

## **Committee: Social and Humanitarian Committee 2**

### **Topic: The question of transgender rights**

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**School: Alconbury High School**

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## **Summary**

A transgender person is an individual whose gender identity does not align with the sex they were assigned at birth. There is little data on the number of transgender people worldwide because many countries do not recognise and/or document gender identities. Some estimate that about 1% of the world's population is transgender but this number should be received with caution considering the lack of documentation of transgender people.

Some transgender people will experience gender dysphoria which is defined by the American Psychiatric Association as, "psychological distress that results from an incongruence between one's sex assigned at birth and one's gender identity." The only treatment for gender dysphoria is gender affirmation of which there are four types. The first type of affirmation is socially transitioning which may include an individual using a different name/different pronouns as well as changing their physical appearance in order to affirm their gender identity. For example, changing their hair, how they dress, etc. Some transgender people may also seek legal affirmation which includes changing their legal name and gender so that it is reflected on legal documents. The third type of gender affirmation is medical affirmation and this generally includes taking puberty blockers for adolescents and/or gender-affirming hormones for older adolescents and adults. The final type of affirmation is surgical affirmation. This encompasses any number of surgeries with varied levels of invasiveness where the overall goal is to further affirm the individual's gender identity. Most gender-affirming surgeries can only be performed on individuals over the age of 18. It should be noted that transgender people can go through all four levels of transition or none at all. It is an extremely personal decision and it all depends on the individual and what they desire.

Transgender people face many challenges. For example, they are at a heightened risk of hate-motivated violence as well as harassment and they experience discrimination in almost all sectors of society. In many countries, transgender people are denied healthcare, education, work, and housing on the basis of their gender identity. More violent forms of human rights violations include arbitrary arrest and detention, assault, torture, rape and murder.

## Definition of Key Terms

### Transgender:

“An umbrella term for persons whose gender identity, gender expression or behaviour does not conform to that typically associated with the sex to which they were assigned at birth.”

“Transwomen identify as women but were classified as males when they were born, transmen identify as men but were classified female when they were born, while other trans people don’t identify with the gender-binary at all.”

### Intersex:

“A general term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that doesn’t seem to fit the typical definitions of female or male. For example, a person might be born appearing to be female on the outside, but having mostly male-typical anatomy on the inside. Or a person may be born with genitals that seem to be in-between the usual male and female types.”

### Gender Identity:

“A deeply felt and experienced sense of one’s own gender.”

“Everyone has a gender identity, which is part of their overall identity. A person’s gender identity is typically aligned with the sex assigned to them at birth. Gender identity is distinct from sexual orientation and sex characteristics.”

### Cisgender:

“A term used to describe people whose sense of their own gender is aligned with the sex that they were assigned at birth.”

### Hate Crime:

“A crime, typically one involving violence, that is motivated by prejudice on the basis of ethnicity, religion, sexual orientation, or similar grounds.”

### LGBTQIA:

“LGBTQIA stands for lesbian, gay, bisexual, transgender and intersex” and is, “commonly used to refer to people who are attracted to people of the same gender, people with gender identities that

differ from the sex assigned to them at birth, people with nonbinary identities and people whose sex characteristics do not fit typical definitions of female or male.”

“While this acronym has universal recognition, different people in different contexts identify with other terms including hijra, meti, lala, skesana, motsoalle, mithli, kuchu, kawein, travesty, muxé, fa’afafine, fakaleiti, hamjensgara and Two-Spirit.”

### **Discrimination:**

“Any unfair treatment or arbitrary distinction based on a person's race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status.”

### **Gendering-Affirming Care:**

“Any single or combination of a number of social, psychological, behavioural or medical (including hormonal treatment or surgery) interventions designed to support and affirm an individual’s gender identity.”

## **Background Information**

(Overview)

### Recognition

Recognition is the first step in protecting and empowering transgender people and is an essential step in fighting discrimination and violence and ensuring that transgender people have access to gender-affirming care. Without recognition, transgender people cannot go through any level of gender affirmation. Even socially transitioning puts transgender people at risk of discrimination, violence and/or imprisonment and without recognition of transgender people from the government, transgender individuals are unable to legally or medically transition.

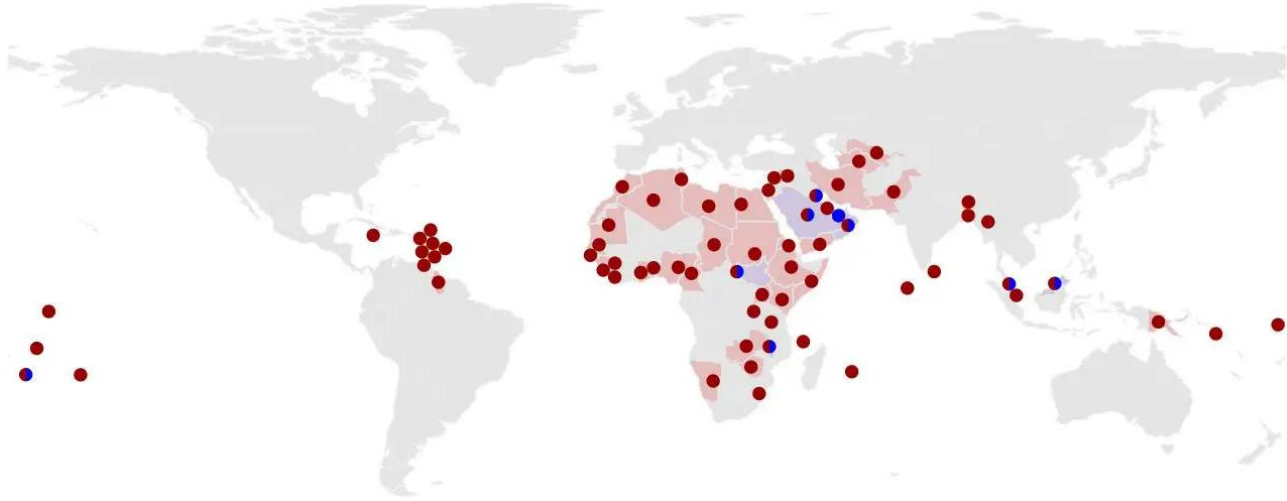
In many countries, transgender people are arrested based on laws which criminalise “cross-dressing” and/or “imitating members of the other sex.” In addition, many countries do not recognize the gender identities of transgender individuals in any capacity and instead assume that they are gay or lesbian. This leads to further discrimination based on laws that criminalise same-sex relationships.

Although the UN does formally recognise the existence and vulnerability of transgender people there are currently no UN treaties which explicitly protect their rights. The inclusion of gender incongruence as a “Condition Related to Sexual Health,” in the ICD-11 was a huge step in the recognition of transgender people but it does not hold member nations accountable and therefore does not help protect the rights of transgender people to a large extent. Furthermore, in many countries around the world, transgender people are denied legal recognition and countries that do allow legal

recognition often force transgender people to meet a series of conditions before their gender identity is recognized. For example, sterilisation, surgery, divorce, confinement in psychiatric institutions, etc.

Blue = laws that criminalize forms of gender expression

Red = laws that criminalize same-sex relations



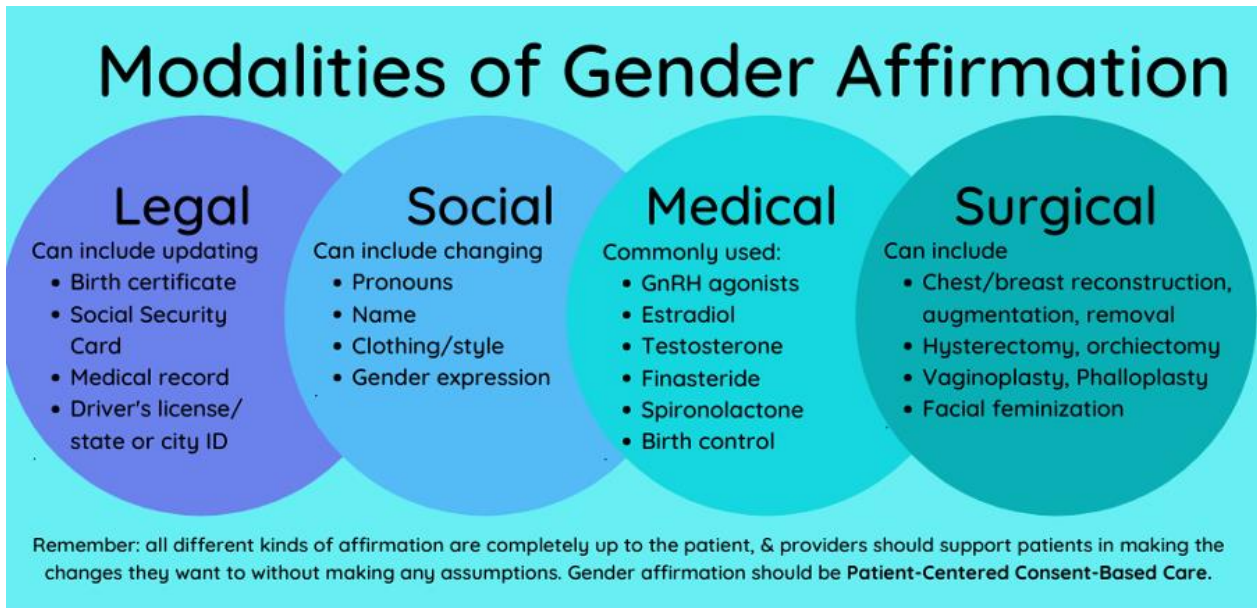
**“Anti-LGBT Laws.” *Human Rights Watch*, 2023, [features.hrw.org/features/features/lgbt\\_laws/](https://www.hrw.org/features/features/lgbt_laws/). Accessed 09 August 2023.”**

### Discrimination

Transgender people face discrimination in almost all sectors of society. For example, they regularly report being turned down for jobs and housing because their gender identity does not match their sex on official documents. According to a survey done by the National Center on Transgender Equality and the National LGBTQ Taskforce, 64% of respondents whose identification documents did not match their gender identity said they had experienced discrimination in hiring compared to 52% of respondents who had updated their gender on their documents. Transgender people, specifically adolescents, also face discrimination in education. This may include, being forced to attend a same-sex school, being required to wear a uniform based on the gender assigned to them at birth, being forced to use their biological pronouns and/or legal name in school, etc.

Perhaps the most alarming form of discrimination faced by transgender people is discrimination in healthcare. Transgender people who seek healthcare are often subject to invasive questioning and humiliation especially if their legal gender does not match their gender identity. In addition, in many countries, transgender people can be reported by doctors and arrested if said doctor does not believe a transgender person's legal gender matches their outward appearance and expression. Furthermore, in numerous member nations, transgender people do not have access to gender-affirming care (puberty blockers, hormones, surgery, etc.) which is the only treatment for gender dysphoria. A lack of access to

care is extremely harmful to transgender people and has led to a high risk of suicide among transgender people, especially trans youth.



**“Gender Affirming Care.” Hogg Foundation for Mental Health, 2021, [hogg.utexas.edu/3-things-to-know-gender-affirming-care-for-trans-youth](http://hogg.utexas.edu/3-things-to-know-gender-affirming-care-for-trans-youth). Accessed 13 August 2023.”**

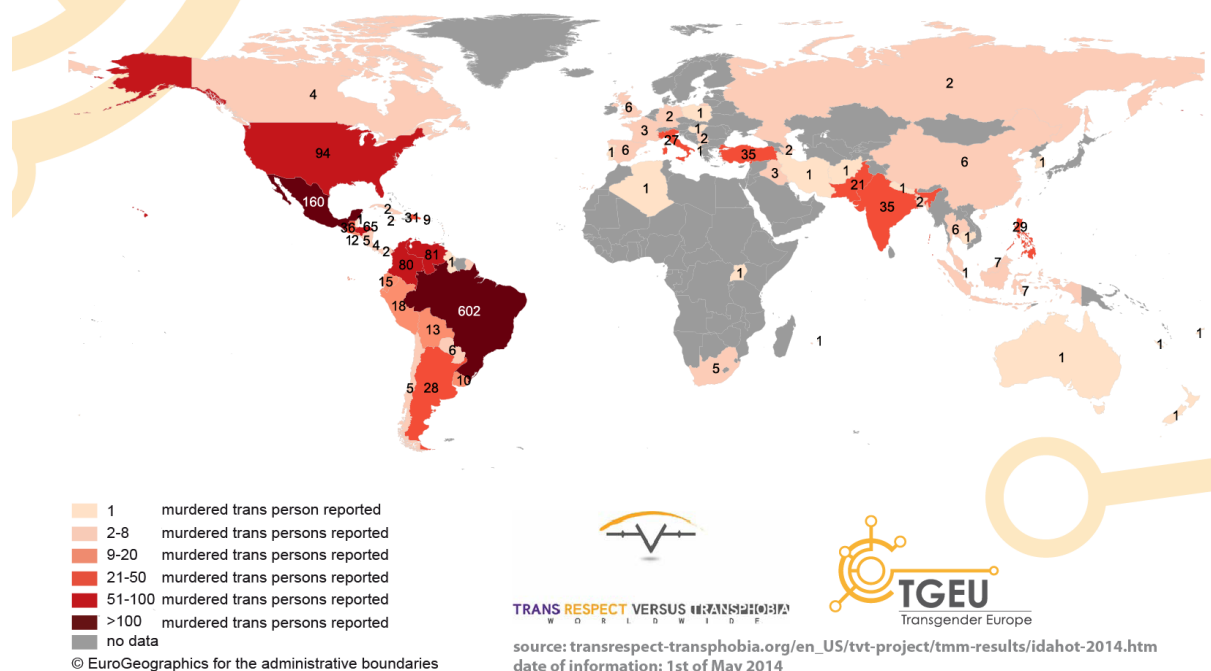
### Violence

Transgender people are at a heightened risk of violence, in almost every member nation. Although violence against transgender people is not well-documented in many countries, it is estimated by the UN that thousands of transgender people are killed or badly injured in hate-motivated attacks every year. Between 2008 and 2016, the Trans Murder Monitoring Project documented 2,000 murders of transgender people in 66 countries. In addition, a survey by the European Union Fundamental Rights Agency found that a third of respondents reported attacks or threats of violence in the past five years.

Transgender people are also exposed to violence when they are forced to be in facilities with members of their biological sex instead of their gender identity. For example, bathrooms, locker rooms and prisons. In US prisons, for example, where prisoners are placed in facilities based on their biological sex and not their gender identity, one in three transgender detainees are sexually assaulted in prison.

Transgender Europe's Trans Murder Monitoring IDAHOT 2014 update:

**1,509 reported cases of murdered trans people between January 2008 and March 2014**



“Trans Murder Monitoring Project.” *Transgender Europe*, 2014, [tgeu.org/press-release-transgender-europes-trans-murder-monitoring-project-unveils-interactive-map-of-more-than-1500-reported-murders-of-trans-people-since-january-2008-1/](https://tgeu.org/press-release-transgender-europes-trans-murder-monitoring-project-unveils-interactive-map-of-more-than-1500-reported-murders-of-trans-people-since-january-2008-1/).

Accessed 13 August 2023.”

## Major Countries and Organisations Involved

### World Health Organization (WHO)

The WHO is very involved in transgender issues. Recently, they have made significant headway in ensuring transgender people can access the care that they need. One example of this is the redefinition of gender incongruence in the 11th edition of the WHO’s International Statistical Classification of Diseases and Related Health Problems (ICD-11) released in 2022. Although gender-identity-related health has been included in past editions of the ICD it was previously classified under “Mental and behavioural disorders.” Gender incongruence-related issues have now been moved to “Conditions related to sexual health” to reflect current knowledge that trans-related identities are not conditions related to mental illness. The inclusion of gender incongruence in the ICD-11 is meant to ensure transgender people have access to gender-affirming care as well as general healthcare. In addition, the WHO recognises transgender people’s particular vulnerability to HIV and hate crimes as well as the need for better access to gender-affirming care in many countries.

### Office of the United Nations High Commissioner for Human Rights (OHCHR)

As the UN's greatest advocate for human rights the OHCHR plays a large role in the promotion and protection of transgender rights globally:

“(the) OHCHR is committed to working with States, National Human Rights Institutions and Civil Society worldwide to help repeal laws criminalising LGBTI persons. OHCHR also works to protect people from violence and discrimination on grounds of their sexual orientation, gender identity and sex characteristics.”

The OHCHR also regularly publishes reports on LGBTQ+ people and the status of their rights worldwide, including transgender people.

### **United Nations Human Rights Committee (UNHRC)**

The UNHRC was created in 2006 to oversee the implementation of the International Covenant on Civil and Political Rights in member states. Although the ICCPR does not explicitly provide guidelines for the rights of transgender people, much of the document can still be applied to transgender people because of the somewhat ambiguous language used. For example, Article 9 and 26:

“Article 9: Everyone has the right to liberty and security of person.”

“Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

In addition, in 2013 the UNHRC launched a global campaign called, UN Free and Equal which aims to promote the fair treatment of LGBTQ+ people. Since its creation, UN Free and Equal campaigns and events have been organized in almost 30 countries.

### **United States of America (USA)**

There are transgender people all over the world and this makes transgender rights a global issue. Therefore, it is hard to pinpoint specific countries that are more involved in the issue than others. With that being said, the United States has long been an important battleground for LGBTQ+ rights.

### **Human Rights Campaign**

A non-governmental organization, the Human Rights Campaign was originally established in 1980 by Steve Endean and aims to achieve equality and protection for LGBTQ+ people in the USA and around the world.

“Our goal is to ensure that all LGBTQ+ people, and particularly those of us who are trans, people of colour and HIV+, are treated as full and equal citizens within our movement, across our country and around the world.”

Specifically in relations to transgender people, the HRC, “works to educate the public about the transgender community and provides resources for transgender and non-binary people to live their fullest lives.”

## Human Rights Watch

Human Rights Watch is a non-governmental organization based in New York City that conducts research and advocacy on human rights. In relation to LGBTQ+ rights, the HRW works to, “document and expose abuses based on sexual orientation and gender identity worldwide, including torture, killing and executions, arrests under unjust laws, unequal treatment, censorship, medical abuses, discrimination in health and jobs and housing, domestic violence, abuses against children, and denial of family rights and recognition. (As well as,) advocate for laws and policies that will protect everyone’s dignity.” This work is essential when it comes to transgender rights because of the lack of documentation of transgender people worldwide as well as the discrimination and abuse they endure.

## Timeline of Events

Date	Description
December 10, 1948 -	The Universal Declaration of Human Rights was adopted by the general assembly.
December 16, 1966 -	The International Covenant on Civil and Political Rights (ICCPR) was adopted by the general assembly.  On the same day, the International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by the general assembly.
1978 -	



The Human Rights Watch was founded and began recording human rights abuses in countries that signed the Helsinki Accords. Today, their work has expanded to five continents.

1980 -

The Human Rights Campaign was founded in the United States by Steve Endean to serve as a fund for “pro-fairness” congressional candidates. In 1995, it was rebranded and became more focused on LGBTQ+ rights.

June 25, 1993 -

The Vienna Declaration and Programme of Action was adopted by the World Conference on Human Rights in Vienna.

July 2013 -

The Office of the United Nations High Commissioner for Human Rights (OHCHR) launched the Free & Equal Campaign, a “global UN public information campaign aimed at promoting equal rights and fair treatment of LGBTI people.”

June 30, 2016 -

The UN Human Rights Council adopted resolution 32/2 entitled, Protection against violence and discrimination based on sexual orientation and gender identity. This document was the first UN resolution which directly addressed the rights of transgender people.

The resolution also created the mandate of Independent Expert on Sexual Orientation and Gender Identity whose main goal is to “explore ways to better protect persons who suffer from violence and discrimination on the basis of their sexual orientation or gender identity.” The mandate was renewed in 2019 and 2022 and is expected to be renewed in 2025.

2022 -

The 11th edition of the International Statistical Classification of Diseases and Related Health Problems (ICD-11) was released by the WHO.

## Relevant UN Treaties and Events

Note: The relevance of these treaties relies on the inclusion of gender identity as an “other status.” Transgender people are not explicitly mentioned in any of these treaties but their rights are implied.

- Universal Declaration of Human Rights [Articles 2, 3, 5, 7, 9, 12, 14(1), 19, and 20(1)]

“The Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected.”

- The International Covenant on Civil and Political Rights [Articles 2(1), 6, 6(2), 7, 9, 19(2), 21, 22(1), 26]

The ICCPR is a multilateral treaty that obligates nations to respect the civil and political rights of individuals. It was adopted by the UN General Assembly on December 16, 1966.

- The International Covenant on Economic, Social and Cultural Rights (ICESCR) [Articles 1(1) and 2]

The ICESCR is a multilateral treaty that aims to ensure the protection of economic, social and cultural rights. It was adopted on December 16, 1966 by the UN General Assembly.

- The Vienna Declaration and Programme of Action

This treaty was the main outcome of the World Conference on Human Rights which took place in Vienna, Austria from the 14th to the 25th of June, 1993. In addition, the conference established the Office of the High Commissioner for Human Rights.

Many of the articles of this treaty can be applied to transgender people. Similarly to the Universal Declaration of Human Rights, this document lays out basic guidelines for human rights. But, just like the Universal Declaration of Human Rights, it never explicitly names transgender people or even LGBTQ+ people in general.

- Free and Equal Campaign

Free and Equal is the UN’s LGBTQ+ public information campaign. It aims to promote equal rights and treatment of LGBTQ+ people. With a huge social media presence, the campaign is extremely wide-reaching and by far, the UN’s most substantial means of promoting the rights of transgender people. As part of the campaign, the OHCHR organizes events all over the world.

## Previous Attempts to solve the Issue

### OHCHR

- **Free and Equal**

#### **Campaign:**

As part of the UN Free and Equal Campaign (UNFE), the OHCHR has organized events and campaigns all over the world which aim to raise awareness about LGBTQ+ issues and promote equal rights. Many such campaigns and events focus on transgender people and issues, calling for transgender visibility and rights.

#### **Action Points:** Transgender Action Points created by UNFE

1. Adopt comprehensive anti-discrimination laws and policies that prohibit discrimination based on gender identity and gender expression, including in employment, education, health care, housing, access to bathrooms and public services.
2. Repeal laws used to arrest, detain or harass trans people based on their gender identity or expression.
3. Include gender identity and expression as protected characteristics in hate crime and hate speech laws.
4. Legally recognize the gender identity of trans people in official documents through a simple administrative process based on self-identification without abusive requirements such as forced medical diagnosis, sterilization, treatment or divorce.
5. Ensure effective recording, reporting, investigation and prosecution of acts of violence and torture against trans people, and remedy for victims.
6. Ensure access to health services including gender-affirming procedures for trans people without stigma, discrimination or abusive requirements.
7. Reform international and national medical classifications that treat being trans as an illness.
8. Protect trans and gender non-conforming children and youth from violence and discrimination and allow for recognition of their gender identity.
9. Take specific measures to respect the gender identity of trans people in detention and protect them from violence and discrimination.
10. Train police officers, healthcare workers, teachers, judges, prison officials, immigration officers and other officials on respect and equal treatment of trans people.
11. Ensure that trans people and organizations are consulted and participate when developing research, legislation and policies that impact their rights.

**Reports:** UN Free and Equal also publishes a plethora of reports every year on their campaigns and events as well as LGBTQ+ issues in general.

- **Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law:**

“Sets out the source and scope of the legal obligations of Member States in respect of the rights of LGBTI people, with reference to international human rights standards and guidance issued by authoritative bodies.”

- First edition published in 2012
- Second edition published in 2019

- **Progress reports**

UN Free and Equal publishes a progress report every year in order to summarize the actions of the campaign that year including the events and initiatives launched and its success on social media.

For example, in 2022 UNFE implemented 11 national campaigns and in their most recent report, the UNFE gave an explanation of these campaigns as well as their reach and overall level of success.

## UNHRC

- **Resolution 32/2: Protection against violence and discrimination based on sexual orientation and gender identity**

In 2016, the UNHRC passed resolution 32/2. It was the first UN resolution of its kind, taking real action to protect the rights of transgender people. For example, it “appoint(ed), 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. To assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, while identifying both best practices and gaps;
- b. To raise awareness of violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination;

- c. To engage in dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;
- d. To work in cooperation with States in order to foster the implementation of measures that contribute to the protection of all persons against violence and discrimination based on sexual orientation and gender identity;
- e. To address the multiple, intersecting and aggravated forms of violence and discrimination faced by persons on the basis of their sexual orientation and gender identity;
- f. To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts to combat violence and discrimination against persons on the basis of their sexual orientation or gender identity;”

## WHO

- **11th edition of the International Statistical Classification of Diseases and Related Health Problems**

In the ICD-11, which went into effect in 2022, gender incongruence-related issues were moved from “Mental and behavioural disorders” to “Conditions related to sexual health” to reflect current knowledge that trans-related identities are not conditions related to mental illness. This is meant to ensure that transgender people have access to gender-affirming care in member nations and are not treated like they are mentally ill.

## **Possible Solutions**

### **Repeal laws which criminalise gender identity expression**

Transgender people will never gain equality while there are still laws in member nations which criminalise non-gender conforming expression. For example, laws that penalise so-called “cross-dressing” and/or posing as the opposite sex. In addition, laws that criminalize same-sex relations often inadvertently harm transgender people and working to repeal said laws would not only help homosexual people but also transgender people.

### **Create anti-discrimination and violence laws**

It is essential that member nations adopt comprehensive laws that prohibit discrimination based on gender identity and/or gender expression in all sectors of society. For example, in employment, housing, education, healthcare, etc. Without proper regulation which prohibits discrimination in these sectors, transgender people will continue to have their rights violated on a daily basis. In addition, transgender

people should be protected from hate crimes by law. Attacks on transgender people should be categorized as hate crimes and documented as such. Overall, better documentation of violence against transgender people, especially murder is extremely important and should be a priority in member nations.

### **Legally recognise trans identities**

Recognition by governments of transgender people and their unique struggles is the first step in ensuring the protection of transgender rights. Part of this is allowing transgender people access to legal recognition of their gender identity. This includes legally changing their gender and/or name so their identity is reflected on legal documents. This process should be easily accessible to transgender people and should not include any abusive requirements such as sterilization, institutionalisation, medical treatment, divorce, etc.

### **Ensure access to gender-affirming care**

Transgender people should be able to access gender-affirming care without discrimination or abusive requirements. This mainly includes puberty blockers, hormones and surgery. Member nations need to put in place laws which protect transgender people's ability to access this care.

Note: Adolescents may not be able to access certain kinds of gender-affirming care until they are 18 but should at least have access to puberty blockers and possibly hormones.

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