

**Forum:** Human Rights Council

**Issue:** Combatting the criminalization LGBTQ+ rights

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## Introduction

In a world where the pursuit of social equity and justice is a global issue, the question of combatting the criminalization of LGBTQ+ rights prove itself an extremely crucial topic. This criminalization not only violates the most fundamental human rights but is also a catalyst for the systematic oppression and marginalization of LGBTQ+ individuals. As members of the Human Rights Council, the international community must collaborate tirelessly to advocate for inclusive legislation, shift societal views, and challenge oppressive laws. In the current world, discrimination against these individuals is widespread. Approximately 60 jurisdictions criminalized private, consensual, same-sex activity. The majority of these laws categorize them as “sodomy”, “buggery”, and “unnatural offenses”. Approximately 40 countries criminalize consensual lesbian activity, labeling them as “gross indecency”, while 12 countries impose death penalties on those who are engaged in same-sex activities. Although combatting discrimination is this topic’s main goal, delegates should be fully aware and communicate in consideration of their country’s views on this issue. As a chair of the Human Rights Council, it is with profound responsibility that this report delves into the social challenges and potential solutions to this global question.

## Definition of Key Terms

### HIV/AIDS Stigma

A negative attitude faced by individuals diagnosed with HIV or AIDS, often leading to social exclusion while also worsening challenges faced by LGBTQ+ individuals

### Conversion Therapy

A discredited practice where the sexuality or gender identity of an individual is attempted to be altered into a more socially acceptable form. These practices are internationally condemned and criticized by medical experts and are seen as unethical and lacking scientific basis.

### Stigmatization

A process in which individuals are devalued due to their personal characteristics (in this case, one's gender identity or sexuality). This often leads to the marginalization and exclusion of these victims.

### **Intersectionality**

A framework in which various forms of inequalities can be analyzed and compared. This approach highlights the multiple factors that can affect one's challenges in living in a society and one's status overall.

### **Legal recognition**

The acknowledgment of LGBTQ+ individuals by the legal system of a nation, such as gender marker changes on identification documents. However, in this conference, the extent of legal recognition is limited to the most fundamental acceptance and official acknowledgment by a nation's legal system of an individual's gender identity.

## **History & Developments**

### **England**

The criminalization of LGBTQ+ rights has a long and deep-rooted history, dating back to 1533 when King Henry VIII made his break from the Catholic church. Many of the old traditional laws based on religious ideas had to be reviewed, updated, and then finally integrated into more secular laws. This was to allow the state to manage these issues instead of the religious establishments. Many sexual offense laws were created, including *Acte for the punishment of the vice of Buggerie*, which was an Act passed in the parliament, punishable by death. This civil sodomy law convicted individuals engaged in same-sex activities, although technically anyone could be framed under this act. The 1533 Act was then exported around the world through the British colonies, influencing many other nations.

Although this Act was replaced by the Offences Against the Person Act, Henry VIII's Act survived for nearly 300 years. The new Act passed in 1861, focused solely on male relationships and replaced the death penalty with hard labor for no less than 10 years.



Figure #1: Henry VIII

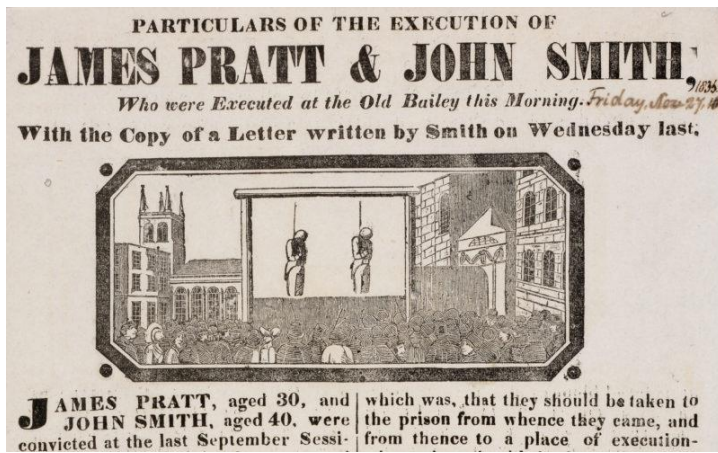


Figure #2: James Pratt and John Smith were the last two men to be executed for same-sex acts in England, 7 years after the passing of the Offences Against the Person Act (1828)

## The USA

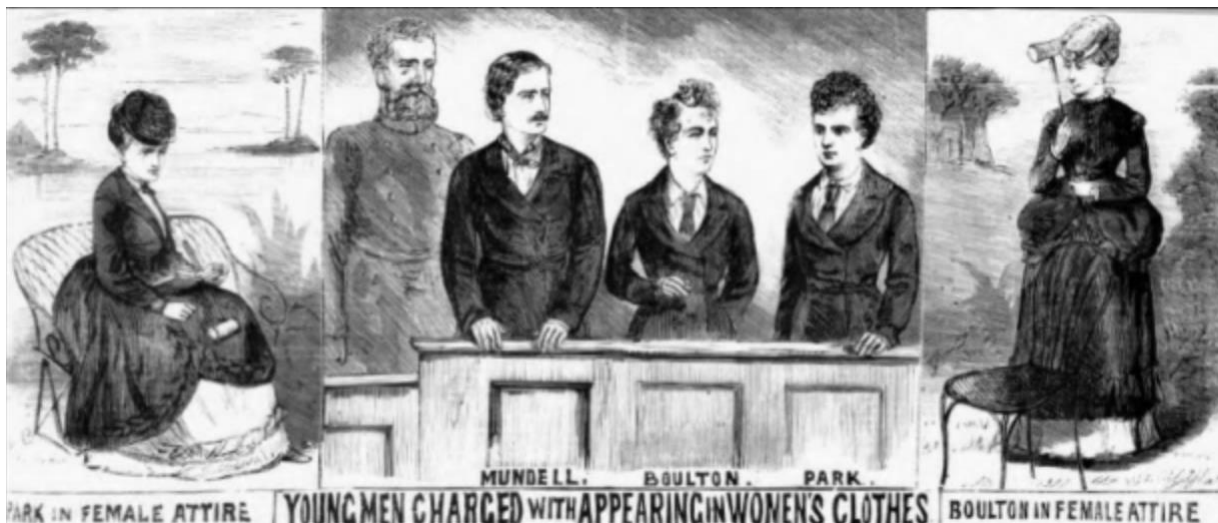
Many anti-same-sex laws were passed by the earliest European settlers of America for religious reasons, drawing heavily on traditional and cultural laws. This tradition of the colonizers soon widespread, influencing the entire world with its criminalization. In the United States, it was only from the 1950s that efforts to decrease prejudice against LGBTQ+ individuals were acknowledged. However, the Supreme Court's decision in 1986 reinforced its sodomy laws, drastically setting back the efforts to fight for the rights of homosexual individuals. Although many efforts have been made and laws have been passed since then, homophobic/transphobic laws still remain in many nations and states.



*Figure #3: The first (documented) conviction for lesbian behavior in America took place in 1649 with the prosecution of Sarah White Norman and Mary Vincent Hammon (1649)*

### The Criminalization of Trans People

To this day, at least 15 jurisdictions across Asia and Africa continue to enforce capital punishment with gender identities that don't match the sex assigned at birth. These laws target individuals engaged in acts such as 'cross-dressing' and 'disguise'. Historically, these laws stem from 2 resources. In countries such as South Sudan and Guyana, these policies were inherited from British rule during colonial times. For other states, the criminalization of gender expressionism is rooted in Sharia laws (religious regulations for Muslims) along with statutory criminal provisions.



*Figure #3: The prosecution of male individuals under cross-dressing allegations*

### Efforts of Decriminalization of the 1900s

Following Peru's decriminalization of consensual same-sex activity (1924), many other states have seen efforts to decriminalize the acts described as 'sodomy'.

#### *Decriminalization of the 1930s*

Being heavily influenced by the Napoleonic Code from over a century ago, Poland, Uruguay, and Denmark decriminalized same-sex activity. The Napoleonic code was hugely influential across Europe, and caused many countries to move away from homophobic laws.

### *Decriminalization of the 1940-50s*

During these two decades, many states decriminalized these acts. These countries include Switzerland, Iceland, Sweden, Greece, Palestine, Thailand, and Jordan.

### *The Wolfenden Report (United Kingdom - 1957)*

This report argued that the law should not intervene with the private lives of citizens, thus recommending that homosexual behavior should no longer be criminalized. This law was included in the Sexual Offences Act ten years later.

### *Decriminalization of the 1960s*

States that decriminalized in the 1960s include Mongolia, the Czech Republic, Slovakia, Hungary, the UK, Bulgaria, Germany, and Canada. Countries in Africa attained independence from France and adopted laws that did not criminalize homosexuality. These countries included Burkina Faso, Côte d'Ivoire, Niger, Central African Republic, Mali, and Madagascar.

### *Decriminalization of the 1970s*

States decriminalizing in the 1970s include Costa Rica, Austria, Finland, Norway, Malta, East Timor, Bahrain, Croatia, Montenegro, Slovenia, Cuba, and Spain.

### *Decriminalization of the 1980s*

States decriminalizing in the 1980s include Scotland, Colombia, Vanuatu, Northern Ireland, Micronesia, Portugal, New Zealand, Israel, and Liechtenstein.

### *Decriminalization of the 1990s*

States decriminalizing in the 1990s include Lithuania, Estonia, Romania, Serbia, Ukraine, Albania, Latvia, Macedonia, Moldova, Russia, Bosnia and Herzegovina, Georgia, Armenia and Azerbaijan.

Following these years till now, countless countries have decriminalized homosexual acts. Further decriminalization history can be found at <https://www.humandignitytrust.org/lgbt-the-law/a-history-of-criminalisation/>.

## **Major Parties Involved**

### **Religious Institutions**

While some religious institutions may be accepting of homosexual activities, groups with more conservative ideologies may be against the idea of same-sex inclusive legislation, labeling them as “unnatural”, and “gross indecency”. While it may be important to ensure the rights of LGBTQ+ individuals, delegates should take into account their country’s views on LGBTQ+ ideas regarding their own national religious or cultural establishments.

### **The Human Rights Campaign (not to be confused with the Human Rights Council)**

The Human Rights Campaign is deeply involved in advocating for laws and policies that push for the protection and rights of LGBTQ+ individuals. Many of the HRC’s jobs include lobbying for the repeal of exclusive laws, conducting public awareness campaigns, and engaging in international advocacy. O

### **The United Nations**

The United Nations has been impactfully contributing to the decriminalization of fundamental LGBTQ+ rights, encouraging nations to work against the systematic decriminalization and marginalization of LGBTQ+ individuals.

### **Previous Attempts to Solve the Issue**

One of the notable attempts to solve this issue was the Global Campaign to End Criminalization of Homosexuality launched as a worldwide initiative by the United States in 2019. This campaign was more concentrated on nations that still criminalized these acts such as Iran. The USA’s close partnership with international allies strongly encouraged nations to advocate for more inclusive and equitable laws. However, by using homosexual rights as an argument against Iran, a country not on good terms with the USA due to its lack of human rights laws and nuclear deals with European nations, the United States risked its relationship with allies in the Middle Eastern regions who were also vulnerable on this topic. This showed the world the risks of campaigns such as these and the importance of cultural and religious establishments of both allies and non-allies in political terms.

Other notable previous attempts to solve this issue were the numerous international advocacy efforts by non-governmental organizations and private human rights bodies. Private organizations such as the Human Rights Campaign have long advocated for fair laws and legislation in nations. By engaging in awareness campaigns, helping lobby governments, and supporting campaigners in nations with strict laws financially, their tireless efforts have contributed greatly to various legal reforms worldwide. Some of these organizations have also collaborated with the United Nations, discussing with nations under the regulation of the UN.

### **Relevant UN Treaties and Events**

- Resolution A/HRC/RES/50/10 - "Protection against violence and discrimination based on sexual orientation and gender identity" - This resolution called on and condemned acts of violence or discrimination against individuals based on gender identity or sexuality. This resolution called for nations to advocate for non-violent laws that protected these individuals from violence and harassment.
- The United Nations Free & Equal Campaign is a global information and social awareness campaign that was launched by the United Nations in 2013 to promote equality in society and combat the marginalization of LGBTQ+ people. The campaign's most important goals include empowering local communities, promoting diversity in the workplace, and changing attitudes towards the LGBTQ+ community.
- UN General Assembly Resolution 69/182 (2014) – This resolution was adopted by the United Nations in 2014 to condemn extrajudicial, summary, or arbitrary executions. Unnecessary executions for gender identity or homosexual acts were breaches of human rights. The resolution highlighted the need for accountability for advocating for capital punishment.

## Possible Solutions

One possible solution to persuade relatively conservative countries to push for more inclusive laws is to emphasize the social and economic benefits of diversity in the workplace. By demonstrating how more open and inclusive policies can boost economic growth with cultural diversity and attract foreign investments, countries may advocate for more justified laws to encourage innovation from diverse perspectives. Organizations or companies that are open to LGBTQ+ acts generally have a much higher employee satisfaction rate, which not only benefits the company's reputation but also boosts productivity.

Another possible alternative to this issue is establishing cultural partnerships with local religious communities. By helping locals portray these subjects in a frame that aligns with their culture or religion, communities will be able to adapt to LGBTQ+ activity and influence the advocacy of the nation. However, this may not be easy since many religions are extremely strict on these matters, with religious scriptures or holy texts being clearly against these issues. For example, many Muslim countries have laws that are based on the Sharia law.

Another considerable alternative is putting passive political pressure on countries with alliances or partnerships. Although it may sound somewhat violent, utilizing international relations is an extremely efficient way of pushing for legal reforms. For example, by strongly encouraging allies to advocate for legal changes while having an important diplomatic relationship with them, it is easy to pose some form of pressure to consider being more inclusive towards LGBTQ+ individuals. However, this solution faces the same issues as the rest. Encouraging a relatively conservative country to do something radical against its religious or ethnic establishments poses a risk to the status of the relationship between the two countries.

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