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UNITED NATIONS HUMAN
RIGHTS COUNCIL

AGENDA: RECOGNITION AND PROTECTION OF
LESBIAN GAY BISEXUAL TRANSGENDER RIGHTS



INTRODUCTION

LGBT is an inclusive acronym for those self-identifying as lesbian, gay, bisexual, or transsexual. A more inclusive, and as yet uncommon, variant is LGBTQ2IA; the additional elements refer to “queer, questioning, intersex allies.” Discrimination against members of the LGBT community and discrimination based on sexual orientation and/or gender identity is an issue that transcends the LGBT community and affects everyone.

All people should be able to enjoy their human rights, regardless of their sexual orientation or gender identity. However, across the globe, there remain instances of where an individual’s sexual orientation leads him or her to widespread persecution and various forms of violence and abuse. Such acts of violence contravene the fundamental tenets of international human rights law.

After its establishment in 1945, the United Nations never broached the topic of homosexuality or discussed the LGBT people and their problems until quite recently. The first ever United Nations report on the human rights of lesbian, gay, bisexual and transgender (LGBT) people was released on December 15 2011. The report specifies how people are killed or endure hate-motivated violence, torture, detention, criminalization and discrimination in jobs, health care and education because of their real or perceived sexual orientation or gender identity.

The report released by the UN Office for the High Commissioner for Human Rights (OHCHR) outlines “a pattern of human rights violations... that demands a response,” and states that violence and discrimination based on sexual orientation and gender identity has been overlooked by the respective countries’ governments.

THE PROBLEM

The first recorded instances of same-sex love and sexuality date back to the era of ancient civilizations, such as the Mesolithic, Neolithic and Bronze ages, and further found in ancient Egypt, Rome, Greece and Spain. What survives of the many centuries’ persecutions– resulting in shame, suppression, and secrecy– has only recently been pursued and interwoven into ancient chronicle.

Today in virtually every region of the world, individuals of the LGBT community experience extreme violations of human rights – including, but not limited to: imprisonment, torture, and death for simply being who they are.

At every level of society, including their own governments, these individuals are seeing a massive rise in human rights violations with little protective outside measures to compensate. According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 78 countries prosecute people on the grounds of sexual orientation. Conversely, only 53 countries have anti-discrimination laws that apply to members of the LGBT community.

Judicial decisions defending the rights of lesbian, gay, bisexual, and transgender (LGBT) persons have regularly been criticized for going too far, too fast. It is no surprise that opponents of gay rights have denounced these decisions as examples of illegitimate judicial activism, but some supporters of gay rights have also criticized them as strategically unwise. In doing so, these supporters have echoed a long-standing scholarly argument that rights-based litigation strategies are ineffective at best and counterproductive at worst. In the gay rights context, one version of this argument has been particularly prominent: even when rights advocates win in court, those victories inevitably spark a political backlash, with the voters and their elected representatives reversing the judicial decisions and enacting regressive policies that are worse than the status quo ante.

There are a number of problems of the LGBT people who need to be the focal point of this council's discussions. It must be kept in mind that lesbians, gays and bisexuals have absolutely no claim over any 'special' or 'additional rights' except for the adherence to the rights as those of any and all heterosexual people. LGBT persons are refused, either by law or by practices, basic civil, political, social and economic rights.

KEY POINTVIEWS

In the first report on the human rights of lesbian, gay, bisexual and transgender (LGBT) people submitted by the OHCHR to the HRC in 2011, it was stated that, "In at least five countries, the death penalty may be applied to those found guilty of offences relating to consensual, adult homosexual conduct."

Sweden in 1987 was first country to make steps towards full gay marriage, with a system of registered partnerships that specifically allowed gay partners to marry. Consequently, Norway followed in 1993, granting almost full legal equality for gay partnerships. Iceland, the Netherlands, the USA, Spain, Canada, Denmark and France throughout the 1990s made similar steps, frequently on a very cautious state-by-state basis. Finland followed suit in 2002 but many countries have not yet got the state of tolerance that allows gay equality.

In 1994 the first month-long annual observance LGBT History Month began in the United States of America and has been picked up by other countries. They cover the history of the people, LGBT rights and related civil rights movements – a sign of support towards the sentiments of the LGBT individuals.

In 2009, Uganda proposed an Anti-Homosexuality Bill that prescribes the death penalty for being gay and prison sentences for friends, family members, and co-workers who believe someone is gay, but do not report that person to the authorities.

Under Article 347 of the Cameroon Penal Code those who engage in sexual contact with members of the same sex will face a penalty of six months to five years in prison and a fine of 20,000 to 200,000 CFA francs.

Issues a resolution must address.

The recognition of LGBT rights by countries that do not currently do so :

- 1.Addressing state legislature that criminalizes same-sex sexual relations between consenting adults.
- 2.Promoting anti-discrimination legislature that includes action against discrimination on the grounds of sexual orientation.
- 3.Protecting LGBT individuals from instances of discrimination, violence, cruelty and arbitrary detention inflicted on the grounds of sexual orientation.
- 4.Protection of LGBT individuals' freedom of expression, association and assembly.
- 5.Ensuring that individuals fleeing persecution on the grounds of sexual orientation are not returned to territory where their lives or freedom would be threatened.

References

Note: These references also include death penalty as a topic as it is indirectly related to the agenda at hand.

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3 – “FACTSHEET: Work and Structure of the Human Rights Council” –

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as a Means of Achieving and Maintaining International Peace and Security” –
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<http://www.loc.gov/lgbt/about.html>

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17 – “International Covenant on Civil and Political Rights” –
<http://www2.ohchr.org/english/law/ccpr.htm>

18 – “Convention relating to the Status of Refugees” –
<http://www2.ohchr.org/english/law/refugees.htm>

19 – “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” – <http://www2.ohchr.org/english/law/cat.htm>