

# **United Nations General Assembly (GA) Background Guide**

- I. Threats to International Peace and Security:  
Preventing and Combating the Financing of  
Terrorism
  
- II. LGBTQ+ Advocacy and Action

**Cleveland Council on  
WORLD AFFAIRS**



## **United Nations General Assembly Background Guide**

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Established in 1945 by the Charter of the United Nations, the General Assembly (GA) is the main deliberative, policymaking, and representative organ of the United Nations. With all 193 member states holding an equal vote, the GA provides a unique space for multilateral discussion of pressing issues facing our world.<sup>1</sup> The GA is responsible for making recommendations to the member states on international issues across the scope of the UN. The GA is also responsible for approving the UN's budget, electing non-permanent members of the Security Council, and appointing the Secretary-General. While the GA considers many issues in a plenary session with all members present, it also delegates its vast work to six main committees. These are the Disarmament and International Security Committee (First Committee or DISEC); the Economic and Financial Committee (Second Committee or ECOFIN); the Social, Humanitarian and Cultural Committee (Third Committee or SOCHUM); the Special Political and Decolonization Committee (Fourth Committee or SPECPOL); the Administrative and Budgetary Committee (Fifth Committee); and the Legal Committee (Sixth Committee).

### **I. Threats to International Peace and Security: Preventing and Combating the Financing of Terrorism**

#### **Statement of the Issue:**

Combating the financing of terrorism (CFT) efforts are one of the most effective ways to fight terrorism. According to the 2009 International Convention for Suppression of Terrorism, the primary objective of terrorist actions is “to intimidate a population and to compel a government or an international organization to do or abstain from an act.”<sup>2</sup> While terrorist attacks can vary in scale, almost all have some monetary cost, whether it's buying materials or paying fighters. Terrorist organizations themselves also have expenses to cover to remain operational. As a result, combatting the financing of terrorism would interrupt the flow of arms and materials, disrupt training and travel, and impede other logistics. However, it is not easily accomplished, especially as financial technology continues to evolve.

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<sup>1</sup> “Functions and powers of the General Assembly,” General Assembly of the United Nations, United Nations, <https://www.un.org/en/ga/about/background.shtml>.

<sup>2</sup> Norman Mugarura, “An appraisal of United Nations and other money laundering and financing of terrorism counter-measures,” *Journal of Money Laundering Control* 16, no. 3 (July 2013): 250.

Terrorist networks use a tactic called money laundering to gain funding for their organization's purposes. When money is obtained through some kind of illegal activity, it is typically disguised so that the funding can be used without revealing the illegal activity that generated it.<sup>3</sup> This disguising process is known as money laundering. This process has vast social consequences, including providing financial fuel for all kinds of criminals, from terrorists to drug dealers. As a result, most CFT efforts in international law are a part of broader anti-money laundering (AML) policies.

Current international AML frameworks have numerous shortcomings which hinder the international community's efforts to stop the financing of terrorism. Firstly, the ratification of AML frameworks by member states is dependent on the political climate within each state.<sup>4</sup> Therefore, in countries that are in need of foreign investment, there may be less political will to ratify AML/CFT frameworks. Additionally, these treaties are self-enforced by member governments. If a state can benefit more from violating an AML/CFT treaty than it can by following it, the state will almost always choose the option that it benefits from the most. Finally, the complexity of issues related to money laundering makes its enforcement in certain developing countries very difficult. Many developing nations have issues with corruption within their bureaucracies and their courts have long backlogs of cases which severely impedes enforcement of AML frameworks in developing countries.

Another challenge in combating the financing of terrorism is the wide variety of funding sources that terrorist groups use. In some cases, terrorist groups combine legal and illegal sources of funding, which complicates criminal prosecution.<sup>5</sup> There are numerous illegal markets that terrorist groups use for funding, which is why it is important for the UN to continue to work on regulating these markets. The sale of oil and looted antiquities, ransoms from kidnappings, and human trafficking are just a few of the many illegal sources of income for terrorist organizations.<sup>6</sup> Groups that control areas of territory, such as ISIS between 2014 and 2017 or the Taliban, have additional sources of income, such as implementing taxes or looting banks and businesses in the region.<sup>7</sup> In addition to reforms to AML/CFT frameworks, the UN must also attempt to increase regulation in areas that terrorist groups draw funding from, such as the antiquities and oil markets.

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<sup>3</sup> "What is money laundering?" Financial Crimes Enforcement Network, <https://www.fincen.gov/what-money-laundering>.

<sup>4</sup> Norman Mugarura, "An appraisal of United Nations and other money laundering and financing of terrorism counter-measures," *Journal of Money Laundering Control* 16, no. 3 (July 2013): 254.

<sup>5</sup> Fabian Teichmann, "Current trends in terrorist financing," *Journal of Financial Regulation and Compliance* 30, no. 1 (January 2022): 114.

<sup>6</sup> "Countering the financing of terrorism," Office of Counter-Terrorism, United Nations, <https://www.un.org/counterterrorism/cct/countering-the-financing-of-terrorism>.

<sup>7</sup> "Fact Sheet: Countering ISIS Financing," US Department of the Treasury, last modified November 18, 2022, <https://home.treasury.gov/system/files/136/Fact-Sheet-on-Countering-ISIS-Financing.pdf>.

As regulations and monitoring have increased in the banking industry, terrorist organizations have developed methods to subvert this enforcement. Firstly, banks typically focus their attention on money laundering rather than terrorist activity.<sup>8</sup> As a result, terrorist organizations can circumvent checks by banks through the use of “straw men,” who handle money transfers under a false name and by keeping transactions typical and unsuspecting to not be noticed by automated transaction monitoring systems. Alongside this, terrorist organizations are increasingly switching to new technologies for their banking needs, such as mobile payments and cryptocurrencies.<sup>9</sup> Due to the high pace of the transfer, there is no effective transaction analysis, allowing money to move without the oversight that occurs in the banking system. Similarly, cryptocurrencies are extremely appealing due to their anonymity. This protects them from the authorities. While the monetary value of cryptocurrency is constantly fluctuating, terrorist organizations simply need to find someone who will exchange the cryptocurrency for either cash or goods and services for it to be useful.

Due to the nature of the financial system, there is a significant burden on the private sector for monitoring money transfers and carrying out the day-to-day work of CFT efforts. Banks, investment companies, insurance providers, dealers in high-value goods, and lawyers are most directly responsible for implementing the efforts of international AML/CFT frameworks.<sup>10</sup> As such, any new developments in AML/CFT policy must account for the role of the private sector in implementation and enforcement. Additionally, UN agencies and member governments must build stronger relationships with the private sector to prevent the financing of terrorism.

## **History:**

Investigators first began to try to combat money laundering in the 1980s as a part of the war on drugs. In 1989, the Financial Action Task Force (FATF) was established to promote good practices in combating money laundering.<sup>11</sup> A focus on terrorism was first developed with the International Convention for the Suppression of Terrorist Financing, however it was only ratified by four countries. This convention requires signatories to criminalize and punish terrorist financing, license or register all

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<sup>8</sup> Fabian Teichmann, “Financing of terrorism through the banking system,” *Journal of Money Laundering Control* 22, no. 2 (May 2019): 190.

<sup>9</sup> Fabian Teichmann, “Current trends in terrorist financing,” *Journal of Financial Regulation and Compliance* 30, no. 1 (January 2022): 115.

<sup>10</sup> *Ibid*, 110.

<sup>11</sup> *Ibid*, 109.

money-transmitting services, develop internal controls for financial institutions, and control cross-border transportation of cash.

After the 9/11 attacks, the United Nations recognized a need for more stringent efforts to combat the use of money laundering to finance terrorism. Both the UN Security Council (UNSC) and the General Assembly have passed numerous resolutions over the past twenty years to try to combat the financing of terrorism. In 2001, the UNSC passed Resolution 1373, which bound all member states to adopt the International Convention for the Suppression of Terrorist Financing.<sup>12</sup> That same year, FATF released its IX special recommendations, which included criminalizing financing terrorism and associated money laundering, freezing and confiscating terrorist assets, and cooperating internationally. Throughout the early 2000s, the UNSC passed numerous resolutions targeting Al-Qaeda, the Taliban, and Osama bin Laden's assets and financial connections, including UNSC resolutions 1267, 1333, 1363, 1390, and 1526.<sup>13</sup> The GA also passed resolutions 1452 and 1455 to hold each other accountable for the UNSC resolutions.

Despite all these resolutions and other frameworks of international law, terrorist organizations continue to find funding. The UNSC passed many resolutions in the late 2010s to target sources of income for terrorist groups, such as UNSC resolutions 2133, 2178, 2195, 2199, 2253, 2331, 2347, and 2642.<sup>14</sup> Many of these resolutions targeted illicit sources of income for terrorist organizations, including the sale of stolen antiquities and cultural property, hostage ransoms, the sale of oil, human trafficking, and sexual and/or gender-based violence. Due to this wide range of illegal markets that terrorist groups exploit to gain income, it is also imperative that the UN continue to work on these issues as well.

The United Nations Center for Counter Terrorism (UNCCT) is the focal point within the Secretariat for counterterrorism efforts. In relation to CFT efforts, the UNCCT advocates for more financial intelligence sharing between countries and enhanced coordination between the public and private sectors.<sup>15</sup> In 2020, the UNCCT launched the Global Programme on Detecting, Preventing and Countering the Financing of Terrorism to increase UNCCT's efforts to stop the financing of terrorism. Through this program, the UNCCT will provide greater assistance to member states on a variety of topics related to CFT. It will also conduct capacity-building workshops, which aim to provide authorities in

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<sup>12</sup> Ibid, 110.

<sup>13</sup> Norman Mugarura, "An appraisal of United Nations and other money laundering and financing of terrorism counter-measures," *Journal of Money Laundering Control* 16, no. 3 (July 2013): 250.

<sup>14</sup> "Countering the financing of terrorism," Office of Counter-Terrorism, United Nations, <https://www.un.org/counterterrorism/cct/countering-the-financing-of-terrorism>.

<sup>15</sup> Ibid.

member states with the necessary skills to detect, monitor, prevent, and prosecute the illegal financing of terrorism.

There is a plethora of UN resolutions, international recommendations, and global frameworks to prevent the financing of terrorism. However, terrorist groups continue to find ways around these regulations, especially as new technologies continue to develop. Therefore, it is critical for the UN, led by the GA, to continue to adapt CFT frameworks to rapidly changing financial markets and to work to plug loopholes in existing international law.

### **Analysis:**

One of the largest issues with current AML/CFT frameworks that must immediately be addressed by the GA is the issue of enforcement in the Global South. In order for global regulatory frameworks to be successful, they must be accompanied by strong enforcement institutions at the national and local levels.<sup>16</sup> Due to a history of colonial and imperial exploitation, Global South nations do not have these strong institutions and are unable to enforce AML/CFT frameworks. The courts in the Global South which would be responsible for enforcement have an extreme backlog of cases, issues with corruption, unreasonable delays, and high expenses. Additionally, the global AML framework is extremely complex, which makes its enforcement easier in the Global North. This is because Global North nations often already have regulatory boards and agencies for complex problems in the financial industry in place, whereas Global South nations may not. Because of these shortcomings in Global South institutions, it may be necessary for the GA to consider allowing international financial institutions, such as the International Monetary Fund (IMF) and World Bank, or international judicial institutions, like the International Criminal Court, to have jurisdiction over AML/CFT framework violations.

Some scholars argue that the IMF, an organization that has a mandate to monitor the global financial market, should play a greater role in encouraging member states to enforce the global AML/CFT framework. The IMF can use its power to spearhead reforms in the financial sector and to impose anti-corruption measures on member states that borrow from them.<sup>17</sup> However, there are numerous key issues with this argument that must be addressed if the IMF is to be given greater responsibility in this area. Firstly, the institution has a history of inequity between the Global North and Global South. Due to their experience with colonialism, Global South nations typically need loans from the IMF more often than

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<sup>16</sup> Norman Mugarura, "An appraisal of United Nations and other money laundering and financing of terrorism counter-measures," *Journal of Money Laundering Control* 16, no. 3 (July 2013): 255.

<sup>17</sup> *Ibid*, 259.

Global North nations. While the IMF and the borrowing state negotiate the terms of loans, these negotiations heavily favor the IMF, due to the vulnerability of the borrowing state. This results in the deals being extremely unfair to the borrowing state and side-lining them from economic growth for years. During the 2008 Global Financial Crisis, when numerous European states turned to the IMF for aid, the institution gave these states loans with much more favorable terms than they had been giving to Global South states. Ultimately, utilizing the IMF means overcoming this history of discrimination in order for it to play a larger role in AML framework enforcement.

The tool that the IMF would use to increase anti-corruption measures in borrowing states would likely cause harm to people. To force nations to adopt better anti-corruption measures, the IMF's primary tool of influence is cutting aid to the borrowing states (usually the Global South) until their governments adopt certain policies, as dictated by the IMF.<sup>18</sup> Not only could this body functionally forcing Global South states to adopt certain policies be considered an act of neo-imperialism, but it will also harm the people of the borrowing state more than the government of the state. If aid is cut, the result is typically a direct lessening of essential services to ordinary people. Especially in countries that lack democratic freedoms, this will not provide an incentive for the government to change its policies.

As terrorist organizations shift towards cryptocurrencies to circumvent regulations in the banking industry, the international community must adapt as well. Cryptocurrency markets are already extremely underregulated in many countries. Nations across the world are taking drastically different responses to cryptocurrency, ranging from outright bans to government encouragement.<sup>19</sup> There must be a global, coordinated, consistent, and comprehensive response to the growing cryptocurrency market that has specific implications for money laundering and terrorist funding occurring over those platforms.

Cooperation with the private sector is essential to successfully combat the financing of terrorism. Monitoring banking transactions and other key aspects of enforcing the global AML/CFT framework are completely reliant on private entities.<sup>20</sup> The UNCCT and national governments must increase their collaborations with the private sector, especially because the private sector is generally focused on generating profit. The more money that private businesses spend on assisting with regulation, the less profit they are able to generate. The GA must develop a plan for the UNCCT to coordinate better with

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<sup>18</sup> Ibid.

<sup>19</sup> Aditya Narain and Marina Moretti, "Regulating Crypto," Finance & Development, International Monetary Fund, last modified September 2022, <https://www.imf.org/en/Publications/fandd/issues/2022/09/Regulating-crypto-Narain-Moretti>.

<sup>20</sup> Fabian Teichmann, "Current trends in terrorist financing," *Journal of Financial Regulation and Compliance* 30, no. 1 (January 2022): 110.

private entities to assist with regulation and ensure that financing for terrorists is not easily slipping through the cracks.

### **Conclusion:**

Combating the financing of terrorism is a broad issue that must be tackled on multiple fronts in order to achieve success. Firstly, the UN must continue to improve regulation in all markets that terrorist groups use to generate income. Secondly, improvements are needed to existing AML/CFT regulatory frameworks, including better partnerships with private entities for enforcement. As regulations improve, terrorist networks are turning to cryptocurrency and mobile payments to evade detection. The UN must develop regulations that cover these areas as well to prevent the financing of terrorism. Finally, the UN must address issues of disparity between the Global North and the Global South in terms of enforcement of AML/CFT frameworks and the role of international financial institutions.

### **Questions:**

1. Given the shortcomings of many local institutions, particularly in the Global South, how should international AML/CFT policies be enforced? Do these policies discriminate or exacerbate inequities against Global South nations? If so, how can the GA address this discrimination?
2. What measures can the UN take to combat the use of cryptocurrencies and mobile payments to finance terrorism?
3. How can the UN and the UNCCT better partner with the private sector to combat the financing of terrorism? What should this partnership look like?

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## II. LGBTQ+ Advocacy and Action

### Note on Appropriate Terminology:

Given the sensitive nature of this topic, it is important to establish consistent and respectful terminology. For the purposes of this committee, delegates are directed to use the term “LGBTQ+ community” to ensure respect and inclusivity. Generally speaking, delegates should use terminology that is present in this background guide, rather than terms from other sources. As in any committee at a CCWA conference, any use of offensive or discriminatory language will not be tolerated for any reason and will result in ejection from the conference.

LGBTQ+ is an abbreviation for lesbian, gay, bisexual, transgender, queer or questioning, and more. These terms, and many others, describe a person’s sexual orientation or gender identity.<sup>21</sup> Sex, also

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<sup>21</sup> “What is LGBTQIA+?” The Lesbian, Gay, Bisexual & Transgender Community Center, <https://gaycenter.org/about/lgbtq/>.

referred to as biological sex or sex assigned at birth, is a label given by doctors based on the genes, hormones, and body parts that a person is born with.<sup>22</sup> On the other hand, gender is how society perceives certain actions, behaviors, and appearances, and more. Gender expectations vary between different societies. Sometimes, a person's gender and sex may be the same and other times, they may be different. Gender identity is how a person feels about their gender and sometimes how they demonstrate their gender through clothing, behavior, and appearance. Sexual orientation describes who a person is attracted to. Terms such as lesbian, gay, or bisexual, in addition to many others, describe a person's sexual orientation. Transgender is a term that describes people whose gender identity does not match their sex. Some transgender people may also prefer the term non-binary to express their gender identity, meaning that their gender identity falls outside of the male-female binary.

### **Statement of the Issue:**

In recent years, the rights of members of the LGBTQ+ community have come under attack in a number of nations. The United States, which had been considered a leader in LGBTQ+ rights, has recently had a record number of anti-LGBTQ+ bills introduced in state legislatures.<sup>23</sup> As of May of 2023, that number was 520 bills, of which 220 specifically targeted transgender and non-binary people. By that same date, a record 70 of these bills had passed into law, including bans on gender-affirming care, which are treatments that support transgender individual's gender identities, and drag performances, and censoring school curriculum. These numbers will likely increase as the year progresses. Other forms of legislative attacks on members of the LGBTQ+ community are bills that would ban transgender students from playing school sports or using the bathroom of their preferred gender identity. The wave of anti-LGBTQ+ legislation in the United States in 2023 builds on records set in 2022, which saw 315 discriminatory bills introduced and 29 passed into law in state legislatures. The majority of these bills targeted transgender and non-binary individuals, especially children. Attacks against members of the LGBTQ+ community in the United States also occur in a judicial context. In June of 2023, the Supreme Court ruled that a web designer could refuse services to same-sex couples due to her right to creative expression.<sup>24</sup> This

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<sup>22</sup> "All About Being LGBTQ," Planned Parenthood, <https://www.plannedparenthood.org/learn/teens/lgbtq>.

<sup>23</sup> Cullen Peele, "Roundup of Anti-LGBTQ+ Legislation Advancing In States Across the Country," Press Releases, Human Rights Campaign, last modified May 23, 2023, <https://www.hrc.org/press-releases/roundup-of-anti-lgbtq-legislation-advancing-in-states-across-the-country>.

<sup>24</sup> Abbie VanSickle and Adam Liptak, "Supreme Court Backs Web Designer Opposed to Same-Sex Marriage," *New York Times*, June 30, 2023, <https://www.nytimes.com/2023/06/30/us/supreme-court-same-sex-marriage.html>.

potentially allows for business across the country to openly discriminate against members of the LGBTQ+ community.

In May of 2023, Uganda also expanded discriminatory policies against the LGBTQ+ community. While same-sex relations were already illegal in the country, the new law sets the death penalty as the punishment for serial offenders against the law and sets a 20-year sentence for “promoting” homosexuality, with promoting defined as being attracted to a person of the same sex.<sup>25</sup> The law could contribute to further discriminatory policies against the LGBTQ+ community in Africa, where same-sex relations are already illegal in 30 countries. Uganda’s legislative change could push neighbors Kenya and Tanzania, who are seeking similar changes, to pass new laws. While this legal change is bad for Uganda’s LGBTQ+ community, law enforcement in the country already exceeds its legal powers regularly to harass members of the community.

Government policies in Hungary have also become increasingly hostile towards members of the LGBTQ+ community. Since 2020, the country has ended legal gender recognition for transgender people, amended the constitution to define marriage as a union between a man and a woman, and effectively prohibited adoption by same-sex couples.<sup>26</sup> Hungary’s ruling party has justified anti-LGBTQ+ rhetoric as “protecting children.” In a 2022 court case, a Hungarian appellate court ruled that a pro-government newspaper likening an LGBTQ+ organization to pedophiles did not injure that group’s reputation. In doing so, the court allows rhetoric linking members of the LGBTQ+ community to pedophilia to persist and be used to justify anti-LGBTQ+ discrimination.

### **History:**

Advocates have been pushing for UN recognition of the human rights of the LGBTQ+ community since 1945. However, discrimination based on sexual orientation was only first recognized as a violation of the International Covenant on Civil and Political Rights (ICCPR), a key part of international law, as a result of the 1994 case *Toonen v. Australia* at the UN Human Rights Council.<sup>27</sup> In 2007, a group of independent experts adopted the Yogyakarta Principles, which serve as the basis for the application of

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<sup>25</sup> “Uganda enacts harsh anti-LGBTQ law including death penalty,” *Reuters*, May 30, 2023, <https://www.reuters.com/world/africa/ugandas-museveni-approves-anti-gay-law-parliament-speaker-says-2023-05-29/>.

<sup>26</sup> Ryan Thoreson, “LGBT Rights Under Renewed Pressure in Hungary,” Human Rights Watch, last modified February 15, 2022, <https://www.hrw.org/news/2022/02/15/lgbt-rights-under-renewed-pressure-hungary>.

<sup>27</sup> Paul Angelo and Dominic Bocci, “The Changing Landscape of Global LGBTQ+ Rights,” Council on Foreign Relations, last modified January 29, 2021, <https://www.cfr.org/article/changing-landscape-global-lgbtq-rights>.

international human rights standards to issues related to sexual orientation. Led by then US Secretary of State, Hillary Clinton, the UN Human Rights Council adopted a resolution on human rights, sexual orientation, and gender identity which proclaimed that “gay rights are human rights” in 2011. The body adopted another resolution in 2016 that called on states to protect members of the LGBTQ+ community against discrimination and violence.

Despite these resolutions, much of the UN’s work has been in advocacy and public information rather than action. Members of the LGBTQ+ community face discrimination and violence due to deeply seated homophobic and transphobic attitudes and a lack of adequate legal protections.<sup>28</sup> The GA, the Human Rights Council, and the Office of the High Commissioner for Human Rights (OHCHR) have all called attention to a greater need for protections for members of the LGBTQ+ community from violence and discrimination. In July of 2013, the OHCHR launched UN Free and Equal, which is a global public information campaign that seeks to promote equal rights and fair treatment of LGBTQ+ people. Despite this, 77 countries have criminalized private, consensual same-sex relationships, with the death penalty as the punishment in five of those nations.

While there is a lack of progress on LGBTQ+ rights at the international level and within many countries around the world, others have been taking strides towards increasing equality and acceptance. In 2023, five countries, including three in the Caribbean, decriminalized consensual same-sex relations.<sup>29</sup> Additionally, several countries, including Namibia, Nepal, and Bolivia, have increased recognition for same-sex marriages. As a result, many countries’ laws are now changing to make it legal to be a member of the LGBTQ+ community and to enjoy the same rights as any other citizens of the country.

However, the LGBTQ+ community has faced social stigma for a long time as well, which has increased the vulnerability of its members to discrimination and even violence. On May 17, 1990, the World Health Organization (WHO) declassified homosexuality as a mental disorder.<sup>30</sup> This day is now commemorated every year as the International Day Against Homophobia, Biphobia, and Transphobia. However, this declassification by WHO did not change the stigma and sense of othering the classification caused in the first place. Othering is the process through which a group is seen and treated as different

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<sup>28</sup> “LGBTQ+ Free and Equal NOT Criminalized,” Fight Racism, United Nations, <https://www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus>.

<sup>29</sup> Graeme Reid, “LGBTQ+ Victories Did Happen in 2023,” Human Rights Watch, last modified June 22, 2023, <https://www.hrw.org/news/2023/06/22/lgbtq-victories-did-happen-2023>.

<sup>30</sup> Graeme Reid, “A Global Report Card on LGBTQ+ Rights for IDAHOBIT,” Human Rights Watch, last modified May 18, 2020, <https://www.hrw.org/news/2020/05/18/global-report-card-lgbtq-rights-idahobit>.

from and inferior to another.<sup>31</sup> Even if laws are changed to be more welcoming to the LGBTQ+ community, social stigma must also be addressed to prevent discrimination and violence.

### **Analysis:**

The UN has determined decisive action is needed to protect the recognized human rights of the LGBTQ+ community on multiple fronts. Firstly, member states must be pushed to change their laws to support the LGBTQ+ community better. Some states have done this by decriminalizing consensual same-sex relations, recognizing marriage equality, and outlawing discrimination based on sexual orientation and gender identity.<sup>32</sup> Another important measure would be penalizing homophobic and transphobic crimes as hate crimes. Furthermore, transgender people are currently under particular attack. Therefore, specific protections for issues that transgender people face must also be included in any reforms. Some of these issues include being able to modify the gender that is put on official government documents, using the bathroom that corresponds with one's gender identity, and having access to gender-affirming care.<sup>33</sup>

Future action on LGBTQ+ rights must also target the social stigma that exists in many countries and fuels homophobic and transphobic discrimination and violence. This stigma leads many LGBTQ+ children to face bullying and exclusion in schools.<sup>34</sup> This leads to higher incidences of mental illness as well as lower educational performance. Outside of schools, members of the LGBTQ+ community are socially and economically isolated in many parts of the world due to stigma. This also contributes to mental illness and leads many members of the LGBTQ+ community to be of a lower socioeconomic status. While the UN Free and Equal public information program is a step in the right direction, it has been ongoing for 10 years and has not been able to significantly combat stigma against the LGBTQ+ community. Modifications or expansions for the program may be required to make it more effective.

UN action on LGBTQ+ rights must also be cognizant of the complex rhetoric surrounding the issue. In many countries, including Hungary and the United States, anti-LGBTQ+ legislation is presented

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<sup>31</sup> A Dictionary of Gender Studies, Gabriele Griffin, Oxford University Press, "Othering."

<sup>32</sup> "LGBTQ+ Free and Equal NOT Criminalized," Fight Racism, United Nations, <https://www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus>.

<sup>33</sup> Cullen Peele, "Roundup of Anti-LGBTQ+ Legislation Advancing In States Across the Country," Press Releases, Human Rights Campaign, last modified May 23, 2023, <https://www.hrc.org/press-releases/roundup-of-anti-lgbtq-legislation-advancing-in-states-across-the-country>.

<sup>34</sup> Graeme Reid, "A Global Report Card on LGBTQ+ Rights for IDAHOBIT," Human Rights Watch, last modified May 18, 2020, <https://www.hrw.org/news/2020/05/18/global-report-card-lgbtq-rights-idahobit>.

as “protecting children.”<sup>35</sup> Politicians and activists pushing discriminatory policies try to link members of the LGBTQ+ community to pedophilia. In Uganda, recent anti-LGBTQ+ legislation was framed as an anti-imperial struggle to reject Western ideals being imposed in the country.<sup>36</sup> This rhetoric is provably false; however, it has gained real power and support amongst the populations of many states.

The LGBTQ+ community also faces additional challenges due to intersectionality. This refers to how different systems of inequality can overlap to create unique dynamics for people who hold multiple marginalized identities.<sup>37</sup> For example, if a woman of color faces discrimination, her marginalized identity as a woman and her marginalized identity as a person of color “intersect” to create a unique situation of inequality. Many members of the LGBTQ+ community hold additional marginalized identities, making them even more vulnerable to discrimination and violence.<sup>38</sup> It is important that whatever steps the UN takes regarding LGBTQ+ rights also recognize the unique challenges posed by intersectional identities.

Enforcement of any new UN mechanisms to protect LGBTQ+ rights would present challenges. Existing protections against discrimination are largely based on the ICCPR, which many states have not fully ratified. Widespread social stigma and homophobic and transphobic views held in many states may make adopting new protections politically costly for governments and dissuade them from working with the UN on this issue. Additionally, it is important to recognize that some anti-LGBTQ+ legislation is not coming from national governments. In the United States, most discriminatory legislation is being introduced in and passed by (U.S) state governments, which the UN does not typically interact with. All of these issues must be considered to develop a new framework for protecting the rights of the LGBTQ+ community in an effective way.

## **Conclusion:**

LGBTQ+ rights continue to face many challenges across the world in terms of laws, lack of adequate protections, and social stigma. To date, the UN has taken little tangible action to protect the

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<sup>35</sup> Ryan Thoreson, “LGBT Rights Under Renewed Pressure in Hungary,” Human Rights Watch, last modified February 15, 2022, <https://www.hrw.org/news/2022/02/15/lgbt-rights-under-renewed-pressure-hungary>.

<sup>36</sup> “Uganda enacts harsh anti-LGBTQ law including death penalty,” *Reuters*, May 30, 2023, <https://www.reuters.com/world/africa/ugandas-museveni-approves-anti-gay-law-parliament-speaker-says-2023-05-29/>.

<sup>37</sup> “What is intersectionality,” Center for Intersectional Justice, <https://www.intersectionaljustice.org/what-is-intersectionality>.

<sup>38</sup> “LGBTQ+ Free and Equal NOT Criminalized,” Fight Racism, United Nations, <https://www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus>.

human rights of members of the LGBTQ+ community. As attacks ramp up across the world, the UN must take action. Firstly, the General Assembly must address discriminatory laws that criminalize the acts of being part of the LGBTQ+ community. The UN must also modify existing public information programs to target social stigma and false rhetoric around LGBTQ+ issues more effectively. Additionally, UN action must account for issues of intersectionality, which make LGBTQ+ individuals more vulnerable to discrimination and violence, as well as enforcement issues with member states. While the issue is a complex one, it is the UN's responsibility act to protect the rights of the LGBTQ+ community as human rights.

### Questions:

1. What can the UN do to legally safeguard the human rights of the LGBTQ+ community? Can it ensure that new protections are enforced in member states?
2. Currently, there is a lot of false rhetoric and social stigma around the LGBTQ+ community. How can the UN be more effective in combating this?
3. What role does intersectionality play in discrimination and violence against the LGBTQ+ community? How can UN programs account for intersectionality?

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