

Committee: Social Humanitarian and Cultural Committee

Issue: Right to sexual determination and protection from sexual assault

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Position: Co-Chair

PERSONAL INTRODUCTION

Hello everyone! I am Zeynep Aydın and I will be your co-chair in this committee. I am from Istanbul Turkey. I started my MUN journey in my high school, Uskudar American Academy, when I was in 9th grade. Since then I have attended several conferences: two of those were as an ambassador, and three were as a president chair.

I love MUN, because it gives me a chance to express my ideas on the current critical issues, politics and to see why and how some things fail and how they can be reformed. Another thing that I love about MUN is that I get to see different places and cultures, and acquire new friends from all around the world.

I hope to have a productive and fun conference with you.

Good luck to you all!

TOPIC INTRODUCTION

The LGBTQ community has been gaining recognition and their legal rights have started to become recognized over the past years. However, the existing legislation is not enough to protect this community: they lack portions of the security of a wide range of rights; from the right to live in security, to the freedom to travel, work, express ideas, etc. in different countries.

Sexual violence affects every part of the LGBTQ community. According to the Centers for Disease Control and Prevention (CDC), lesbian, gay and bisexual people experience sexual violence at higher rates than heterosexuals. The National Coalition of Anti-Violence Projects (NCAVP) estimates that nearly one in ten LGBTQ survivors of intimate partner violence (IPV) has experienced sexual assault from those partners.

As a community, LGBTQ people face higher rates of poverty, stigma, and marginalization, which put them at a greater risk of sexual assault. They also face higher rates of hate-motivated violence, which can often take the form of sexual assault. Moreover, the ways in which society both hyper sexualizes LGBTQ people and stigmatizes our relationships can lead to intimate partner violence that stems from internalized homophobia and shame.

DEFINITION OF KEY TERMS

LGBTQ+

Refers Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Asexual or Ally.

Heterosexual

A person who is only attracted to members of the opposite sex.

Homosexual

A clinical term for people who are attracted to members of the same sex.

Homophobia

A range of negative attitudes and feelings toward homosexuality or people who are identified or perceived as being lesbian, gay, bisexual or transgender (LGBT). It can be expressed as antipathy, contempt, prejudice, aversion, or hatred, may be based on irrational fear, and is sometimes related to religious beliefs.

Gender Identity

The sense of “being” male, female, genderqueer, agender, etc. It can be inferred in accord with physical anatomy. Also, it may differ from physical anatomy or expected social roles.

Gender Expression

The way in which people express masculinity or femininity. It is usually an extension of the innate sense of being male, female, etc.

BACKGROUND INFORMATION

According to the Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, the application of international human rights law is guided by the principles of universality and non-discrimination enshrined in article 1 of the Universal Declaration of Human Rights, which states that “all human beings are born free and equal in dignity and rights”. All people, including lesbian, gay, bisexual and transgender (LGBT) persons, are entitled to enjoy the protections provided for by international human rights law, including: respect of rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly.

Member states are obligated to prevent violence and discrimination based on sexual orientation and gender identity due to various international laws, yet there are numerous problems regarding the issue.

Violence -including murders, beatings, kidnappings, rape, sexual assault, threats and coercion- against the LGBTQ is recorded in all regions. According to a OHCHR report such violence is caused by the desire to punish those seen as defying gender norms. These punishers include religious extremists, paramilitary groups, neo-Nazis and extreme nationals. “Since 1999, the Special Rapporteur on extrajudicial, summary or arbitrary executions has regularly referred to persons being subjected to death threats or killed because of sexual orientation and gender identity.” Also, the rate of victims of “honor” killings - carried out against those seen by family or community members to have brought shame or dishonor to a family – is very high in the LGBTQ community. According to the Committee on the Elimination of Discrimination against Women lesbian women face an increased risk of becoming victims of violence, especially rape, because of widely held prejudices and myths,

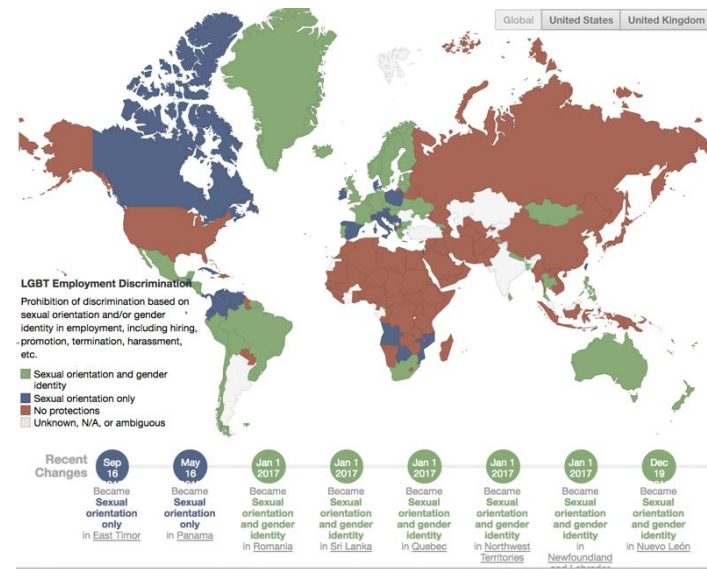
such as the belief that lesbian women would change their sexual orientation if they are raped by a man.

Both the Human Rights Committee and the Committee on Economic, Social and Cultural Rights have called regularly on States to enact laws prohibiting discrimination on grounds of sexual orientation and have welcomed legislation that includes sexual orientation among the prohibited grounds of discrimination.



#1: Map of the Respect of rights and equity for the LGBT Community

Fifty-Four States, according to UNHCHR, have laws prohibiting discrimination in employment based on sexual orientation. However, in the states that do not have such laws, employees may face situations where they are fired or refused to be hired or promoted, because they are homosexual or transgender. "Benefits that accrue to heterosexual employees may be denied to their LGBT counterparts -from parental or family leave to participation in pension and health-care insurance schemes." These discriminations lead to harassment and violence within or outside the workplace.



#2: LGBT Employment Discrimination Map

According to The Committee on Economic, Social and Cultural Rights report, the Covenant forbids any "discrimination in access to health care and the underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of sexual orientation and gender identity." The criminalization of homosexuality or the extreme violence against the LGBTQ community deters those individuals from seeking health services. In countries where no criminal sanctions

exist against discrimination, “homophobic, sexist and transphobic practices and attitudes on the part of health-care institutions and personnel may nonetheless deter LGBT persons from seeking services, which in turn has a negative impact on efforts to tackle HIV/AIDS and other health concerns. Concerns of potential patients include reaches of confidentiality, further stigma and violent reprisals.”

Another commonplace for discrimination against the LGBTQ community is school. Some educational authorities, teachers and students discriminate students regarding their sexual orientation, which may lead to the refusal of admissions, expelling, bullying, violence and harassment.

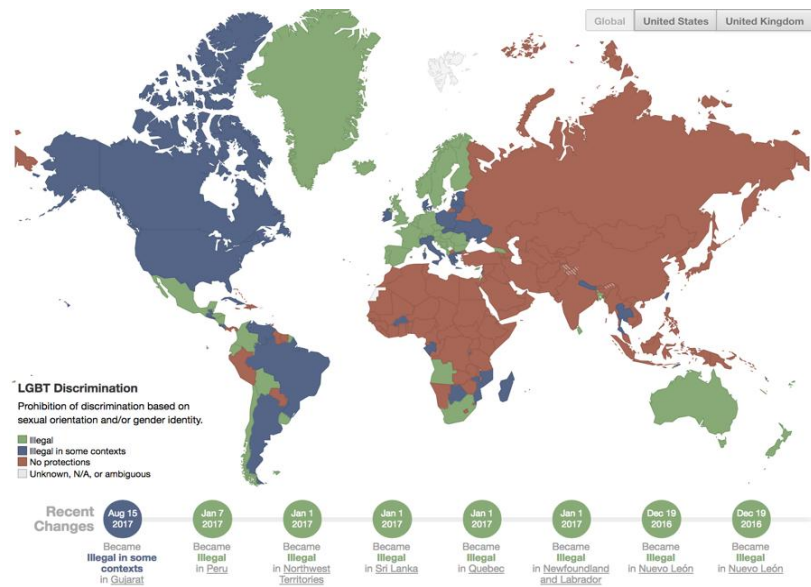
“Confronting this kind of prejudice and intimidation requires concerted efforts from school and education authorities and integration of principles

of non-discrimination and diversity in school

curricula and discourse.”

According to the UNHCHR, “The media also have a role to play by eliminating negative stereotyping of LGBT people, including in television programs popular among young people.”

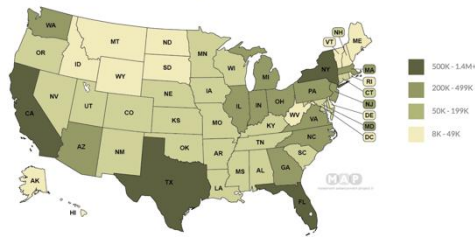
Another source for discrimination against the LGBTQ community is the family of the individual. These actions include exclusions from family homes, preventions from going to school, forcing to go to psychiatric institutions or to marry an individual of the opposite gender and relinquishing children. These people are subjected to attacks on personal reputation. “In many cases, lesbians, bisexual women and transgender people are especially at risk owing to entrenched gender inequalities that restrict autonomy in decision-making about sexuality, reproduction and family life.”



MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

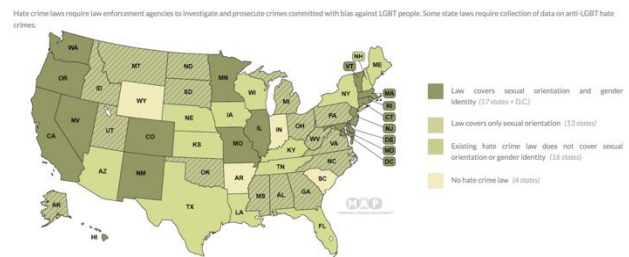
United States of America

Since 2003, Homosexual activity is legal in the United States. Even though it varies based on individual states, same-sex marriage and changing legal gender are legal by Federal Laws. LGBTQ discrimination is illegal in some contexts. In federal-government related jobs it is illegal, yet for non-federal government jobs it depends on the individual state's legislation. There is a similar case with LGBTQ employment discrimination: there is no law preventing such discrimination at a national level. From 1993 to 2011, there was a policy of "Don't Ask, Don't Tell" with the involvement of LGBTQ people in the military. From 2011 to 2016 lesbians, gays and bisexuals were permitted in the military, but transgender people were not. Since July 1, 2016 it is legal for all LGBTQ members to serve in military.



These estimates of the number of LGBTQ adults living in each state are based on 2017 analysis by Gallup. We applied the percent of the adult population living in a state who said they were LGBT to the total adult population in that state using data from the Census Bureau (2016 estimate).

#5: Map of LGBTQ adults living in the US



#4: Map of States having Laws prohibiting LGBTQ discrimination in the US

In the US, the LGBTQ community is more likely to be the target of hate crimes than any other minority in the country. Even before the shooting rampage at a gay nightclub in Orlando, Fla., lesbian, gay, bisexual and transgender people were already the most likely targets of hate crimes in the U.S.A, according to an analysis of data collected by the Federal Bureau of Investigation. Ironically, as the country becomes more accepting of the LGBTQ community, the intensity of the hate crimes increases.

Spain

As of 2016 Spain is statistically the most accepting country of homosexuality according to "The Global Divide on Homosexuality". The history of Spain shows that "Spain wasn't always as accepting of homosexuality as it is today." Under the dictatorship of Francisco Franco, from 1939 to 1975, homosexuals were criminalized and horribly mistreated throughout the nation. Today, however, gay marriage is legal and much of the stigma that used to surround homosexuality is gone. Homosexual activity has been legal since 1979, and Spain is the third country to formally legalize same-sex marriage. In addition to these rights to change legal sex without surgery, same-sex adoption, military service and blood donations from

LGBTQ people are legal. LGBTQ discrimination, employment discrimination and housing discrimination are illegal.

China

In 1997 homosexuality was decriminalized and declassified as a mental disorder in 2001. China gives the right to change legal gender, however, this requires surgery. Despite all of this progress Same-sex marriage remains illegal. Same-sex adoption is also illegal for Chinese people and foreign same-sex couples cannot adopt a Chinese baby. There is no protection against any type of discrimination in China towards the LGBTQ community. Homosexuals are not allowed to serve in the military. Homosexual men cannot donate blood, as of 1998 with the fear of spreading HIV; however, since 2012 lesbians are allowed to donate.

Iran

Homosexual activity is illegal in Iran with the death penalty as punishment. The punishment for women is up to 100 lashes, however if there is a certain number of repeating offences, women may also face the death penalty. People have the right to change their legal genders, yet this process requires surgery. Same-sex marriage is strictly illegal. There are no laws against any type of discrimination towards the LGBTQ community, as the Iranian government does not recognize homosexuality.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

The OHCHR is committed to working with States, national human rights institutions and civil society to achieve progress towards the worldwide repeal of laws criminalizing LGBT persons and further measures to protect people from violence and discrimination on grounds of their sexual orientation or gender identity. Ongoing activities include: Supporting the human rights treaty bodies, a number of which have addressed the issue of discrimination linked to sexual orientation and gender identity in previous general comments and concluding observations and continue to highlight steps that individual States should take in order to comply with their international treaty obligations in this respect; Engaging in public advocacy of decriminalization and other measures necessary to strengthen human rights protection for LGBT persons, including through speeches and statements, newspaper articles, video messages, fact sheets and distribution of various other materials, etc.

TIMELINE OF EVENTS

Date	Description of event
1924	The first documented gay rights organization- Society for Human Rights- was founded by Henry Gerber.
1949	Homosexuals serving in military becomes illegal in China.
June 1949	Homosexual activity becomes illegal in Syria.
1951	Roberta Cowell is the first known British trans woman to undergo gender reassignment surgery and have her birth certificate changed.
1952	Homosexuality is listed as a “sociopathic personality disturbance” by the American Psychiatric Association.
1953	An executive order which bans homosexuals from working for the government is signed by President Eisenhower, claiming that they form a security risk.
1955	First lesbian rights organization was formed in the US.
1961	Illinois becomes the first state that decriminalizes homosexuality.
1964	Right to change legal gender becomes legal in Poland.
1970	The first gay pride parade occurred- Christopher Street Liberation Day.
1973	First legal organization to fight for the equal rights of gays and lesbians, called Lambda Legal, is established.
1973	The American Psychiatric Association removes homosexuality from its list of mental disorders
1975	The first federal gay rights bill is introduced to address discrimination based on sexual orientation.
1982	Wisconsin becomes the first state to outlaw discrimination based on sexual orientation.
1991	Sir Ian McKellen meets UK Prime Minister John Major - the first time any sitting Prime Minister has met with LGBT activists.
1992	Same-sex attraction is classified as a mental illness by the World Health Organization.

1992	First Pride Festival is held in Brighton.
1996	Hawaii becomes the first state to recognize that gay and lesbian couples should have the same privileges as heterosexual married couples.
1997	The Equality Network is formed in Scotland to ensure that the voices of diverse LGBT people are heard in policy making.
1998	Waheed Alli becomes the first openly gay member of the House of Lords and one of a few openly gay Muslims.
1999	Trans Day of Remembrance is founded in the USA, and then later in the UK and worldwide, to memorialise those who have been murdered as a result of transphobia and to bring attention to the continued violence endured by the transgender community.
2000	UK lifts the ban on lesbians, gay men and bi people preventing them from serving in the armed forces.
2013	First trans pride event takes place in Brighton.

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

A/HRC/RES/32/2¹

Reaffirms international protection against violence and discrimination based on sexual orientation and gender identity (adopted 30 June 2016).

A/HRC/RES/17/19²

Human Rights Council resolution - Human rights, sexual orientation and gender identity (adopted 17 June 2011), affirms the protection of an individual's rights to sexual determination.

A/RES/69/182³

General Assembly resolution - Extrajudicial, summary or arbitrary executions, condemns the prosecution and execution of people seeking sexual determination.

¹ "Universal Declaration of Human Rights ." *Ohchr.prg*, United Nations - Office of the High Commissioner for Human Rights.

² "Human rights, sexual orientation and gender identity ." *Ohchr.org*, United Nations - Office of the High Commissioner for Human Rights, 14 July 2011.

³ "Extrajudicial, summary or arbitrary executions." *UN.org*, United Nations - General Assembly, 18 Dec. 2014.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The United Nations Human Rights Council, in a defining vote, adopted a resolution on June 30, 2016, on “Protection against violence and discrimination based on sexual orientation, and gender identity,” to mandate the appointment of an independent expert on the subject. This resolution builds upon two previous resolutions, adopted by the Council in 2011 and 2014.

The European Commission has proposed “The Equal Treatment Directive” to prohibit discrimination on the basis of sexual orientation in education, social protection and access to goods and services. European Commission is working on five topics regarding the issue: Improving rights and ensuring legal protection of LGBTQ people and their key areas of EU competence; strong monitoring and enforcement of existing rights of LGBTQ people and their families under EU law; reaching citizens, fostering diversity and non-discrimination; supporting key actors responsible to promote and advance equal rights for LGBTQ people in EU; collecting data and doing research; taking external action regarding LGBTQ issues in Enlargement, Neighborhood and Third countries.

POSSIBLE SOLUTIONS

In order to solve the issue at hand new and efficient laws and legislations are required. Even though there are some countries that provide protection against LGBTQ discrimination, there are many countries that lack a policy of no-tolerance for discrimination. Another thing is there are many people that don't understand what LGBTQ stands for or the hardships endured by the community. Programs can be installed in schools and workplaces to give such education. Also governments and NGOs should encourage and fund projects regarding LGBTQ rights as well as protection against sexual assault and hate crimes.

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