have the freedom and express their affection. In some countries, they also need to suffer from the right to adopt and serving in the military.



Caption 2: Marriage Equality Around the World

Violence

Huge amount of physical and psychological violence against LGBTQ+ community had been documented. It includes assault, rape, murder, kidnapping, torture and ill-treatment in institutional and other setting. The women in the LGBTQ+ community are more likely to face violence. They may also face abuse in the workplace, home, and hospital. LGBTQ+ people will also be sent to conversion therapy, where it includes unethical “therapies” to change one’s sexual orientation. They assume that homosexuality is a mental illness and can be treated through religion or an uncertified “therapist”. Not only can forceful attempts to change one’s identity lead to depression, but in many countries, violence against the community is often underreported and not properly investigated. The practice of converting an individual's sexuality and gender identity violates basic human rights, it is inhuman and degrading. It violates This led to continuous violence and unjust actions against them. People who fought for LGBTQ+ rights often got judged by their actions which will also put them at risk of danger.

Discriminations and Persecution

People in this community are face to face with discrimination as well as inequity and exclusion. Many of them will also face discrimination based on other elements including race, age, religion, sex, disabilities, and poverty. Many children who are a part of the LGBTQ community are forced to experience discrimination as well as expulsion from schools, solely based on their, or their parents, sexual orientation or gender identity. Children are also often abandoned and shunned by their families which causes very unfortunate levels of homelessness, starvation, and suicide. Due to the violence and inequality many people experience because their issues are dismissed, more vulnerable health issues, such as HIV, are denied required medical care. Additionally, transgender people are not being recognized as the gender they identify with. They are often faced with abuse and have to undergo forced sterilization. If they refuse, they suffer from being excluded. By excluding LGBTQ’s from designing laws and policies that directly affect them, only makes the gap, social and economic, between them and straight people, even greater.

HIV and AIDS

HIV is a virus, AIDS is the name of the disease, that attacks the cell originally fighting the infection, which leads to people being vulnerable and more likely to get diagnosed for other diseases and infection. HIV is being spread by body fluids, where if a person gets into contact with a person that has HIV’s fluid, he or she is more likely to get infected as well. The most common reason why people get diagnosed is through unprotected sex. Gays, bisexuals, and people who participated in men-to-men sexual interaction have the highest risk of getting HIV infection. In 2018, 69% of 37,968 Americans who got diagnosed with HIV are from the LGBTQ+ community. In the transgender community, transgender women have 49 times the odds of getting HIV compared to other human beings. Being discriminated

against by the general society, LGBTQ+ people are often not being accepted in homes and workplaces. This leads to them having a poor environment to live in and a job related to sexual intercourse, which increases the rate of them getting HIV. The LGBTQ+ community's increased HIV diagnoses can hurt a country economically and socially. A country with health insurance needs to pay for the diagnoses' treatment, which can hurt the economy, and a country's population will also decrease due to people dying from AIDS.

Major Countries and Organizations Involved

United States

The LGBTQ+ community in the United States has been fighting and protesting for their rights since the 1960s. The first gay rights organization, the Society for Human Rights, was established by Henry Gerber. The first gay rights organization that sustained was found by Harry Hay, called the Mattachine Society. On June 26, 2015, the U.S. Supreme Court legalized same-sex marriage in all 50 states. The U.S. is a country with an openness toward sexual diversity. LGBTQ+ citizens get fair treatment and equal opportunities as that of the non-LGBTQ+ citizens. The only difference is that transgenders can't serve in the military.

The Netherlands

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Taiwan

It had not been a formal punishment for the LGBTQ community. There are still consequences for the people who did not get married. For example, LGBTQ+ partners did not have the same insurance benefits as other non-LGBTQ partners, and they did not have a legal familial connection that prevented them from making decisions for each other when one is hospitalized. On May 24, 2019, Taiwan became the first country in Asia to legalize same-sex marriage. However, there are still no laws to protect LGBTQ people from hate crimes, and these people have certain restrictions on adoption rights and blood donation.

United Arab Emirates(UAE)

The United Arab Emirates is a religious country, where the official religion is Islam. In the Islamic religion, homosexuality is forbidden. Due to religious and cultural persecution, the United Arab Emirates does not accept the LGBTQ+ community. All same-sex sexual interaction is considered illegal in the United Arab Emirates. People in the LGBTQ+ community can face prison sentences or even death penalties if they get caught. Both the civic law and the Sharia law, the Islamic religious law, criminalize sexual interaction between the same gender. The UAE does not even accept LGBTQ+ tourists, which causes a great loss for its economy.

Human Rights Campaign

The Human Rights Campaign is the biggest LGBTQ+ rights non-profit organization in the United States founded by Steve Endean in 1980. The organization focuses on breaking down the barriers between the LGBTQ+ and non-LGBTQ+. They want people to live comfortably with freedom and without fear. They decrease discrimination, protect and increase rights, and advocate for same-sex marriage, HIV/AIDS. The organization provides help in healthcare, transgender, coming out, workplace, and home issues for the LGBTQ+ community. The organization bases its work on three actions: 1. "Mobilizing equality voters nationwide." 2. "Educating the public and the community about LGBTQ+ issues." 3. "Advancing pro-equality policy and litigation."

South Africa

The LGBTQ+ people in South Africa get equal rights as the non-LGBTQ+ people. Homosexual activity was accepted in 1998. South Africa is the first and only African country and fifth in the world to legalize same-sex marriage since 2006. Their Constitution was the first worldwide to outlaw discrimination based on sexual orientation. Same-sex couples can adopt children and get in vitro fertilization(IVF) and surrogacy treatments. LGBTQ+ people get protection from discrimination in employment, school, and public areas, as well as are allowed to serve in the military. Conversion camps and therapy for homosexuals are illegal. There are still some downsides for the community, however, as discrimination and persecution still exist in South Africa. This causes violence and unfairness to the LGBTQ+ community. Besides, the risk of homosexual people getting HIV/AIDS is still high.

United Kingdom

The United Kingdom's main religion is Christianity, and homosexuality is considered a sin in the Christian community. The Buggery Act 1533 illegalized homosexual interaction and individuals can be put to death if caught. Homosexual activities have been legal since 2000 in the United Kingdom. The Equality Act 2010 protects the LGBTQ+ community from discrimination. Same-sex individuals are allowed to marry in the United Kingdom since 2013. Housing, employment, and overall discrimination

against the community are illegal. LGBTQ+ couples are allowed to adopt. The transgenders are allowed to legally change their gender without doing surgery.

Sweden

Sweden has been known as one of the most LGBTQ+ friendly countries. Sweden is the first country worldwide to allow transgender to legally change their gender after reassignment surgery. They have also provided free hormone therapy since 1972. Sweden legalized sexual interaction between same-sex in 1944 and marriage in 1995. Sweden allows gays and lesbians to adopt and to join the military. A study made by Danish Research Institute for Suicide Prevention and researchers from Stockholm University shows that the suicide rate made by the LGBTQ+ community dropped significantly. Sweden is also a safe country for homosexuals to travel to.

Brunei

Homosexuality is illegal in Brunei, considering it is an Islamic country. Every act of same-sex sexual interaction is forbidden, and men could face "medieval" stoning as a form of death penalty for engaging in rightful relationships with other men.. The LGBTQ+ community is not allowed to get married, allow adoption, and donate their bloods. There is no protection for the LGBTQ+ population in public areas. This lead to more discrimination and violence towards the community.

Timeline of Event

1533

The Buggery Law

The Buggery Law was a law that was passed in Britain by King Henry VIII. This law made homosexuality punishable by death

1924

First gay rights organization

The first gay rights organization is started in Chicago by Henry Gerber. It is called the Society for Human Rights.

April 27, 1953

U.S. President bans homosexuals in workforce

President Eisenhower, 34th U.S. president, bans homosexuals from working in the federal government because it is a security risk.

1962

Illinois legalized homosexuality

Illinois becomes the first state to decriminalize homosexual acts.

June 28, 1969

The Stonewall Riots

The Stonewall Riots take place in New York City. The Stonewall Inn was a gay bar that had frequently been attacked by police forces. On this day, however, gays protested the raids and it became a very important moment for the LGBTQ movement.

June 27, 1970

The first pride parade

The first pride parades take place across the United States to celebrate the anniversary of the Stonewall Riots that had happened a year ago. The first parade is in New York City.

April 1, 2001

The Netherlands legalized same-sex marriage

The Netherlands becomes the first country to legalize same-sex marriage.

June 6, 2006

São Paulo Gay Pride Parade

São Paulo Gay Pride Parade took place in Brazil. It's the biggest pride parade ever held with 2.5million people attending.

November 30, 2006

South Africa legalized same-sex marriage

South Africa is the first, and only, African country to legalize same-sex marriage.

June 26, 2015

Same-sex marriage becomes legal in the United States

Same-sex marriage becomes legal in the United States after the Supreme Court rules in favor (5 to 4) of Hodges in the Obergefell v. Hodges case.

May 24, 2019

Taiwan legalized same-sex marriage

Taiwan became the first, and only, Asian country to legalize same-sex marriage.

Relevant UN Resolutions and Treaties

- Human rights, sexual orientation and gender identity, 17 June 2011 (**A/HRC/RES/17/19**)

- Human rights, sexual orientation and gender identity, 26 September 2014 (**A/HRC/RES/27/32**)
- Protection against violence and discrimination based on sexual orientation and gender identity, 30 June 2016 (**A/HRC/RES/32/2**)
- Extrajudicial, summary or arbitrary executions, 18 December 2014 (**A/RES/69/182**)
- Extrajudicial, summary or arbitrary executions, 15 March 2013 (**A/RES/67/168**)

Possible Solutions

Encourage member states to protect LGBTQ+ individuals from Violence. States should protect LGBTQ+ people from violence, torture, and ill-treatment. This includes investigating, prosecuting, and providing remedies for acts of violence, torture, and ill-treatment against LGBTQ+ adults, adolescents, and children. States should also strengthen efforts to prevent, monitor, and report such acts of violence or discrimination. States can also incorporate homophobia and transphobia as aggravating factors in laws against hate crime and speech. States should also recognize that persecution of people because they are (or are perceived to be) LGBTQ+ may constitute a valid ground for asylum, and not returning such refugees to a place where their life or freedom might be threatened.

Also, to eradicate discrimination against the LGBTQ+ community. Working between organizations, governments, and businesses can help expand policies and make them more efficient. Organizations outside of the government are dedicated to fixing situations and often have important goals towards correcting the issue. An example of this is World Organization Against Torture. This organization works on connecting other organizations that are not a part of the government. When these organizations work together, they help victims who are faced with violations of their human rights and supply needed resources for these people. The collaboration between these organizations and the governments can fix the issues of human rights, their activities can be monitored better. Although this is very beneficial to many people, with benefits come difficulties. Without encouragement and incentives, organizations, businesses, and governments may not agree and work towards these collaborations. Countries can also organize more pride events to spread awareness. By letting the public notice the LGBTQ+ community, it can help with the issue at hand which is to eradicate discrimination and persecution against the community.

Last but not least, to educate the public about the LGBTQ+ community. The government should provide education in school about the community. By doing this, students can understand more about the community and the discrimination against them. This will decrease the rate of unfair treatment of LGBTQ+ people in school, public area, and workforce. School can also add same-sex sexual interaction in sex education class. Teaching this to the students can help them learn how to have safe sexual intercourse and decrease the rate of HIV. The government should also address the issue of

discrimination to the public with presentation, commercial, news, and more. By doing so, it will raise the awareness of the unfair treatment against the LGBTQ+ community and decrease the rate of discrimination.

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