

Forum:	Human Rights Council
Issue:	Protecting the human rights of sexual orientation and gender identity minorities
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Introduction

The embedded homophobic and transphobic attitudes along with insufficient legal protection have led to discrimination against sexual orientation and gender identity minorities in our society. Numerous LGBTQ+ people are exposed to appalling violations of their human rights not only in public places, but also in their own families. While prompt measures from the governments are in need to protect their human rights, several countries are implementing policies that criminalize the gender identity and expression of those minorities. Such exposure further ensued violent attacks, discriminatory criminal laws, restricted free speech, and unfair treatment. Despite the unequivocal opening words of the Universal Declaration of Human Rights – “All human beings are born free and equal in dignity and rights” - the current circumstance reveals a contradicting reality.

As to protect gender identity minorities from discrimination and violence, the United Nations (UN) and governments have cooperatively passed and adopted a number of resolutions since the early 1990s. The Office of the High Commissioner for Human Rights (OHCHR) lists the following as the legal obligations for nations to protect the rights of LGBTQ+ people:

- “Protect individuals from homophobic and transphobic violence.”
- “Prevent torture and cruel, inhuman, and degrading treatment.”
- “Repeal laws criminalizing homosexuality and transgender people.”
- “Prohibit discrimination based on sexual orientation and gender identity.”
- “Safeguard freedom of expression, association, and peaceful assembly for all LGBT people.”

Recognizing sexual orientation and gender identity minorities as equal human beings, it is the responsibility of the nations to include and offer fair treatment to those in the society. Only through considering this uniform approach can we truly achieve success in protecting the human rights of sexual orientation and gender identity minorities.

Definition of Key Terms

Human rights

According to the UN, human rights are “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status”. From the right to life and liberty to freedom of slavery and torture to freedom of opinion and expression to the right to work and education, everyone is entitled to these rights without any discrimination.

Sexual orientation

Sexual orientation refers to enduring emotional, romantic, or sexual attraction to other people. These attractions are generally categorized into four orientations: heterosexual, homosexual, bisexual, and asexual. Although the exact cause of sexual orientation remains unknown, it is hypothesized that genetic, hormonal, and environmental influences interplay complexly.

Gender identity

Gender identity is a personal conception of oneself as a particular gender. It is a self-identified factor, and it may be different one’s sex assigned at birth. Common gender identities include male, female, transgender, gender-neutral, non-binary, agender, pangender, genderqueer, two-spirit, and third gender.

LGBTQ+

LGBTQ+ is an abbreviation for Lesbian, Gay, Bisexual, Transgender, Queer, and more. It is an umbrella term used to refer to the gender identity minorities community as a whole. This term is the most inclusive one to indicate all the possibilities, but the term can be flexible to include different combinations such as LGBT and LGBTI.

Homophobic/homophobia

Homophobic refers to having or showing a dislike of or prejudice against the homosexual relationship and/or people. Homophobia can take many different forms, yet many of them are based on irrational fear and misunderstanding. Some homophobias may derive from religious beliefs and their backgrounds.

Transphobic/transphobia

Transphobia is having or showing a dislike of or prejudice against the transsexual relationship and/or people. Like homophobia, transphobia can also take many different forms, and these can create both subtle and obvious discrimination. Transphobia can be caused when people have misinformation or no information at all about trans identities. Such discrimination can cause trans people to have depression, fear, isolation, and may even lead to suicide.

Background

Despite the progress over the past 20 years in terms of policies and social attitudes regarding one’s gender identity, sexual orientation, and gender identity minorities still experience and suffer from overt bias in all areas of public and private life. This not only includes employment and academics, but it also includes housing and buying goods and services in daily life. In fact, a study shows that 41% of gay and lesbians encounter a form of harassment on the job such as being fired or forced to quit due to their sexual orientation. Such discrimination adversely affects both the mental and economic well-being of many gender identity minorities. In the case where gender identity minorities cannot even access their essentials, there is a total need for nations to protect them from any form of discrimination and guide for equal quality of life.

Global division on the issue of sexual orientation and gender identity minorities

Even with the global effort to promote protection for sexual orientation and gender identity minorities, the public opinion on acceptance differs based on the continents, countries, and even the states. For instance, those countries in Western Europe and the Americas tend to be more accepting of different forms of sexual orientation and gender identity, especially homosexual relationships. Religious and political attitudes also affect the way citizens perceive such issues along with economic development. In fact, the study shows that wealthier countries tend to be more accepting of homosexuality than developing countries. Figure 2 explicitly explains the situation: Sweden, the Netherlands, and Germany with a GDP higher than \$50,000 have the highest acceptance of homosexuality. In contrast, Ukraine, Nigeria, and Kenya convey less accepting attitudes with GDP under \$10,000.

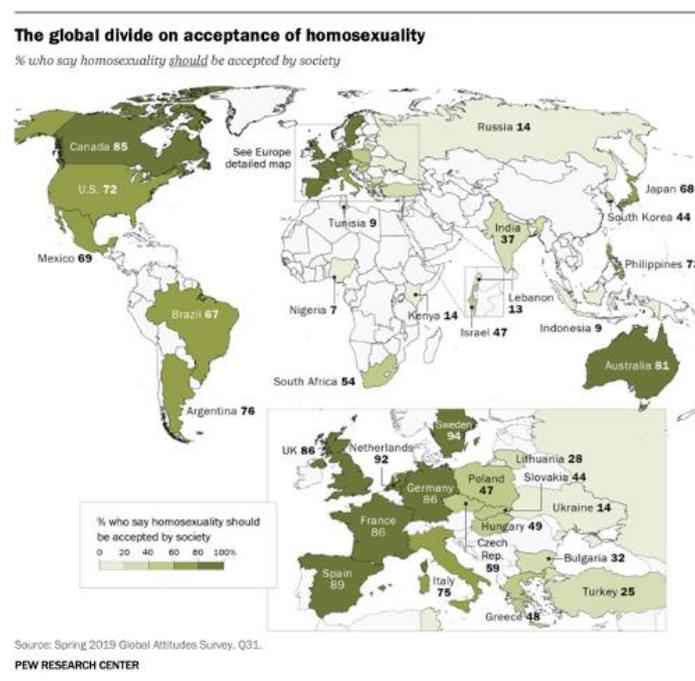


Figure 1: Map showing acceptance of homosexuality in each country

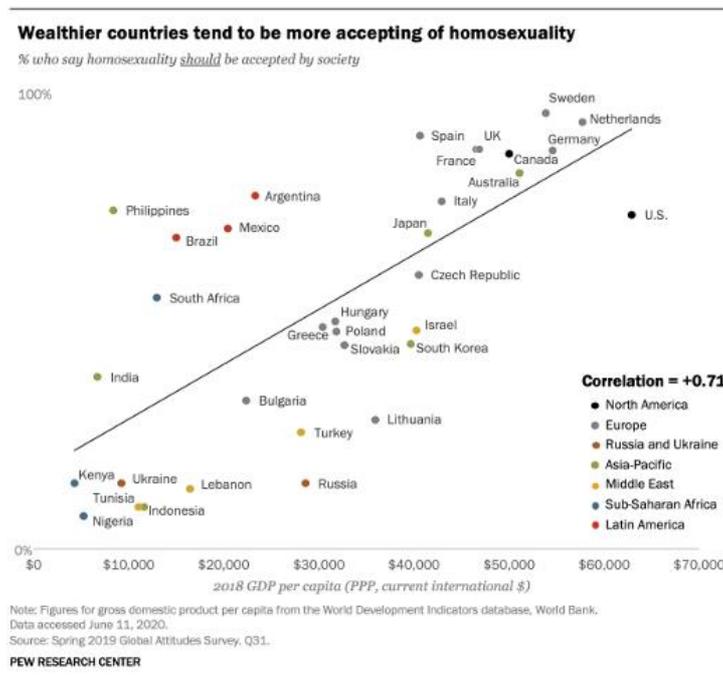


Figure 2: Graph showing acceptance of homosexuality based on the country's GDP

As the data show, the status at which each country is positioned in terms of acceptance and protection varies. Thus, it is important to comprehend the context of each country when considering the situation and implementation of any policies regarding the issue.

Workplace discrimination

Discrimination against LGBTQ+ in the workplace is the most prevalent experience, which continues to be persistent and widespread as well. Although it is illegal under laws in many countries to discriminate against workers based on their sexual orientation or gender identity, the protection of these minorities is not always ensured. The workplace consists of various types of discrimination, covering all aspects of one's life.

Firing and no hiring

According to a study conducted in May 2021 with 935 LGBTQ+ adults, 45.5% reported experiencing unfair treatment at work which includes dismissal and no employment due to their sexual orientation or gender identity. Moreover, the case was worse for transgender employees as they were significantly more likely to encounter such discrimination compared to cisgender LGB employees. Almost half of the transgender employees experience discrimination due to their LGBT status while 27.8% of LGB employees experience discrimination. To be more specific, twice as many transgender employees are not hired compared to LGB employees. Although the US Supreme court ruled that workers cannot be fired for their sexual orientation and gender identity, countless workers in the US and other countries are still struggling to maintain their positions at work with possible unforeseen firing. Unexpected firing and no hiring of LGBTQ+ people lead to an immediate cut to their income and repeated denial of employment may also lead to self-reproach.

Denial of promotion and raise

Even if sexual orientation and gender identity minorities are hired and working, they cannot be relieved due to the different treatment they receive at work. Despite their tremendous effort, these minorities are not being promoted nor receiving any raises at their work. Due to the fact that they are LGBTQ+, their effort and outcomes are not fairly judged by the senior managers. In fact, data shows that 22% of LGBTQ+ workers were not paid or promoted at the same rate as colleagues, and they report less income than non-LGBTQ+ workers. The current system of promotion and raising in numerous companies globally does not offer an equal chance for LGBTQ+ workers. Noting that one's sexual orientation and gender identity do not contribute to the progress and performance of workers, such discrimination should be eliminated immediately.

Physical and verbal harassment

It is crucial to recognize the direct discrimination that LGBTQ+ people are confronting at their workplace. The study shows that one in five LGBTQ+ workers are experiencing physical harassment due to their sexual orientation and gender identity. Such physical harassments involve punching and hitting, which may lead to severe injury. Verbal harassment including negative comments, slurs, or jokes are also prevailing as two-thirds of LGBTQ+ employees have reported. These harassments cause chronic stress among minorities and leave life-long traumatizing incidents. The outcomes of self-harassment, depression, and even suicide are highly associated with such treatment. Hence, to protect both the physical and mental health of LGBTQ+ in our community, the cultural and individual perception of LGBTQ+ people should be more progressive.

Healthcare access discrimination

Universal access to healthcare, without discrimination, is a human right that everyone should possess. However, this doesn't seem to be the case for LGBTQ+ people; numerous LGBTQ+ populations globally come across significant barriers to their health care. Factors including lack of accessible services, scarcity of providers, and other life barriers combined all interplay to result in a complex process of receiving healthcare for them.

Lack of accessible services

The first barrier encountered by most sexual orientation and gender identity minorities is the refusal from a hospital or clinic. A study from the Center for American Progress indicates that 18% of minorities think that one denial of care from a hospital would not allow them to find another provider. LGBTQ+ people view that there are hardly any providers who provide care to them without showing any critical stance on their sexual orientation and gender identity. The data of only 16% of institutions being trained on LGBTQ+-competency proves why this has been a rooting issue among minorities.

Scarcity of providers

Another significant barrier that LGBTQ+ face is finding providers who are affirming the patient's sexual orientation and gender identity. The case is worse in the rural areas due to the fact that religious background plays a huge part in health care refusals compared to cities. As a result, many sexual orientation and gender identity minorities drive a few hours to have an appointment with affirming doctor or therapist. Moreover, the number of providers offering general medical services is comparatively low that minorities cannot receive required services when highly needed.

Barriers to Access

The combined obstacles of unemployment and poverty prevent sexual orientation and gender identity minorities from receiving health care. A study reveals that LGBTQ+ populations are more likely to live in poverty in comparison to non-LGBTQA+ people. Added to unemployment, the minorities have more difficulties with affording insurance and health care. In fact, in the 2015 US transgender survey, one-third of the respondents stated that gave up on their medical care due to concerns about cost. With all these elements combined, access to health care has already become an unattainable service for many of the LGBTQ+ population.

Discrimination within families

The rejection and hostility of parents and/or siblings towards LGBTQ+ can be one of the most influential circumstances for sexual orientation and gender identity minorities. The denial from their own family increases anxiety and depression which may also include suicidality. Although society seems to have a more progressive perspective toward their family member's sexual orientation and gender identity, different family backgrounds present incompatible beliefs. For instance, any religious context may have an embedded outlook regarding the issue that it is hardly possible to accept a new sight into their faith.

The question of family acceptance has a more notable impact on adolescents since they are yet to be independent of their parents and siblings. A quantitative measurement from NIH shows that there is a positive correlation between family acceptance and adolescents' mental and physical health. LGBTQ+ young adults' self-esteem, general health status, and social support were greater with their family acceptance. In fact, the rate of depression, self-harm, and suicidal ideation and behaviors was also reduced. Yet, innumerable adolescents are not receiving protection from their families, encountering all the hardships by themselves.

Major Parties Involved

Office of the High Commissioner for Human Rights (OHCHR)

OHCHR, as a United Nations entity on human rights, strives to protect all range of human rights as stated in the Universal Declaration of Human Rights. In terms of protecting sexual orientation and gender identity minorities, OHCHR is working cooperatively with nations to revoke any policies criminalizing LGBTQ+ persons. It also works to protect the minorities from discrimination and violence in their daily life.

Human Rights Campaign

Human Rights Campaign has a longstanding history of 40 years. Throughout its progress, the organization seeks to provide an empowering movement and environment for LGBTQ+ people to stand up for equality across the whole world. The organization aims to end discrimination against LGBTQ+ people and to create a world that offers fundamental fairness and equality for all.

United States

The United States is one of the most progressive countries supporting sexual orientation and gender identity minorities. Homosexuality, same-sex marriage, and transgenderism are all legal with laws that ban discrimination against minorities in numerous states. For instance, the federal law that protects LGBTQ+ workers from discrimination was passed in 2020. Specifically, it was an extension of Title VII of the Civil Rights Acts which “prohibits employment discrimination based on race, color, religion, sex and national origin”. It now includes aspects such as housing, credit, and public services, and the existing protections are more consistent throughout the nation.

European Union Agency for Fundamental Rights (FRA)

FRA is an independent center that promotes and protects fundamental human rights in the European Union (EU). Currently, FRA aims to support national policymakers to introduce and implement comprehensive and effective legislative and non-legislative measures to respect and safeguard the fundamental rights of LGBTQ+ persons. The organization is exploring various types of research to fully comprehend the situation of sexual orientation and gender identity minorities in each European country. An example would be each nation conducting a survey to find out ways to further develop, implement and monitor the impact of relevant policies. As a continental organization, European countries work jointly to achieve protection among all the countries in Europe.

Latin America

Over the past few years, Latin America has made impressive progress for its LGBTQ+ rights. Not only is homosexual acts are decriminalized, but the majority of the countries have approved laws banning discrimination against sexual orientation and gender identity minorities. In fact, Argentina was the first country to approve same-

sex marriage, and over 20,000 homosexual couples have married. Although religious conservatives are still barriers that LGBTQ+ people are facing in Latin America, the past endeavor of the region clearly shows the continuous improvements in the protection of minorities.

Timeline of Events

Date	Description of event
1989	Denmark becomes the first country in the world to legally recognize same-sex unions, after passing a bill legalizing “registered partnerships” in a 71–47 vote.
2002	NYC expands the definition of “gender” to include protections for transgender and gender non-conforming people in employment, housing, and public accommodations in the NYC Human Rights Law.
2004	Massachusetts becomes the first U.S. state to legally recognize same-sex marriage.
2007	The Equality Act in the UK prohibited discrimination concerning services, education, and facilities based on sexual orientation and gender identity.
2013	The US federally recognizes same-sex marriages, extending federal benefits to couples in states that allow same-sex marriage. The Supreme Court strikes down the Defense of Marriage Act (DOMA), a law signed by President Bill Clinton in 1996 that prohibited same-sex couples from receiving federal marriage benefits. On this same day, the Supreme Court also rules that California’s Proposition 8 ban on same-sex marriage is unconstitutional, allowing California to become the 13th state where same-sex couples can marry.
2015	The US Department of Health and Human Services issues an official revision that shortens the deferral period for blood donation from men who have sex with men. In addition to shortening the deferral period from a life ban to 12 months, the new revision includes the statement that gender should be considered on a “self-identified and self-reported” basis.
October 27, 2021	<p>Issuance of first US passport with an X gender marker</p> <p>Anyone who is intersex, non-binary, or gender non-conforming may choose to have a gender-neutral marker for their passport. There is no need for medical certification anymore as well.</p>

Previous Attempts to Resolve the Issue

New laws have been adopted to ban discrimination and penalization against LGBTQ+ people in numerous countries. The pace of strengthening the human rights protection for LGBTQ+ populations has begun to be more rapid with the rising awareness of the topic from the global population. Consequently, the issue has also obtained notice at an inter-governmental level. In June 2011, UN Human Rights Council (HRC) adopted the first resolution on sexual orientation and gender identity, indicating deep concern over the discrimination that LGBTQ+ people are encountering. With the first resolution regarding the issue, OHCHR has crafted a report for all nations, which opened the way to panel discussion at Security Council (SC) in March 2012.

Laws have been the most impactful method of reducing the discrimination against sexual orientation and gender identity minorities. These laws can be found in most of the US, almost in 21 states. Currently, there is a law that prohibits employment and housing discrimination based on one's sexual orientation and gender identity. Laws about public accommodation also protect minorities from the refusal of services and discrimination in public places. In some states, prohibiting medical services for LGBTQ+ people in insurance plans is against the law. Although the federal laws are covering various aspects of LGBTQ+ people's life, discrimination against them is still spotted not only in the US but in all the countries across the world.

In countries such as the US, training programs have also been implemented for teachers, police, prison staff, and other social workers. These sessions allowed the personnel to better understand the confrontation of LGBTQ+ people, and how society should perceive and treat the minorities. Research shows that such training does decrease the discrimination rate against minorities, which is the reason why all nations should strive to train their workers that have a huge impact on LGBTQ+ populations.

HRC and General Assembly (GA) have worked to achieve the goal of reducing, eventually ending, the discrimination against sexual orientation and gender identity minorities. The following are the passed resolution from HRC and GA:

Protection against violence and discrimination based on sexual orientation and gender identity

- **A/HRC/RES/17/19**
- **A/HRC/RES/27/32**
- **A/HRC/RES/32/2**

General Assembly resolution- Extrajudicial, summary, or arbitrary executions

- **A/RES/69/182**
- **A/RES/67/168**
- **A/RES/65/208**
- **A/RES/63/182**

- **A/RES/61/173**
- **A/RES/59/197**
- **A/RES/57/214**

Possible Solutions

- The most crucial and primary measure that all nations should take is raising awareness. The predominant cause of discrimination is due to people's misunderstanding and stereotypical perceptions of these minorities. Hence, the only method to reduce discrimination in the first place is to change society's viewpoint. It is true that not every individual can be supportive of LGBTQ+ since everyone has a unique background with different religions. However, it is certainly essential to get across the idea that all human beings are equal no matter their sexual orientation or gender identity. Such awareness can be raised in many different forms. Social campaigns can be held at the regional level to advocate for LGBTQ+ people's fundamental rights. These social events can allow the LGBTQ+ people to stand up for themselves, and let the public recognize and break stereotypical concepts regarding minorities.

School education is also an effective method to reduce discrimination. As young adults' values and standpoints are formed based on external factors, such as education in school, informing the students how all individuals are equal regardless of sex, gender, age, and race allow students to acknowledge the importance of equality in various context. If the students are well educated in school, it will ultimately minimize the discrimination as they will bring changes to society.

- In spite of several countries' implementation of laws to prohibit any discrimination against sexual orientation and gender identity minorities, global discrimination against minorities continues to remain widespread. Enacting laws that cover diverse parts of LGBTQ+ people's life can definitely improve the minorities' life standards with access to all of their basic needs. Yet, since all countries currently have differing viewpoints and treatment towards this very issue, nations should adopt laws that are acceptable to their own legislation. One regulation that can be applied to almost all nations is making training sessions about LGBTQ+ fundamental rights mandatory for the workers at medical institutions, schools, and businesses. In this way, all personnel can comprehend the appropriate measures to take when encountering sexual orientation and gender identity minorities without passing any prejudice or bias toward them.
- Nations should also work on means to provide a safe environment for sexual orientation and gender identity minorities to express their own identities. It is vital to ensure that all minorities feel secure when they disclose their identity to society. This can be achieved through the cooperation between the government and national organization that advocates for LGBTQ+ rights. Therapy centers can be established at the regional level where minorities can discuss the obstacles they face with the therapist. Creating a 'safe zone' at schools to allow students to express their identities in a non-judgmental environment can also help. Holding a monthly meeting under the support of a national LGBTQ+

organization where minorities gather to share their experiences can support the minorities to feel connected to the community. The degree to which the nation opens to the issue can range depending on the country's culture and political stance. However, it is pivotal to make a safe environment for all citizens regardless of their identity as they have the right to do so.

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Appendix or Appendices

- I. <https://www.hrw.org/video-photos/interactive/2018/04/16/sexual-orientation-gender-identity-country-profiles> (Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity)

This website shows the world report of each country related to the rights of sexual orientation and gender identity minorities.