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Office of High Commissioner for Human Rights  
(OHCHR)

# Research Report

Topic 1: Stressing that discrimination against LGBTQI+ communities and individuals is in violation of the Declaration of Human Rights.



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## Introduction

The LGBTQI+ community has musically been a greatly marginalised group, laws surrounding the community vary greatly from country to country. Some nations impose the death penalty of same sex relations while others actively educate youth and provide resources to LGBTQI+ individuals. Additionally, it's important to understand that the country's position on this issue is not stagnant but rather changes greatly with the current regimes.

As of 2011 the UN has actively recognised the violence and discrimination based on Sexual orientation and Gender identity.<sup>1</sup> There have been various resolutions passed since then that address sub-communities within the LGBTQI+ community as well as the overall community.

However, discrimination against this community continues to be an issue that plagues the international communities, and more measures need to be taken to further address it.

In order to address the issue of discrimination against the LGBTQI+ communities first it must be recognised as a violation of the Declaration of Human Rights once more, further committing the UN to the ending of this discrimination. Additionally requires the combatting of discrimination both at a legal level and on a societal level.

## Definition of Key Terms

**Universal Declaration of Human Rights (UDHR):** It was a milestone document in the history of human rights. It was passed as a result of the horrors experienced in World War Two in 1948<sup>2</sup>. While it is not specifically targeted at the LGBTQI+ community it provided the foundational legal and moral basis of non-discrimination. Article 1 states that “all human beings are born free and equal in dignity and rights”<sup>3</sup>, while Article 7 says “all are equal before the law and entitled to protection without discrimination.”<sup>4</sup> Discrimination based on sexual orientation or gender identity can be understood as violating these principles because the UDHR protects human rights without distinction of any kind.

**Gender affirming care:** A supportive form of healthcare. It consists of an array of services that may include medical, surgical, mental health, and non-medical services for transgender and nonbinary people.<sup>5</sup>

**SOGI (Sexual Orientation and Gender Identity):** SOGI stands for Sexual Orientation and Gender Identity. It is an abbreviation used by the United Nations in resolutions like HRC 17/19, it is also used to abbreviate the independent Expert on sexual orientation and gender identity, as the IE SOGI<sup>6</sup>

<sup>1</sup> UN, “UN Issues First Report on Human Rights of Gay and Lesbian People,” UN News, December 15, 2011

<sup>2</sup> United Nations, “History of the Declaration,” United Nations (United Nations, 2024),

<sup>3</sup> United Nations, “Universal Declaration of Human Rights,” United Nations, December 10, 1948

<sup>4</sup> United Nations, “Universal Declaration of Human Rights,” United Nations, December 10, 1948

<sup>5</sup> UCSanDiego, “What Is Gender Affirming Care?,” Ucsd.edu, 2025

<sup>6</sup> OHCHR, “OHCHR | Independent Expert on Sexual Orientation and Gender Identity,” OHCHR, n.d.

## Background Information

Around 65 countries still have jurisdictions that criminalise, private, consensual, same-sex sexual activity. The majority of these jurisdictions explicitly criminalise sex between men via ‘sodomy’, ‘buggery’ and ‘unnatural offences’ laws. Almost half of them are Commonwealth jurisdictions. While 41 countries have laws against ‘lesbianism’, ‘sexual relations with a person of the same sex’ and ‘gross indecency’. Even jurisdictions that do not explicitly criminalise lesbians have been subjected to arrest or threat of arrest. Of these countries 12 have jurisdictions in which the death penalty is imposed or at least a possibility for same-sex sexual activity. Of these 12 at least 6 implement it, those 6 are: Iran, Northern Nigeria, Saudi Arabia, Somalia and Yemen, the remaining 6 where the death penalty is a legal possibility are as follows: Afghanistan, Brunei, Mauritania, Pakistan, Qatar, UAE and Uganda.<sup>7</sup>

Furthermore 13 countries criminalise the gender identity of transgender people, using ‘cross-dressing’, ‘impersonation’ and ‘disguise’ laws. In many other countries transgender people are targeted by various laws that criminalise same-sex activity and vagrancy, hooliganism and public order offences. Additionally in many countries it’s difficult for transgender people to access gender affirming care and to go through legal process to change their name and gender. Around 57 countries allow for legal gender change, but 25 of those require the individual to undergo surgery beforehand.<sup>8</sup>

Discrimination against LGBTQI+ communities and individuals occurs in many different spheres of life, while overarching legality and laws are a large issue as it is an institutionalised representation with ripple effects across the society, it is also important to look at more specific areas. For example, in the UK, in health-care one in eight LGBTQI+ people have experienced some form of unequal treatment from healthcare staff because they’re LGBTQI+, 70% of trans people report being impacted by transphobia when accessing general health services, furthermore 90% of trans people reported experiencing delays when seeking transition-related healthcare. An additional impact of this is that one in seven LGBTQI+ people have avoided treatment for fear of discrimination because they’re LGBTQI+.<sup>9</sup> Furthermore a survey done by the EU in 2019 showed that 43% of gay, lesbian, bi, or trans individuals said they felt discriminated against<sup>10</sup>.

Another area of interest is education. Around 42% of LGBTQI+ students in the UK experienced bullying in the 2024, which is twice the rate of non-LGBTQI+ pupils, and half report frequently hearing homophobic slurs at school. Many schools still lack inclusivity: 40% of LGBTQI+ pupils are never taught about LGBTQI+ issues, while only one in five learn about safe sex in relation to same-sex relationships. Although seven in ten LGBTQI+ pupils say their schools condemn homophobic and biphobic bullying, only two in five report the same for transphobic bullying, showing the severe lack of progress on the treatment of trans individuals in school. Importantly, schools that do promote positive LGBTQI+ messaging see reduced suicidal thoughts among pupils, regardless of sexual orientation. Teachers also widely recognise the issue, which can be seen by the fact that 86% of secondary and 45% of primary teachers report homophobic bullying, yet over 90% of teachers who addressed LGBTQI topics received no parental complaints,

<sup>7</sup> Human Dignity Trust, “Map of Countries That Criminalise LGBT People,” Human Dignity Trust (Human Dignity Trust, 2023)

<sup>8</sup> Equaldex, “Right to Change Legal Gender by Country,” Equaldex, n.d.

<sup>9</sup> Stonewall, “LGBTQ+ Facts and Figures,” Stonewall, 2024

<sup>10</sup> European Union, “On the Implementation PROGRESS REPORT of the LGBTIQ Equality Strategy 2020-2025,” n.d.

indicating strong support for inclusive education.<sup>11</sup>

As stated earlier there are nations that still criminalise members of the LGBTQI+ communities, however even in “more progressive” nations (they) still have issues, and discrimination against LGBTQI+ individuals. This both refers to institutionalised discrimination and prevailing beliefs and prejudices held by individuals. The effects of the prejudice held by individuals can be seen in the statistics surrounding hate crimes against the members of the LGBTQI+. For example, 64% of LGBTQI+ people experience abuse, mainly verbal (92%), but also physical (29%) and sexual (17%) violence. Only one in eight incidents are reported to police, with low satisfaction among those who do report, and just one in three people able to access needed support.<sup>12</sup> That is to say in order to address the discrimination against LGBTQI+ communities and individuals, there must be attempts to address it on a legal and institutional level and to address personal prejudice held against them. The question of how to address the prejudice held by individuals and sub-communities in countries is arguably the most difficult part as it is not as simple as passing laws, but requires long-term programs that work with the people.

## Major Countries and Organisations Involved

**Human Rights Council (HRC):** The Human Rights Council is an intergovernmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe.<sup>13</sup> It is a key body in upholding the rights and protections of the LGBTQI+ community, the 2011 resolution was the first to formally recognise violence and discrimination based on SOGI. It expressed the UNs grave concern about global violence and discrimination. Additionally, it has repeatedly requested reports from the Office of the High Commissioner for Human Rights (OHCHR) like the Report on Discriminatory Laws & Violence (2012). As well as establishing the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. These actions have increased international awareness, accountability, and dialogue among Member States.

**Independent Expert on Sexual Orientation and Gender Identity (IESOGL):** Is a crucial mechanism established by the UN Human Rights Council to address violence and discrimination against LGBTQI+ individuals worldwide. It was established by Human Rights Council resolutions A/HRC/RES/32/2 (adopted 30 June 2016), and its mandate was detailed, evaluating how international human rights standards are implemented to combat violence and discrimination based specifically on SOGI. It is also meant to identify best practices and existing gaps. It aims to raise awareness, address the root causes of discrimination, and engage in dialogue with States and a wide range of stakeholders. The mandate also works in cooperation with governments to strengthen protective measures, pays special attention to intersecting and aggravated forms of discrimination, and provides advisory services, technical assistance, capacity-building, and international cooperation to support national efforts to protect LGBTQI+ individuals.

<sup>11</sup> Stonewall, “LGBTQ+ Facts and Figures,” Stonewall, 2024

<sup>12</sup> Stonewall, “LGBTQ+ Facts and Figures,” Stonewall, 2024

<sup>13</sup> United Nations Human Rights Council, “HRC Home,” OHCHR, 2024

Additionally, it reports back to UN groups mainly the HRC to allow for UN resolutions to be crafted based on relevant information.<sup>14</sup>

**Iceland:** Iceland consistently ranks among the most progressive nations in terms of laws surrounding the LGBTQI+ community as well as societal acceptance. They consistently advocate for pro LGBTQI+ resolution in the UN and vote with resolutions aiming to protect against discrimination. As well as the Nordic nations, for example the Scandinavian nations, and Canada, Iceland has been one of the most outspoken champions of the cause.

**USA:** The USA has historically been champion of LGBTQI+ rights and causes in the UN, due to its international political power it has been a crucial driver providing key political backing for landmark resolutions and supporting initiatives like the UN Free & Equal campaign. It has also provided much funding<sup>15</sup>. However recent changes to the USA political landscape have caused doubts as to its continued support for these global causes, this may have further unforeseen ripple effects on the global political climate surrounding the issue.

## Relevant UN Resolutions<sup>16</sup>

### Universal Declaration of Human Rights (UDHR) (1948)

While not a specific LGBTQI+ resolution, the UDHR provides the foundational legal and moral basis on nondiscrimination:

Article 1: All human beings are born free and equal in dignity and rights.

Article 7: All are equal before the law and entitled to protection without discrimination.

### Human Rights Council Resolution 17/19 (2011)

1. Requests the United Nations High Commissioner for Human Rights to commission a study, to be finalised by December 2011, documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity;
2. Decides to convene a panel discussion during the nineteenth session of the Human Rights Council, informed by the facts contained in the study commissioned by the High Commissioner and to have constructive, informed and transparent dialogue on the issue of discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity;

### A/HRC/RES/27/32 – Human Rights Council (adopted 26 September 2014)

2. Requests the High Commissioner to update the report (A/HRC/19/41) with a view to

<sup>14</sup> OHCHR, “OHCHR | Independent Expert on Sexual Orientation and Gender Identity,” OHCHR, n.d.

<sup>15</sup> Paul J. Angelo and Dominic Bocci, “The Changing Landscape of Global LGBTQ+ Rights,” Council on Foreign Relations, January 29, 2021

<sup>16</sup> United Nations, “United Nations Resolutions on Sexual Orientation, Gender Identity and Sex Characteristics,” OHCHR, 2024

sharing good practices and ways to overcome violence and discrimination, in application of existing international human rights law and standards, and to present it to the Human Rights Council at its twenty-ninth session;

3. Decides to remain seized of this issue.

A/HRC/RES/32/2 – Human Rights Council (adopted 30 June 2016)

2. Strongly deplores acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation or gender identity;

3. Decides to appoint, for a period of three years, an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, with the following mandate: (a through f).

A/HRC/RES/41/18 – Human Rights Council (adopted 19 July 2019)

1. Welcomes the work undertaken by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity in the implementation of the mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, the thematic reports and the undertaking of country visits to different regions;

2. Decides to extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 32/2

A/HRC/RES/50/10 – Human Rights Council (adopted 15 July 2022) -

2. Strongly deplores acts of violence and discrimination, in all regions of the world, committed against individuals on the basis of their sexual orientation or gender identity;

3. Calls upon States to amend or repeal laws and policies that discriminate against persons on the basis of their sexual orientation and gender identity, and to take effective measures to prevent, investigate and, where applicable, to prosecute acts of violence and discrimination based on those grounds, both online and offline;

4. Decides to extend the mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 32/2;

A/HRC/RES/55/14 – Human Rights Council, (adopted 4 April 2024)

1. Requests the Office of the United Nations High Commissioner for Human Rights to prepare a report, to be made available in accessible formats and to be presented to the Human Rights Council at its sixtieth session, drawing upon the expertise of the Human Rights Council Advisory Committee, examining in detail discriminatory laws and policies, acts of violence and harmful practices against persons with innate variations in sex characteristics, in all regions of the world, and their root causes, and also examining best practices, including legal protection and remedies, especially when addressing the realisation of the right to the enjoyment of the highest attainable standard of physical and mental health, and based on information from States, treaty bodies, the special procedures of the Human Rights Council, United Nations agencies, funds and programmes, regional mechanisms, academia, health professionals, national human rights institutions, civil society, including organisations representing intersex persons, and other relevant stakeholders;
2. Decides to convene a panel discussion at its sixtieth session, accessible to persons with disabilities and open to the participation of States, the Advisory Committee, relevant treaty bodies and the special procedures of the Human Rights Council, United Nations agencies, funds and programmes, regional mechanisms, academia, health professionals, national human rights institutions, civil society, including organisations representing intersex persons, and other relevant stakeholders, on discriminatory laws and policies, acts of violence and harmful practices against persons with innate variations in sex characteristics in all regions of the world, and their root causes, including misconceptions and inaccurate information, and also examining best practices, especially when addressing the realisation of their right to the enjoyment of the highest attainable standard of physical and mental health, and requests the Office of the High Commissioner to organise the panel discussion;
3. Encourages States, in collaboration with relevant international and regional organisations, to enhance efforts to combat discrimination, violence and harmful practices against persons with innate variations in sex characteristics and to address their root causes, such as stereotypes, the spread of misconceptions and inaccurate information, stigma and taboo, and to work to realise the enjoyment of the highest attainable standard of physical and mental health for persons with innate variations in sex characteristics;

A/HRC/RES/59/5 – Human Rights Council, (adopted 7 July 2025)

3. Decides to extend the mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 32/2;

## Previous Attempts to Address the Issue

*NOTE: Some of these resolutions are listed in the “Relevant UN Resolutions” section of this report.*

### Human Rights Council Resolution 17/19 (2011)

It was a milestone resolution as it was the first UN resolution that recognised the violence and discrimination based on SOGI. It expressed the UNs grave concern about global violence and discrimination as well as requesting an OHCHR study on the topic.

OHCHR Report on Discriminatory Laws & Violence (2012) was the manifestation of this request. Once again it was the first document of its kind: it was a comprehensive report documenting discriminatory laws, practices, and violent acts against individuals based on SOGI. It also highlighted how certain criminal laws and social stigmas lead to severe abuses in many countries.

### Human Rights Council (adopted 26 September 2014)

Built on the 2011 resolution to reaffirm concern about discrimination and violence against the LGBTQI+ community and individuals. The resolution asked the OHCHR to continue its reporting and provide more concrete documentation of ongoing violations. Human rights, sexual orientation and gender identity

OHCHR Second Report Requested by Resolution 27/32 (2015) it was a follow-up report further documenting ongoing discrimination and outlining recommendations for States to protect LGBTQI+ individuals. It emphasised the need for legal protections, hate-crime laws, data collection, and law enforcement training to address human rights violations.

### Human Rights Council (adopted 30 June 2016)

Protection against violence and discrimination based on sexual orientation and gender identity, it represents a major milestone: It established a formal mandate for a United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. This strengthened the institutional capacity within UN human rights mechanisms to monitor, report on, and advise Member States on these issues

### Human Rights Council, (adopted 4 April 2024)

This resolutions specifically aimed to address issues faced by intersex people, a subcommunity of the LGBTQ+ communities, it is meant to combat discrimination, violence and harmful practices against intersex people

## Proposed Solutions

1. Address overall legal issues, specifically the criminalisation of same-sex relationships and trans individuals. While the OHCHR can't force compliance this would affirm the UNs commitment to protecting the LGBTQI+ Community.
2. Target discrimination in health care, both in access to general health care and gender affirming care
3. Create frameworks that aim to protect LGBTQI+ youth specifically, focusing on education
4. Prosperous programs that aim to address the entrenched prejudice held against the LGBTQI+ community to address discrimination at its root
5. Specify how to handle education of LGTBQI+ topics in primary, and secondary education
6. Address the issue of hate crimes and violence



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