

# Combating Violence and Discrimination Based on Sexual Orientation and Gender Identity

Joint Stakeholder Summary Report



Submitted for the 36th Session of the  
Universal Periodic Review



UNITED NATIONS ASSOCIATION  
OF THE UNITED STATES OF AMERICA



# UN Universal Periodic Review: Third Cycle Joint Stakeholder Report Summary: United States of America “Combatting Violence and Discrimination Based on Sexual Orientation and Gender Identity”

With the objective of providing constructive primary-source input for the Universal Periodic Review of the United States in May 2020, UNA-Greater Detroit, UNA-New York, and UNA-USA submit this joint stakeholder report with a focus on combatting violence and discrimination based on sexual orientation and gender identity in the United States. To compile this report, our organizations relied the inputs of grassroots advocates they engage and work with to connect to the UN.

Article 1 of the Universal Declaration of Rights reads that “All human beings are born free and equal in dignity and rights.” During previous UPR cycles, the U.S. accepted recommendations pertaining to advancement of LGBTI human rights. However, not only has the current administration opposed comprehensive, domestic LGBTI non-discrimination legislation, it has also instituted policies that have negatively impacted the civil and political and well as economic and social rights of LGBTI individuals in the country on multiple levels. Hate crimes targeting the LGBTI community have risen. A notable exception to this negative trend since the last U.S. UPR in 2015 was the nationwide institution of marriage equality in June 2015 following a ruling by the U.S. Supreme Court.

## **A. LGBTI Civil Rights**

The Equal Opportunity Employment Commission has interpreted discrimination against sexual orientation and gender identity based on sex discrimination – a protected class. Nevertheless, the current administration has publicly opposed comprehensive LGBTI non-discrimination legislation. Many states also have civil rights protections for sexual orientation and gender identity. The state of Michigan, however, does not. Specifically, Michigan’s Eliot Larsen Act has not been modified to extend its protected classes to include SOGI. Nationwide the LGBTI community faces discrimination in employment, housing, and more. In Mississippi, for instance, legislation has passed permitting the denial of medical services to transgender individuals, along with other inherently discriminatory provisions. There is also a heightened level of violence committed against the community nationally and locally.

Heightened challenges to civil rights also exist in rural communities. One consultation participant in Washington DC, noted, “I grew up in rural community and did not express my LGBTI identity until college to protect myself from violence.” Individuals in rural community and of minority groups are often unable to find access to comprehensive LGBTI-relevant programs

## **B. Protection of LGBTI Refugee, Migrants, and Asylum Seekers**

In the last 2 years there have been three documented cases of the deaths of transgender women of color seeking protection in the United States. Another serious challenge for transgender immigrants and refugees is gaining access to hormone therapy. The U.S. also needs to better track data for those seeking asylum under the “membership of a particular social group” claim in order to provide local NGOs with this data.

Contact: Ann Nicol, Executive Director: United Nations Association-New York, [anicol@unanyc.org](mailto:anicol@unanyc.org)

To see the full report, please visit: [http://bit.ly/UNA\\_UPR-LGBTI](http://bit.ly/UNA_UPR-LGBTI)

### C. Access to Physical Health, Mental Health, and General Wellbeing Services and Resources

Ka’Juan Hill, Community Outreach Specialist for HIV and STD testing for UNIFIED HIV Health and Beyond is most concerned about young people and the lack of access to mental healthcare services. Many young people in the LGBTI community face rejection from families, homelessness, depression, other forms of mental illness and risk of death by suicide. Quality of LGBTI health and wellness services must also be improved. When consulting with a healthcare provider about intimate partner violence, conversations can be heteronormative and overwhelmingly focused heavily on a couple’s sexual interactions. LGBTI youth also face heightened challenges to their wellbeing. Nearly half of the homeless youth in America (estimates indicate 40%) identify as “LGBTQ.”

### D. Relations with Law Enforcement

In one case, a black trans woman named Shelly was working with the Madison Heights Police Department in Metro Detroit to identify gang members in the area. When she was assigned the officer charged with protecting her during this process, the officer revealed her identity to the gang members. As a result, Shelly was kidnapped, brutally murdered and dismembered.

Detroit’s experience could offer a case study in effective and mutually beneficial engagement between the LGBTQ community and law enforcement. In response to the community’s fear and discomfort with interaction with law enforcement the Detroit Police Department created an LGBTQ Advisory Board and appointed Corporal Dani Woods its liaison. Corporal Dani Woods is an out lesbian within the Detroit Police Department and has increased the visibility of the LGBTQ community inside and outside of the department.

**“Access to mental health care is a human right, and without access to mental health care, the United States has created a direct pipeline to the prison and juvenile justice systems.”**

- Pamela Alexander,  
Deputy Director, Ruth Ellis Center

### Recommendations to the United States:

- Pass comprehensive national legislation to ensure that sexual orientation and gender identity are considered protected classes (for example, the Equality Act).
- Reverse immediately the ban on transgender individuals seeking employment in the U.S. military.
- Implement additional cultural sensitivity trainings for immigration officers inclusive of ensuring the fair treatment and equal rights of LGBTI asylum seekers and refugees.
- Expand resource and requirements for disaggregated data gathering and ensure findings are publicly accessible.
- Ensure safe, sanitary, and dignified conditions for all asylum seekers, migrants, and refugees.
- Increase its investment in funding for mental health care for people in general, and particularly youth, young adults, and people in the LGBTI community. This should include resources for trauma-informed care services.
- Pass a nationwide ban on conversion therapy.
- Accelerate national efforts to combat LGBTI youth homelessness.
- Ensure law enforcement officers receive training to end police brutality, prevent arbitrary arrest, and combat discrimination against LGBTI individuals in both public settings and detainment facilities.
- Ensure there are protocols and up to date policies to protect the privacy of inmates living with HIV in prison and their access to HIV medication.
- Reauthorize the Violence Against Women Act and adopt the International Violence Against Women Act.