

<b>Forum:</b>	Human Rights Council
<b>Issue:</b>	Advancing international human rights to protect individuals against discrimination based on sexual orientation and gender identity
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## Introduction

Currently, there are seventy-six countries which retain laws that are used to criminalize people based on orientation or gender identity. However, the right to equality and non-discrimination are core principles of human rights, written in the United Nations Charter, The Universal Declaration of Human Rights (UDHR) and human rights treaties. The opening words of the Universal Declaration of Human Rights are unambiguous: *“All human beings are born free and equal in dignity and rights.”* The equality and non-discrimination guarantee provided by the international human rights law applies to all people, regardless of sex, sexual orientation and gender identity or “other status.” Moreover, the United Nations human rights treaty bodies have confirmed that sexual orientation and gender identity are included among prohibited grounds of discrimination under international human rights law. This means that it is unlawful to make any distinction of people’s rights based on the fact that they are lesbian, gay, bisexual, transgender, or queer (LGBTQ+), just as it is unlawful to do so based on skin colour, race, sex, religion or any other status. This position has been confirmed repeatedly in decisions and general guidance issued by several treaty bodies, such as the United Nations Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee against Torture, and the Committee on the Elimination of Discrimination against Women.

## Definition of Key Terms

### Sexual Orientation

A person’s sexual identity or self-identification as bisexual, heterosexual, homosexual, pansexual, etc. (Merriam-Webster, 2019)

## Gender Identity

A person's internal sense of being male, female, some combination of male and female, or neither male nor female. (Merriam-Webster, 2019)

## Discrimination

Prejudiced or prejudicial outlook, action, or treatment. (Merriam-Webster, 2019)

## Homosexual

Sexually attracted to people of one's own sex.

## Homophobic

Having or showing a dislike of or prejudice against homosexual people.

## LGBTQ+

Lesbian, gay, bisexual, transgender, queer etc.

# Background Information

## Discrimination against the LGBTQ+ community

### Discrimination in workplaces

Over the past decade, the United States of America has made unprecedented progress toward LGBTQ+ equality. But to date, neither the federal government nor most states have explicit statutory non-discrimination laws protecting people on the basis of sexual orientation and gender identity (Movement Advancement Project, 2019). People part of the LGBTQ+ community still face widespread discrimination: between 11 percent and 28 percent of workers, who identify as an LGBTQ+ individual, report losing a promotion simply because of their sexual orientation, and 27 percent of transgender workers report being fired, not hired, or denied a promotion in the past year.

Some argue that providing protections for LGBTQ+ individuals in the workplace violates religious freedom while others prohibit discrimination against LGBTQ+ workers if they work for the state but have no law extending to private-sector employers.

Twenty-eight states have laws prohibiting employment discrimination based on sexual orientation for public employees according to Lambda Legal.

### Discrimination in schools

All forms of discrimination and violence in schools are an obstacle to children and young people's fundamental right to quality education. Violence in schools and other educational settings is a worldwide problem and students who do not conform to prevailing sexual and gender stereotypes, including LGBTQ+ and intersex students, are significantly more vulnerable to harassment and discrimination.

Homophobic and transphobic violence targets students who are, or are perceived as, lesbian, gay, bisexual or transgender. It also targets other students whose gender expression does not fit into society's norms and expectations, such as boys perceived as 'feminine' and girls perceived as 'masculine'. Homophobic and transphobic violence includes physical, sexual and psychological violence and bullying. While this kind of violence mostly occurs among students, it can also take place between teachers and students. Such violence can sometimes target school staff, particularly teachers. Violence can be perpetrated by students, school staff or educational authorities. LGBTQ+ students consistently report a higher prevalence of bullying and violence compared to their non-LGBTQ+ peers.

According to studies carried out in the United States of America, the United Kingdom, and Thailand, between half and two thirds of LGBTQ+ students are regularly bullied at school and up to a third skip school to escape harassment. Many LGBTQ+ youths are subjected to bullying at school and rejected at home, end up homeless. Up to 40% of homeless young people on the streets of major U.S. cities identify as LGBTQ+ or queer, compared with likely less than 10% of the overall youth population.

### Discrimination on the internet

The Internet has become another common place for hate crimes to occur against the LGBTQ+ community. On one hand, it opens new access to a global LGBTQ+ community and a better understanding of the LGBTQ+ issues. But on the other hand, it is reported that expression of hatred toward this minority group is more serious with the online community than it is within the "off-line" community. Confidentiality is violated by technology and involuntary disclosure of sexual orientation increases possible violence targeting LGBTQ+ youth. Children do not seek redress due to shame and fear of continued persecution.

## Key Issues

### Economy

Statistics represent untold personal tragedies for the individuals concerned; but they also reflect a senseless waste of human potential on a grand scale. Every LGBTQ+ youth thrown out of home or forced to miss out on an education is a loss for society. Every gay or lesbian worker driven to leave their job or even their country is a lost opportunity to build a more productive economy.

At a macro level, the cost to a country's economy can be counted in the billions. According to a pilot study conducted for the World Bank in 2015, discrimination against LGBTQ+ people in India could be costing that country's economy up to \$32 billion a year in lost economic output.

### Impact of discrimination on youth in the LGBTQ+ community

School-related bullying and violence have a significant negative impact on students' education and employment prospects, as well as on their health and well-being. Children and young people who study in discriminatory environments or who suffer bullying or violence because they are seen as lesbian, gay, bisexual, transgender or intersex are more likely to feel unsafe at school, avoid school activities, miss classes, skip or drop out of school entirely, and achieve lower academic results than their peers. A study from the United States found that 70 percent of LGBTQ+ students felt unsafe at school. In Argentina, a 2007 study showed that 45 percent of transgender students dropped out of school, either due to transphobic bullying by their peers or being excluded by school authorities. A 2015 Australian study found that 18 percent of intersex people had not completed secondary education, compared to two percent of the general population. Discrimination also has a social and emotional impact on them. Instead of being social individuals, LGBTQ+ youths remain in the closet and hide. The loneliness that they bear can turn into depression which often leads to substance abuse or even suicide. LGBTQ+ youths have greater chances of alcohol and substance abuse than heterosexual youths. To add on, roughly one third of LGBTQ+ youths have a drinking or drug problem.

## Major Parties Involved and their Views

## United Nations

The United Nations General Assembly, in a series of resolutions, has called on States to ensure the protection of the right to life of all people under their jurisdiction and to investigate promptly and thoroughly all killings including those motivated by the victim's sexual orientation and gender identity. In June 2011, the United Nations Human Rights Council became the first UN intergovernmental body to adopt a wide-ranging resolution on human rights, sexual orientation and gender identity. Resolution 17/19 expressed the Council's "grave concern" at violence and discrimination against individuals based on their sexual orientation and gender identity and commissioned a study on the scope and extent of these violations and the measures needed to address them.

## Human Rights Campaign

The Human Rights Campaign is the largest LGBTQ+ advocacy and political lobbying organization in the United States of America. The organization focuses on protecting and expanding LGBTQ+ rights in ways such as advocating for marriage equality, anti-discrimination and anti-hate crimes legislations. To promote the employment non-discrimination act, in 2013, in the United States, the Human Rights Campaign initiated a 12-week campaign where they invested \$2 million which helped pass the act. The Human Rights Campaign was also at the forefront of the fight for marriage equality when, on June 26, 2015, the Supreme Court of the United States found bans on marriage equality to be unconstitutional – and that the fundamental right to marriage is a fundamental right for all.

## Iran

Iran remains one of the only seven countries worldwide which retains the death penalty for consensual same-sex acts (the other are Mauritania, Saudi Arabia, Yemen, Sudan, and some part of Somalia and Nigeria). Same-sex sexual activities are punishable by imprisonment, physical punishment, or execution. Gay men are faced with stricter enforcement actions under the law in comparison to lesbians. Many homosexual Iranians are often pressured to go through sex reassignment surgery in order to avoid legal and social persecution.

## Timeline of Relevant Resolutions, Treaties, and Events

<b>Date</b> <i>MM/DD/YY</i>	<b>Description of Event</b>
12/10/1948	The Universal Declaration of Human Rights
6/28/1969	Stonewall Riots- series of violent confrontations between the police and gay rights activists in New York City. As the riots progressed and international gay rights movement was born. (homosexuality was illegal at the time)
1972	Sweden enacts the world's first law legalizing transsexual operation
1985	France becomes the first country in the world to enact an anti-discrimination law protecting homosexuals.
6/17/2011	Human Rights Council resolution - Human rights, sexual orientation and gender identity
6/30/2016	Protection against violence and discrimination based on sexual orientation and gender identity resolution

## Evaluation of Previous Attempts to Resolve the Issue

LGBTQ+ advocates have overcome enormous challenges and risks to their safety to call out abuses of the human rights of LGBTQ+ people, and force changes to laws that discriminate against them. From the introduction of the concept of Pride and global recognition days like the International Day against Homophobia, Transphobia and Biphobia, LGBTQ+ people are forging alliances and promoting pride in who they are worldwide. The collective efforts of activist organisations around the world have paid real dividends. Since the early 1990s, with encouragement from the United Nations, LGBTQ+ activists, and NGO's, some 45 countries have decriminalized homosexuality, more than 30 have introduced full legal recognition of same-sex relationships and more than 60 have banned discrimination on grounds of sexual orientation. However, LGBTQ+ individuals and communities still face serious discrimination in societies.

## Possible Solutions

## West Lake Model United Nations 2019

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Though there have been several advancements in recent years to help reduce discrimination based on sexual orientation and gender identity much work is still needed. Part of the solution lies with governments: new laws and policies are needed to protect LGBTQ+ people from unfair treatment. Such as enacting effective anti-discrimination laws that protect LGBTQ+ and intersex persons from discrimination, and work to end negative stereotypes, through public education campaigns and repeal laws used to punish people based on their sexual orientation and gender identity and expression. When drafting resolutions delegates should keep in mind their countries stance on this issue.

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