



Southern China International MUN

Official Background Guide

Human Rights Council: On measures to prevent violence and prejudice based on sexual orientation and gender identity

Agenda Overseen by: Rebecca Ke

1. Description of the Issue

1.1 History of the Issue

Throughout the advancement and further protection of human rights, people have gained a new understanding regarding the diversity of **gender identities** and **sexual orientations**. Individuals who identify themselves differently from their **biological or assigned sex** are part of the **LGBTQ+** community. Even though progress has been made regarding the discrimination against LGBTQ+ people, violence and prejudice towards this group still exist around the world. In addition, these acts of discrimination towards LGBTQ+ people have bothered them for centuries and are violations of their **human rights** ^[4].

The term “gender identity” was introduced by Robert Stoller and popularized by John Money in the 1960s ^{[2] [3]}. However, problems related to gender identity and sexual orientation appeared a lot earlier. Throughout history, LGBTQ+ people have been living under persecution that entrenched homophobia for centuries, which is expressed by sensational public trials, exile, medical warnings, and more. Homosexuality and other deviance from people’s biological sex were banned in places by law or traditional customs ^[5].

Colonialism has been a significant source of violence and discrimination based on gender identity and sexual orientation. Throughout recorded history, there has been widespread sexual orientation and gender identity (SOGI) diversity around the world, and they are often respected in many societies. However, colonial projects often include varied forms of violence and discrimination towards individuals of diverse SOGI, regulating them by the imposition of a rigid **gender binary** on colonized people ^[8].

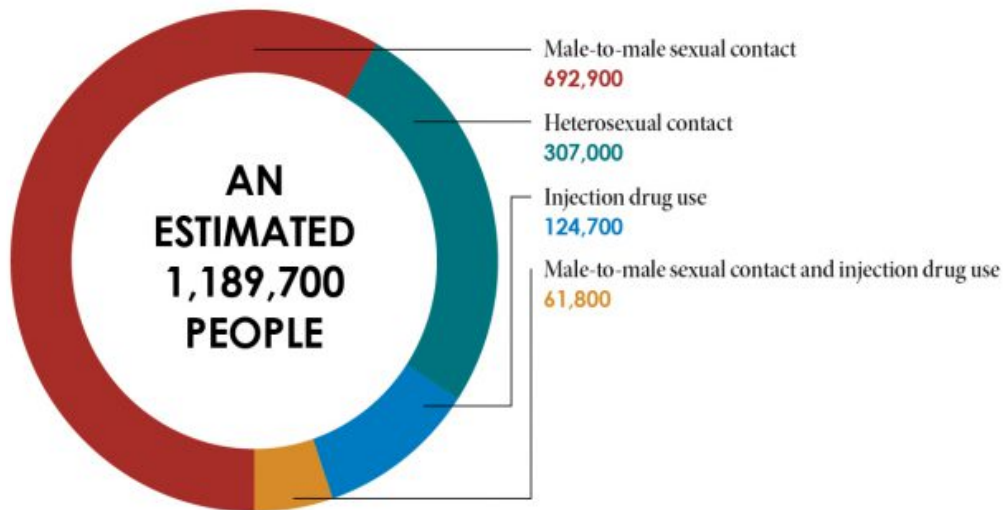
The first known case of homosexual activity receiving a death sentence occurred in 1566, when the Spanish executed a Frenchman in Florida during the European colonization ^[5]. **Homosexuality** was criminalized in European society, and religion has played a major role. Gender and sexuality were more fluid in Native American society compared to European society. Regarding the Christian belief, same-sex relationship was largely viewed by society as a sin based on the interpretation of the Bible ^{[6] [7]}. Due to the influence of Christianity, the dominant religion in Europe back in that period, the acceptance of same-sex love by Native Americans, North African, and Pacific Islander cultures shocked the Europeans during their exploration and empire-building ^[5]. Churches violently imposed policies, resulting in the isolation and destruction of local customs and beliefs, and homosexual practices were punished.

The first demonstration of gay rights has already appeared in 1965 when the civil rights movement won new legislation outlawing racial discrimination. However, the turning point for gay liberation happened a few years later in 1969, when the patrons of the Stonewall Inn in New York fought back against police raids ^[5]. This event acted as a catalyst for the gay

rights movement in the United States and around the world ^[11], leading to an increase in the expansion of LGBTQ+ rights movements.

**63% OF ALL PEOPLE WITH HIV IN THE U.S.
ARE GAY AND BISEXUAL MEN***

PEOPLE WITH HIV IN THE U.S., BY TRANSMISSION CATEGORY, 2019



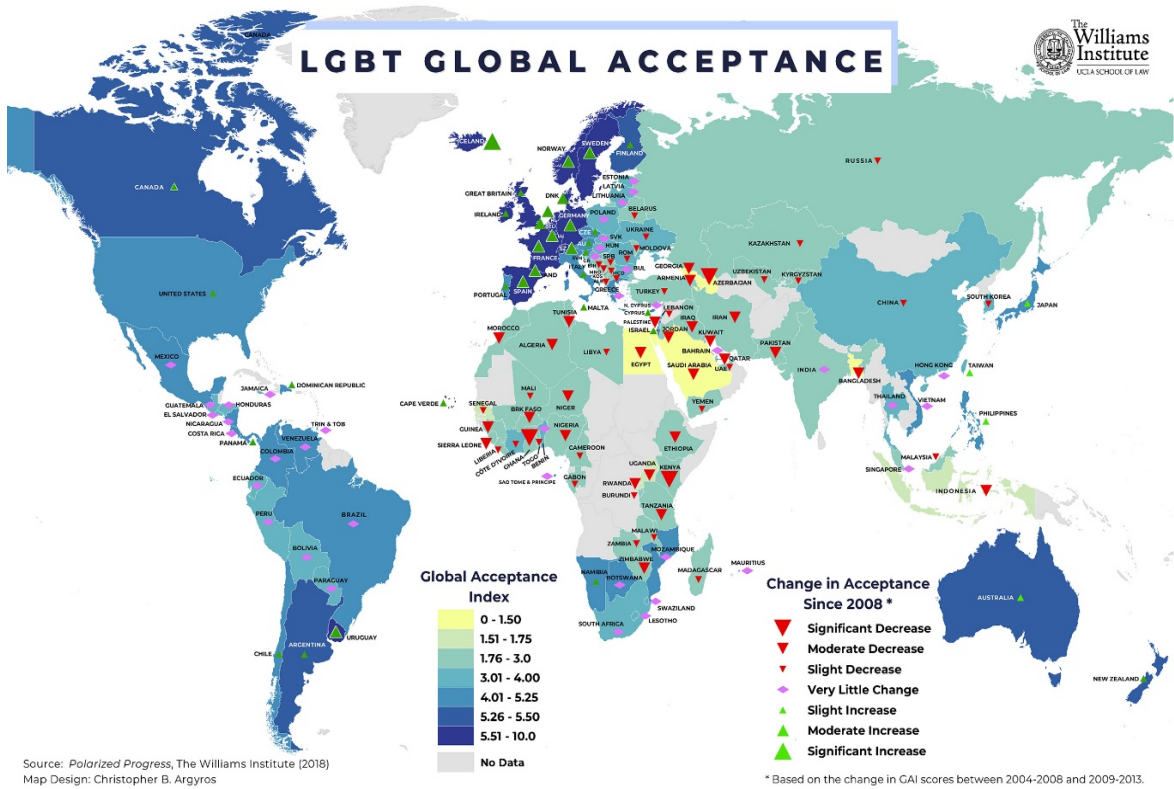
*Includes male-to-male sexual contact and male-to-male sexual contact and injection drug use.

Regardless of the expansion of LGBTQ+ rights, the HIV/AIDS Epidemic further setback the improvements in discrimination and violence towards LGBTQ+ people ^[5]. HIV is one of the major public health crises around the world, mostly in the US, and there remains no vaccine or cure for this disease. Moreover, LGBTQ+ behaviors are one of the factors that facilitated the spread of HIV ^[9]. Religious believers believe that AIDS is God's punishment for sinful behaviors while homophobic thoughts further spread throughout some people ^[5]. During the early years of the epidemic, before the Centers for Disease Control named this disease AIDS, it was referred to as GRID – Gay-Related Immune Deficiency ^[12].

1.2 Recent Developments

Problems based on sexual orientation and gender identity have been present throughout human history and still exist nowadays. People have taken great steps to prevent violence and discrimination toward the LGBTQ+ community in recent years, but new problems have also been found while making improvements.

In many countries, governments have implemented laws to protect the rights of LGBTQ+ people, and the rise of awareness has increased acceptance around the world. Despite that not all countries have played a role in this action, the overall trend of the acceptance of the LGBTQ+ community is continuing to increase.



The first same-sex marriage happened in the Netherlands in the year 2001, followed by other countries around the world [13]. The European Court of Justice has contributed a lot to this number. The ECJ is a high court in the European Union, stating that all EU countries were required to recognize same-sex marriages. Now, there are currently 33 countries where homosexual marriage is legal, including Australia, Canada, the Netherlands, the United Kingdom, and more [14]. Along with these efforts, the laws that protect LGBTQ+ people from violence and discrimination have also been improved.

Same-sex marriage is legal in more than 30 places around the world

Jurisdictions that allow same-sex couples to marry



Note: Classifications as of May 2023.
Source: Pew Research Center analysis of news articles and official government sources.

PEW RESEARCH CENTER

Additionally, even though same-sex marriage is not legal in many countries, many people around the world now have greater acceptance of LGBTQ+ people. As a result, compared to

before, LGBTQ+ groups face fewer problems related to legal rights and discrimination in most parts of the world.

In contrast, the majority population still holds low acceptance of LGBTQ+ people. The population around the world holds various views towards LGBTQ+ groups, which include a wide range of perspectives. Many factors are considered in this argument.

Religious factors can be highly influential towards the low acceptance of the LGBTQ+ community. Around 1.8 billion of the population, which accounts for nearly 25% of the global population, are Muslims. Today, homosexuality is still forbidden by Islamic laws, and the practice of homosexuality is a crime in many Islamic countries, such as Iran and Saudi Arabia [26].

On the other hand, one of the most important factors is people's thoughts about gender roles and sexual orientation. It is argued that, throughout history, society has always been operated by the roles of males and females. This is how humans pass down their generation and how the human population continues to increase. The roles of male and female are not replaceable, and it is how human society has functioned today and back then. Therefore, how humans have lived throughout history has greatly shaped people's minds about how human society should work, which greatly influenced the low acceptance of the LGBTQ+ community.

As a result, even though progress has been made to address the issue based on violence and prejudice against different gender identities and sexual orientations, it is still not enough to address this issue. With the development of the internet, discussions, and awareness can be easily made on a worldwide scale, but it is approached both negatively and positively. It will require a lot of effort and will be a time-consuming process to prevent violence and prejudice against LGBTQ+ people.

Key Terms

Gender Identity: How individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from the sex assigned at birth [1].

Sexual Orientation: An inherent or immutable enduring emotional, romantic, or sexual attraction to other people (an individual's sexual orientation is independent of their gender identity) [1].

Biological/Assigned Sex: A label that people are given at birth based on medical factors, including hormones, chromosomes, and genitals as either male or female [16].

LGBTQ+: Abbreviation for lesbian, gay, bisexual, transgender, queer or questioning, and more, describing a person's sexual orientation or gender identity [17].

Human Rights: Rights inherent to all human beings, regardless of race, sex... or any other status. Human rights include the right to life and liberty freedom from slavery and torture, freedom of opinion and expression... and many more [18].

Gender Binary: The idea that there are only two genders [19].

Homosexuality: Attraction between people who are the same sex [20].

HIV/AIDS Epidemic: HIV is a virus that leads to AIDS if not treated, and it can only be controlled instead of cured ^[21].

2. Emphasis of the Discourse

2.1 Stance of Intergovernmental Organizations

The Human Rights Council is the main intergovernmental body within the United Nations. In 2016, UNHRC adopted a resolution on “protection against violence and discrimination based on sexual orientation and gender identity,” which is a historical victory that will protect people at risk of discrimination and violence based on gender identity and sexual orientation ^[22]. Moreover, it is stated by the UN that the homophobic and transphobic attitudes that are combined with a lack of legal protection against discrimination are a violation of human rights ^[23]. The United Nations has taken steps to address and protect the rights of LGBTQ+ individuals.

The European Union, on the other hand, has also taken steps to address this problem. Article 21 of the EU Charter of Fundamental Rights has forbidden discrimination on grounds of sexual orientation along with other factors and they shall be prohibited ^[24].

Both the United Nations and the European Union are two large and influential intergovernmental organizations that stand against violence and discrimination caused by gender identity and sexual orientation.

2.2 Stance of developed countries

Prevention of violence and prejudice against LGBTQ+ people in developed countries might vary among different areas, but in most of the developed countries, LGBTQ+ is legal and has a higher level of rights compared to developing countries ^[10]. This can be caused by numerous factors. For instance, the economy is more stable in developed countries, and the improvements in education, healthcare, and awareness can all increase the promotion of LGBTQ+ rights. With enough resources, these wide-range social problems can be solved more easily. Moreover, the prioritization of human rights in developed countries has contributed to the formation of laws related to the protection of the LGBTQ+ community. In this case, countries such as the **United States, Germany, Israel, Canada, and New Zealand** have either legalized same-sex marriage or implemented laws to protect the LGBTQ+ group from discrimination and violence.

Consequently, several anti-LGBTQ+ laws have also been introduced in developed countries, causing discrimination and unfair treatment to increase depending on the area. For example, the **United States** enacted more than 70 anti-LGBTQ laws in May 2023. These bills can strip away dozens of legal protections and rights for LGBTQ+ people, acting as the newest form of attack on the community in different states. These bills include but are not limited to banning books related to LGBTQ+, preventing transgender from using bathrooms that align with their gender identity, restricting transgender young people from getting affirming care, and more ^[25].

Under the effects of the steps taken to address LGBTQ+ rights and protection issues, the LGBTQ+ community has gained more safety and freedom to express their gender identity and sexual orientation. They have played a very important role in reducing the existing discrimination towards the LGBTQ+ community, defending their rights, providing

preservation, raising awareness, and more. However, there are still anti-LGBTQ+ bills in developed countries that can largely affect the citizens. Therefore, even though developed countries have implemented policies regarding LGBTQ+ rights and protection, the existence of anti-LGBTQ+ laws shows that there are still ongoing challenges and needs to address this issue.

2.3 Stance of developing countries

Compared to the developed countries, most developing countries face problems when addressing discrimination based on gender identity and sexual orientation. Cultural and religious factors are some of the major factors that influenced its low acceptance of the LGBTQ+ group. Islamic countries such as **Egypt** and **Iran** all treat LGBTQ+ negatively due to their religion, while they are criminalized and prohibited. The practice of LGBTQ+ in those countries might be viewed as socially unacceptable under the shaping of culture and religious beliefs. On the other hand, countries like **China** have a strong cultural background, don't have laws and policies to protect, and have a low acceptance towards the LGBTQ+ group. The LGBTQ+ community might face harsh consequences such as ostracization, unemployment, or to an extent, even jail. However, awareness has been raised as many LGBTQ+ people are fighting for their rights.

Many factors in developing countries have contributed to the discrimination against LGBTQ+ people in developing countries. As mentioned above, cultural and religious factors play a major role in the low acceptance of the LGBTQ+ community. In addition, developing countries might be affected by an unstable economy, which is connected to education and awareness as well as other elements that impact the LGBTQ+ community.

3. Possible Solutions

3.1 In Favor of Developed Countries

Most developed countries have already taken steps to address violence and discrimination based on gender identity and sexual orientation, but there are still other obstacles that limit the changes it can bring.

One possible solution to this issue can be the continuation of the implementation or improvements to anti-discrimination laws. One problem developed countries face is the continuation of discrimination along with some anti-LGBTQ+ laws. Therefore, there can be steps taken to limit and restrict the anti-LGBTQ+ laws and reduce their current effects on the community. As the policies improve and become more complete, they can help promote the rights of LGBTQ+ individuals and ensure equal rights among the population.

Moreover, awareness can be raised through education to foster understanding among the general population towards the LGBTQ+ community. For instance, education is one effective way to raise awareness in the public. Educating the public to change stereotypes and prejudices towards the LGBTQ+ community will greatly help increase the acceptance of the LGBTQ+ community. This action can be done in schools, public speeches, and more. It is important to make people aware of the LGBTQ+ community to decrease discrimination.

For most developed countries, violence issues can be restricted through laws and policies, while prejudice problems among citizens are one of the main issues that should be addressed. There are many possible ways to prevent violence and prejudice against the LGBTQ+ community, but challenges will be faced while resolving this issue.

3.2 In Favor of Developing Countries

Possible solutions for developing countries are similar to those of developed countries. However, more time and effort will be required to handle these situations.

One possible solution for developing countries to address this issue is to collaborate with international organizations, non-governmental organizations, and other human rights groups to raise awareness and decrease prejudice based on gender identity and sexual orientation. Collaboration should be done regarding the unstable economy and possible lack of effective forces to help when taking action to address the issue.

In addition, policy implementation is another way to limit or prevent violence and discrimination issues. Policies and laws should be implemented to protect the population who experience violence and discrimination based on their gender identity and sexual orientation. In some cases, religious and cultural factors will need to be considered. The tension between religious beliefs and LGBTQ+ rights will need to be navigated, respecting religious beliefs when promoting LGBTQ+ rights, in order to make further approaches.

In contrast to developed countries, the prevention of violence and discrimination against gender identity and sexual orientation is much harder. Although, if effort is made, the issue can be solved step by step among the population.

4. Keep in Mind the Following

While researching your country's stance on this topic, keep in mind any factors that might affect your country's stance on this topic, such as religion and culture. Then, dig deeper into what your country has done in the past to address those problems, and are the actions effective or not. Some questions that are helpful to your research are:

- 1. Is LGBTQ+ something that is widely accepted in your country?*
- 2. Does your country have any laws/policies addressing violence and discrimination towards LGBTQ+ individuals?*
- 3. Is the acceptance of LGBTQ+ conflicted with your country's religion/culture?*
- 4. Did your country make any progress in addressing LGBTQ+ rights?*
- 5. Are there any places where people can find help if they are undergoing violence and discrimination based on their gender identity and sexual orientation?*

5. Evaluation

Violence and prejudice based on gender identity and sexual orientation have existed throughout the whole of human history. It is important to know that this is not a problem that can be addressed immediately because it is not only related to how the government can take action, instead, it relies more on how people think about LGBTQ+ individuals. Discrimination is something that everyone has, and it depends on us whether we want to change it or not. It will take a lot of time and effort to decrease discrimination against LGBTQ+ individuals. Therefore, cooperation between the government and the overall population is important, because if one is missing, the problem will not be solved. This is a very controversial topic, and attitudes toward LGBTQ+ rights vary across different societies, cultures, and religious beliefs. Good luck!

6. Bibliography

1. *Sexual orientation and gender identity definitions*. (n.d.). Human Rights Campaign.<https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>
2. Repo, Jemima. "The Sex/Gender Split, Transsexualism, and the Psychoanalytic Engineering of Capitalist Life." *Oxford University Press eBooks*, 2015, pp. 49–74. <https://doi.org/10.1093/acprof:oso/9780190256913.003.0003>.
3. Moleiro, Carla, and Nuno Pinto. "Sexual Orientation and Gender Identity: Review of Concepts, Controversies and Their Relation to Psychopathology Classification Systems." *Frontiers in Psychology*, vol. 6, Oct. 2015, <https://doi.org/10.3389/fpsyg.2015.01511>.
4. "LGBT Rights: Frequently Asked Questions." UN Free & Equal. United Nations, n.d. Web. 22, Dec. 2023. <https://www.unfe.org/wp-content/uploads/2017/05/LGBT-Rights-FAQs.pdf>.
5. Morris, Bonnie J. "A Brief History of Lesbian, Gay, Bisexual, and Transgender Social Movements." *https://www.apa.org*, 16 Mar. 2023, www.apa.org/topics/lgbtq/history.
6. Stopforth, Jaymie. "Homosexuality in Medieval Europe." *PRISM*, 11 July 2021, www.prismfl.org/post/homosexuality-in-medieval-europe.
7. "Two Spirit and LGBTQ+ Identities: Today and Centuries Ago." *Human Rights Campaign*, 23 Nov. 2020, www.hrc.org/news/two-spirit-and-lgbtq-identities-today-and-centuries-ago.
8. United Nations Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity. "The impact of Colonialism in Violence and Discrimination Based on SOGI (Sexual Orientation and Gender identity)." *OHCHR*, 2023, www.ohchr.org/sites/default/files/2023-10/ie-sogi-summary-report-colonialism.pdf.
9. "HIV and the LGBTQ Community." *Human Rights Campaign*, www.hrc.org/resources/hrc-issue-brief-hiv-aids-and-the-lgbt-community.
10. The Williams Institute at UCLA School of Law. "Social Acceptance of LGBTI People in 175 Countries and Locations - Williams Institute." *Williams Institute*, 28 Oct. 2022, <https://williamsinstitute.law.ucla.edu/publications/global-acceptance-index-lgbt/>.
11. "1969 Stonewall Riots - Origins, Timeline and Leaders." *HISTORY*, 31 May 2017, www.history.com/topics/gay-rights/the-stonewall-riots.
12. Sf-Lgbt. "Looking Back: The AIDS Epidemic." *SF LGBT Center*, 18 Apr. 2019, www.sfcenter.org/history/looking-back-the-aids-epidemic.
13. "Gay Marriage Around the World | Pew Research Center." *Pew Research Center's Religion & Public Life Project*, 9 June 2023, www.pewresearch.org/religion/fact-sheet/gay-marriage-around-the-world.
14. "Marriage Equality Around the World." *Human Rights Campaign*, www.hrc.org/resources/marriage-equality-around-the-world.
15. The Williams Institute at UCLA School of Law. "LGBT People Nearly Four Times More Likely Than non-LGBT People to Be Victims of Violent Crime - Williams Institute." *Williams Institute*, 5 Oct. 2020, <https://williamsinstitute.law.ucla.edu/press/ncvs-lgbt-violence-press-release/>.
16. "Sex and Gender Identity." *Planned Parenthood*, www.plannedparenthood.org/learn/gender-identity/sex-gender-identity.
17. "Defining LGBTQ+ - the Center." *The Center*, 25 Aug. 2023, <https://gaycenter.org/community/lgbtq/>.
18. United Nations. "Human Rights | United Nations." *United Nations*, www.un.org/en/global-issues/human-rights.
19. "Understanding Nonbinary People: How to Be Respectful and Supportive." *National Center for Transgender Equality*, 12 Jan. 2023, www.transequality.org/issues/resources/understanding-nonbinary-people-how-to-be-respectful-and-supportive.

20. WebMD Editorial Contributors. "What Is Homosexuality?" *WebMD*, 18 Dec. 2020, www.webmd.com/sex/what-is-homosexuality.
21. *About HIV/AIDS | HIV Basics | HIV/AIDS | CDC*. www.cdc.gov/hiv/basics/whatishiv.html.
22. "UN Makes History on Sexual Orientation, Gender Identity." *Human Rights Watch*, 2 Aug. 2023, www.hrw.org/news/2016/06/30/un-makes-history-sexual-orientation-gender-identity.
23. United Nations. "LGBTQI+ | United Nations." *United Nations*, www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus.
24. "Non-discrimination." *European Commission*, commission.europa.eu/aid-development-cooperation-fundamental-rights/your-rights-eu/know-your-rights/equality/non-discrimination_en.
25. *Roundup of Anti-LGBTQ+ legislation advancing in states across the country*. (2023, May 23). Human Rights Campaign. <https://www.hrc.org/press-releases/roundup-of-anti-lgbtq-legislation-advancing-in-states-across-the-country>.
26. Author, No. "Religious Groups' Official Positions on Same-Sex Marriage | Pew Research Center." *Pew Research Center's Religion & Public Life Project*, 30 May 2020, <http://www.pewresearch.org/religion/2012/12/07/religious-groups-official-positions-on-same-sex-marriage>.