

# Houston Area Model United Nations Standard Committee



## UNICEF

Topic A

Chair | Nhu Nguyen

Houston Area Model United Nations 46  
January 21-22, 2021

# Topic 1: Discrimination against children based on sexual orientation and gender identity

## *Statement of the Problem*

Deeply-embedded homophobic and transphobic attitudes in combination with a lack of legal protections for discrimination based on sexual orientation and gender expose many people of all ages in the LGBTQIA+ community across different regions of the world to egregious violations of their human rights. Children in the LGBTQIA+ community are especially vulnerable to discrimination which ranges from being bullied and harassed to facing violent attacks and isolation by their own parents.<sup>1</sup> Being abandoned by their families and rejected by society, many children in the LGBTQIA+ community tend to experience disproportionate levels of homelessness and food insecurity.<sup>2</sup> This could put these children at grave risk of being kidnapped, raped, or murdered.<sup>3</sup> With the burden being placed on them, they are more likely to carry with them suicide ideations.<sup>4</sup> In many cases, children's right to education could be taken away as they face expulsion from schools on the basis of their sexual orientation or gender identity.<sup>5</sup> Many also drop out of school due to the constant bullying and harassment that they face. In some nations, LGBTQIA+ children are still subjected to gender therapies aimed at modifying their sexual orientation.<sup>6</sup> Such gender therapies are unethical and nonscientific, which could leave deep scars on one's childhood. Intersex children also have irreversible surgery procedures done to them without their free and informed consent.<sup>7</sup> Children, as aligned with UNICEF's mission, "have the right to a happy and healthy childhood, free from discrimination and safe from harm" in spite of their sexual orientation and gender identity.<sup>8</sup> However, the childhood of many children is still marred by their perceived or actual sexual orientation and gender identity.

## *History of the Problem*

Although the second article of the UN Convention on the Rights of the Child "ensures the right not to be discriminated against – in any way which includes the right to not be discriminated against for one's sexual orientation or gender preference," many children that identify with the LGBTQ+ community still face discrimination daily in their homes.<sup>9</sup> The average age for gay children to be aware of their same-sex attraction is 9, while for lesbians it is, at average, the age

<sup>1</sup> <https://www.humanium.org/en/lgbtq-children/>

<sup>2</sup> [https://www.unicef.org/media/files/Joint\\_LGBTI\\_Statement\\_ENG.pdf](https://www.unicef.org/media/files/Joint_LGBTI_Statement_ENG.pdf)

<sup>3</sup> <https://www.unicefusa.org/stories/so-no-child-suffers-because-who-they-are-or-who-they-love/34372>

<sup>4</sup> Ibid.

<sup>5</sup> [https://www.unicef.org/media/files/Joint\\_LGBTI\\_Statement\\_ENG.pdf](https://www.unicef.org/media/files/Joint_LGBTI_Statement_ENG.pdf)

<sup>6</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15941&LangID=E>

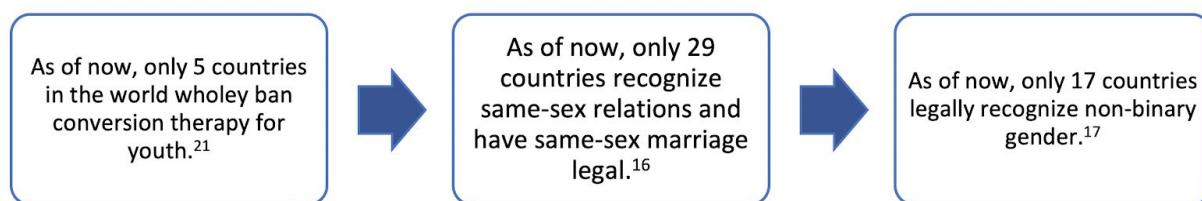
<sup>7</sup> Ibid.

<sup>8</sup> <https://www.unicefusa.org/stories/so-no-child-suffers-because-who-they-are-or-who-they-love/34372>

<sup>9</sup> <https://www.humanium.org/en/lgbtq-children/>

of 11.<sup>10</sup> Although their likelihood to accept who they are is at a much later age, around 16, where they identify with a certain gender or sexual orientation.<sup>11</sup> Throughout history, children of the LGBTQ+ community have been discriminated against and neglected both in their household and society. Same-sex marriage was legalized in the Netherlands for the first time in history in 2001 and has yet to be legalized worldwide<sup>12</sup>. Since many communities regard such things as a sin, children of the LGBTQ+ community or children who identify with a different gender identity, have often been disregarded and humiliated. Modern-day conversion therapy for young people was started in the early 1950s, and is used worldwide today.<sup>13</sup> Parents of children who identify with the LGBTQ+ community or identify with a specific gender they do not agree with, often put these children to undergo this therapy believing it would convert them to be heterosexual again or identify with their biological sex. However, in 2016, “the world’s largest organization of mental health professionals—representing more than 200,000 people in 118 countries—called for an end to the discredited practice of “conversion therapy,” which is linked to serious harms, including depression, substance abuse, and suicide.”<sup>14</sup> The United Nations, since 1994, have advocated for LGBTQ+ rights, and have actively since 2011, advocated for the stop of discrimination against the LGBTQ+ community, and specifically its youth.<sup>15</sup>

## Legal Issues<sup>16</sup>|<sup>17</sup>:



<sup>10</sup> <https://www.ohchr.org/en/issues/discrimination/pages/lgbt.aspx>

<sup>11</sup> <https://www.ohchr.org/en/issues/discrimination/pages/lgbt.aspx>

<sup>12</sup> <https://www.government.nl/topics/family-law/same-sex-marriage>

<sup>13</sup> <https://dsm.psychiatryonline.org/doi/abs/10.1176/appi.books.9780890420331.dsm-i>

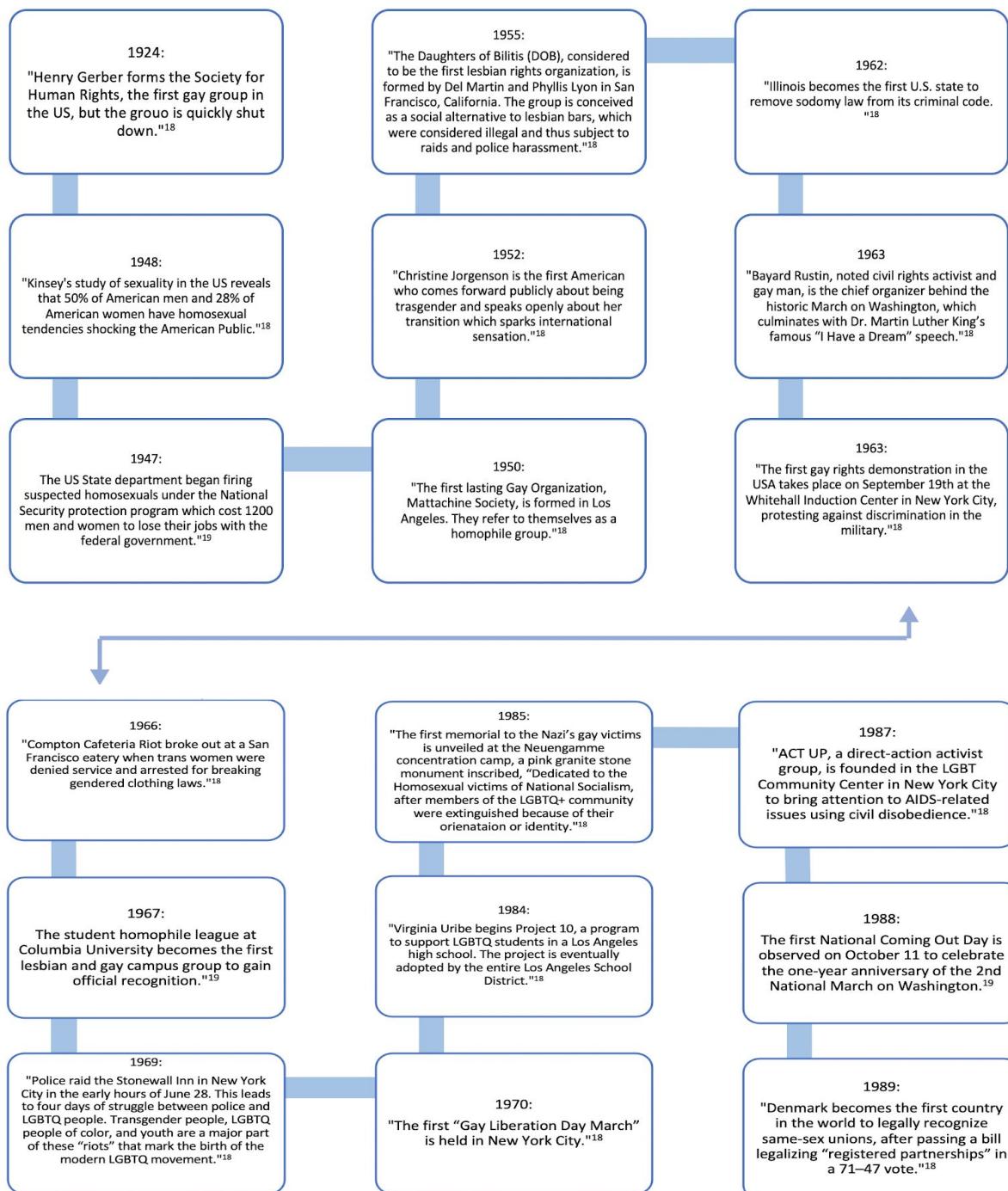
<sup>14</sup> <https://www.nclrights.org/about-us/press-release/worlds-largest-psychiatric-association-condemns-conversion-therapy>

<sup>15</sup> <https://www.apa.org/international/pi/2012/06/un-matters>

<sup>16</sup> <https://www.hrc.org/resources/marriage-equality-around-the-world>

<sup>17</sup> <https://www.nationalgeographic.com/magazine/2017/01/gender-identity-map-where-you-can-change-your-gender-on-legal-documents/>

Here is a brief timeline of the recent history of the LGBTQ+ community and the discrimination and wins they've faced.<sup>18</sup><sup>19</sup><sup>20</sup><sup>21</sup>:

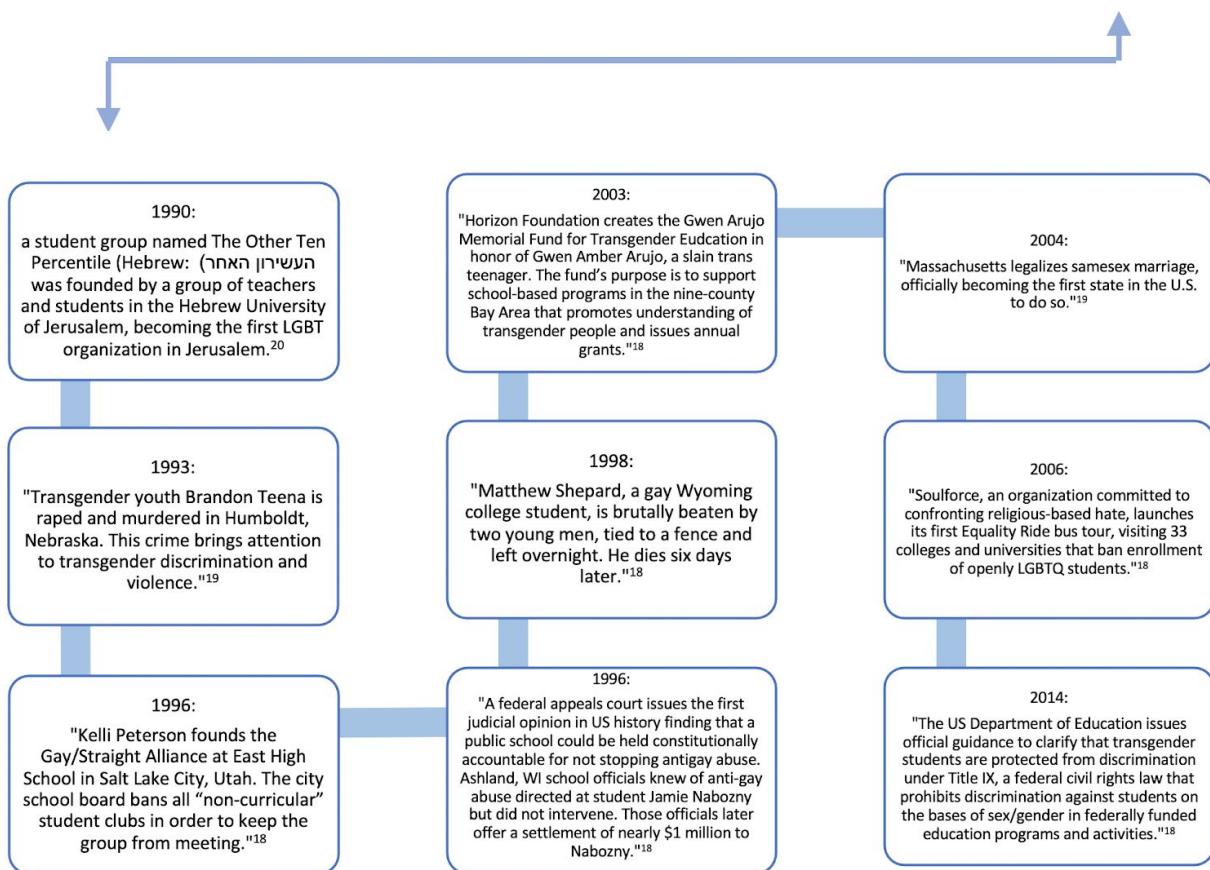


<sup>18</sup> <https://www.glsen.org/lgbtq-history>

<sup>19</sup> <https://www.gsafevi.org/wp-content/uploads/US-LGBT-Timeline-UPDATED.pdf>

<sup>20</sup> [https://www.ohchr.org/Documents/Issues/SexualOrientation/IESOGI/CSOsKZ/LGBTQ\\_Coalition\\_Israel\\_Appendix\\_-\\_the\\_LGBTQ\\_coalition\\_in\\_Israel.pdf](https://www.ohchr.org/Documents/Issues/SexualOrientation/IESOGI/CSOsKZ/LGBTQ_Coalition_Israel_Appendix_-_the_LGBTQ_coalition_in_Israel.pdf)

<sup>21</sup> <https://www.nbcnews.com/feature/nbc-out/germany-5th-country-ban-conversion-therapy-minors-n1203166>



## Current Situation

As of now, a number of countries have started opening up to the LGBTQ+ community, making it much safer for those part of the LGBTQ+ community in those countries. However, around “76 countries currently criminalize same-sex relations and five countries impose the death penalty on people caught engaging in same-sex activities”.<sup>22</sup> An extremely small number of countries support same-sex relations, and those who do may have a legislative ban against marriage. LGBTQ+ youth face systemic discrimination across the world, only limited to 5 countries that have absolute freedom for the LGBTQ+ community. LGBTQ+ children are more likely to be abandoned, sexually assaulted, bullied, harassed, discriminated, than any other child. Countless studies in the United States and the Netherlands show that the “LGBT youth experience higher levels of depression, anxiety and substance abuse than their heterosexual peers” and in the US alone, an estimated 40% of homeless children identify with the LGBTQ+ community.<sup>23</sup> These children often end up homeless due to how their family and society neglect them to the point where they become economically dependent and they face depression at a

<sup>22</sup> <https://advocatesforyouth.org/resources/fact-sheets/lesbian-gay-bisexual-and-transgender-lgbt-youth-in-the-global-south/>

<sup>23</sup> <https://www.hrw.org/news/2019/12/10/lgbtq-youth-human-rights-day-has-special-meaning>

more disproportionate rate because of stigma from society.<sup>24</sup> Many countries justify anti-LGBT laws as a way of protecting children by banning LGBTQIA+ education in schools as a means to ban the promotion of homosexuality. Due to higher numbers of bullying and children's exposure to this discrimination decrease their chance of academic success, which "leads to higher truancy and dropout rate" which therefore also reduces their life expectancy and are more at risk as adults.<sup>25</sup> Although many countries implement anti-discriminatory laws, many of these laws are not implemented properly and are not translated into practice. As LGBTQ+ children are continuously marginalized in school, the restriction of LGBTQ+-related material from being taught in school "[delegitimizes reproductive health and LGBT rights]."<sup>26</sup> The UN has made it clear that these "discriminatory laws go against international human rights standards and should be repealed" as it results in more violence with these children.<sup>27</sup> Conversion Therapy has been now known not to work and has been delegitimized by a number of psychologists and the UN. However, numerous countries continue to allow the practice where young children of the LGBTQIA+ community are forced to go to these therapies that "modify their orientation or identity".<sup>28</sup> These therapies are ineffective and tortuous, only leading to "long-term physical and psychological suffering".<sup>29</sup>

As of specifically right now, due to the COVID-19 Pandemic, the LGBTQ+ youth has been disproportionately affected. For example, in Uganda, as a way to force 19 LGBTQ+ homeless people to not live in a shelter, police arrested them and forced them to spend 2 months in prison as a violation of COVID-19 curfew.<sup>30</sup> Some other examples include: "In Hungary, Viktor Orbán has used the pandemic to rule by decree, and has introduced legislation that would ban legal gender recognition for transgender people. In Panama, where women and men have been required to remain quarantined on alternate days, some transgender people have faced abuse from security officials, no matter which day they ventured out. In the Philippines, LGBTQ+ people experienced humiliating punishments by village officials enforcing a curfew. And religious leaders have fueled rumors that Covid-19 is divine retribution for immoral behavior – that leads to LGBTQ+ people being scapegoated, for example in Ukraine and Senegal."<sup>31</sup> Access to good healthcare for the LGBTQ+ community is difficult and is a bigger struggle for transgender people in much of the world now. They are not receiving the support they need during the pandemic and are lacking in medical help right now. As of now, the LGBTQ+ youth is facing an increase in negative social interactions, more economic strain, housing instability, and an increase in their anxiety and depression.<sup>32</sup> Many children are forced to stay in an unstable home in hostile family environments and live unemployed with these unsupportive family members. The United Nations has made it clear that they recognize that the LGBTQIA+ is one

<sup>24</sup> <https://www.hrw.org/news/2019/12/10/lgbtq-youth-human-rights-day-has-special-meaning>

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15941&LangID=E>

<sup>28</sup> Ibid

<sup>29</sup> Ibid

<sup>30</sup> <https://www.hrw.org/news/2020/05/18/global-report-card-lgbtq-rights-idahobit>

<sup>31</sup> Ibid

<sup>32</sup> <https://www.thetrevorproject.org/2020/04/03/implications-of-covid-19-for-lgbtq-youth-mental-health-and-suicide-prevention/>

of the most marginalized groups in society, and during this pandemic, they are making efforts to help them.<sup>33</sup>

### International Legal Framework/Timeline:

#### LGBTQIA+ Rights at the United Nations<sup>34</sup>:

- 2008: 66 countries affirmed their support for LGBTQIA+ rights at the UNGA
- 2011: UNHRC report documents discrimination faced by the LGBTQIA+ community
- 2015: An updated report concerning violence against LGBTQIA+ individuals, including youth and conversion therapy comes out.
- 2015: A group of 12 UN agencies (ILO, OHCHR, UNAIDS Secretariat, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN Women, WFP, and WHO) "released a statement declaring their intention to end violence and discrimination against the LGBT community. The statement, *Ending Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender, and Intersex People*, frames discrimination against LGBTI individuals as a violation of international human rights law and an impediment to achieving the Sustainable Development Goals."<sup>35</sup> Here, they also prohibited any sort of discrimination against children "including in education, employment, healthcare, housing, social protection, criminal justice, and in asylum and detention settings".<sup>36</sup>

As for independent nations, many nations have different laws including anti-discriminatory or discriminatory laws and legislation that legalized same-sex relations. However, as UN laws state, nations are required to protect LGBTQIA+ people from any kind of discrimination.

### Possible Bloc Positions

Increasing acceptance of LGBTQ+ people throughout the world in the last two decades.

(<https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/>)

#### European Bloc:

- Netherlands, Sweden, Germany: legalized same-sex marriage and have taken steps to limit discrimination

**Nigeria, Uganda, Ukraine, Saudi Arabia:** countries should understand that they have the harshest stance against the LGBTQ+.

#### South America/North American Bloc:

- Brazil, United States, Argentina: legalized same-sex marriage in the Americas

#### Middle Eastern:

- Israel, Turkey, Lebanon: same-sex marriage not legalized, but taking first steps compared to other countries in the middle east.

---

<sup>33</sup> <https://www.un.org/en/coronavirus/un-supports-lgbti-community-during-covid-19-pandemic>

<sup>34</sup> <https://lgbtq.hkspublications.org/2019/05/22/lgbt-rights-on-the-international-stage-an-analysis-of-diplomatic-practice/>

<sup>35</sup> Ibid

<sup>36</sup> Ibid

## *Questions to Consider*

- What steps can governments take to make LGBTQ+ children feel safe in their households?
- What does a country have to do to make sure these same children feel safe in their schools?
- What discrimination laws should be put up throughout the world that would also be put in practice?
- What further steps should the UN take to ensure that the young LGBTQIA+ receives the proper healthcare, especially during the current pandemic?
- What are the repercussions when countries chose to ignore UN guidelines and laws regarding children of the LGBTQ+ community?
- Has the legalization of same-sex marriages mitigated the stigma around the LGBTQ community?

## *Key Terms/Abbreviations*

- **SOGI:** Sexual Orientation and Gender Identity
- **IE-SOGI:** Independent Expert on Sexual Orientation and Gender Identity

## *Useful Resources*

- ❑ All of the resolutions passed in terms of sexual orientation and gender identity:  
<https://www.ohchr.org/en/issues/discrimination/pages/lgbtunresolutions.aspx>
- ❑ Covid-19 impact on LGBTQ+ youth:  
<https://www.un.org/en/coronavirus/un-supports-lgbti-community-during-covid-19-pandemic>
- ❑ Conversion Therapy: <https://news.un.org/en/story/2020/06/1066652>
- ❑ Discrimination faced by LGBTQIA+:  
[&](https://www.hrw.org/news/2019/12/10/lgbtq-youth-human-rights-day-has-special-meaning)  
<https://advocatesforyouth.org/resources/fact-sheets/lesbian-gay-bisexual-and-transgender-lgbt-youth-in-the-global-south/>
- ❑ UNICEF statement: [https://www.unicef.org/media/files/Joint\\_LGBTI\\_Statement\\_ENG.pdf](https://www.unicef.org/media/files/Joint_LGBTI_Statement_ENG.pdf)
- ❑ Laws/Recommendations from UN:  
<http://arc-international.net/wp-content/uploads/2016/11/SOGI-report-October-2016-1.pdf>