



# Human Rights Council

**Tackling Discrimination Based on  
Sexual Orientation and Gender**



<b>Forum:</b>	Human Rights Council
<b>Issue:</b>	Tackling Discrimination Based on Sexual Orientation and Gender
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## Introduction

One of the major worldwide issues today relates to SOGI-based discrimination. The multi-spectral nature of the problem touches on sexual preference and gender identity, contributing to difficulties in receiving care, education, employment, and legal protection. People in such categories often experience violence and social stigma that compromises their freedom in making choices that grant them full participation in society. While there has been an improvement, especially in Western countries where same-sex marriage is legally performed, significant barriers still remain, particularly in areas where cultural, political, or religious opposition to the concept of homosexuality is virulent.

Key moments in global LGBTQ+ rights have included the 1969 Stonewall Riots, which began the modern LGBTQ+ rights movement, and the legalization of same-sex marriage in the Netherlands in 2001, marking one of the most key moments for global LGBTQ+ rights. Despite these developments, there have been backward steps concerning states such as the Middle East, Sub-Saharan Africa, and Eastern Europe, as many countries in those regions still criminalize homosexuality. Examples of such state-sponsored discrimination are Russia's 2013 "gay propaganda" law and the Ugandan Anti-Homosexuality Act of 2023, which managed to roll back progress in these regions.



This extends into how much discrimination limits individual freedom, access to basic services, and the ability to live openly. In most of these countries, LGBTQ+ people live in fear of violence, legal persecution, and social exclusion, which grossly violates their rights to dignity. International human rights frameworks, like the Yogyakarta Principles, and the work of the UN Independent Expert on SOGI continue to call for such protection, though much work remains to achieve true equality for LGBTQ+ communities worldwide.

## **Definition of Key Terms**

### **Sexual Orientation:**

Sexual orientation refers to an individual's emotional, romantic, or sexual attraction to others, that is directed toward individuals of the same sex, opposite sex, both sexes, or neither. The most common categorizations are by sexuality: heterosexual, homosexual, and bisexual. Yet there are other identities, such as asexuality, where a person does not have any feelings of sexual attraction at all, or very little. Sexual orientation is a natural part of a person's personality and is distinct from gender identity. Sexual orientation can even be understood as existing on a continuum, whereby a person's attractions cannot be understood as fitting into a category.

### **Gender Identity:**

The gender identity is one's own deeply personal perception of self as a man, woman, both, or neither, and it might not be the same as the sex at birth. For many, their gender identity matches with their biological sex: assigned female at birth and identifying as a woman. For others, transgender people, in particular, it is otherwise since their gender identity simply differs from the sex they were assigned at birth. Non-binary individuals may be gendered outside of the norms of male or female. Gender identity is different from gender expression expressing one's gender through dress, behavior, and other external markers that signal masculine, feminine, both, neither, or some other gender marker.

### **Discrimination:**

Discrimination is a term meaning to treat people unequally or differently based on race, gender, sexual orientation, or religion. Discrimination in this context is an injustice that people face concerning their sexual orientation and gender identity. It involves being denied opportunities for employment, education, housing, healthcare, social services, violence, harassment, and so on, regarding their LGBTQ+ status. SOGI-based discrimination leads to long-term effects socially,



economically, and psychologically, making many flee into seclusion or even fear of persecution, hence limiting their opportunities and freedom.

### **LGBTQ+:**

LGBTQ+ stands for Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and the "+" sign means "inclusion of other" diverse sexual orientations and gender identities including intersex, asexual, and non-binary persons. The term connotes a broad, inclusive community representing the spectrum of sexual and gender identities. While "LGBTQ+" might be widely accepted, it is important to consider that variations within this acronym may be put into practice by diverse communities to include or underline specific identities for their purposes of inclusiveness and recognition of sexual and gender diversity.

### **Yogyakarta Principles:**

The Yogyakarta Principles constitute a set of international legal principles that define and affirm human rights standards about sexual orientation and gender identity. Adopted in 2006 by a group of international human rights experts, the principles put into place a comprehensive framework to address violations of LGBTQ+ rights. They describe the obligations of states to protect and advance the rights of LGBTQ+ persons through decriminalization of homosexuality, freedom of expression, association, and protection from discrimination and violence. The Yogyakarta Principles have become a key reference point for LGBTQ+ advocacy and legal reforms worldwide.

### **Criminalization of Homosexuality:**

The criminalization of homosexuality refers to a set of laws and policies that describe consensual same-sex relationships or expressions of LGBTQ+ identities as criminal. Several countries, especially in Africa, the Middle East, and Southeast Asia, still retain in their statute books laws that criminalize acts of homosexuality, with some carrying draconian sentences that include imprisonment, fines, or even capital punishment. Such laws are based on many colonial-era penal codes, religious doctrines, and cultural conservatism. The existence of such laws perpetuates stigma, discrimination, and violence against LGBTQ+ individuals and severely limits their ability to live openly and safely.



## **Sexual Orientation and Gender Identity:**

SOGI is an acronym through which issues and rights concerning a person's sexual orientation—that is, towards whom an individual is attracted to the expression of gender identity, referring to personal perception and presentation of gender, are discussed. This term is often used in legal and policy contexts in the struggle for equality and against discrimination based on these characteristics. Since it speaks to international inequalities and human rights abuses that LGBTQ+ communities face, SOGI is in common use by the United Nations and a great number of human rights organizations in their work, placing the language within the vernacular of discourse about inclusive human rights protections.

## **General Overview**

SOGI-based discrimination varies across the world as a product of history, culture, and religion. Homosexuality, along with some forms of non-conforming gender identity, was widely stigmatized as a moral failing or a form of mental illness throughout history. In the West, the 1969 Stonewall Riots and the gradual decriminalization of homosexuality brought forth movements for LGBTQ+ rights. These gains notwithstanding, much of the world still struggles with pervasive stigma and legal frameworks that entrench discrimination against LGBTQ+ individuals.

Contemporary discrimination does vary by region: in Europe, North America, and parts of Latin America, laws increasingly protect LGBTQ+ people, guaranteeing them rights to marriage, employment, healthcare, and freedom of expression. These gains are resisted in other regions. Homosexuality is criminalized in parts of Africa, the Middle East, and Central Asia, with penalties including imprisonment and, in some instances, death. Such punitive laws can be found in conservative countries like Saudi Arabia, Iran, and Uganda. In complete contrast, progressive legal protections have been enacted in Western Europe and Canada, including gender recognition laws and marriage equality, placing them as leaders in LGBTQ+ rights.

### **Types of discrimination**

The discrimination faced by LGBTQ+ persons is three-fold: legal, social, and economic. Legal discrimination comes in the form of criminalization of same-sex relationships, or at the very least, an utter lack of protection of the LGBTQ+ populace from employment and housing discrimination. For example, even today, over 67 countries in the world criminalize homosexuality, with countries such as Uganda passing draconian legislation like the 2023



Anti-Homosexuality Act. In those countries where it is not criminalized, many fail to grant the community due legal protections against discrimination in both public and private sectors. This despite the fact that, in the year 2020, the Supreme Court decision was very clear with respect to nondiscrimination protections under Title VII for LGBTQ+ employees. Most states in America still have no comprehensive anti-discrimination laws.

Social discrimination manifests in various forms-violence, harassment, and exclusion from community and family. For instance, the 2013 "gay propaganda" law in Russia has further driven homophobic violence and muted LGBTQ+ activism. The identities of many LGBTQ+ individuals are forced into hiding in fear of violence or legal repercussions in many regions, such as parts of Eastern Europe and the Middle East.

It is through job denials and workplace harassment that economic discrimination against LGBTQ+ persons happens most strongly in the realm of employment. The finding of a job is even more complicated for transgender people because of some obstacles presented by social stigma and transition barriers like the legal recognition of gender.

### **Legislative practices**

Matters on legislation for LGBTQ+ rights vary highly in progressive and conservative regions. Many countries in Western Europe and North America have granted rights by way of legislation against discrimination in housing, jobs, and healthcare. Canada, the Netherlands, and Sweden have full protections for transgender citizens, allowing them to change gender in all legal documents without any need for surgeries.

By contrast, the Middle East, Sub-Saharan Africa, and parts of Eastern Europe maintain laws criminalizing homosexuality and inhibiting LGBTQ+ activism. For example, Saudi Arabia enforces the death penalty for homosexuality, while Russia's "gay propaganda" law constrains freedom of expression among LGBTQ+ communities. Hungary's 2021 law banning LGBTQ+ content for minors, based on Russia's model, marked a serious setback for LGBTQ+ rights in the European Union.

Religious influence tends to bring a vital characteristic to these laws. Most Islamic countries,



along with conservative Christian areas in Africa and Latin America, endorse anti-LGBTQ+ legislation. Religious exemptions were used in the United States to challenge the rights of LGBTQ+ individuals, considering that anti-discrimination laws infringe on religious freedom.

### **Conclusion**

It contrasts with a global landscape of discrimination based on sexual orientation and gender identity, from remarkable progress to severe setbacks. While the number of domestic legal protections has expanded in parts of Europe and the Americas, many other regions of the world are keeping or placing LGBTQ+ individuals under arduous legal punishment and social ostracism. While the LGBTQ+ movements work to increase recognition and protection, their push is met with stiff conservative resistance, creating a chasm in worldwide equality.

## **Major Parties Involved**

### **Netherlands**

In 2001, it became the first country in the world to legalize same-sex marriage, and it has kept the pace going as an LGBTQ+ rights pioneer to date. It offers legal protections against discrimination on the grounds of sexual orientation and gender identity, with laws on transgender persons changing their legal gender without any surgeries or sterilization.

### **Canada**

Canada ranks among the most LGBTQ+-friendly nations in the world, affording wide-ranging protections against discrimination, hate crimes, and health services to LGBTQ+ persons. Policy measures also support transgender people in Canada, ensuring access to gender-affirming health care.

### **Uganda**

The Ugandan Anti-Homosexuality Act of 2023 criminalizes relationships involving persons of the same sex, with punishments ranging from life imprisonment to the death penalty. Although the international community has criticized it very much, it has still significantly enhanced discrimination and violence against LGBTQ+ people in the country.

### **Saudi Arabia**



Same-sex relationships are punished by death in Saudi Arabia, and gender non-conformity has been criminalized. It is difficult for LGBTQ+ individuals to avoid severe social stigma, harassment, or legal consequences.

### **Human Rights Watch (HRW)**

HRW works on behalf of LGBTQ+ rights protection worldwide and documents abuses against LGBTQ+ individuals in countries that deny basic rights to individuals because of their sexual orientation or gender identity. Human Rights Watch presses governments to change discriminatory laws and policies.

### **International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA)**

ILGA is an international federation of organizations working for the rights of LGBTQ+ people. Every year, it publishes a report on the legal status of LGBTQ+ people worldwide and advocates for decriminalization and equal rights.

### **Timeline of Key Events**

You can include a small paragraph to explain the timeline. Otherwise, you should follow the format specified below:

December 10th, 1948	The Universal Declaration of Human Rights lays the framework for proclaiming the equality and non-discrimination of all people, but not specifically mentioning LGBTQ+ rights.
June 28th, 1969	Riot at Stonewall in New York City initiates the modern LGBTQ+ rights movement.
May 17th, 1990	Homosexuality is declassified as a mental disorder by WHO.
April 1st, 2001	Same-sex marriage is legalized in the Netherlands.
June 17th, 2011	The UN Human Rights Council passes the first resolution on Sexual Orientation and Gender





Identity, expressing concern about violence and discrimination.

June 1st, 2020

UN calls for a global ban on conversion therapy.

May 29th, 2023

Uganda passes the Anti-Homosexuality Act, criminalizing same-sex relationships with penalties as high as the death sentence.

## **UN involvement, Relevant Resolutions, Treaties and Events**

- Human Rights Council Resolution 17/19 (2011): First formal United Nations recognition of violence and discrimination based on sexual orientation and gender identity.
- Free & Equal Campaign (2013): Global public education campaign launched by the United Nations, aimed at promoting LGBTQ+ equality and challenging discriminatory laws.
- Appointment of the Independent Expert on SOGI: This mandate has been to enable an expert appointed by the UN to study and report on human rights violations concerning SOGI.
- Yogyakarta Principles: These are a set of principles that apply international human rights law to sexual orientation and gender identity issues, providing a framework for advancing LGBTQ+ rights.

## **Previous Attempts to solve the Issue**



- Decriminalization Campaigns: International support for decriminalization through legal campaigns has seen success in India, Belize, and Botswana.
- Marriage Equality: Interconnected with the global movement for same-sex marriage, it saw realization in over 30 countries including the Netherlands, Canada, and the United States.
- Public Education Initiatives: The UN Free & Equal campaign, among others from NGOs, has led to increased awareness and inclusivity of LGBTQ+ persons in most regions.
- Legal Barriers: Many of such discriminating laws are being contested by LGBTQ+ advocacy groups of different countries in courts, with some notable legal gains being wrought in countries like South Africa and India.

## **Possible Solutions**

### **Removing anti-homosexuality in the world**

To this day, approximately 67 countries still criminalize same-sex relations, with horrific punishment in some places, including life imprisonment and even the death penalty. This kind of diplomatic pressure, heaped especially upon countries and organizations that champion human rights issues, has seen partial success, but it can take time. This could be furthered by the United Nations and the European Union through making trade contingencies or sanctions based on discriminatory laws, for example. In addition, organizations such as Amnesty International and Human Rights Watch have supported international legal frameworks that encourage governments to revise such laws, backed by public awareness campaigns to help change societal attitudes toward LGBTQ+ acceptance.

### **Better Legal Protection**



Legal equality would come with expanding anti-discrimination laws to include full coverage of sexual orientation and gender identity. Broad anti-discrimination regimes would include, among others, employment, health care, housing, and public accommodations, providing rights already guaranteed in some countries. This includes advocacy for international treaties that deal with sexual orientation and gender identity when most if not all, human rights documents fall short of mentioning such terms. This would include places like the International Lesbian, Gay, Bisexual, Trans, and Intersex Association, or even the United Nations Free & Equal campaign, both of which are leading roles in promoting global standards for LGBTQ+ protections. Legal precedents from countries like Canada, fully inclusive of anti-discrimination laws within their borders, could be set forth as a benchmark for countries seeking policy reform. Such protection would provide a legal recourse against discrimination for persons and, therefore, make societies more accommodating.

### **Ban Conversion Therapy**

Despite proof of their psychological damages, these so-called conversion therapies are still legal in many countries. A prohibition on conversion practices requires cooperation from international organizations and local governments to be able to pull off. Recently, Germany, Canada, and Malta have moved to ban the practice through legislation. Collaborating with organizations like the American Psychiatric Association, which condemns conversion therapy, along with UN bodies, amplifies the call for bans. Global standards and frameworks in mental health practices are important; so is support for survivors. Programs that cater to mental health and recovery need to be put in place; these will help survivors of conversion therapy regain their self-esteem and confidence in themselves and who they are.

### **Public Awareness**

Education and public awareness campaigns serve to attempt to lessen the amount of prejudice that exists within society and improve levels of acceptance for LGBTQ+ individuals. These can be addressed on many different levels, including schools and workplaces, religious organizations, and government institutions. Successful campaigns, such as the United Nations' Free & Equal, have shown how inclusive educational messaging can indeed create changes in public opinion to allow LGBTQ+ individuals to live openly and safely. Applying an approach including



influential voices and competent media would give these campaigns significant boosts to break down harmful stereotypes while fostering empathy. Efforts at acceptance need to be carefully and culturally done in places of high stigma, such as large parts of Africa and the Middle East, without provoking a backlash. In fact, these educational efforts form the very basis of long-standing attitude changes that offer the premise of inclusive societies globally.

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