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Special Conference 2 on Promoting Inclusive Societies

Measures to promote the human rights of
LGBT persons



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Forum:	Special Conference 2
Issue:	Measures to promote the human rights of LGBT persons
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Introduction

LGBT rights are a delicate subject to discuss. Despite being in the 21st century, half of the world's countries inflict punishments to LGBT persons for the simple fact of being themselves, varying from getting a fine and small prison sentence like in Algeria, to the death penalty in at least 10 countries. This is because the LGBT community is a minority who lives in a heteronormative society which is often homophobic, and the fact of two people from the same sex loving each other or someone expressing their true gender which does not correspond to their sex, is unacceptable to many. All across the world, LGBT persons are fighting against their oppression to live a life like any human being should. However, the world's inability to develop tolerance, the presence of state-sponsored homophobia, the rise of nationalism and conservative governments has proven it difficult for the LGBT community to gain the same rights as heterosexual people.

Furthermore, LGBT persons, aside of being oppressed and persecuted by many governments, are a target of society itself. On June 12th 2016, the Orlando nightclub shooting carried out by a homophobic ISIL-motivated terrorist killed 49 people and wounded 53 others. The shooting at the Pulse gay nightclub was recorded as the deadliest incident of violence against the LGBT community, and was registered as the deadliest terrorist attack in the United States since 9/11.

Therefore, this shows how LGBT persons' life is threatened in most countries, even in MEDCs, because of the conservative homophobic views reinforced by extremists. Moreover, it shows how much we have to step up and promote the human rights of this community in order to guarantee their safety, and just so they can live free and in dignity. As a result, we would be working towards a more inclusive society where all individuals, regardless of their differences, are able to be their own selves.



Definition of Key Terms

Sexual Orientation

The sexual attraction of an individual towards a specific gender or multiple ones. It is important to note that sexual orientation is not a choice and therefore cannot be changed, no matter how hard an individual tries to change it or suppress it.

Gender identity

Corresponds to the gender (or genders) that an individual psychologically feels as, and therefore makes a part of. It is important to indicate that gender identity isn't chosen just like sexual orientation, and is not limited to the two most known genders which are the two binary ones, male and female, as there is a large spectrum of genders.

Intersex

Being intersex is not a sexual orientation nor a gender identity, it's when an individual possesses both biological male and female characteristics.

Heteronormative

Belief or behavior that shows heterosexuality as the only sexual orientation, or as the normal or preferred sexuality. An example of heteronormative behavior is the belief that marriage or adoption is reserved only to heterosexual couples.

LGBT

LGBT is an acronym for Lesbian, Gay, Bisexual and Transgender. However, this acronym limits itself to people who are either lesbian, gay, bisexual or transgender, and does not include other individuals aside of these who are not heterosexual or cisgender (the opposite of transgender). It does not include intersex people, nor individuals who have another sexuality aside of homosexuality or bisexuality. As a result, a more inclusive acronym can be adopted such as LGBTQ, the "Q" standing for "Queer", which is an umbrella term that stands for any sexual orientation or gender identity that does not conform to heteronormative norms, or LGBT+, the "+" having the same goal as the "Q". For the sake of avoiding any confusion and being inclusive, the term LGBT+ will be used in this report.

Homophobia

Repugnance, fear, hatred, disapproval, mistreatment or any other form of discrimination against homosexuality, or against any person who isn't cisgender or



heterosexual and is therefore part of the LGBT+ community. Similar negative attitudes towards other individuals of the LGBT+ community have sometimes more specific names such as biphobia when it concerns bisexual people and transphobia when it concerns transgender people. There are many types of homophobia depending from who it comes, but the following definitions present the most common ones.

State-Sponsored homophobia

Homophobia coming from a country that has made it illegal to be gay, and inflicts penalties if someone is discovered or perceived as homosexual. State-sponsored homophobia may also come from a country where it's legal to be gay but where the government makes anti-gay propaganda, transmits hate speeches, persecutes homosexuals, and may apply other forms of discrimination against homosexuals or the LGBT+ community in general.

Institutionalized homophobia

Discrimination coming from a business, religious institution, or any other institution against homosexuals or LGBT+ individuals in general. This type of homophobia can be seen when these institutions “set policies, allocate resources, and maintain both written and unwritten standards for the behavior of their members in ways that discriminate” (ALGBTICAL, n.d.) LGBT+ people.

Hate crime

A hate crime is “any incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate” (LGBT Foundation, n.d.).

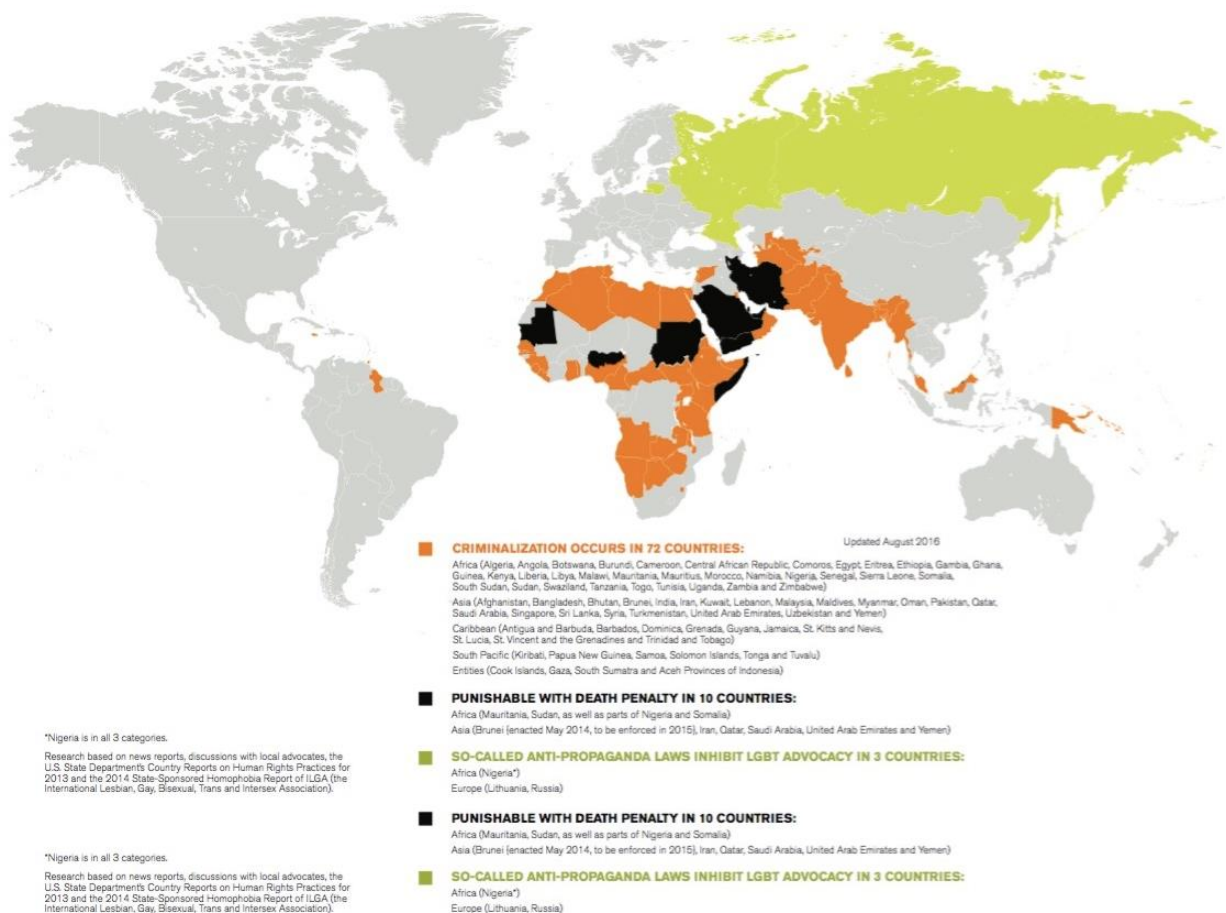


General Overview

Legal and social challenges faced by LGBT+ persons

Criminalization and penalization for being homosexual

Despite the fact that homosexuality is normal and has always been present, LGBT+ human rights are violated in many countries through state-sponsored homophobia, and in 76 countries there are no human rights at all for this community as same-sex consensual relationships are illegal there. The penalties inflicted for being identified as gay can vary in each of these countries, the least severe punishments being getting fined or a small prison sentence. Other countries inflict harsher punishments that can include hard labor, forced psychiatric treatment, and physical punishments. These three penalties are a clear violation to human rights as no human should be tortured in any way, and enduring hard labor or any physical punishment are clear barbaric punishments. In addition to this, forcing queer individuals to undergo psychiatric treatment, called “conversion therapy” in which various ways of therapy are used to “cure them” such as counseling and psychoanalysis, is another violation of human rights. The medical assistance will have no result, aside of traumatizing the patients and increasing their chances of not accepting themselves, as sexual orientation and gender



identity are two things that cannot be changed, as it has been previously stated in this report. Furthermore, some countries inflict even harsher penalties for being gay such as lifelong prison sentences like in India or being banished from the country like in the United Arab Emirates. In the case of over ten countries, queer men and sometimes women may face the ultimate violation of human rights, the death penalty. All these punishments for being homosexual, especially the death penalty, poses a real problem for queer people living in these countries as they are forced to live in the shadows for their own safety.

Criminalization (of homosexuality) around the World. Digital image. Human Rights Campaign. N.p., n.d. Web. 26 May 2017. <<http://www.hrc.org/explore/topic/international>>.

Marriage and adoption for same sex-couples

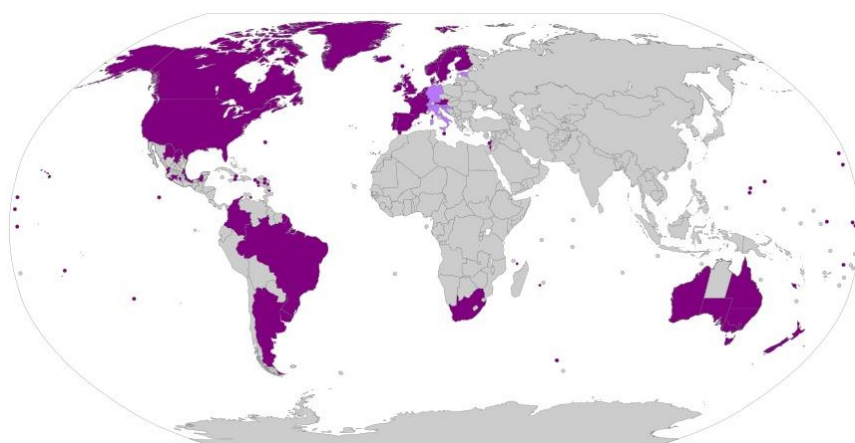
In countries where homosexuality is legal, there are still many restrictions regarding LGBT+ rights because of heteronormative views. For instance, only 20 States allow same-sex marriages nationwide, a few western countries recognize civil unions, and other countries like Mexico and the UK allow same-sex marriages in only some regions of their country. Furthermore, some democracies in Europe have passed constitutional bans on equal marriage. The inability for same-sex couples to marry have more serious consequences than one would think, as they are not guaranteed legal protections such as the right to visit their partner at the hospital, having an opinion in what happens to their partner if they pass away,



not being able to fill for stepparent or joint adoption, and many others. In addition to this, same-sex marriage can provide benefits for same-sex couples such as filing for joint income taxes.

Marriage Equality around the World. Digital image. *Human Rights Campaign*. N.p., n.d. Web. 26 May 2017. <<http://www.hrc.org/explore/topic/international>>.

On the other hand, adoption by same-sex couples is legal in more countries than equal marriage, as 25 countries allow nationwide full joint adoption by same-sex couples, and once again in the case of Mexico, and Australia, it's legal in some regions of the country. Other



States grant only the right of step-child adoption for same-sex couples, in which a person may adopt the biological child of his or her partner, or in the case of Germany, the person may as well adopt the adopted child of his or her partner, which makes it a joint

adoption but with a longer procedure. Nevertheless, LGBT+ adoption remains illegal in many countries and because of heteronormative beliefs, it's seen as “unnatural” and outrageous by many, which has a negative impact on LGBT+ individuals who wish to start a family.

Legal status of adoption by same-sex couples around the world:
■ Joint adoption allowed
■ Second-parent adoption allowed¹
■ No laws allowing adoption by same-sex couples
In Switzerland step-child adoption law is yet to go into effect.

Legal Status of Adoption by Same-sex Couples around the World. Digital image. *Wikipedia*. N.p., 4 Nov. 2013. Web. 26 May 2017. <https://en.wikipedia.org/wiki/LGBT_adoption#Legal_status>.

The inability for transgender people to express their own selves

Transgender people face many challenges to be who they are, as in many countries changing their legal gender is not allowed, and in others they may also receive the same penalties as homosexual people. In those countries where it is legal to change gender, transgender individuals are often obliged to undergo psychiatric diagnosis, hormones replacement therapy, and sex reassignment surgery which results in sterility and which not all



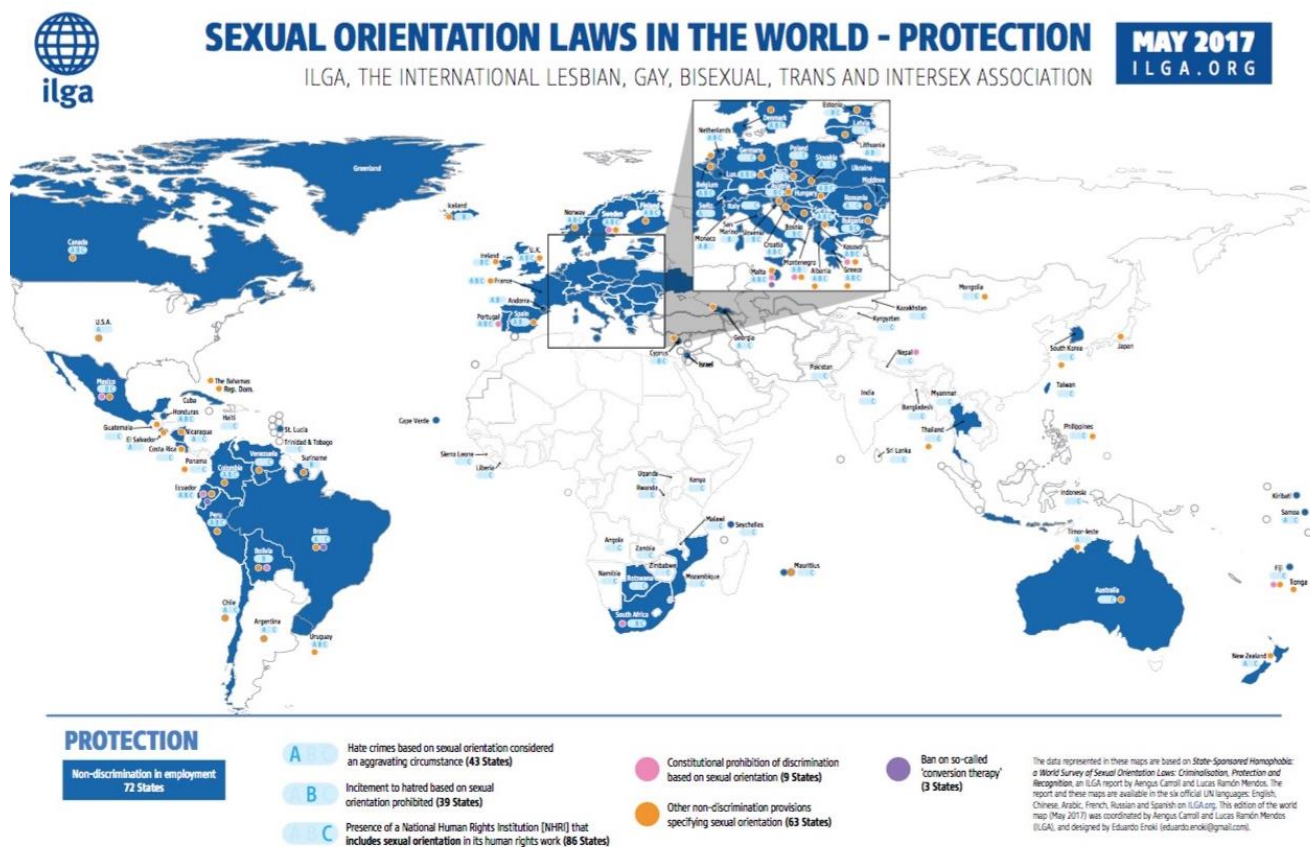
transgender people are comfortable with, until they can change their legal gender. As a result, many transgender people have documents that don't show their true gender, and are often discriminated against because of it. They may experience institutionalized transphobia, as many businesses refuse transgender persons because their outwards appearance doesn't match their legal gender. Furthermore, in some countries transgender people are sometimes even denied the right to marry if they decide to transition.

The lack of protection laws

In countries where being LGBT+ is legal, the problems that this community faces come from society itself. LGBT+ persons are targeted all around the world by civilians for being different and putting in danger heteronormativity, making the number of hate crimes towards LGBT+ people very high. These hate crimes can be in the form of intimidation, assault, mobbing, and in extreme cases, murder. Moreover, the government often fails to bring justice to the LGBT+ individual that has been targeted, or seeing it from another perspective, the government fails to protect in the first place the LGBT+ person that was attacked. They give these hate crimes less importance than other cases because of the prejudices revolving around LGBT+ people that make them seem inferior than heterosexual people, and therefore fail to protect their human rights. An example of hate crime towards the LGBT+ community is the Orlando shooting that was mentioned in the introduction.



Hate crimes towards LGBT+ individuals are triggered by homophobia that is sometimes influenced by religious, cultural beliefs, or other views. For instance, most churches and religious institutions will not let an openly LGBT+ person enter their premises. Therefore, they make it seem to their members that it's okay to discriminate someone based on their sexual orientation or gender identity, which eventually leads to hate crimes against this community by their followers.



Carroll, Aengus, and Lucas Ramón Mendos. *Sexual Orientation Laws in the World - Protection*. Digital image. ILGA. N.p., May 2017. Web. 26 May 2017.

<http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf>.

The question of LGBT+ youth and intersex children

LGBT+ youth are particularly vulnerable in our society. Governments fail to protect the human rights of LGBT+ teenagers with the lack of laws forbidding discrimination based on sexual orientation and gender identity in houses and on school grounds, which affects them dramatically. At school, many LGBT+ teenagers experience bullying in many forms that can vary from mocking to physical assaults. These actions repeatedly go unpunished, which lets the bullies pursue the harassment. As a consequence, LGBT+ youth may experience negative educational outcomes, as well as develop mental illnesses such as depression, that could lead in extreme cases to suicide. According to The Suicide Prevention Resource, between 30 and



40% of LGBT+ youth have attempted suicide. Furthermore, LGBT+ youth are more at risk of becoming homeless, as minors are less likely to be able to financially support themselves, and if no relative or friend offers to shelter them if their family rejects them after coming out, then they may find themselves without shelter. LGBT+ youth may also become homeless because they're scared how their family might react to their sexual orientation or gender identity, and therefore flee their homes. As a consequence, a recent study in the US showed that approximately 40% of homeless youth were LGBT+.

On the other hand, the case of intersex children is very particular. Parents are advised to put their intersex children through surgery to make them fit the stereotyped idea of one gender, but they often aren't well informed of the consequences of the decision they're taking. This surgery is a violation of the intersex children's human rights as it violates their privacy, and most of all it's done without their consent. The medical intervention also becomes a life-changing decision for them, as they might later on discover they are another gender than the one they were categorized to, but didn't have a voice when it was done to them.

The situation in the Chechen Republic (Chechnya)

Despite all the progress made in recent years regarding LGBT+ human rights and the efforts of the UN to promote them, in some countries LGBT+ rights are worsening. On the 1st April 2017, a Russian newspaper named *Novaya Gazeta* reported that more than a hundred men discovered or perceived to be gay or bisexual were being kidnapped in the last few weeks in Chechnya, a southern Russian republic, and brought to a secret place where they are tortured and eventually killed. LGBT activists and campaigns are accusing the leader of Chechen Republic, Ramzan Kadyrov, of being at the head of the operation. However, the actions happening are not entirely proven despite many of the surviving victims' testimonies, as they have not been confirmed by the Russian government yet.

Nonetheless, on 5 May 2017 President Vladimir Putin made an announcement that he would start an investigation which didn't last long as on 11 May 2017, a diplomat of the Russian embassy in Israel announced that the investigation had ended as no evidence had been found. That same day, LGBT+ activists who were on their way to the Russian prosecutor general's office to hand over a petition asking for a full investigation to be started, were arrested in Moscow.





Location of the Chechen Republic. Digital image. *BBC News*. N.p., 16 May 2017. Web. 26 May 2017. <<http://www.bbc.com/news/world-europe-39937107>>.

Major Parties Involved

ILGA (International lesbian, gay, bisexual, trans and intersex association)

“ILGA is a worldwide federation of more than 1,200 member organisations from 132 countries campaigning for lesbian, gay, bisexual, trans and intersex rights” (ILGA, 2013). The global organization has three regional structures in Asia, Africa and South America, and they hold regional conferences all around the world where they examine the case of LGBT+ rights of that particular country. Furthermore, ILGA gives their support to other LGBT+ activists, they work within the UN by expressing their views in the Human Rights Council, and they hold a worldwide conference every two years where they discuss their plans. Finally, ILGA raises awareness about LGBT+ issues through social media and their website. Therefore, ILGA is the biggest network advocating for LGBT+ rights.

Amnesty International

Amnesty International operates large researches, and advocates for the improvement of rights and safety of LGBT+ persons through petitions, campaigns, reports and other forms of support. This NGO also tries to eradicate legislations that permit discrimination and violence towards the LGBT+ community through the same means. In their official website, there’s a category called “Victories” where we can see the power and influence of Amnesty International to defend human rights, including those of LGBT+ persons.



Human Rights Watch

Human Rights Watch works to protect LGBT+ persons with the help of activists that defend a large number of issues regarding their human rights. They unmask harms done to LGBT+ individuals such as discriminatory laws, imprisonments, torture, murder, the application of the death penalty, and other violations. At the same time, they encourage and promote laws and policies that protect people based on their sexual orientation and gender identity.

The United States of America

The United States of America is one of the most advanced countries regarding LGBT+ rights, which improved rapidly over the last years from the complete legalization of homosexuality in 2003 to the legalization of same-sex marriage nationwide by a Supreme Court ruling on 26 June 2015. In spite of this, the US continues to face many issues. The country lacks laws to protect LGBT+ individuals of discrimination, particularly on the employment sector and housing programs. Moreover, prejudices towards this community are still very present, as the LGBT+ community is the most targeted group of hate crimes, which lead to the tragedy of the shooting at the Orlando nightclub.

The Russian Federation

Despite same-sex relationships and intercoursing being legal in Russia, being LGBT+ in this country is very difficult. The Russian government is widely known for its state-sponsored homophobia, as many freedoms for LGBT+ persons are suppressed. On 29 June 2013, Russia passed a law that prohibits “propaganda of non-traditional sexual relations”, which restricts LGBT+ persons on expressing themselves. Furthermore, there are no laws protecting LGBT+ individuals from discrimination, which is very present in the Russian society as only a small percentage of the population accepts homosexuality whereas the large majority of Russians believe it should not be accepted. More recently, as stated in the general overview, the country has proved it can go backwards instead of progressing regarding LGBT+ human rights with what’s happening in Chechnya.

Timeline of Key Events

Date	Description of Event
1 April 2017	<i>Novaya Gazeta</i> reports the situation in Chechnya
12 June 2016	Shooting at the Pulse gay nightclub in Orlando



26 July 2013	The UN Human Rights Office launches <i>Free & Equal</i>
17 November 2011	First UN report on LGBT+ rights
17 June 2011	First adopted UN Resolution on LGBT+ rights
10 December 1948	UN General Assembly adopts The Universal Declaration of Human Rights

UN Involvement, Relevant Resolutions, Treaties and Events

- Resolution adopted by the Human Rights Council, 30 June 2016 **(A/HRC/RES/32/2)**
- Resolution adopted by the Human Rights Council, 26 September 2014 **(A/HRC/RES/27/32)**
- UN's Campaign *Free & Equal*, 26 July 2013
- Report of the United Nations High Commissioner for Human Rights, 17 November 2011 **(A/HRC/19/41)**
- Resolution adopted by the Human Rights Council, 17 June 2011 **(A/HRC/RES/17/19)**
- Joint statement presented by Argentina on behalf of 66 States, 18 December 2008
- Joint statement presented by Norway on behalf of 54 States, 1 December 2006

Previous Attempts to Resolve the Issue

The joint statements made by Norway and Argentina, the three resolutions adopted by the Human Rights Council, and the first report of the United Nations High Commissioner for Human Rights concerning LGBT+ rights have all had little to no impact. The joint statements by Norway and Argentina only present the fact that there's a problem of discrimination against LGBT+ individuals, but they do not offer any solutions. The first two resolutions adopted (A/HRC/RES/17/19 and A/HRC/RES/27/32) lack effective measures to actually improve the



rights of LGBT+ persons, and the third one (A/HRC/RES/32/2) does call for action such as appointing an Independent Expert that assumes various responsibilities to combat discrimination based on sexual orientation or gender identity, but the resolution relies too heavily on the Independent Expert and does not offer other effective solutions. Furthermore, countries who are against homosexuality choose to ignore altogether these resolutions regardless of their efficiency.

On the other hand, the report of the United Nations High Commissioner for Human Rights on the issue of the LGBT+ community explains in detail the problems they face and is a fantastic source of promoting their rights, both to governments and civilians, but the countries where the majority of the population has negative opinions regarding the LGBT+ community are usually LEDC's where most of the population doesn't have access to the internet, and therefore the message of awareness and acceptance is never received.

Regarding the NGO's working to promote the human rights of LGBT+ persons, they all have contributed to the issue and have their "Victories". However, they remain weak to do any drastic change as they can only limit themselves to raising awareness and doing petitions, and without the public's support, both financially and morally, they become completely useless.

Nonetheless, the campaign *Free & Equal* may be called a success as its messages have been spread all around the world and heard by billions of people, which has eventually influenced on their minds and way of thinking. This campaign being very present on social media has made it more accessible to younger generations which spend a lot of time on these platforms, and the fact of using celebrities to spread the message gives more possibilities for the message to be heard and supported by people who follow these celebrities and look up to them. At the same time, the campaign does not neglect the fact that not everyone has access to the internet and therefore also spreads their opinion through billboards, pamphlets and other forms of communication.

However, the human rights of LGBT+ persons need to be further promoted as we have seen there is still a long way to go before LGBT+ people are safe and equal to heterosexual people.

Possible Solutions

First of all, the UN and countries where homosexuality is legal should pressure the 76 countries where homosexuality is illegal to decriminalize it, and let human rights organizations defending LGBT+ rights and LGBT+ citizens express themselves. States where legal gender changes are not allowed should legalize it and make the process for it easy and accessible.



On the other hand, countries where being LGBT+ is legal should also set an example by further advancing the rights of LGBT+ people by installing better protections laws that will ensure the safety of LGBT+ individuals, making legal gender change easier that's limited to a few paperwork, and working towards the legalization of same-sex marriage and adoption by same-sex couples.

Furthermore, countries should raise awareness to citizens on what being LGBT+ means, its difficulties, and most importantly that it's not wrong through various ways of communication not limited to the internet, in an attempt to try to combat homophobia. They should particularly start educating on the topic at schools to form more open-minded generations. Regarding intersex children, parents should be well informed about what it means to put their child through medical interventions, and advised to let their child make that decision later on. Moreover, national and international NGO's such as ILGA, Amnesty International, and Human Rights Watch should support the government on raising awareness by pursuing their efforts to promote the human rights of LGBT+ and expand their platforms to transmit them. Citizens should also be encouraged to donate and spread the message of these NGO's to their family and friends in order to help promote the human rights of LGBT+ persons.

Finally, international and regional conferences on sexual orientation and gender identity should take place to promote the rights of LGBT+ people. These conferences should be held by countries in which LGBT+ rights are the most advanced such as The Netherlands and Canada, and they should take place in countries where LGBT+ people are struggling to gain the same rights as heterosexual people as to support these efforts. These conferences should be open to the public and they should be transmitted by all means possible so citizens are able to know what was discussed.

Appendices

Delegates are encouraged to do some extra research concerning the topic and the views of their country or organization. The following sources may be of great help for that and to write a resolution.

Appendix I

Report of ILGA on laws concerning sexual orientation:

http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf



Appendix II

Report of ILGA on transgender rights by country:

http://ilga.org/downloads/TLMR_ENG.pdf

Appendix III

Hate crimes towards the LGBT+ community globally: <http://hatecrime.osce.org/what-hate-crime/bias-against-lgbt-people>

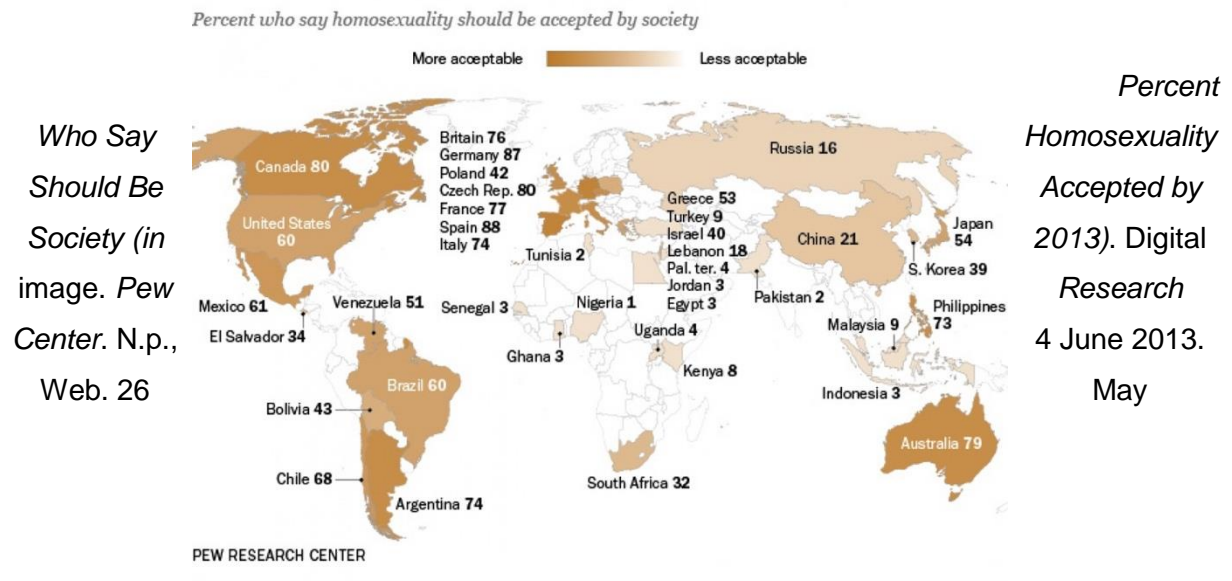
Appendix IV

Human Rights Watch on the topic of LGBT+ Rights: <https://www.hrw.org/topic/lgbt-rights>

Appendix V

The official website of the campaign *Free & Equal*: <https://www.unfe.org>

Appendix VI



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