



DSA-MUN 2012



SOCIAL AND HUMANITARIAN COMMITTEE

Violence and discrimination directed towards the Lesbian and Gay,
Bisexual and Transsexual Community

by Chara Angelidou, Co-Chair

Foreword

Dear Delegates,

It is with great pleasure and honor that I welcome you to the Social and Humanitarian Committee of this year's DSAMUN. My name is Chara Angelidou and I will be serving as the Co- Chair of the Committee. This year we'll be addressing a theme of high interest, as well as great challenge: Violence and Discrimination directed towards the Lesbian and Gay, Bisexual and Transsexual Community. Please take the time to go through this study guide, as it is essential for your preparation. But keep in mind that studying the topic in depth and researching your country's policy is necessary as well.

I look forward to meeting all of you at the conference and I wish you good luck with your research.

If you have any questions, do not hesitate to contact me at my email address:

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Introduction

“Everyone has the right to life, liberty and security of person”

According to Article 2 of The Universal Declaration of Human Rights, “Everyone has the right to be respected and safe, regardless of their race, ethnicity, religion, gender, sexual orientation, disability or age. Violence, harassment and bullying are violations of these fundamental human rights.”

Being integral to each individual’s humanity and personality, sexual orientation and gender identity must not be topics of discrimination. Sexual rights are human rights. Abusive behavior towards the LGBT community should be considered as a severe violation and a prevention of the full enjoyment of human and civil rights according to Article 2 of one of the most vital declarations worldwide, “The UDHR.”

Today, despite the advances that have been made in the frame of protection of human rights, the discrimination on the grounds of sexual orientation and gender identity remains a disputable topic. Homophobic behaviors initiate acts of prejudice (referring to both verbal and physical abuse of individuals) causing an unpleasant environment for homosexual individuals in the workforce, education, health, politics and social life as negative stereotypes and discrimination are deeply imbedded in our value system and patterns of behavior. People in over seventy countries, where homosexuality is still a crime by law, live with the fear of being imprisoned, persecuted or even prosecuted on the basis of their sexual preferences.

In recent years, this issue has finally come to the forefront and is of key importance for the United Nations, whose goal is to ensure equal rights for all.

Definition of Key-Terms

- **Bisexual**: attracted to persons of both sexes
- **Gay**: a male who is attracted to other males
- **Gender identity**: the psychological sense of being male or female
- **Heterosexual**: attracted exclusively to the opposite sex (also referred to as being "straight")
- **Homophobia**: intense and irrational fear of homosexuality and homosexuals
- **Homosexual**: general term that refers to people that are attracted to a person of the same sex
- **ICCPR**: International Covenant on Civil and Political Rights
- **Intersex**: refers to a person born with sexual anatomy that mixes male and female characteristics or is otherwise atypical
- **Lesbian**: a female who is attracted to other females
- **LGBT Community**: abbreviation that collectively refers to the "lesbian, gay, bisexual, and transgender" community.
- **Queer**: slur which refers to gay, lesbian, bisexual and transsexual individuals
- **Sexual orientation**: an enduring emotional, romantic, sexual or affectional attraction to another person
- **Trans phobia**: intense and irrational fear of transsexuals
- **Transgender**: indicates one whose identity falls outside of stereotypical gender norms
- **Transsexual**: indicates a person that has undergone sex reassignment surgery so that one's physical sex corresponds to one's gender identity
- **UDHR**: Universal Declaration of Human Rights

Background Information

i. Etymology

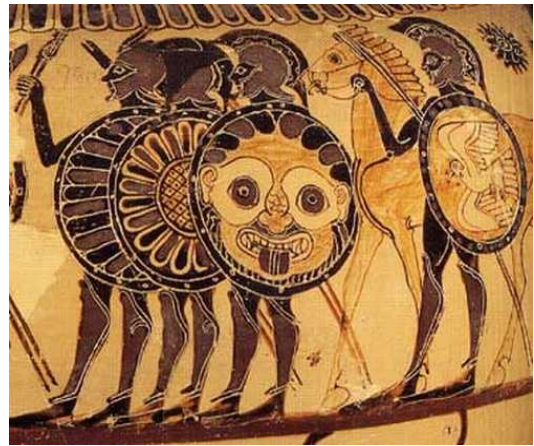
The word *homosexual* is a Greek and Latin hybrid with the first element derived from Greek *ὁμός* *homos*, 'same', expressing hence sexual acts and affections between members of the same sex. ^{[Etymology source:}

[http://www.etymonline.com/index.php?term=homosexual\]](http://www.etymonline.com/index.php?term=homosexual)

ii. Brief Historical Background

Attitudes towards same-sex relationships have -and still vary over time and place, from accepting such kinds of relationships to their integration in the social life, from considering the practice to be a minor violation, to proscribing it under the death penalty.

The most common form of homosexuality that was expressed in ancient years was same-sex relationships between male soldiers, a phenomenon, which was due to the absence of females during war



practices and which was widely accepted at the time. Striking examples of such homosexual behavior include Ancient Greece and Ancient Rome.

Through the years though, the boost of the religious facet and the rise of the church led people to doubt whether such a behavior was “normal” and acceptable within a community. Laws and codes prohibiting homosexual practice were in force in Europe from the fourth to the twentieth centuries, and Muslim countries have had similar laws from the beginnings of Islam in the seventh century up to and including the present day.

Homosexuality steadily became a condemned form of one’s sexual expression and sexual minorities were suppressed by society and church. The dimensions that the matter has gained today constitute the deep roots of homophobia, which has led to the violent and discriminatory behavior towards lesbians, gays, bi – and transsexual individuals.

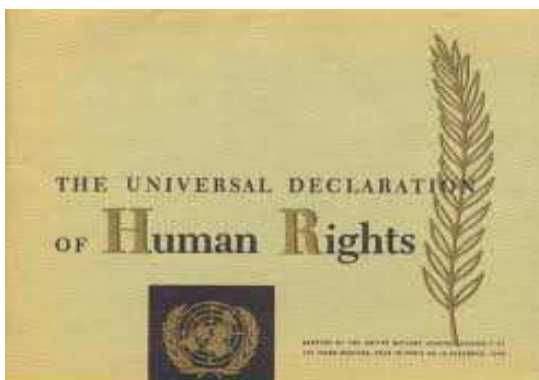
Today, the situation has exacerbated and 76 countries still have laws which criminalize any kind of same-sex relation between consenting adults. There are also countries which have undergone legal reform, however violence continues. And that’s where the Human Rights Committee comes into the game as you should dedicate to finding ways of ending violence and

discrimination against all people, irrespective of their sexual orientation and gender identity.

iii. International standards and obligations

The UDHR sets together with the UN Charter and the International Covenant on Civil and Political Rights certain standards and obligations, according to which each member state should act and respectively form their policies and laws.

✓ Universal Declaration of Human Rights



The UDHR “as a common standard of achievement for all peoples and all nations” has as goal the protection of the fundamental human rights and freedoms of the individuals, regardless of race, religion, color or **sex**. This statement is thoroughly explained in Article 2, which establishes the rightful access of all persons in the multiple facets of life. Articles 1,3 and 5 also

express the inalienable right of the individuals to lead a life without being discriminated against or undergoing any sort of torture, unrightful behavior or degrading treatment.

✓ International Covenant on Civil and Political Rights

The Covenant on Civil and Political Rights constitutes a multilateral treaty, which commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of speech, religion and assembly, electoral rights and rights to due process and fair trial. Aiming to promote and preserve universal respect for peoples’ freedoms and rights, Articles 2 and 3 protect the individuals from harassment or violation of their human rights. Additionally Article 6 introduces the “*inherent right to life*” that no human should be deprived of. Article 9 does further defend the unquestionable right to life.

✓ Charter of Fundamental Rights of the European Union

Article 4 of the Charter of Fundamental Rights of the EU also prohibits torture or any kind of degrading treatment and punishment towards the individuals.

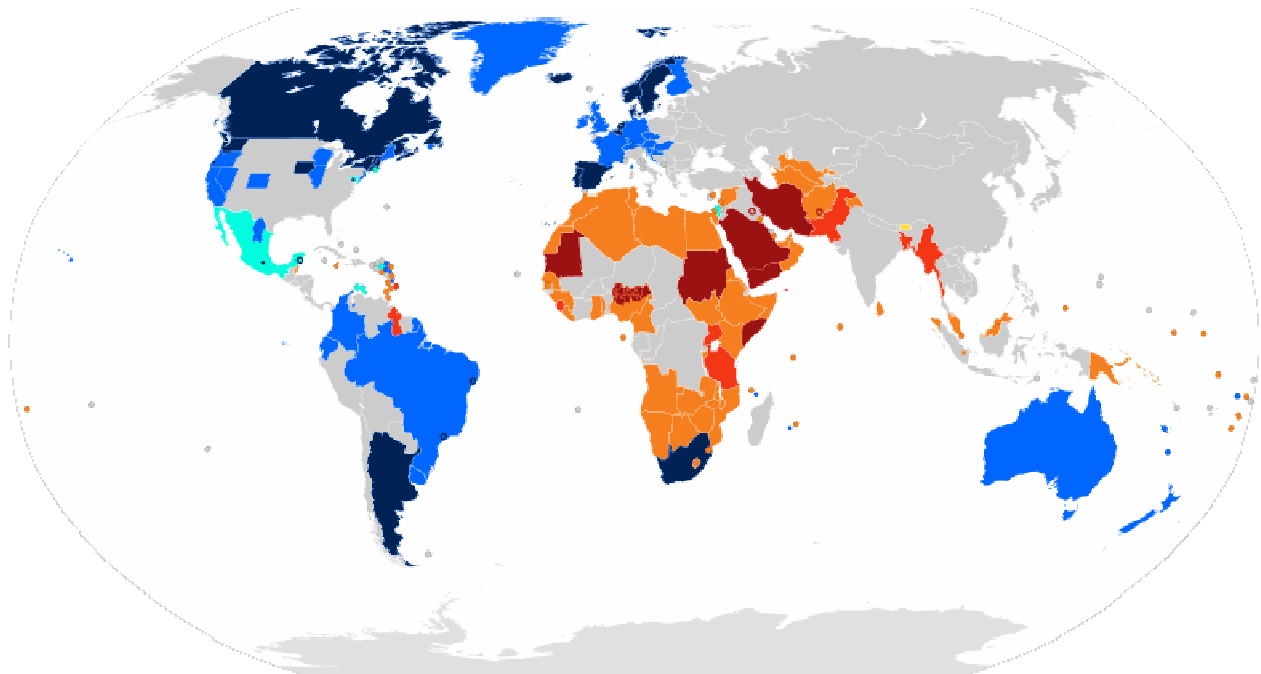
iv. Discrimination and Violence

Forms of violence include but are not limited to imprisonment, arbitrary detention, prosecution, persecution, torture, verbal/physical abuse and bullying which are a result of trans- and homophobic behavior. Violence against LGBTs appears to be showing a high degree of cruelty and brutality. The worst offenders include Egypt, Gambia, Honduras, India, Jamaica, Kuwait, and more.

- ✚ Bullying is a phenomenon which is mainly observed between school students. It can include physical attack, verbal abuse, hate mail or threatening behavior (direct or indirect threats). The so called “bullies” mainly endeavor the social isolation of the “different” individuals –in this case homosexual youth-. Forms of bullying exist though in adulthood as well and include having rumors spread, receiving lesser treatment or being denied service, something that a large percentage of the LGBTs has experienced.
- ✚ Persecution is the act of being chased after by authorities or majority groups on the grounds of having committed an unlawful act and is often followed by violent outbursts of anger and physically abusive gestures.
- ✚ Harassment includes offensive gestures, verbal (name calling, threats, insults) and attempted physical attack.
- ✚ Vandalism/theft both refer to damage of property and also constitute a form of bullying and harassment.
- ✚ Sexual violence is a sort of harassment as both involve unwelcome and unwanted physical/ verbal conduct. Such violence can occur in a variety of contexts and cause severe mental and physical damage to individuals such as psychological problems, infections, sexually transmitted diseases.
- ✚ Torture expresses the infliction of severe physical pain as a means of punishment or coercion.

v. Discriminatory Laws and Practices

Today 76 countries still have laws which criminalize same-sex relations between consenting adults. Such laws prohibit sexual activities or any intimacy between same-sex individuals. They refer to homosexuality as “crime against the order of nature” or “morality”, denying people the full enjoyment of human rights supporting that they are of an uncommon sexuality or gender orientation. Sometimes the law even calls for death penalty on the basis of homosexual behavior. Such laws openly ignore the UDHR and the basic principles of the UN, promoting discriminatory violence.



Homosexual acts legal

- Same-sex marriage
- Other type of partnership (or unregistered cohabitation)
- Marriage recognized but not performed
- Same-sex unions not recognized

Homosexual acts illegal

- Minimal penalty
- Heavy penalty
- Up to life in prison
- Up to death

[Image source: <http://en.wikipedia.org/wiki/Homosexuality>]

Major Countries and Organizations Involved

i. Organizations

- ✚ **GRIN Campaign, Global Respect in Education**, is a transatlantic non-profit organization and pleading group which campaigns against the discrimination against lesbian, gay, bisexual and transgender (LGBT) people's right to engage in social and political activities, as well as have access to education.
- ✚ **Joint United Nations Program on HIV/AIDS (UNAIDS)** constitutes an organization which fights to reduce sexual transmission, prevent the spread of HIV infections by enabling universal access to medication and treatment of the virus, as well as eliminate gender inequalities and stigma and discrimination faced by gay, lesbians and transgender populations.
- ✚ **The International Lesbian, Gay, Bisexual, Transgender and Queer Youth and Student Organization (IGLYO)** is a national LGBTQ student and youth organization which was established in 1984.
- ✚ **The International Gay and Lesbian Human Rights Commission (IGLHRC)** is an international non-governmental organization that, being accredited by the UN, addresses violations against the LGBT community. Its motto is "*Human rights for everyone. Everywhere*"
- ✚ **The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)** is an international organization which cooperates with more than 750 LGBT groups from around the world. It engages in campaigns for LGBT international human and civil rights. ILGA is represented in more than 110 countries across the globe.
- ✚ **The International Lesbian, Gay, Bisexual, Transgender & Intersex Law Association (ILGLaw)** is an international association of gay, lesbian, bisexual, transgender and intersex lawyers.
- ✚ **United Nations High Commissioner for Human Rights (UNHCHR)** is dedicated to the abolishment of discriminatory laws, practices and acts of violence against the LGBT community.

ii. Countries **United States of America (USA)**

The USA voted in favor of a resolution (A/HRC/RES/17/19) ordering that a report is written on the situation regarding the discrimination and violence against the LGBT. Laws concerning homosexual individuals vary by state. Specifically, homosexuality is broadly accepted in the liberal USA, notwithstanding few states recognize and perform same-sex marriages as opposed to neighboring Canada. Despite the rather positive stance of the country towards the LGBT community (it is the country with the most gay pride festivals, parades and exhibitions), mixed feelings prevail concerning homosexuality as the rates of sexual discrimination remain high.

 **The Netherlands**

The Netherlands, popular for its liberal stance and policies concerning issues of sexual orientation and gender identity, is the first country to recognize same sex marriage. The people of the country openly support its policies and support equal rights for LGBTs in spite of the resentment of the conservative Christian and Muslim populations. It is estimated that approximately two-thirds of anti-gay hate crimes are performed by Muslim immigrant youth, the majority of whom are of either Moroccan or Turkish descent.

The Netherlands, with its strong LGBT community, constitutes a famous destination for gay tourism with various exhibitions taking place annually. Its capital, it being Amsterdam, is well known for the LGBT gay pride festival that takes place in early August.



Rainbow flag, "Gay Pride"

Muslim countries (Islam)

With the preaching of their religion deeply rooted in their beliefs, Muslim populations tend to resent homosexual behaviors and attraction to same sex people. The Qur'an and the hadith condemn specifically homosexuality, for the Qur'an cites the story of the "people of Lot" (Sodom and Gomorrah), who engaged in "lustful" carnal acts with same sex individuals and were hence marred by the wrath of God.

Homosexual activity is widely thought to be a crime and is therefore a punishable act. The Islamic regimes of Iran, Mauritania, Saudi Arabia, North Sudan and Yemen prohibit it in their laws and punish it under the death penalty. In Nigeria and Somalia only few regions go to such extends and prosecute the "offenders", as opposed to Indonesia, Jordan and Turkey, which have no specific civil laws against homosexual practice.

Saudi Arabia is strictly against homosexuality. It voted against *Resolution 17/19 – Human Rights, sexual orientation, and gender identity (A/HRC/RES/17/19) (14 July 2011)*, which requested a report be written and submitted by United Nations High Commissioner for Human Rights documenting acts of violence, prejudice and discriminatory behavior towards the LGBT.

Relevant UN Resolutions, Events and previous attempts to solve the issue

i. Resolutions

- ✚ **Vienna Declaration and Program of Action (12 July 1993):** It constitutes a human rights declaration that was adopted at the World Conference on Human Rights in Vienna, Austria, which functions as the reaffirmation of the UDHR and the UN Charter.
- ✚ **Resolution 17/19 – Human Rights, sexual orientation, and gender identity (A/HRC/RES/17/19) (14 July 2011):** It is a follow-up and implementation of the Vienna Declaration and Program of Action. Its preambles focus on the indisputable equality and dignity of all human beings regardless of sexual orientation and condemn any kind of discrimination and homophobic behavior directed to the LGBTs.
- ✚ **Report of the United Nations High Commissioner for Human Rights (A/HRC/19/41) (17 November 2011):** Fulfilling the request of resolution 17/19, the OHCHR commissioned a report “*documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity*”^[Source: (A/HRC/RES/17/19)]. This report constitutes the cornerstone upon which the UN acts to solve the issue of the violence against the lesbian, gay, bi- and transsexual population.

December 19th, 2008 was a historic date for the UN since that day 66 nations at the UN General Assembly voted in favor of an innovative statement affirming that international human rights include sexual orientation and gender identity and condemning rights abuses against LGBT people.

Signatories:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Romania, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom, Uruguay, and Venezuela

ii. Events

Events of the LGBT community mainly comprise gay pride parades but also include other kinds of events such as sport events, film festivals, beauty pageants and music events. The world's largest gay pride parade takes place in São Paulo with 3.5 million participants. Widely known are following events:

- ✚ **EuroPride** that is an annual Pan-European Pride Event organized by a member organization in alternating cities.
- ✚ **International Day Against Homophobia and Trans phobia (IDAHO)** that is celebrated every May 17th.
- ✚ **International Day of Transgender Visibility** which was established in 31st March 2009.



Gay pride parade in Jerusalem

Possible Solutions

As delegates of the Social and Humanitarian Committee you are asked to find ways in order not only to combat the current problem but also come up with fresh ideas to prevent its exacerbation. We need both short- and long-term solutions to this problem.

Education constitutes a focus area. There are so many inaccurate beliefs about homosexuality. In just the past few days people have supported opinions such as that homosexuality is "caused by" being molested as children; absent or emotionally detached fathers; being harassed as children. And all this, due to the ignorance of people concerning homosexuality and its roots. It is thus vital to focus on the educational side of the problem.

Developing accurate monitoring systems to report and record such violent behavior against the LGBTs, since the situation has gone out of hand with an increasing number of unrecorded incidents as well as establishing transparency.

Member States that follow a brutal policy concerning homosexual activity should reconsider their national laws and repeal the ones which criminalize homosexual behavior leading them thus to death penalty, ignoring the main principles enshrined in the UN Charter.

The best way to combat an issue which has taken such great dimensions is to combine all sectors of influence and create a policy which –according to the policy of every country- will as well be compatible with the aspirations and objectives of the Human Rights Committee.

Useful Links

- American Civil Liberties Union: <http://www.aclu.org/lgbt-rights>
- American Psychological Association: <http://www.apa.org/helpcenter/sexual-orientation.aspx>
- Amnesty USA: <http://www.amnestyusa.org/our-work/issues/lgbt-rights>
- Arc International: <http://arc-international.net/>
- Human Rights Commission: <http://www.hrc.org/>
- Human Rights Watch: <http://www.hrw.org/topic/lgbt-rights>
- International Covenant on Civil and Political Rights: http://www.hrea.org/index.php?base_id=104&language_id=1&erc_doc_id=451&category_id=24&category_type=3&group=Human%20rights%20treaties%20and%20other%20instruments
- International Gay and Lesbian Human Rights Commission: <http://www.iglhrc.org/cgi-bin/iowa/home/index.html>
- Office of the High Commissioner of Human Rights: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
- Resolution 17/19 – Human Rights, sexual orientation, and gender identity (A/HRC/RES/17/19) (14 July 2011): <http://arc-international.net/wp-content/uploads/2011/09/HRC-Res-17-19.pdf>
- Sexuality and Human Rights-Discussion Paper: http://www.ichrp.org/files/reports/47/137_web.pdf
- The Surprising History of Homosexuality and Homophobia: <http://www.bidstrup.com/phobiahistory.htm>
- The UDHR: <http://www.un.org/en/documents/udhr/>
- The Vienna Declaration and Program of Action: <http://www2.ohchr.org/english/law/pdf/vienna.pdf>
- UNAIDS: <http://www.unaids.org/en/>

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