

Forum:	General Assembly
Issue:	Preventing Violence and Discrimination Based on Sexual Orientation and Gender Identity
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Introduction

“Some say that sexual orientation and gender identity are sensitive issues. I understand. Like many of my generation, I did not grow up talking about these issues. But I learned to speak out because lives are at stake, and because it is our duty under the United Nations Charter and the Universal Declaration of Human Rights to protect the rights of everyone, everywhere.”

– *UN Secretary-General Ban Ki-moon to the Human Rights Council, 7 March 2012*

Definition of Key Terms

Sexual Orientation

Is defined as an inherent or immutable enduring emotional, romantic or sexual attraction to other people.

Gender Identity

One’s innermost concept of self as male, female, a blend for both or neither – how individuals perceive themselves and what they call themselves. One’s gender identity can be the same or different from their sex assigned.

Discrimination

The unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex.

LGBTI

The acronym refers to people:

- Whose sexual orientation is the same sex
- Whose sexual orientation is towards both sexes
- Whose formally assigned birth sex does not equal the person’s gender
- Born with a sex/gender that does not fit the concept of a binary (male/female) gender order

SOGI

The abbreviation stands for “sexual orientation and gender identity”.

Background Information

Multiple discrimination against women

Women are often confronted to discrimination due to their sex, sexual orientation or gender identity. UN reporters have noted risks faced by women. They are challenging widely accepted socio-cultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role of women in society.

A high risks female LGBTs may face are so-called “curative rapes”, perpetrators see this as a “treatment” to “convert” their victims to heterosexuality.

Asia Pacific

Asia still misses a fully defined regional human rights mechanism, therefore the Asia-Pacific states practice the most diverse when it comes to recognizing SOGI rights. The main human rights issues were found in the criminalization of consensual same-sex activities and the absence of sexual orientation and gender identity in anti-discrimination laws. Even though there is a lack of human rights mechanism, some countries such as Nepal have increased the protection of SOGI rights at the national level. In 2007, Nepal’s Supreme Court ordered the Government to grant ‘Sexual and Gender Minorities’ in the country.

Africa

SOGI movements in African countries are increasingly under threat. LGBTIs are criminalized by law in the majority of states. Families ostracize family members who are by so excluded from equal access to health and education. LGBTIs have to live under constant fear of police threats, violence coming from the general public. In recent years, homophobia has become a powerful tool used by populist politicians and various religious figures.

Latin America

In Latin America it has been achieved a relatively high recognition over the past two decades. Laws criminalizing homosexual behavior have been abolished as tolerance towards LGBTIs has increased. However, social attitudes towards LGBTIs remain violent and discriminant. Police often use terms such as ‘acts against decency’ or ‘public scandals’ and ‘moral contravention’ in order to justify the abuse of LGBTIs.

Middle East and North Africa

Northern parts of Nigeria, Iran, Saudi Arabia and Yemen have instituted their version of Sharia jurisprudence and impose the death penalty for homosexual acts. Other countries use laws inherited from the colonial era; such as Algeria, Egypt, Jordan and Morocco. These areas have the highest rates of attacks against those who live their sexual orientation differently to the heterosexual norm.

Europe

In Europe non-discrimination has improved in recent decades. The European Court of Human Right has a long history of advances in the recognition of LGBT human rights. However, homophobia and attacks on LGBTI still occur. Same-sex marriage is legal in seven European countries and civil unions, registered partnerships are available in ten countries. There are still states in Eastern and Central Europe that do not recognize same-sex partnerships.

Major Countries and Organizations Involved

United Nations

The United Nations has already worked on various resolutions in order to prevent discrimination and violence based on sexual orientation and gender identity. Protection against violence and discrimination, to uphold the human rights have been the main focus of the UN regarding this issue.

The European Council

The European Council has been addressing the issue since 1980s, focusing on creating standards and mechanisms which seek to promote and ensure respect for the human rights of every individual. These include equal rights and dignity of all human beings, including lesbian, gay, bisexual and transgender persons.

Schools and Companies

The majority of schools and companies have policies in order to prevent discrimination and violence. However, these policies are often not actively upheld and no punitive measures are taken when a person is attacked because of their sexual orientation or gender identity. This makes these environments ideal for predators, and count therefore as the main places where abuse take place.

Relevant UN Treaties and Events

- **Human Rights Council resolution - Protection against violence and discrimination based on sexual orientation and gender identity (adopted 30 June 2016) - A/HRC/RES/32/2**
- **Human Rights Council resolution - Human rights, sexual orientation and gender identity (adopted 17 June 2011) - A/HRC/RES/17/19**
- **Human Rights Council resolution - Human rights, sexual orientation and gender identity (adopted 26 September 2014) - A/HRC/RES/27/32**
- **General Assembly resolution - Extrajudicial, summary or arbitrary executions - A/RES/69/182**

Possible Solutions

Key recommendations to support effective responses to school and work related homophobic and transphobic violence / discrimination:

1. Monitor systematically the prevalence of violence, including violence based on sexual orientation and gender identity/expression.
2. Establish comprehensive policies to prevent and address violence in, including violence based on sexual orientation and gender identity/expression.
3. Ensure that curriculum and learning materials are inclusive.
4. Provide training and support to employees and other educational school staff to prevent and address violence in educational settings, including violence based on sexual orientation and gender identity/expression.
5. Ensure safe school and work environments are inclusive and provide support for students and employees affected by violence, including violence based on sexual orientation and gender identity/expression, and their families.

6. Provide access to non-judgmental and accurate information on sexual orientation and gender identity/expression through information campaigns and partnerships with civil society and the wider community.
7. Evaluate the efficiency, effectiveness and impact of education sector responses to violence, including violence based on sexual orientation and gender identity/expression.

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