
MSMUN'21

UNGA

DISCUSSING AND
REVIEWING LGBTQIA+
RIGHTS



MSMUN 2021

"METAMORPHOSIS: EVOLUTION OF YOUTH"

We are living in a world of constant ambiguity, and limitless changes. In these tough times when all generations are suffering, Mody School believes that today's youth must be ready to bring about a change in today's society. A long-awaited change, one which will transform the world. Aimed towards bringing an end to prolonged suffering and constant battles against social injustice.

Transitioning into a sustainable future is not only urgent but inevitable. With every crisis, it becomes more comprehensible that our problems are growing bigger. But to successfully tackle what could be the biggest challenge in human history, it is necessary to make intense changes in our society.

Showing faith in these words MSMUN'21 urges the youth of the present to come up and utilize this platform to shape their minds into those of critical thinkers and build them into future leaders and transformers. Change respected readers is not just a mere word to our team, metamorphosis we believe is a set of consistent changes whose outcome is rather magnificent. It is time that we can provide form and shapes to our ideas for the economic development of society.



United Nations General Assembly



MSMUN'21

MODY SCHOOL MODEL
UNITED NATIONS

**CHAIRPERSON:
VANSHITA SINGH**

**VICE-CHAIRPERSON:
ANTARA VERMA**

**RAPPORTEUR:
VINEELA KOTTAPALLI**



VANSHITA SINGH

CHAIRPERSON

Vanshita Singh is a Queer person, who goes by the pronouns she/they. First an Indian, then an Anti-Fascist; they are a student of Psychology in the University of Delhi. They have been active in debates and MUNs all through their school life. They are extremely vocal about LGBTQ+ issues and being a queer person themselves, can create a balance between diplomacy and activism. They are really honoured to be chairing this Committee and look forward to having a fruitful session.



ANTARA VERMA

VICE CHAIRPERSON

Antara describes herself as an alpha female but loveable. She is 19, highly spiritual and an animal lover studying fashion management with a strong background in multiple MUNs. She strongly believes in working hard and following one's passions, with the right amount of humour and style.



VINEELA KOTTAPALLI

RAPPORTEUR

Vineela is an energetic and outgoing person who has a keen eye for detail. A national-level debater and a state-level rifle shooter and painter, she tends to dominate in her fields of expertise. She has constantly been an active member of her student body by taking up leadership posts of head girl and vice caption. She has an open mind and can't put things to rest without hearing a good argument from both sides. Being the Rapporteur of UNGA, she wishes to accomplish the same and see things in action. Being associated with Mody has given her the right amount of exposure to extra-curricular activities, one of them being MUNs, wherein she has won various accolades.

She is an ardent advocate for spreading awareness by building herself and the people around as vigilant citizens. Currently having her entrances lined up, she wishes to pursue law as her career. She looks ahead to knowing the delegates of this conference and wishes them all the luck!

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LETTER FROM THE EXECUTIVE BOARD

We welcome you to the 5th edition of MSMUN. This year we are honoured to host eleven prestigious schools along with five committees.

At MSMUN we aim to nurture universally acceptable proposals to aid some of the most pressing global crises including The Normalization of Rape Culture, Rights to Health and Sanitation, Terrorism and Human Trafficking, LGBTQIAP+ issues, among others. This year we weigh into how political queer lives are and focus on spreading awareness and putting an end to the taboo that are LGBTQIAP+ issues, hoping to bring unconditional acceptance into this world as each one of us has the right to love whom they want and be whom they want to be, with utmost respect. More than that, we hope to bring in discussions of Social Hierarchy in terms of caste, class race and gender, along with discussions around notions of Social Privilege. We hope to dissect issues like Gender, Sexuality, Homophobia and Transphobia through critical thinking to help the community.

This year, our conference looks forward to nourishing the minds of people who will become citizens of a world, free of any bigotry and discrimination. By the end of the conference, I hope every individual will think back on things they've blindly accepted, question them, and explore it to better their lives and the ones around them. I wish each one of you develops opinions; but more importantly, empathy and open-mindedness.

Kind Regards
Vanshita Singh

RULES OF PROCEDURE

MOTIONS

To let the committee vote on what to do next, motions are raised. A motion can be used to modify ROP if accepted by the committee and the EB. The format to raise a motion is: I, _____ would like to raise a motion to _____.

TYPES OF DEBATES

Debate in the UNGA will be conducted using the methods mentioned below We have 2 types of debate:

· Formal Debate

o **General Speakers' List:** The committee opens with a GSL which has a default time of 90seconds. The opening and closing statements are a part of this. Any topic of the choice of the committee can be discussed here. If a speaker does not elapse his time he can yield. The various yields are

§ *Yield to Chair:* the time dissolves

§ *Yield to another delegate:* you can give the remaining time to any delegate of your choice.

§ *Yield to POIs:* you give your time up to answer questions, by other delegates.

o **Provisional Speakers' List:** This is exactly like the GSL, except this is used to discuss a particular topic or a crisis update. The same yields apply

· Informal Debate

o **Moderated Caucus:** This is a type of informal debate where you are given turns based on recognition to speak on a sub-agenda to have detailed discussions on various aspects of the crisis. There are no yields.

o **Un-moderated Caucus:** This is the time given for open discussion, lobbying and documentation.

POINTS

Points and motions are questions or suggestions directed towards the Chair. They can only be made before or after another member's speech — except for a Point of Personal Privilege — and are entertained at the discretion of the Chair.

The various points are

- **Point of Personal Privilege:** A Point of Personal Privilege may be exercised if a delegate experiences personal discomfort or danger, which impairs his or her ability to participate in the proceedings. A Point of Personal Privilege may only interrupt a speaker if the delegate is in dire discomfort or danger or cannot hear the speaker.
- **Point of Order:** A Point of Order may be made to point out an error in facts stated by another delegate in verbatim. This does not interrupt a speaker and can be raised when the chair asks for points. To raise this you have to quote the wrong fact and then state the correct one. The EB passes a judgment on the same. However, POOs can't be raised on a belief.
- **Point of Inquiry:** A Point of Inquiry permits delegates to ask questions concerning the Rules of Procedure, crises updates, or for general clarification on a pertinent subject. A Point of Inquiry may not interrupt a speaker. Delegates with lengthier queries or queries specific to their position should not rise to this point but should rather approach the Committee Staff during unmoderated caucus or send a note.

Point of Information: A point of information allows delegates to question other delegates. These can be asked by chat via EB as well. This cannot interfere with a speaker's speech. ·

Right to Reply: When a delegate says something offending you or your portfolio personally, you may use this to reply to him in the form of a short statement and ask for a public apology. This does not interrupt a speaker.

POSITION PAPERS

The delegates are expected to submit position papers for the agenda to the Chairperson. Position papers help the Executive Board to figure out different stances that delegates have on the agenda and how well are they able to carry out the same during the committee.

The Position papers should include the following details:

- Allocation of the delegate
- Your stance regarding this agenda
- Your proposed plan of action
- Any information regarding your portfolio that you think that the Executive Board members should know
- You may also write your expectations as to how this committee should progress.

The deadline for the position paper is **29th July**.

AGENDA IN DETAIL

“As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity. (...) Where there is a tension between cultural attitudes and universal human rights, rights must carry the day.”

- Ban Ki-moon (UN Secretary-General)

The United Nations (UN) framework expressed concern regarding persistent acts of discrimination and human rights abuses on the **grounds of sexual orientation and gender identity (SOGI)** taking place around the world in the early 1990s.

Nonetheless, it has been only over the last several years that the question of sexual orientation and gender identity was formally broached within the Human Rights Council (HRC) due to its perception as a controversial and sensitive topic. Despite progress in the universal promotion of human rights, discrimination against **lesbian, gay, bisexual, transgender, and intersex (LGBTI)** people remains a prevailing issue at an international and national level.

Stigma and discrimination based on SOGI can take many forms, ranging from psychological harassment to physical assault, violence, and killings.

Homophobic and transphobic attitudes are part of a wider pattern of **sexual and gender-based violence (SGBV)** and are often tied in with misogyny and a fundamental lack of respect for women's rights. Persecutions and abuses on the grounds of sexual orientation and gender identity can be hard to identify, as they take place both in the private and public sphere, and are deeply entrenched within prevailing traditional, religious, and cultural values.

To date, over 76 states still retain laws that criminalize same-sex relationships by either fining, or imprisoning the so-called perpetrators, or in some cases, practising “corrective” rape, and the death penalty.

As pointed out by the erstwhile UN High Commissioner for Human Rights Navi Pillay, **“the struggle to protect and promote the rights of [LGBTI] persons is one of the great neglected human rights challenges of our time.”**

advancing universal human rights to protect against discrimination based on SOGI is at the core of HRC's mandate, reflecting the principle of non-discrimination, which is a cornerstone of the Universal Declaration of Human Rights. Human rights mechanisms advocated by HRC aim at promoting universal rights, including the **right to express safely one's sexual orientation**, and to exercise freely one's sexual rights. Addressing this topic on the UNGA agenda is essential, given that not all voices within the UN agree on the best way to prevent discrimination based on SOGI, and some proposals could be considered a significant setback for LGBTI rights. Several terms essential to understanding this topic are defined below:

- **Sexual orientation** refers to a person's sexual identity, in relation to the gender to which the individual is physically and emotionally attracted.
- Homosexuals (gay and lesbian) are attracted to individuals of their own sex, while heterosexuals are attracted to individuals of the opposite sex.
- **Bisexuality** refers to individuals who are attracted to both sexes.
- **Asexuality** is a form of sexual orientation that concerns people who do not experience sexual attraction. □ The term gender refers to the social roles and attitudes attributed by society to women and men, while the term sex refers to the biological and physiological features that characterize them. Thus, gender identity is a person's private experience and own sense of his or her gender.
- **Transgender** describes a wide range of individuals whose identity is considered as the third gender, or more typically people whose appearance and features are considered as gender atypical.
- **Intersex** refers to individuals who are born with sexual anatomy or reproductive organs that do not typically fit into the gender norm. They can identify as women, men, or third gender.
- **Sexual rights** are human rights that aim at protecting individuals' rights to fulfil and express their sexuality free from discrimination; to enjoy sexual health and pleasure, including reproductive rights; and to benefit from bodily integrity and dignity.
- **SGBV** refers to violence that is directed against a person on the basis of gender and entrenched within gender inequalities and power dynamics. Women are the most vulnerable to this form of violence, but men can also fall prey to it. SGBV reflects on a wide range of abuses including rape, exploitation, domestic violence, involuntary prostitution, torture, female genital mutilation or cutting, and sexual harassment.

International and regional framework

The preexisting international human rights framework is central to any future discussion focused on sexual orientation and gender identity. The principles of equality, universality and non-discrimination are the foundation of human rights, enshrined in the 1945 Charter of the United Nations and the 1948 Universal Declaration of Human Rights (UDHR). The first article of the UDHR is unequivocal, stating,

“All human beings are born free and equal in dignity and rights.”

Similarly, the 1966 International Covenant on Civil and Political Rights (ICCPR) contends that each state should respect the rights of all individuals recognized within the Covenant,

“without distinction of any kind, such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or another status.”

This particular quote taken from article 2 of the ICCPR is at the core of this topic as exemplified in the historic case *Toonen v. Australia*, in which the United Nations Human Rights Committee held that “other status” and “sex” include sexual orientation and gender identity. This decision created a precedent within UN human rights agencies, and while very few legal agreements in the UN framework directly reference SOGI, the principles of non-discrimination and equality still apply in any instance of human rights violations based on sexual orientation and gender identity.

Two recent international agreements directly refer to human rights and their application to issues of sexual orientation and gender identity.

First, the **Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity** were developed in Indonesia in 2006. These twelve principles address the reinforcement of human rights in relation to matters of sexual orientation and gender identity, including rights to security and safety, rights to non-discrimination, rights to fair employment, rights to health, rights to education, and rights to political participation.

Secondly, in June 2011, the HRC adopted **resolution 17/19 on “Human rights, sexual orientation, and gender identity.”** This is the first UN resolution on the topic, in which the HRC Member States express their concern in view of growing acts of persecutions and discriminations based on SOGI. This resolution has paved the way for more action towards the acknowledgement of LGBTI rights within the UN framework, as well as at a regional and national level.

Notably, on 26 September 2014, the HRC adopted its second resolution on “Human rights, sexual orientation, and gender identity” during its 27th session. This resolution is considered a major achievement in highlight the importance of protecting the existing rights of those at risk of discrimination because of their sexual orientation or gender identity.

Role of the International System

The work of the HRC boosted efforts at a national level, as Norway and South Africa coordinated talks in the spring of 2013, inviting 200 experts to participate in cross-regional discussions on SOGI and **HRC resolution 17/19**. This initiative aimed to identify the different gaps and challenges that lay ahead gathered information on efficient policy responses and acknowledged the positive or negative impact national frameworks can have on SOGI.

On a more global scale, HRC launched in July 2013 the **United Nations Free and Equal campaign (UNFE)** to raise awareness on violence and abuses linked to homophobia and transphobia. The forum fosters online open discussion on how to promote fair and equal treatment of LGBTI persons, and how to change the prevailing prejudiced discourse.

Furthermore, the UN Economic Commission for Europe (UNECE) and the UN Population Fund (UNFPA) has been trying to advance sexual rights for all during the **UNECE Regional Youth Conference Call to Action** in May 2013. Their activism, which is intrinsically linked to the ICPD Beyond 2014 review process, aims at advocating for acceptance of comprehensive sexuality education (CSE), as well as the right to privacy and bodily integrity.

While discrimination on the grounds of sexual orientation and gender identity does not take similar forms in each country, most regions have shown cases of homophobic and transphobic practices, violence, and abuse. As a result, regional institutions have taken the initiative to address this issue.

For example, the **African Commission on Human and Peoples' Rights** passed resolution 275 in May 2014, in a momentous move to protect against violence and human rights violation targeting the LGBTI community, as well as to encourage Member States to enforce the law and prosecute crimes linked to SOGI. In an identical move, the General Assembly of the Organization of American States has achieved progress on this front bypassing several cornerstone resolutions on human rights, sexual orientation, and gender identity.

The initiative under, Resolution AG/RES. 2863 (XLIV-O/14) adopted 5 June 2014, urges States to implement necessary policies preventing, punishing, and eradicating all forms of discrimination on the grounds of SOGI.

Similarly, the Court of Justice of the European Union (EU) has issued landmark judgments on policies applied by the Member States disregarding the non-discrimination clause of the 2000 **EU Charter of Fundamental Rights** which makes a direct inference to sexual orientation.

In 2010, the Committee of Ministers of the Council of Europe adopted a Recommendation on measures to combat discrimination on grounds of SOGI, in which it invited EU Member States to implement national legislation prohibiting hate crimes and protecting the LGBTI community in the public and private sphere.

Civil society organizations (CSOs) have also significantly contributed to the advancement of the sexual orientation and gender identity agenda at an international level, working hand in hand with HRC to galvanize progress on the achievements of human rights and sexual rights for all. When HRC adopted resolution 17/19, a statement made by a coalition of LGBTI-oriented CSOs stated that “now, our work is just beginning.”

CSOs have an essential role within the UN framework, as they review and monitor the compliance of international human rights standards, and contribute to UN initiatives and analysis on best practices.

For example, the **Sexual Rights Initiative (SRI)** is a coalition of human rights organizations primarily focused on gender and sexuality which have allied to advance sexual rights on the HRC's agenda and create political space at a national level on these issues.

SRI is currently the only advocacy group working to influence the HRC that calls attention to a broad range of sexual rights, including SOGI, and sexual and reproductive rights.

SRI also tracks each UN Member State's attitude towards sexual rights and expression, by using HRC's Universal Periodic Review as a database tool.

One of the major achievements of SRI is that it has brought together different perspectives that in the past have co-existed but not collaborated, such as SOGI-oriented associations with women's rights associations, in an attempt to gain visibility on the importance of adopting an open-minded attitude towards sexuality, gender identity, and sexual preference.

Understanding Discrimination based on sexual orientation and gender identity

While it is hard to ascertain the precise origins of homophobic and transphobic attitudes, consistent research indicates that they are generally articulated within underlying cultural, religious, and traditional moral values. LGBTI persons are often perceived as transgressing socially accepted values of gender roles, sexuality, nationalism, and family, which underpins discrimination based on SOGI. In some countries, it is considered an act of betrayal and disloyalty to express a **non-heterosexual sentiment**, as it goes against the unity portrayed by the nation and the moral order instated by the government.

For example, following a lesbian, gay, bisexual and transgender (LGBT) pride parade in Russia, the Moscow Patriarchate Department of External Church Relations stated: “If people refuse to procreate, the nation degrades. So the gay propaganda ultimately aims at ruining our nation.”

Additionally, negative attitudes towards the LGBTI community often arise from **religious beliefs**, the act of homosexuality being categorized as “sinful” in most historic accounts of major religions. This notion of “immorality” is strongly reinforced with the impression that varied forms of sexual orientation and gender identity defies conventional concepts of gender and family. **Traditional gender roles** outline typical characteristics of what it entails to be a “man” or a “woman”, often within a patriarchal paradigm.

By disturbing this established moral order, LGBTI persons are considered as acting provocatively and unacceptably and are even at times accused of threatening the archetypal heterosexual family model.

These negative cultural perceptions are bolstered by several factors, including the **public discourse within the media**, which at times serves as a destructive force by simplifying, sensationalizing, or stereotyping LGBTI persons and the issues they face.

Similarly, the legacy of criminalization of same-sex relationships in certain countries has contributed to the persistence of historical homophobic or transphobic attitudes, long after the repeal of such laws.

Another external influence to take into account is the medical field, which in the past regarded LGBTI persons as suffering from diseases. Until 1990, the World Health Organization (WHO) classified homosexuality in its **International Statistical Classification of Diseases and Related Health Problems**. To this date, WHO still defines transsexualism as a mental and behavioural disorder.

Persistent **stigmatization and marginalization** have forced the LGBTI community to act invisible, and issues of human rights in relation to SOGI remain controversial. Discriminatory laws on the grounds of SOGI are often accompanied by discriminatory practices, affecting access to employment, education and health care significantly. They are the result of direct **discriminatory policies** applied by state governments, or simply due to the lack of laws condemning homophobic and transphobic acts. The areas of concern include unequal access to justice, social welfare, education, employment, housing, and health care.

While discriminatory practices and laws are more widespread, LGBTI persons can be at the receiving end of acts of violence, and at times they face hate crimes such as murder, beatings, torture, or rape in all regions of the world. This type of violence is often physical, but can also take the form of psychological violence through the use of threats, intimidation, coercion, harassment, and arbitrary deprivations of liberty.

Human Rights at Stake When Dealing with Discrimination Based on Sexual Orientation and Gender Identity

At the core of the debate is the need to protect fundamental human rights rather than create specific SOGI-oriented rights. The international human rights standards that are at stake when dealing with discrimination based on sexual orientation and gender identity can be broken down into three categories: **civil and political rights; social and economic rights; and sexual rights**. Individuals are denied basic civil and political rights on the grounds of their sexual orientation and gender identity.

For example, the concept of equality in rights and before the law does not apply worldwide, given that matrimonial laws for homosexuals differ around the world. Further, the right to life and safety is infringed upon by States that retain the death penalty for acts of homosexuality. Nonetheless, one of the most fundamental human rights which is denied is the right to privacy, as SOGI issues are often considered a matter of public opinion, despite their private nature.

Social and economic rights are often in the balance as well, when considering discrimination on the basis of SOGI. These rights include the right to social security, assistance, and benefits as well as the right to fair employment and work, which are all affected by unlawful workplace practices, and unequal access to social welfare.

Sexual rights embrace the various human rights that have been mentioned above, in addition to the right to marry and found a family with the full consent of both spouses, and the right to equality in marriage. These two specific rights can be challenged by pervasive discriminatory practices, laws, and acts of violence in relation to SOGI. Sexual rights entitle individuals to a life of dignity and respect, no matter their sexual orientation, gender identity, or sexual expression.

Emerging Responses and Best Practices

There is a clear consensus about the alarming pattern of violence and discrimination targeted directly at people because they are, or are perceived as belonging to the LGBTI community. Since this pattern has often been overlooked by governments, whether in practice or in law, there is no clear guideline as to the prevention of discrimination based on sexual orientation and gender identity. Recent emerging responses aimed at bridging the gap between international legal standards and national policies have been suggested as comprehensive solutions.

HRC has specified that the Member States have a common shared responsibility to uphold international binding human rights standards. This implies a direct obligation to protect the human rights of LGBTI people through five core legal obligations:

- (1) protect individuals from violence rooted in homophobia and transphobia;
- (2) prevent any forms of torture and cruel, inhuman and degrading treatment targeted at LGBTI persons;
- (3) rescind any legislation that criminalizes homosexuality;
- (4) prohibit any forms of discrimination on the grounds of SOGI; and
- (5) safeguard LGBTI people's rights to freedom of expression, association, and peaceful assembly.

Further, CSOs suggest that States should take a more proactive role in mainstreaming these issues within their national institutions. Specifically, the repeal of detrimental national laws criminalizing and targeting the LGBTI community is indispensable. Additionally, the omission of these issues within national policies that influence access to health care, education, housing, welfare, and justice can lead to unlawful discrepancies in everyday life.

- Combating LGBTI prejudices requires the promotion of social change, and cultural awareness, as well as the implementation of education programs targeting different groups, including law enforcement and educators.
- Public awareness campaigns can help individuals identify, register, and respond to hate crimes and everyday discrimination in an appropriate and healthy manner.
- For example, British transportation systems carried billboards promoting LGBTI acceptance and the government of Brazil launched the national “Brazil without Homophobia” campaign.
- Additionally, the adoption of **CSE (Comprehensive Sex Education)** is advocated for in order to foster a greater understanding of sexual orientation and gender identity. CSE can also help root out discrimination and help young individuals make responsible, safe, and healthy decisions in relationships. CSE’s ambitions are to provide the youth with inclusive, accurate, and age-sensitive sex education.
- However, these programs can also be targeted at a wider audience, as all individuals are concerned by health rights, and should be kept informed on the risks of HIV/AIDS contraction, or other sexually transmitted infections, in addition to reproductive health issues relating to pregnancy.
- Further, education programs and curricula are efficient methods to address discrimination and counter homophobic and transphobic attitudes.
- Recent education initiatives include Hong Kong’s Boys and Girls Association and Australian’s Safe Schools Coalition, which offer counselling in schools and youth centres and promote a safe space to discuss SOGI Clubs

CONCLUSION

Preventing discrimination based on sexual orientation and gender identity is at the heart of HRC's mandate and the UN agenda. While few countries purposely discriminate based on sexual orientation and gender identity, many do not proactively participate in the fight against it, thus condoning involuntarily intolerant values. As the erstwhile UN High Commissioner for Human Rights Navi Pillay stated during the International Day against Homophobia and Transphobia on 17 May 2014, "I have yet to come across a government that says it supports violence and discrimination against LGBT people. Yet very few take action to protect people against such violations."

Further Research

While researching this topic, delegates should consider the following questions: How can human rights be reinforced to prevent discrimination based on SOGI? What are the key lessons learned – either best practices or shortcomings – from current policies? In what ways and in which direction can the Committee influence discriminatory laws and practices in relation to sexual orientation and gender identity? How can sexual orientation and gender identity be mainstreamed within future development programs at the UN?

LINKS FOR FURTHER RESEARCH

<https://www.hrw.org/news/2021/02/24/global-trends-lgbt-rights-during-covid-19-pandemic>

<https://www.un.org/en/coronavirus/un-supports-lgbti-community-during-covid-19-pandemic>

<https://www.hrc.org/news/ten-ways-the-united-nations-has-protected-lgbtq-human-rights>

<https://www.cfr.org/article/changing-landscape-global-lgbtq-rights>
<https://www.hrc.org/resources/glossary-of-terms>

<https://www.amnestyusa.org/issues/gender-sexuality-identity/>

<https://www.euro.who.int/en/health-topics/health-determinants/gender/gender-definitions/who-europe-brief-transgender-health-in-the-context-of-icd-11>

<https://allianceindia.org> > CO...PDF
countries supporting gender affirmation related procedures for ... - Alliance India

<https://www.hrc.org/resources/understanding-the-transgender-community>

<https://www.apa.org/topics/lgbtq/transgender>