

**Forum:** Human Rights Council

**Student Officers:** MinSeo Kang, Nguyen Khoa Duc, Beomjoon Park

**Be sure to consult the [UNIS MUN LibGuide](#) for additional resources.**

## TOPIC 1: The question of legal protections for transgender populations

### I. Introduction to the Topic

The United Nations Human Rights Council is a United Nations body whose mission is to promote and protect human rights around the globe and to address situations of human rights violations and make recommendations on them.

To introduce this topic, a transgender person is someone whose gender identity is inconsistent or not culturally associated with the sex and the gender role that is associated in their birth. They may have, or may intend to establish, a new gender status that accords with their gender identity. Therefore the legal protections for transgender populations is a significant matter since transgender populations face discrimination and threats to their human rights on a daily basis. International Study shows that, though transgender identity is generally found in less than only 1% of the worldwide population, there was a significant increase in transgender population among younger generations, and there are 1 in 30,000 men and 1 in 100,000 women seeking treatment for Gender Dysphoria each constant year. Many of those transgender people face discrimination in the workplace, in accessing public accommodations, and healthcare. Prejudice and misconception about transgender people have been further worsening the disrespectful and intolerant discrimination and violence against transgender people regarding housing, employment, public accommodations, education, and health care.

Nowadays, transgender people in thirteen countries live under specific laws that criminalise them, punishing them with prison, corporal punishment and, where anti-gay laws are also used against trans people, even death.

However, a new report has also found de facto criminalisation of trans people under laws in 37 countries. The latest *Trans Legal Mapping Report*, released by IGLA World today, there are 13 countries who specifically criminalise transgender people, mostly using “cross-dressing” laws, which are Brunei, the Gambia, Indonesia, Jordan, Kuwait, Lebanon, Malawi, Malaysia, Nigeria, Oman, South Sudan, Tonga, and the United Arab Emirates. Iran’s Islamic Penal Code also has severe punishments for bending gender norms in your expression. The report also finds only 96 countries having processes to allow trans people to change their gender legally. But crucially, only 25 are described as not having “prohibitive requirements.” That means it’s not possible to legally change your gender in at least 47 UN member states. However even in the countries where transgender rights are legalized, transgender populations tend to receive disrespectful and intolerant violations against them.

### II. Definition of Key Terms & Concepts

## Definition of Key Terms

**LGBTQIA+:** Lesbian, gay, bisexual, transgender, queer, intersex, asexual, and more.

**Gender Binary:** The idea that there are only two genders, male and female, and everyone must fall into one classification or the other.

**Direct Violence:** represents behaviors that serve to threaten life itself and/or to diminish one's capacity to meet basic human needs. Examples include killing, maiming, bullying, sexual assault, and emotional manipulation.

**Structural Violence:** represents the systematic ways in which some groups are hindered from equal access to opportunities, goods, and services that enable the fulfillment of basic human needs. These can be formal as in legal structures that enforce marginalization (such as apartheid in South Africa) or they could be culturally functional but without legal mandate (such as limited access to education or health care for marginalized groups).

**Cultural Violence:** represents the existence of prevailing or prominent social norms that make direct and structural violence seem "natural" or "right" or at least acceptable. For example, the belief that Africans are primitive and intellectually inferior to Caucasians gave sanction to the African slave trade. Galtung's understanding of cultural violence helps explain how prominent beliefs can become so embedded in a given culture that they function as absolute and inevitable and are reproduced uncritically across generations.

**Transgender:** (sometimes shortened to "trans"), Describes the full range of people who identify with a different gender than the sex assigned to them at birth. A trans person may or may not identify on the (traditional male or female) gender binary. They may or may not use hormones or undergo surgery to achieve a new gender identity.

**Agender:** Adjective that describes someone who identifies as having no gender or who does not experience gender as a primary component of their identity.

**Gender Affirmation:** The process of making changes to recognize, accept, and express one's gender identity. This might include any combination of social, legal, and/or medical changes that might range from changing one's way of dressing and hairstyle, to having gender-affirming surgery, to changing one's name and sex designation on legal documents.

**SOCIESC:** An acronym for sexual orientation, gender identity, gender expression and sex characteristics.

### III. Key Stakeholders

**European Union Agency for Fundamental Rights of LGBTQ+ community (EUAFR):** In many European Member States, transgender people as well as people in LGBTQ+ community are legally protected from discrimination under EU law on the ground of sex to the extent that discrimination arises from gender reassignment, however facing discriminations and threats to their human rights in a daily basis. This non-governmental agency has carried out research including illegal and empirical FRA research has revealed how LGBTI people face discrimination across all areas of life, and how they are vulnerable to verbal and physical attacks, choosing to remain largely invisible out of fear of negative consequences.

**Office of the High Commissioner for Human Rights (OHCHR):** Launched in 2013, OHCHR promotes the UN Free & Equal campaign is an unprecedented global public information campaign aimed at promoting equal rights and fair treatment of LGBTI people. Their goal is to raise awareness about the human rights challenges LGBTI people face around the world. It aims to inspire people to take action through factsheets, infographics, videos and other multimedia content, spread through social and traditional media.

**The General Assembly of the Organization of American States:** The General Assembly of the Organization of American States (OAS) has unanimously adopted a resolution condemning human rights violations based on sexual orientation and gender identity, taking a crucial step to end the silence around violence against lesbian, gay, bisexual, and transgender (LGBT) people in the Americas, Human Rights Watch said today.

**United Nations Free & Equal:** United Nations Free & Equal is a global public information campaign formed in May of 2017, led by the United Nations Human Rights Office. The campaign advances equal rights and fair treatment for lesbian, gay, bi, trans, and intersex (LGBTI) individuals around the world, and is actualized in association with UN offices, common society associations and, in certain countries, national and civil specialists.

### IV. Key Issues including Background Information

**Legalization of Transgender:** It was found that de facto criminalisation of trans people is under the laws in 37 countries. There are 13 countries who specifically criminalise transgender people, mostly using “cross-dressing” laws, which are Brunei, the Gambia, Indonesia, Jordan, Kuwait, Lebanon, Malawi, Malaysia, Nigeria, Oman, South Sudan, Tonga, and the United Arab Emirates. The report also finds only 96 countries having processes to allow trans people to change their gender legally. But crucially, only 25 are described as not having “prohibitive requirements.”, meaning it’s not possible to legally change your gender in at least 47 UN member states.

**Transgender Hate crimes in the UK:** In 2020/2021, 2630 hate crimes against transgender people were recorded by the police, which is an increase of 16% from the previous year. 88% of transgender people do not report the hate crimes committed on them, and 48% of those who reported the crime are unsatisfied with the police’s response.

**African countries that stand on Trans legalization:** Angola has done away with criminalizing homosexuality, removing a notorious "vices against nature" provision in its penal code. Other African nations still punish people for same-sex relationships. "Politicians probably noticed it was time to change the penal code and update it to reflect our times, regarding the trans issue."

## V. Timeline of Resolutions, Treaties, and Events

### Timeline of Resolutions, Treaties, and Events

Date	Description of event
1972	The European nation especially Sweden becomes first in the world to allow citizens to legally change their sex
1998	Rista Hetter is violently murdered for the reason of being a trans, which later becomes the first International Transgender Day of Remembrance.
2002	Transgender Law Centre founded, and began its work to change the policy, law, and attitudes so that all people live with freedom from discriminations regardless of their gender identities
2002	The Sylvia Rivera Law Project was founded. Dean Spade, an american lawyer and trans activist, founds the following project which today provides legal services, public educations, and works towards trans-inclusive policy change through community organizing

2003	The National Center for Transgender Equality was founded. (NCTE) is a group established to advance the equality of transgender population through advocacy, empowerment, and collaboration
2016	A resolution was adopted by the United Nations Human Rights Council on June 30, 2016, to extend protection against violation of gender identity and sexual orientation, and for the laws and treaties to serve its intended purpose
2014~2018	The references of specific treaties to trans people have more than doubled (from 48 in 2014 to 104 in 2018), and the stand-alone references to legal matters of trans people have more than tripled (from 7 in 2014 to 24 in 2018).

## VI. Possible Challenges & Solutions

**Many countries remain against actions towards freedom of trans:** So long as 70 UN Member States still remain criminalising consensual same-sex sexual and social acts, it is difficult for the United Nations to add / amend the existing treaties.

**Continued from the previous key issue...:** And because of many countries objecting the laws and treaties protecting transgender population, none of the nine core international human rights treaties explicitly mention sexual orientation, gender identity and expression, or sex characteristics (SOGIESC) or the rights of gay, lesbian, bisexual, transgender and intersex (LGBTI) people.

**Reference to specific terms targeting LGBTQ+, in their document:** The problem was and is being solved by re-bringing and amending their documents by mentioning the specific SOGIESC or LGBTI, as well as transgender-specific terminologies. Over the last five years, the number of references to SOGIESC/LGBTI by all treaty bodies in their concluding observations (recommendations they make to States considering State reports) has increased two and a half times from 54 references in 2014, to 138 in 2018. In 2016–2018, such references were included in half of the concluding observations, and the UN Human Rights Committee considered LGBTI issues in its reviews of every State in 2017 and 2018. The references specific to trans people have more than doubled (from 48 in 2014 to 104 in 2018), and the stand-alone references to specific problems of trans people (legal gender recognition or access to hormone therapy) have more than tripled (from 7 in 2014 to 24 in 2018), and are continuously being increased.

**Voices of LGBTQ+ activists:** Over the years, significant changes and movement were made possible because of the passion and energy of LGBTQ+ activists, and social relations and legislative and political practices are changing at the local and regional level.

**Increase scrutinization of states' treatment of LGBTQ+ population:** Most of the treaties regarding legal matters of transgender rights, were adopted long ago when the LGBTQ+ human rights discourse was yet to be developed. The UN treaty bodies are increasingly scrutinising States' treatment of LGBTI persons, and this is known to have a positive local impact.

For instance, Russian trans activists submitted their report to the Committee on Economic, Social and Cultural Rights and participated in its session in Geneva in 2017. And as a result, the Committee successfully issued its [first recommendation](#) to Russia on the need for legal gender recognition for trans people. This recommendation resulted in certain shifts in Russia: a political party included the matter in its agenda, and, more importantly, the Russian Health Ministry adopted a new protocol for legal gender recognition that allowed trans individuals to change identity documents without having to undergo gender reassignment surgery.

## **VII. Recommendations for Resolution Writing including Research**

In the resolution writing, please take full advantage of this chair report, the libguide sources provided by United Nations International School of Hanoi Library, as they provide multiple different treaties and organisations in different local and global context and perspectives, This will build onto and strengthen delegates' quality of argument in the debate. Since this is a very controversial topic that should be approached carefully, it is important to first identify if your country is supporting or going against the legalization of transgender surgery and basic rights in the society at the moment. Delegates' perspective should be free from any bias or personal opinions regarding the issue.

As a delegate, it is also very crucial to thoroughly research not only their chosen topic but also all topics that will be discussed, so that they know their country's stances on the certain treaty/policy of the issue's matter. This is helpful as delegates are allowed to co-submit multiple different resolutions, however, delegates can choose to write their resolution on only 1 topic.

## **VIII. Bibliography**

### Works Cited

CNN, Priya Krishnakumar. "This Record-Breaking Year for Anti-Transgender Legislation Would Affect

Minors the Most.” *CNN*, 15 Apr. 2021,

[edition.cnn.com/2021/04/15/politics/anti-transgender-legislation-2021/index.html](https://edition.cnn.com/2021/04/15/politics/anti-transgender-legislation-2021/index.html). Accessed 15 Dec. 2022.

Faskianos, Irina. “Global LGBTQ+ Rights.” *Council on Foreign Relations*, 2 Feb. 2022,

[www.cfr.org/event/global-lgbtq-rights](https://www.cfr.org/event/global-lgbtq-rights). Accessed 15 Dec. 2022.

Harvard Divinity School. “Peace and Violence.” *Rpl.hds.harvard.edu*, Aug. 1990,

[rpl.hds.harvard.edu/what-we-do/our-approach/peace-violence](https://rpl.hds.harvard.edu/what-we-do/our-approach/peace-violence). Accessed 17 Jan. 2023.

HRC Foundation. “Fatal Violence against the Transgender and Gender Non-Conforming Community in 2022.” *Human Rights Campaign*, 2022,

[www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-non-conforming-community-in-2022](https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-non-conforming-community-in-2022). Accessed 15 Dec. 2022.

“LGBTI.” *European Union Agency for Fundamental Rights*, 11 Aug. 2012, [fra.europa.eu/en/theme/lgbti](https://fra.europa.eu/en/theme/lgbti).

Accessed 15 Dec. 2022.

“LGBTI Rights.” *Amnesty International*, [www.amnesty.org/en/what-we-do/discrimination/lgbti-rights/](https://www.amnesty.org/en/what-we-do/discrimination/lgbti-rights/).

Accessed 15 Dec. 2022.

“OAS Adopts Resolution to Protect Sexual Rights.” *Human Rights Watch*, 5 June 2008,

[www.hrw.org/news/2008/06/05/oas-adopts-resolution-protect-sexual-rights](https://www.hrw.org/news/2008/06/05/oas-adopts-resolution-protect-sexual-rights). Accessed 15 Dec. 2022.

“OHCHR | OHCHR and the Human Rights of LGBTI People.” *OHCHR*, 8 Oct. 2022,

[www.ohchr.org/en/sexual-orientation-and-gender-identity](https://www.ohchr.org/en/sexual-orientation-and-gender-identity). Accessed 15 Dec. 2022.

“Transgender Issues – Funders for LGBT Issues.” *Lgbtfunders.org*, 2019,

[lgbtfunders.org/resources/issues/transgender-issues/](https://lgbtfunders.org/resources/issues/transgender-issues/). Accessed 15 Dec. 2022.

VAWnet. “Violence against Trans and Non-Binary People.” *VAWnet.org*, National Resource Center on Domestic Violence, 2019,

[vawnet.org/sc/serving-trans-and-non-binary-survivors-domestic-and-sexual-violence/violence-aga](https://vawnet.org/sc/serving-trans-and-non-binary-survivors-domestic-and-sexual-violence/violence-aga)

inst-trans-and. Accessed 15 Dec. 2022.

Wikipedia. "Legal Status of Transgender People." *Wikipedia*, 7 Oct. 2021,

en.wikipedia.org/wiki/Legal\_status\_of\_transgender\_people. Accessed 15 Dec. 2022.

## IX: Additional Resources

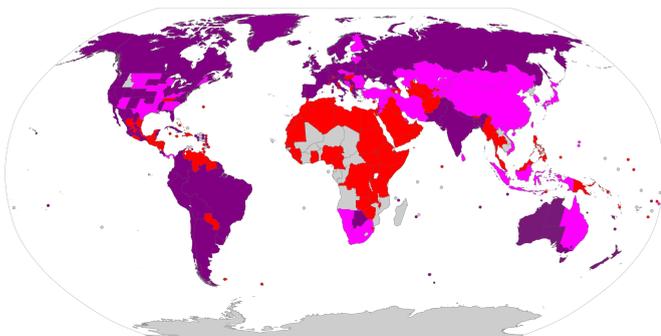
[United Nations Main Treaties and Bodies Regarding LGBTQ+ Rights especially Transgender rights](#)

image #1



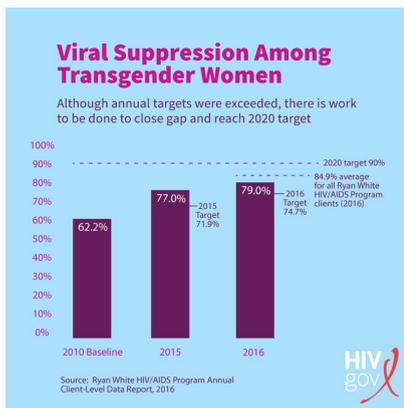
Annotation: An image indicating the severity of Transgender legal states and violation in the US

image #2



Annotation: An image from Trans Legal Mapping Report, indicating where Trans legal policies have officially been approved

image #3



Annotation: Statistic indicating the viral suppression among transgender people especially women

image #4



Annotation: this is a talk show hosted by China's famous transgender TV star

[Countries that allow transgender people easy status change - France 24](#)

[United Nations Free & Equal - Transgender](#)