



4th Annual High School Conference

March 1-2, 2019

Social, Cultural, and Humanitarian Committee (SOCHUM)

Greeting delegates, and let me be the first of many to welcome you to Oakland University Model United Nations 4th Annual High School Conference! It is my pleasure to serve you as chair in the Social, Cultural, and Humanitarian Council. I have six years of experience as a delegate and have been staffing OUMUN since the first annual OUMUN conference four years ago. That said, I am immensely excited to be on the other side of the Dias, listening to the productive and substantive debate in which you are sure to engage. Persecution based on race, religion, gender, and sexual orientation is an important issue facing the international community. These types of persecution have no easy solution but deserve thoughtful consideration. It is the task of this committee to consider, debate, and negotiate over potential solutions to these types of persecution, resulting in a recommendation to the General Assembly. Hopefully these issues, and the discussion surrounding them, pique your interest as they have mine.

While I am relaxed and laid-back when it comes to chairing, I have three expectations for each delegate, both in preparation and during the conference. First, you must research and know your country's policy and position concerning the topic. Whether this is your first or your fourth Model UN conference, you should be knowledgeable about the topics and your country's policies. The background guide is just the beginning of your research, so use the available resources to gain further and specific insight into each issue. The SOCHUM website, as well as the UN website contain excellent information, so please learn how to use these resources and use them to your advantage. My second expectation is that everyone is knowledgeable and comfortable with the Rules of Procedure, and can use them competently. Nothing is more detrimental to one's Model UN conference experience than ignorance of the rules. While mistakes are inevitable (I myself am not immune), and it is completely understandable, please make every attempt to know the rules and how to properly use them. If you suddenly find that you do not understand something during committee, by all means ask the Dias. By simply raising your placard or passing up a note, your Model UN experience will be much more enjoyable and you will avoid being lost, confused, and

frustrated. My final expectation is that every delegate speak during the conference. Whether on the speaker's list or during a moderated caucus, I expect everyone to be active. The committee will be run by you and your fellow delegates. I do not speak about the topics, you do. The responsibility of moving debate forward falls on your shoulders, not mine. I only serve to facilitate debate and maintain order, so if you want to see solutions to the issues, find some and bring them up in committee!

Model United Nations is an excellent opportunity to learn about our world and understand how international issues are resolved among different people from different countries, backgrounds, and perspectives. This is your chance to practice public speaking, decision making, negotiation and compromise. My hope is that after the conference you reflect on Model UN as an exciting educational experience. With that said, I look forward to seeing you in March!

More detailed information on the rules and of procedure and conference policies can be found at <http://wwwp.oakland.edu/polisci/opportunities/model-un-conference>.

About SOCUM

The Social, Cultural, and Humanitarian Committee (SOCHUM) is the Third Committee of the General Assembly. SOCHUM is tasked with examining human rights questions and proposing solutions to eliminate discrimination and intolerance. The task of this particular committee is to propose solutions in combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence against, persons based on religion or belief, race, and sexual orientation and gender identity. While there is only one topic the committee shall be considering, it is useful to think of the topic as various parts, including persecution based on religion, race, sexual orientation, and gender. The basis of intolerance, discrimination, and persecution often overlaps, so delegates should keep this in mind. However, it is useful to consider these forms of persecution both separately and together. This committee reflects diverse perspectives from around the globe, which promotes thoughtful debate and encourages delegates to create and recommend unique solutions. In that spirit, delegates—while continuing to represent the interests and position of their country—are expected to remain respectful of fellow delegates and all cultures at all times.

Religious Persecution

Religious intolerance and social hostilities are on the rise, particularly against religious minorities. Over the past year, Rohingya Muslims in Myanmar have been subjected to violence and ethnic cleansing, and have been forced to flee to neighboring Bangladesh in the hundreds of thousands. The number of countries with incidents of religious intolerance towards minorities increased from 24% to 47% from 2007 to 2012, while instances of terrorist activities related to religious intolerance have had a sharp increase since 2007. Additionally, the number of

governments that have exerted force against minority religious groups has also increased, from 31% in 2007 to 48% in 2012.¹

The right to protection against religious persecution is guaranteed in the 1948 Universal Declaration of Human Rights (UDHR).² The UDHR protects persons from discrimination on the grounds of religion, acknowledges individuals of age should be allowed to marry regardless of religion or creed, and endorses the right to education that promotes harmony. Following the UDHR, the International Covenant on Civil and Political Rights (ICCPR), adopted by the General Assembly in 1966, states that Member States party to the covenant undertake the duty to respect and protect the rights of their citizens, without distinguishing on the basis of religion. The ICCPR enshrines the “right to freedom of thought, conscience, and religion,” including the right to choose and convert to a religion, children’s religious rights, religious rights of parents, and freedom from coercion that would affect an individual’s right to freedom of religion.³ The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief defines religious intolerance as “any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment of exercise of human rights and fundamental freedoms on an equal basis.”⁴ The declaration expanded on the ICCPR and reiterated the right to freedom of religion or belief by calling upon Member States to rescind discriminatory legislation in order to protect the freedom of religion and belief. The General Assembly also adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1992, which focuses on protecting the rights of minorities, specifying that this protection be rooted in national legislation of Member States.⁵ More recently, General Assembly resolutions 71/195 and 71/196, both adopted in 2016, address intolerance related to religion and freedom of religion or belief, which are inextricably linked to one another.⁶ General Assembly resolution 71/195 on “Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,” notes the recent increase in hate crimes motivated by religious intolerance, and encourages constructive conversation and interfaith dialogue as a strong proactive measure to eliminate the root causes of religious intolerance. Connected to eliminating religious intolerance is the right to freedom of religion or belief, addressed in General Assembly resolution 71/196, which strongly condemns all acts of terrorism and violence, discrimination and intolerance, and instances where state laws do not protect the

¹ <http://www.pewforum.org/2014/01/14/religious-hostilities-reach-six-year-high/>

² <http://www.un-documents.net/a3r217a.htm>

³ [http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_2200A\(XXI\)_civil.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_2200A(XXI)_civil.pdf)

⁴ <http://www.un.org/documents/ga/res/36/a36r055.htm>

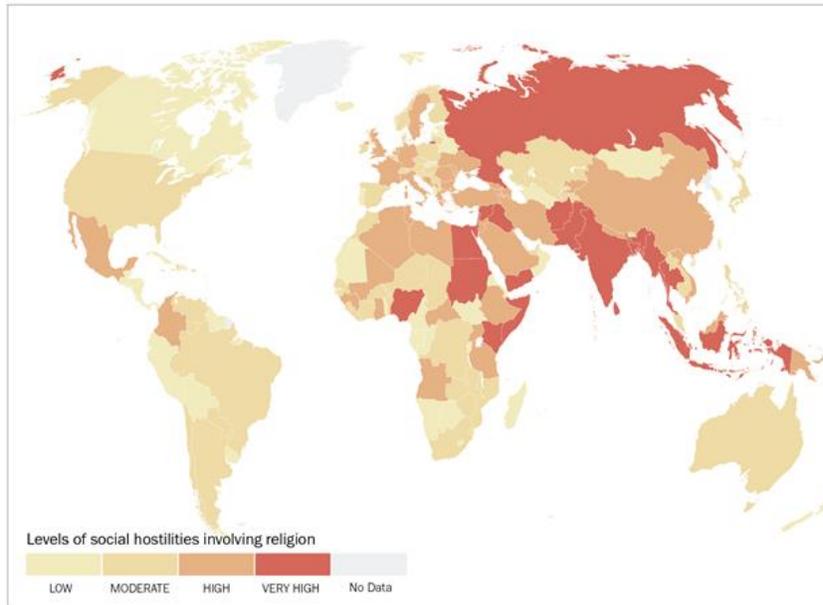
⁵ <http://www.un.org/documents/ga/res/47/a47r135.htm>

⁶ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/196,
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/195

freedom of religion. Moreover, the Rome Statute of the International Criminal Court (1988) acknowledges that attacks directed towards religious buildings constitute a war crime.⁷

Social Hostilities Around the World

Level of social hostilities in each country as of December 2012



"Religious Hostilities Reach Six-Year High," January 2014

PEW RESEARCH CENTER

In March 2017, the Office of the UN High Commissioner for Human Rights (OHCHR) held an expert workshop on “Faith for Rights” (F4R), which resulted in the Beirut Declaration, outlining five principles for advancing human rights and the right to freedom of religion or belief.⁸ The principles aim to translate international dialogue to local settings in order to combat religious intolerance, avoid the manipulation of faith, and promote F4R partnerships. The Beirut Declaration recognizes the importance of religious institutions in protecting human dignity and human rights. It also references the 2012 Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, which focuses on the role of political and religious leaders in denouncing intolerance and violence. The Rabat Plan of Action provides a concrete set of recommendations that cover legislative approaches to combat incitement to “discrimination, hostility, or violence.”⁹ The Special Rapporteur on freedom of religion or belief is mandated to help protect the right to freedom of religion or belief at the national, regional, and international level, to identify all obstacles to the freedom of religion or belief, to review instances where Member States do not uphold the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and

⁷ https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

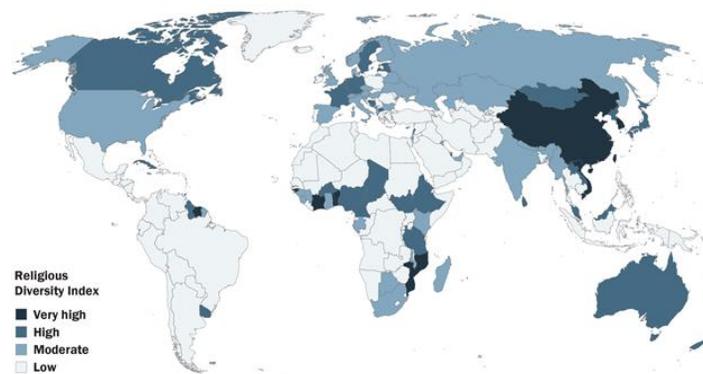
⁸ <https://www.ohchr.org/Documents/Press/Faith4Rights.pdf>

⁹ https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf

to inform the UN of all abuses of the freedom of religion or belief from a gender perspective. The Special Rapporteur's recent report on the implementation plan for the Istanbul Process notes that many violations of the right to religion or belief are carried out by non-state actors, by terrorist organizations, and by those inspired to commit acts of hatred and religious intolerance.¹⁰ Non-governmental organizations (NGOs) have a substantial role to play in promoting the right to freedom of religion or belief, as they are uniquely positioned within society to build networks of trust and promote intercultural dialogue. The Special Rapporteur on freedom of religion or belief has noted a "global pushback on human rights," some of it at the state level, which has only deepened the chasm of realizing the right to freedom of religion or belief. For instance, in 2017, Russia's Supreme Court banned Jehovah's Witnesses from their country as an attempt to ban extremist religions. In China, some religions are considered a threat to the state, and there is an increasing number of regulations placing restrictions on religions.¹¹

Levels of Religious Diversity

Countries are shaded according to level of religious diversity



Based on Religious Diversity Index scores. For more information about how the index is calculated, see the Methodology. Data are for 2010.

"Global Religious Diversity," April 2014

PEW RESEARCH CENTER

Comparing these examples of religious intolerance at the state level reveals a host of causes for religious intolerance.¹² Members of religious minorities are more vulnerable than religious majorities, as they may lack representation or protection and access to decision makers, and may be subject to discriminatory government policies.¹³ The most pervasive form of state-induced religious intolerance is harassment and hostility by governments towards certain religious minorities. These include overly burdensome government processes such as requiring special permits for establishing places of worship, or requiring registration or legal authority for religious communities in order for them to operate. Additionally, blasphemy laws, which exist in over 70

¹⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/008/79/PDF/G1700879.pdf?OpenElement>

¹¹ <https://www.uscirf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>

¹² http://www.un.org/ga/search/view_doc.asp?symbol=A/71/269

¹³ <https://daccess-ods.un.org/TMP/1197565.34695625.html>

countries, serve to penalize the expression of religion or belief when considered blasphemous in nature.¹⁴ Many blasphemy laws contradict international law regarding freedom of religion, belief, or expression, and have been deemed by the Special Rapporteur on the right to freedom of religion or belief to be unlawful and unjustifiable in the context of human rights, particularly the right to freedom of religion or belief. Some of the most brutal acts of religious intolerance are carried out by non-state actors. For instance, reports show that the Islamic State of Iraq and Syria (ISIS) has committed acts of violent extremism in the name of religion.¹⁵ According to the Special Rapporteur on freedom of religion or belief, militant and terrorist organizations that commit atrocities in the name of religion thrive due to many of the same root causes as government-induced religious intolerance: a general lack of governance and mechanism to enforce laws prohibiting religious intolerance, segregated and splintered societies, systemic discrimination, and corruption.

There is a high interest from the international community and UN to work alongside NGOs to eliminate religious intolerance. While there is some information on the root causes of religious intolerance, and the mechanisms available to further understand religious intolerance around the world, it is impossible to capture every example of religious intolerance. Nevertheless, the international community has an opportunity to dedicate its efforts to address religious intolerance. At the last meeting of SOCHUM in 2017, over 60 draft resolutions were considered on the topic of human rights alone.

Additional research

- <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/052/15/PDF/G1805215.pdf?OpenElement>
- <http://www.pewresearch.org/fact-tank/2018/11/07/in-2016-emergency-laws-restricted-religious-freedoms-of-muslims-more-than-other-groups/>
- <https://www.cfr.org/backgrounder/religion-china>
- <https://www.cfr.org/blog/dozens-reportedly-killed-nigerian-military-fires-shia-protesters>
- <https://www.cfr.org/blog/shia-imm-protesters-clash-nigerian-military-abuja>
- <https://www.cfr.org/blog/barring-muslims-entering-united-states>
- <https://www.cfr.org/conference-calls/persecution-religious-minorities>
- <https://www.amnesty.org/en/documents/mde23/9141/2018/en/>

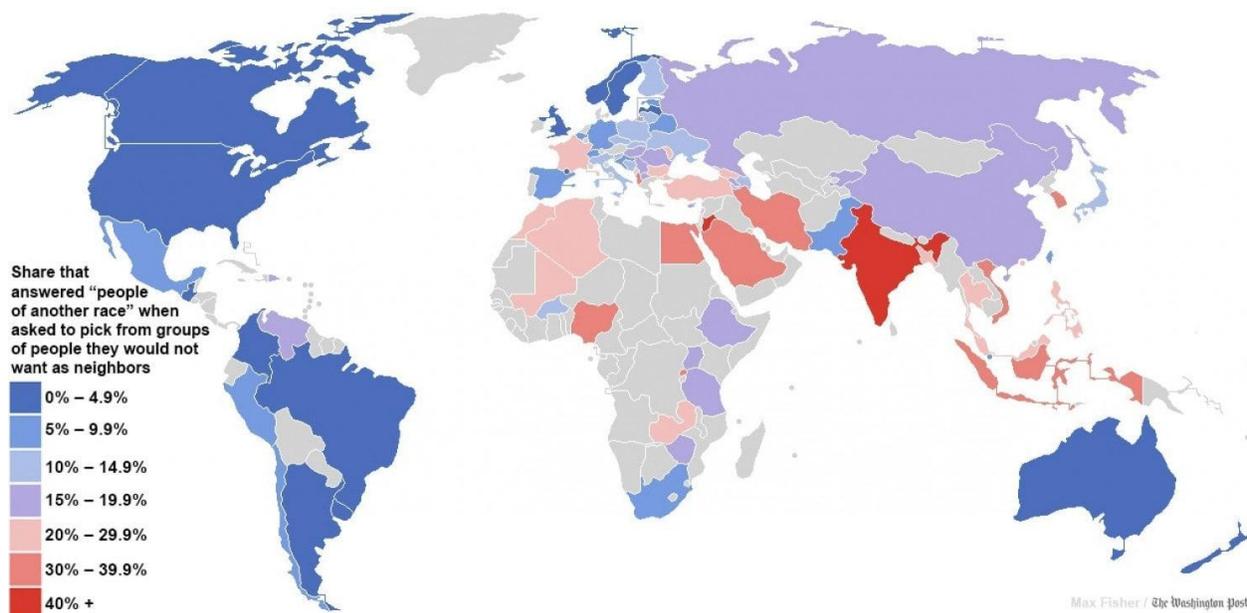
Racial Persecution

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1969) defines racial discrimination as “any distinction, exclusion, restriction, or

¹⁴ <https://www.uscirf.gov/sites/default/files/Blasphemy%20Laws%20Report.pdf>

¹⁵ <https://www.uscirf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>

preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”¹⁶ In the era of globalization, the world is more aware than ever before of a steady increase in extremist movements and ideologies, both within and transcending domestic borders.¹⁷ The eradication of racism and racial discrimination has been and remains a significant goal of SOCHUM and the international community at large. To more efficiently address these concerns and make the world free of racism and racial discrimination, the GA Third Committee plays a proactive role in initiating dialogues, implementing existing frameworks, and engaging different actors in the movement.¹⁸



The Convention for the Prevention and Punishment of the Crime of Genocide (1948) was adopted as GA resolution 3/260 on 9 December 1948 as the GA’s first human rights treaty.¹⁹ It provided the first formal definition for genocide and made it a crime under international law. Just one day later, the GA adopted the Universal Declaration of Human Rights (1948), which itemizes fundamental freedoms and human rights to be protected. In 1963 the GA adopted the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, which identifies issues associated with racism and racial discrimination but leaves ambiguities in its definitions of

¹⁶

[http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_2200A\(XXI\)_civil.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_2200A(XXI)_civil.pdf)

¹⁷ <http://www.un.org/WCAR/pressreleases/rd-d22.html>

¹⁸ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/140

¹⁹ <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/044/31/IMG/NR004431.pdf?OpenElement>

racism and racial discrimination.²⁰ In comparison, ICERD makes clear that any document proclaiming one race to be better than another is unjustifiable, and that any discriminatory practices based on race or ethnicity are an obstacle to peace. The 177 States Parties to ICERD have agreed to end racial discrimination and promote a collaborative world in which peoples of all races can live peacefully. In 2001 the GA held the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) produced the Durban Declaration and Programme of Action (Durban III) (2001).²¹ Durban III assigns the primary responsibility of combating racial discrimination to states, a crucial component to today's discussions on racism. The Sustainable Development Goals (SDGs) were adopted by the leaders present at the UN Sustainable Development Summit, a high-level plenary meeting of the GA, on 25 September 2015 in GA resolution 70/1.²² Numerous SDGs are directly related to the eradication of racism and racial discrimination, including: Goal 1, to end poverty; Goal 4, to ensure inclusive and equitable quality education; Goal 8 decent work and economic growth for all; and Goal 10, reduced inequalities.²³ In 2013 the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance stated emphatically that racist attitudes and poverty are linked due to the impact of structural racism on access to education, healthcare, and decent work. There are also regional treaties that aim to prohibit racism and racial discrimination. Article eight of the Inter American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance (2013), created by the Organization of American States, states that any action, regardless of intent, creating discrimination against either individuals or organization based on race, skin color, or origin will not be tolerated.²⁴ The document also created the Inter-American Committee for the Prevention and Elimination of Racism, Racial Discrimination, and All Forms of Discrimination and Intolerance as a platform for the sharing of ideas, experiences, programs, knowledge, and progress, and with the expectation of annual reports from the States Parties to the Convention.

On 17 December 2015, GA resolution 70/140 was adopted to further the comprehensive implementation and follow up to Durban III and to iterate its significance to the agenda of the GA Third Committee.²⁵ Also during the 70th session, the GA adopted "Combating Glorification of Nazism and Other Practices that Contribute to Fueling Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance," which discusses the drastic increase in "racist extremist movements and ideologies," and takes a definitive stance against it while calling upon Member States to educate citizens on the dangers of racism.²⁶ The UN Committee on Economic, Social and Cultural Rights (CESCR), established as an expert committee of the

²⁰ <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/185/79/PDF/NR018579.pdf?OpenElement>

²¹ <http://www.un.org/WCAR/durban.pdf>

²² <https://sustainabledevelopment.un.org/sdgs>

²³ <http://www.socialwatch.org/node/16324>

²⁴ http://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-68_racism.pdf

²⁵ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/140

²⁶ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/139

Economic and Social Council responsible for supervising the implementation of the International Covenant on Economic, Social and Cultural Rights (1966). In grievous cases, CESCR may undertake inquiries, investigations, and consider inter-state complaints. Expert committees such as CESCR play in unique role in comprehensive evaluation and knowledge sharing. The United Nations Development Programme (UNDP) is dedicated to the eradication of poverty as well as the elimination of inequality and exclusion, while simultaneously helping countries to develop policies, partnering abilities, and institutional capabilities. The UNDP, which is active in more than 170 countries, provides substantive support to SOCHUM. In its 2014 Human Development Report, UNDP calls for universal access to social protection, health, and education, recognizing that lack of access to these fundamental freedoms has a negative impact on both individual and societal development.²⁷ Many organizations are also involved in combating racism, including the International Movement Against All Forms of Discrimination and Racism (IMADR), an international non-governmental organization that focuses on the elimination of discrimination and racism and the expansion of international human rights.²⁸ IMADR promotes empowerment, solidarity, and advocacy, specifically through combating discrimination stemming from race and gender. IMADR works to help groups against whom discrimination has occurred to find the strength and resources to actively represent themselves. IMADR also works to encourage networking, collaboration, and communication between victims of discrimination while transcending differences lying between victims from different economic, social, and cultural backgrounds. Through the education of discrimination victims on existing international human rights law, IMADR raises the legal standard domestically and helps domestic citizens become their own advocates while holding governments accountable. Since its inception, IMADR has been granted consultative status with ECOSOC and works to enforce the implementation of ICERD.

Racism and racial discrimination are issues that ultimately lie within the individual citizens of a state. Differences in social, cultural, and religious norms can make solutions difficult.²⁹ Civil society organizations such as IMADR that teach private citizens how to defend themselves under the law can mitigate this, particularly because regulations of international humanitarian law take time to be enacted by each Member State. To actively engage civil society participation in the movement to end racial discrimination, the “Let’s Fight Racism” campaign was launched with a joint effort of the UN Department of Public Information and the Office of the High Commissioner for Human Rights using social media to educate the general public on anti-racism related items with real life stories and providing suggestions for educators to streamline the information in classroom settings. Addressing racism is particularly challenging in conflict zones. Discriminatory policies, indiscriminate attacks, and unstable governance during and after armed conflicts put lives and freedoms in jeopardy. It also increases the possibility of violations of the rights of minority groups due to lack of rule of law. Another major challenge is that the existing action plans and treaties require cohesive, up-to-date, and effectively monitored international and regional follow-up plans. To address these issues, international agencies, expert working groups, civil society organizations, and state governments can continuously renew and strengthen public support and contribution through new and existing partnerships. Additionally, international institutions can

²⁷ <http://www.arabstates.undp.org/content/dam/rbas/report/HDR-2014-English.pdf>

²⁸ <https://imadr.org/>

²⁹ <http://www.socialwatch.org/node/16324>

financially empower regional agencies and CSOs and promote technical cooperation between international agencies and Member States.

Racism and racial discrimination have evolved over time and more work is required for UN policies to do the same. The ideas promoted by the SDGs involve every person's ability to exercise their fundamental freedoms; therefore, implementing the SDGs directly invites action toward the eradication of racism and racial discrimination. While Durban III led to further commitment toward the eradication of racism and racial discrimination, a rise in extremist movements and ideologies is clearly visible. The role of civil society in this endeavor has become continually more apparent. The cooperation of individual persons is paramount to the eradication of racism and racial discrimination and can be encouraged through education and information sharing. With the guidance outlined by the existing international documents and the SDGs, an equal, free, and joyful life for all will be more prominent in the near future from the cohesive collaboration within the international community.

Additional research

- <https://www.un.org/press/en/2018/gashc4245.doc.htm>
- <https://www.un.org/press/en/2017/gashc4221.doc.htm>
- <https://www.un.org/press/en/2016/gashc4182.doc.htm>
- <https://www.un.org/press/en/2016/gashc4173.doc.htm>
- <https://www.cfr.org/background/rohingya-crisis>

Persecution based on sexual orientation and gender-

Despite progress in the universal promotion of human rights, discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTQ) people remains a prevailing issue at an international and national level.³⁰ Stigma and discrimination based on sexual orientation and gender can take many forms, ranging from psychological harassment to physical assault, violence, and killings.³¹ Homophobic and transphobic attitudes are part of a wider pattern of sexual and gender-based violence (SGBV), and 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, practicing "corrective" rape, and the death penalty.

³⁰ <https://www.unfe.org/wp-content/uploads/2017/05/International-Human-Rights-Law.pdf>

³¹ <https://www.unfe.org/wp-content/uploads/2017/05/Homophobic-and-Transphobic-Violence.pdf>

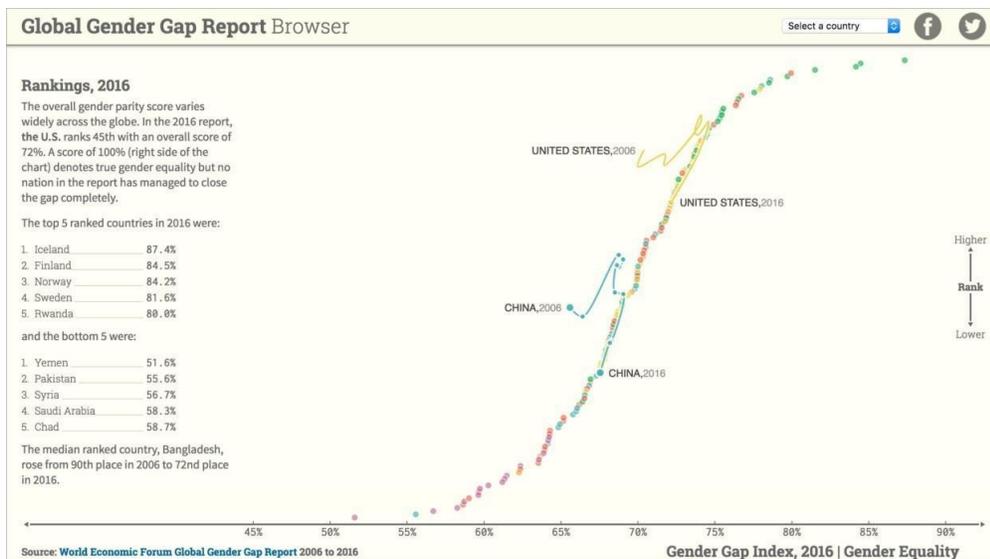
The existing international human rights framework is central to any future discussion focused on sexual orientation and gender identity. The principles of equality, universality, and non-discrimination are the foundation of human rights, enshrined in the 1945 Charter of the United Nations and the 1948 Universal Declaration of Human Rights. Similarly, the 1966 International Covenant on Civil and Political Rights (ICCPR) states that each state should respect the rights of all individuals recognized within the Covenant, “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” This particular quote taken from article 2 of the ICCPR is at the core of *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 sexual orientation and gender, the principles of non-discrimination and equality still apply in any instance of human rights violations based on sexual orientation and gender identity.³² Other essential documents in the international legal framework which highlight non-discrimination include the Convention relating to the status of refugees (1951) and its Protocol (1967), the International Labour Organization Convention on Discrimination in Employment or Occupation (1958), the Convention on the Elimination of All forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), and the Vienna Declaration and Programme of Action (1993). Since the *Toonen v. Australia* case, UN treaty bodies have confirmed repeatedly in decisions or general policy guidance that sexual orientation and gender identity are included under international human rights law as inadmissible causes for discrimination.³³ Another instrumental covenant is the 1994 International Conference on Population and Development (ICPD) Programme of Action, which advocates for the full implementation of reproductive health and reproductive rights, while also recognizing sexual rights as an inalienable part of universal human rights.³⁴ The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity were developed in Indonesia in 2006.³⁵ 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.

32

³³ <https://commonwealth.sas.ac.uk/resources/publications/house-publications/lgbt-rights-commonwealth>

³⁴ https://www.unfpa.org/sites/default/files/pub-pdf/icpd_and_human_rights_20_years.pdf

³⁵ http://data.unaids.org/pub/manual/2007/070517_yogyakarta_principles_en.pdf



A number of ongoing UN processes are in place to prevent discrimination based on sexual orientation and gender identity, advance LGBTQ persons' access to human rights, and promote sexual rights.³⁶ 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 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 LGBTQ community, as well as to encourage Member States to enforce the law and prosecute crimes linked to sexual orientation and gender.³⁷ In an identical move, the General Assembly of the Organization of American States has achieved progress on this front by passing several cornerstone resolutions on human rights, sexual orientation, and gender identity. The most recent initiative, 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 sexual orientation and gender.³⁸ In 2010, the Committee of Ministers of the Council of Europe adopted a recommendation on measures to combat discrimination on grounds of sexual orientation and gender, in which it invite EU Member States to implement national legislation prohibiting hate crimes and protecting the LGBTQ community in the public and private sphere.³⁹ Civil society organizations have an essential role in the international community, 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 UN's agenda and create political

³⁶ <https://www.ohchr.org/en/issues/discrimination/pages/lgbt.aspx>

³⁷ <http://www.achpr.org/sessions/55th/resolutions/275>

³⁸ http://www.oas.org/en/iachr/lgtbi/docs/ag-res_2807_xliiii-o-13.pdf

³⁹ <https://rm.coe.int/168047f2a6>

space at a national level on these issues.⁴⁰ SRI tracks each UN Member State's attitude towards sexual rights and expression, by using the Human Rights Council'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 sexual orientation and gender-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.

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. LGBTQ persons are often perceived as transgressing socially accepted values of gender roles, sexuality, nationalism, and family, which underpins discrimination based on sexual orientation and gender. 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 an 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."⁴¹ Additionally, negative attitudes towards the LGBTQ 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 form of sexual orientation and gender identity defy 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. 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 LGBTQ 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.⁴² Using medical terminology when dealing with issues of sexual orientation and gender complicates the ongoing debate and contributes to the idea that LGBTQ people can be "cured." Persistent stigmatization and marginalization has forced the LGBTQ community to act invisible, and issues of human rights in relation to sexual orientation and gender remain controversial. Seventy-six countries currently implement laws that criminalize people on the grounds of their sexual expression, prohibiting sexual activities between persons of the same-sex.⁴³ The penalty for these so-called crimes varies, ranging from short-term imprisonment sentences to permanent ones, and even to the death penalty in five States.

Discriminatory laws on the grounds of sexual orientation and gender are often accompanied by discriminatory practices, affecting access to employment, education and health

⁴⁰ <http://www.sexualrightsinitiative.com/>

⁴¹ https://www.qx.se/wp-content/uploads/2011/07/LGBTStudy2011_en.pdf

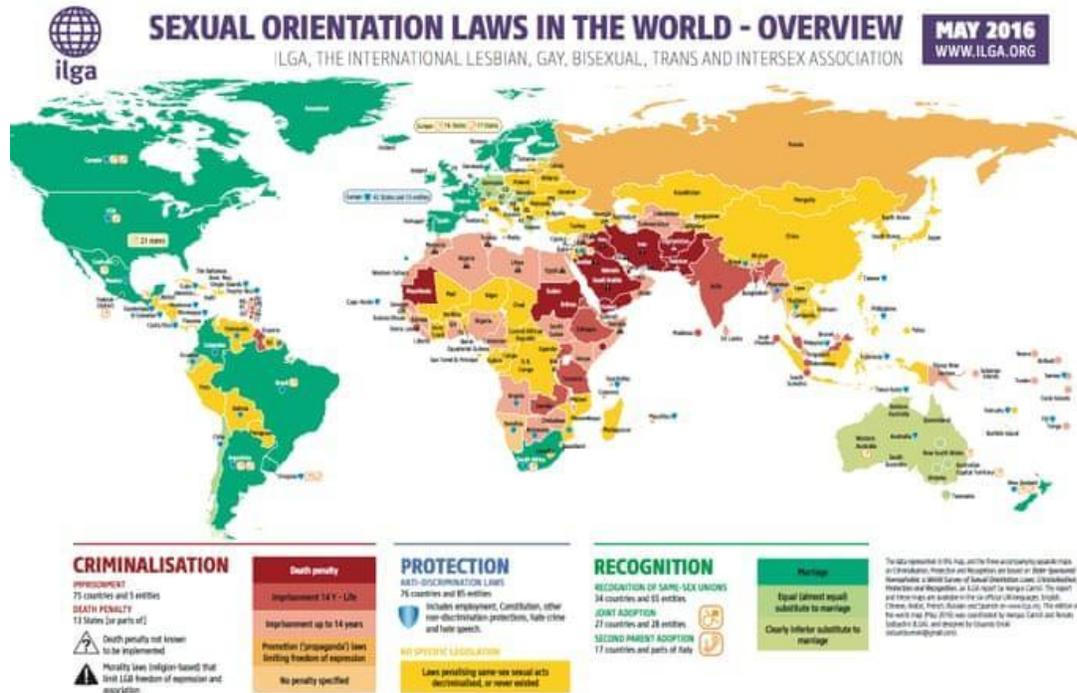
⁴² <https://www.who.int/bulletin/volumes/92/9/14-135541/en/>

⁴³ https://www.ohchr.org/documents/issues/discrimination/a.hrc.19.41_english.pdf

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.⁴⁴ For example, in the absence of laws safeguarding the right to work, employers can hire, fire, or promote people based on their sexual orientation and gender. Similarly, homosexual or transgender employees are more vulnerable to verbal harassment within the workplace, and their access to benefits such as paid family leave or health care insurance is more likely to be denied. Education is another public area in which LGBTQ youth experience stigma and harassment, often in the form of bullying, and at times at the risk of academic expulsion. In many countries, transgender persons are unable to obtain identity documents respecting their chosen gender, rather than the one assigned at birth. Similarly, lack of official recognition of same-sex relationships can cause denial of benefits for homosexual couples, particularly by private businesses such as health care and insurance providers. While discriminatory practices and laws are more widespread, LGBTQ 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. Compared to other hate-motivated crimes, lethal violence towards LGBTQ persons is generally particularly brutal, involving physical mutilation such as stoning, torture, and sexual assault. When violence is not deadly, it remains cause for concern due to the viscous nature of the act, as perpetrators use cruel methods, including “corrective” rape or castration. LGBTQ persons are at risk from the community at large, but the violence can also originate from the private sphere, like relatives, who might feel compelled to carry out “honor” killings in order to save their family’s integrity.⁴⁵ Lesbian and transgender women are at a very high risk of falling prey to acts of violence, due to continuing gender inequalities and power relations. Acts of violence on the grounds of sexual orientation and gender are hard to track and monitor, given that few States have mechanisms in place to record these incidents, and survivors are reluctant to register themselves as LGBTQ.

⁴⁴ <https://www.unfe.org/wp-content/uploads/2017/05/Equality-and-Non-Discrimination.pdf>

⁴⁵ <http://www.pulp.up.ac.za/component/edocman/violence-based-on-perceived-or-real-sexual-orientation-and-gender-identity-in-africa>



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 LGBTQ community.⁴⁶ 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. Emerging responses have shown that countries who include trade unions in combating LGBTQ employment discrimination and train public officials on these matters have managed to bolster more positive and tolerant attitudes within society. Another key recommendation to take into account is the need to respect the right of asylum, so as to protect any individual fleeing persecutions on grounds of sexual orientation and gender. Similarly, countries should be encouraged to provide documentation that reflects each person’s gender identity. While progress is directly articulated at a national level, reports stress that an intergovernmental organization such as the UN should take leadership on this issue, to prevent further violence and prohibit harassment based on homophobia and transphobia. In particular, creating accountability measures and effective monitoring mechanisms focused specifically on sexual orientation and gender identity to record and reduce the widespread pattern of violence is critical. UN leadership would also allow Member States to share best practices more efficiently, encourage standardized legal reform, and safeguard the preexisting legal framework already grounded within UN institutions.

Additional research

- <https://www.un.org/press/en/2018/gashc4243.doc.htm>

⁴⁶ <https://www.ohchr.org/en/issues/discrimination/pages/lgbt.aspx>

- <https://www.un.org/press/en/2016/ga11879.doc.htm>
- <https://www.un.org/press/en/2018/gashc4240.doc.htm>
- <https://www.un.org/press/en/2018/gashc4233.doc.htm>
- <https://www.un.org/press/en/2018/gashc4230.doc.htm>
- <https://www.un.org/press/en/2017/gashc4195.doc.htm>
- <https://www.un.org/press/en/2016/gashc4165.doc.htm>
- <https://www.cfr.org/blog/gender-bias-inside-digital-revolution-digital-human-rights>
- <https://www.cfr.org/blog/treatment-terrorists-how-does-gender-affect-justice>
- <https://www.cfr.org/blog/corruption-and-gender-inequality-age-metoo>
- <https://www.cfr.org/blog/women-week-gender-pay-gap-widens>
- <https://www.cfr.org/blog/indias-migration-gender-gap>
- <https://www.amnesty.org/en/documents/eur50/9436/2018/en/>
- <https://www.amnesty.org/en/documents/mde19/8657/2018/en/>

Guiding Questions

- What role do governments and non-governmental groups each play in perpetuating discrimination and persecution? When and how do governments and non-governmental groups coordinate and facilitate persecution?
- What solutions have been proposed to reduce and eliminate these forms of persecution? Have these solutions been tested and are they successful? What solutions have been unsuccessful? Has your country been involved in these solutions?
- What role do the groups affected by persecution play in formulating solutions to reduce and eliminate persecution? What role do governments, NGOs, and the United Nations play in doing the same? Where do these roles overlap and what conflicts might this create? How can these conflicts overcome?
- In what way is your country willing to work with other countries and NGOs to reduce and eliminate the various forms of persecution? In what way is your country unwilling to do so? Why?