



**ARC**MUN

Aristotelio College Model United Nations

**SOCIAL AND HUMANITARIAN COMMITTEE  
(SOCHUM – 3<sup>rd</sup> COMMITTEE OF THE GA)**

**Preventing violence and discrimination based on sexual  
orientation and gender identity**

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## 1. Introduction to the Topic

This year, during the sessions, the Third Committee of the General Assembly, will try to tackle the issue of violence and discrimination based on sexual orientation and gender identity. In order to do so, not only do they need to find ways to eliminate any occurring incidents, but also take measures to prevent any possible threat from materialising itself.

Firstly, it is of utmost importance to point out that human rights are rights inherent and equally entitled without any discrimination over nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status, such as age, disability, health status, sexual orientation or gender identity. These rights, whether they are civil and political rights (such as the right to life, equality before the law and freedom of expression) or economic, social and cultural rights (such as the rights to work, social security and education) are indivisible, universal, interrelated and interdependent.

The right to equality and non-discrimination are core principles of human rights, enshrined 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 unequivocal: “All human beings are born free and equal in dignity and rights.”

Here we would like to quote the Key-Findings as they appear on the Human Rights Council Report published in 2015:

- "Hate-motivated" violence against LGBT people is widespread, brutal, and often perpetrated with impunity. LGBT and intersex people are also victims of torture and ill treatment, including in custody and in clinics and hospitals.
- In many countries, the law is used to punish individuals on the basis of their sexual orientation and gender identity, and to restrict rights to freedom of expression, association and assembly: 76 countries criminalized consensual same sex relationships; in seven the death penalty may be applied.
- “Everyday discrimination”, fuelled by entrenched discriminatory attitudes and facilitated by lack of effective anti-discrimination laws, affects LGBT and intersex people everywhere – including in education, healthcare, employment, housing, and within families.
- States are legally bound by international human rights law to respect, protect and fulfil the human rights of all persons within their jurisdiction – including those who are LGBT and intersex.

## 2. Definition of Key Terms

### 2.1 Discrimination

Discrimination within sociology is the prejudicial treatment of an individual based on their membership in a certain group or category. Examples of categories on which discrimination can be seen include race and ethnicity, religion, sex/gender, sexual orientation, gender identity or expression etc.<sup>1</sup>

### 2.2 Gender identity

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<sup>1</sup> Oxford Dictionaries | English. (2017). *discrimination* / *Definition of discrimination in English by Oxford Dictionaries*. [online] Available at: <https://en.oxforddictionaries.com/definition/discrimination>

The personal perception of one's own gender that can correlate with the assigned sex at birth or completely differ from it. In most societies the basic definition of genders is that of male and female, however third gender categories have been adopted by some of them.<sup>2</sup>

➤ **Third gender**

A concept in which individuals are categorised as neither a male nor a female. Some examples are the Māhū of Hawaii, hijras of India and the fa'afafine of Polynesia.<sup>3</sup>

➤ **Sexual orientation**

A pattern of romantic or sexual attraction to a person of a different sex or gender, the same sex or gender, or both than one gender. This pattern can be analysed in four main categories: heterosexuality, homosexuality, bisexuality (the romantic or sexual attraction to both males and females) and asexuality (the general lack of sexual attraction.)<sup>4</sup>

➤ **Transgender and transsexual**

Transgender people have a different gender identity that differs from their assigned sex, they are sometimes called transgender if they undergo medical operations to transist from one gender to another.<sup>2</sup>

➤ **Intersex**

A general term used for the conditions in which a person is born with a reproductive anatomy that does not seem to fit the typical definitions of female or male.<sup>5</sup>

➤ **Genderqueer**

Genderqueer, also termed non-binary, is an umbrella category for gender identities that are not exclusively masculine or feminine. Genderqueer people may express a combination of masculinity and femininity, or neither, in their gender expression.<sup>6</sup>

### 2.3 Hate crimes

A traditional offense like a murder or an arson motivated in whole or in part by the offender's bias against a race, religion, ethnicity, disability, gender, gender identity or sexual orientation.<sup>7</sup>

### 3. History of the Topic

Throughout history, people with different sexual orientation have suffered from various forms of discrimination and violence.

During the Holocaust, for example, about 50,000 people were sentenced to imprisonment because of their homosexuality and thousands of them died in concentration camps. Apart from the gay community, this persecution of homosexuals is usually ignored. Conditions for gay men

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<sup>2</sup> Human Rights Campaign (2017). *Sexual Orientation and Gender Identity Definitions* | Human Rights Campaign. [online] Human Rights Campaign. Available at: <https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>

<sup>3</sup> Oxford Dictionaries | English. (2017). *discrimination* | *Definition of discrimination in English by Oxford Dictionaries*. [online] Available at: [https://en.oxforddictionaries.com/definition/third\\_gender](https://en.oxforddictionaries.com/definition/third_gender)

<sup>4</sup> Psychology Today. (2017). *Sexual Orientation* | *Psychology Today*. [online] Available at: <https://www.psychologytoday.com/basics/sexual-orientation>

<sup>5</sup> United Nations for LGBT Equality Fact Sheet. (2017). [pdf] Available at: [https://unfe.org/system/unfe-65-Intersex\\_Factsheet\\_ENGLISH.pdf](https://unfe.org/system/unfe-65-Intersex_Factsheet_ENGLISH.pdf)

<sup>6</sup> En.wikipedia.org. (2017). *Genderqueer*. [online] Available at: <https://en.wikipedia.org/wiki/Genderqueer>

<sup>7</sup> National Institute of Justice. (2017). *Hate Crime* | *National Institute of Justice*. [online] Available at: <https://www.nij.gov/topics/crime/hate-crime/pages/welcome.aspx>

in the camps were especially rough; they faced not only persecution from German soldiers, but also other prisoners, and many gay men were reported to die of beatings. German soldiers were also known to use the pink triangles that said men were forced to wear for target practice with their weapons. Female homosexuality was not, technically, a crime and thus gay women were generally not treated as harshly as gay men. Following the social upheaval of World War II, especially in the United States but in other countries as well, homosexuals were thought as sex perverts and criminals and thus were prosecuted by the police.<sup>8 9</sup>

What is widely considered to constitute the most important event leading to the gay liberation movement and the modern fight for LGBT rights in the United States but also to the world, were the Stonewall riots, a series of spontaneous, violent demonstrations by members of the gay (LGBT) community against a police raid that took place in the early morning hours of June 28, 1969, at the Stonewall Inn in the Greenwich Village neighbourhood of Manhattan, New York City.<sup>10</sup> The gay liberation movement of the late 1960s through the mid-1980s urged lesbians and gay men to engage in radical direct action, and to counter societal shame with gay pride. It was not until later in the seventies (in urban gay centres) and well into the eighties in smaller communities, that the marches began to be called "gay pride parades." The movement involved the lesbian, gay, bisexual, and transgender community in North America, South America, Western Europe, and Australia and New Zealand.

Recently, there have been many hate crimes and random attacks towards the LGBT community and even though some of them have been noted, the response and counter-measures to these attacks are not effective. The Orlando gay nightclub shooting is the most recent and major example of these attacks. The perpetrator Omar Mateen, who had sworn allegiance to the Islamic State of Iraq and Levant (ISIL or ISIS or IS), killed 49 people and injured another 58 during his terrorist attack. The United States of America stated it was the deadliest – at the time – terrorist attack, coming after the events of 11<sup>th</sup> September 2001.<sup>11</sup>

Another significant incident is the attack in 2005 during the Jerusalem Gay Pride Parade. Apart from the protests by the Orthodox Jews that lined the mile-long parade route shouting insults and displaying signs with hate messages towards the LGBT community, Yishai Schlissel an Orthodox Jew, stabbed three marchers, for which he served ten years in prison. After his release from the prison, in 2015, he went back to the Jerusalem Gay Pride Parade this time to lethally stab a 16-year-old protester girl and to wound 6 more. The motive was set to religious convictions.<sup>12</sup>

As Ms. Navanethem Pillay (who served as the United Nations High Commissioner for Human Rights from 2008 to 2014) stated in 2013, the LGBT persons “Are looking to the UN for

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<sup>8</sup> United States Holocaust Memorial Museum - Ushmm.org. (2017). *Lesbians and the Third Reich*. [online] Available at: <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005478>

<sup>9</sup> Harran, M. and Aretha, D. (2009). *The Holocaust chronicle*. p.108, Lincolnwood, Ill.: Legacy Pub.

<sup>10</sup> HISTORY.com. (2017). *Stonewall Riots - Facts & Summary* - HISTORY.com. [online] Available at: <http://www.history.com/topics/the-stonewall-riots>

<sup>11</sup> Ralph Ellis, C. (2017). *49 killed in Florida nightclub terror attack*. [online] CNN. Available at: <http://edition.cnn.com/2016/06/12/us/orlando-nightclub-shooting/index.html>

<sup>12</sup> Oren Liebermann and Jason Hanna, C. (2017). *6 stabbed at Jerusalem gay pride parade, police say* - CNN. [online] CNN. Available at: <http://edition.cnn.com/2015/07/30/middleeast/jerusalem-gay-pride-parade-stabbings/index.html>

protection. They expect us to live up to our ideals of equal rights for all, no distinctions, no exceptions. They must not be betrayed, and it is now down to Council members to decide...”<sup>13</sup>

#### **4. Legal Framework**

In all regions, people experience violence and discrimination because of their sexual orientation or gender identity. In many cases, even the perception of homosexuality or transgender identity puts people at risk. Violations include – but are not limited to – killings, rape and physical attacks, torture, arbitrary detention, the denial of rights to assembly, expression and information, and discrimination in employment, health and education. United Nations mechanisms, including human rights treaty bodies and the special procedures of the Human Rights Council, have documented such violations for close to two decades.

##### **4.1 United Nations Fact Sheets**

The UN human rights office has documented a wide range of human rights violations committed against individuals on the basis of their sexual orientation and gender identity and these include, (as stated in the United Nations Fact Sheets):

- Violent attacks, ranging from aggressive verbal abuse and psychological bullying to physical assault, beatings, torture, kidnapping and targeted killings.
- Discriminatory criminal laws, often used to harass and punish LGBT people, including laws criminalizing consensual same-sex relationships, which violate rights to privacy and to freedom from discrimination.
- Discriminatory curbs on free speech and related restrictions on the exercise of rights to freedom of association and assembly, including laws banning dissemination of information on same-sex sexuality under the guise of restricting the spread of so-called LGBT “propaganda.”
- Discriminatory treatment, which can take place in a range of everyday settings, including workplaces, schools, family homes and hospitals. Without national laws prohibiting discrimination by third parties on grounds of sexual orientation and gender identity, such discriminatory treatment continues unchecked, leaving little recourse to those affected. In this context, lack of legal recognition of same-sex relationships or of a person’s gender identity can also have a discriminatory impact on many LGBT individuals.<sup>14</sup>

##### **4.2 UN High Commissioner for Human Rights report on human rights violations**

On the 1<sup>st</sup> of June 2015, the UN High Commissioner for Human Rights issued a report on human rights violations against individuals based on their sexual orientation and gender identity. The report draws on recent findings of UN human rights bodies, regional organizations and non-

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<sup>13</sup> Hatecrime.osce.org. (2017). *Bias against other groups - Sexual orientation or gender identity* | OSCE - ODIHR. [online] Available at: <http://hatecrime.osce.org/what-hate-crime/bias-against-other-groups-sexual-orientation-or-gender-identity>

<sup>14</sup> United Nations for LGBT Equality Fact Sheet - International Human Rights Law and Sexual Orientation & Gender Identity. (2017). [pdf] Available at: [https://www.unfe.org/system/unfe-6-UN\\_Fact\\_Sheets\\_v6\\_-\\_International\\_Human\\_Rights\\_Law\\_and\\_Sexual\\_Orientation\\_Gender\\_Identity.pdf](https://www.unfe.org/system/unfe-6-UN_Fact_Sheets_v6_-_International_Human_Rights_Law_and_Sexual_Orientation_Gender_Identity.pdf)

governmental organizations, as well as information submitted by Governments. It details some important recent advances in the protection of the rights of lesbian, gay, bisexual, transgender (LGBT) and intersex people – including the introduction of new anti-discrimination and hate crime laws, legal recognition of same sex relationships, protection of intersex children, and changes that make it easier for transgender people to have their gender identity legally recognized. Even so, the report notes, LGBT and intersex people in all regions face “continuing, pervasive, violent abuse, harassment and discrimination.”<sup>15</sup>

#### **4.3 UN High Commissioner for Human Rights Key Recommendations**

The United Nations Human Rights Council has addressed these key recommendations in its Report for Discrimination and Violence against Individuals Based on their Sexual Orientation and Gender Identity which reads:

- Repeal laws used to punish people based on their sexual orientation and gender identity and expression – including laws that criminalize consensual, same-sex relationships, and so-called “anti-propaganda” laws;
- Enact effective anti-discrimination laws that protect LGBT and intersex persons from discrimination, and work to end negative stereotypes, including through public education campaigns;
- Investigate alleged homophobic and transphobic hate crimes, torture and related abuses. Enact hate crime laws that impose tougher penalties on criminals who target victims because of their sexual orientation or gender identity. Make it illegal to incite hatred and violence against LGBT people;
- Ban forced and involuntary treatment and medical procedures on LGBT and intersex people;
- Provide legal recognition to same-sex couples and protect the rights of their children;
- Make sure everyone has access to legal identity documents that reflect their self-identified gender, without abusive requirements such as sterilization, forced treatment or divorce;
- Make sure that no one fleeing persecution because they are LGBT or intersex is returned to a territory where his or her life or freedom would be threatened;
- Consult LGBT and intersex people and civil society when making laws and policies that impact their rights.<sup>14</sup>

#### **4.4 UN Report on Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity**

On the 15<sup>th</sup> of December 2011 the first ever United Nations report on the human rights of lesbian, gay, bisexual and transgender (LGBT) people was released. The report detailed how around the world people are killed or endure hate-motivated violence, torture, detention,

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<sup>15</sup> UN HUMAN RIGHTS COUNCIL REPORT: Discrimination and Violence against Individuals Based on their Sexual Orientation and Gender Identity. (2017). [pdf] Available at: [http://www.ohchr.org/Documents/Issues/Discrimination/LGBT/A\\_HRC\\_29\\_23\\_One\\_pager\\_en.pdf](http://www.ohchr.org/Documents/Issues/Discrimination/LGBT/A_HRC_29_23_One_pager_en.pdf)

criminalization and discrimination in jobs, health care and education because of their real or perceived sexual orientation or gender identity.

The report – prepared in response to a request from the UN Human Rights Council earlier that year – draws from information included in past UN reporting, official statistics on hate crimes where there are available, and reporting by regional organizations and some non-governmental organizations (NGOs).

In the report, Navi Pillay, the UN High Commissioner for Human Rights, called on countries to repeal laws that criminalize homosexuality, abolish the death penalty for offences involving consensual sexual relations, harmonize the age of consent for heterosexual and homosexual conduct, and enact comprehensive anti-discrimination laws.<sup>16</sup>

## **5. Discussion of the Topic**

With the top human rights body at the United Nations voting in favour of appointing an independent expert on protection from violence and discrimination against LGBT people, it is clear that the issue is becoming increasingly relevant.

Discrimination can be encountered in various aspects of a person's life, from social interactions to the labour market. Deeply-embedded homophobic and transphobic attitudes, often combined with a lack of adequate legal protection against discrimination on grounds of sexual orientation and gender identity, expose many lesbian, gay, bisexual and transgender (LGBT) people of all ages and in all regions of the world to egregious violations of their human rights. They are often even disowned by their own families.

In the second article of the Human Rights Declaration it is clearly stated that every human being is entitled to equal basic rights and protections without any distinction. Discrimination based on sexual orientation and gender identity clearly violates Human Rights and when human rights are threatened the United Nations is obliged to take action. The number of countries that have signed the 2008 statement opposing LGBT rights are currently 54 member-states while others have not yet stated their official support nor opposition.<sup>17</sup>

What is more important, though, is granting protection towards people that are threatened. In some countries homosexuality is fully criminalized and one can even be sentenced to death for such acts; in other states equal rights are not granted to all civilians because of their sexual orientation and gender identity; in others the state does not act to prevent violence against individuals.

It is crucial that we understand that action should be taken in a lot of fronts. Regarding politics, in most countries it is not only a matter of establishing new laws for the protection of said individuals but a matter of enforcing and making sure that every person, regardless of their sexual orientation, enjoys their basic human rights. At the same time, it is of high importance that the community and the general view of LGBT people, becomes more understanding and unprejudiced. Studies of prejudice, including prejudice against gay people, consistently show

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<sup>16</sup> Human Rights Council Report on Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. (2017). [pdf] Available at:

[http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41\\_English.pdf](http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf)

<sup>17</sup> Un.org. (2017). *Universal Declaration of Human Rights*. [online] Available at: <https://www.un.org/en/universal-declaration-human-rights/>

that prejudice declines when members of the majority group interact with members of a minority group. Furthermore, steps towards the acceptance of the LGBT community have been made through its unprejudiced depiction in various TV programs that are addressed to a wide variety of people.

One vital step, would also be a more spherical education of children regarding the importance of what it means for one to enjoy his or her basic human rights. Whilst focusing on a more humanitarian and human centric education, it is almost ensured that discrimination of any type, will be reduced, something which will have a positive effect to all suffering communities.

Given this information, as well as SOCHUM's mandate as a UNGA Committee, the members of this Committee should debate upon and propose, according to the official policy of the country they are representing, which guidelines and actions – if any – should the UN Social and Humanitarian Committee adopt in order to tackle discrimination based on sexual orientation and gender identity.

## 6. Questions to be addressed

- The international community and specifically the UN have addressed the issues of discrimination and violence due to sexual orientation since its founding in 1945. Why is it, though, that to this day the issue still exists?
- Which are the main causes of sexual orientation-based violence?
- Many individual nations have managed to reduce the percentage of such violence, what are the methods and countermeasures they are using?
- Can such solutions be adopted globally? If not, why and how can they be altered to do so?

## 7. Conclusion

In conclusion, it is obvious that, even today, people that belong to the LGBT community, face various forms of discrimination that at many circumstances escalate to violence. In this study guide, effort was made to paint a picture of some of the main challenges these people face. It is worth mentioning that further research regarding the abuse of their rights is advised. It is important that this study guide served as an incentive for fruitful discussion regarding the more effective protection of people with different sexual preferences. The United Nations have already made progress in this direction, but there is still road to cover.

We hope that the above information will help you form an opinion and urge you to research the most effective ways, in which said people could be better protected. We believe, that, with your contribution, we are going to have a fruitful and constructive debate.

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