

Committee: SOCHUM 2

Question of: Decriminalising Homosexuality

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Introduction

Rights for the lesbian, gay, bisexual and transgender community vary greatly across the globe. In this increasingly globalised world, more and more people who were once isolated are becoming exposed to the views of societies around them. While some countries are of the opinion that lesbian, gay, bisexual and transgender lifestyles are wrong, others are becoming more tolerant of the ideology that this label means very little, and that really there should be no cause to infringe upon the rights of, or disadvantage people, who do not consider themselves to be heterosexual. Many religious communities are extremely prominent in certain Member States, to a point where the rules of their religion dictate actual State laws. Naturally, this greatly influences the views of the people within these States. Is the UN in a position to ask them to dismiss some of the beliefs and customs they have adopted and have passed on from centuries before them? Is it even appropriate to ask them to consider it?

The Issue

Countries in Support of Promoting Rights of LGBTs

Generally, Westernised countries are seen as more accepting to varying gender identities and sexuality lifestyles. For example, the UK is considered to be one of the countries at the world's forefront of equality in legislation, however same sex marriages are still not legal here and sexually active homosexual men are completely ruled out for blood donation. Although same sex marriage was legalised in 2014, a lot of people are still of the view that the UK has much to do to improve rights for LGBTs. Only seven European Member States have legalise same-sex marriage, while thirteen others have legalised partnerships for homosexuals.

There are six states in the USA where same sex marriages are legal, however at the same time many other states have legislation against any form of union between same sex persons. Sadly, we cannot deny that a number of people have suffered because of this. 20% of gay teens in the USA have attempted suicide, which is over four times the proportion of heterosexual teens. And yet, some governments have refused to do anything to reduce these rates. They are more focused on the reasoning behind why differing sexualities cannot be accepted, than the consequences of not accepting them. Not recognising these unions can lead to various social injustices such as the failure to recognise decisions by someone's partner when he/she is incapacitated, representation in sickness, and the receipt of benefits and assets in life and death. Certain governments will feel that by accepting varying gender identities and sexualities, they are allowing society to develop as a whole and are creating a level playing field among all members of society.

Countries in Opposition to Promoting Rights of LGBTs

In a lot of countries, LGBTs face harsh discrimination due to the criminalisation of their sexual orientation and gender identity. In areas in which homosexuality and unorthodox gender identities are not favoured, we have seen laws concerning sodomy; varying ages of sexual consent depending on sexual orientation; legislation banning the acceptance, promotion and activities of non-heterosexuals sometimes resulting in punishment by death. Nine European countries have no legislation to protect LGBT persons at all. Some Muslim majority nations, such as Turkey, Jordan and Egypt have legislation against same sex intercourse. Even though legislation in places is beginning to tolerate differing sexual and gender identities, if a state is trying to achieve complete equality for LGBTs they would need to do more to influence people that they should not discriminate on this basis. For example, during the last two years there have been eight transgender people murdered in Istanbul and Ankara. Some of the predominantly Catholic influenced areas of Latin America are struggling to quash these views. Statistics show that between 1997 and 2007 2,509 gay men were murdered there, so many of these governments are making greater efforts to guide people away from these traditional views, and have been seen to promote rights for LGBTs.

Other countries that currently oppose varying gender identities and sexualities are refusing to change their ways. The Indian Health Minister recently commented that he considers homosexuality 'a disease', regardless of the fact that India legalised homosexuality two years ago. A Ugandan Bill submitted in 2009 originally suggested the death penalty as an appropriate way of prosecuting homosexual persons. The bill has consequently sparked much controversy that has led to assassinations, and the press encouraging the hunting and killing of certain homosexuals. They thought the anti-homosexuality law would "protect" their children by preventing them from being subject to homosexual recruitment. Homosexuality is illegal in all African countries except South Africa, and yet even there a prominent Reverend said that homosexuality 'is an abomination before the eyes of God'. His and many other Christians' interpretation of the Bible and other religious scriptures is that is homosexuality is a sin. Islamic countries such as Saudi Arabia, Iran (even though Iran does recognise the transgender community) and Yemen, all find homosexuality punishable by death. LGBTs in a situation where the majority of the population disagree with homosexuality will even go so far as to brave gender-reassignment surgery, just so that their community does not see them as a "disgrace", or so they are not victimised due to their 'unorthodox' orientation. So while some countries are making efforts to increase rights for LGBTs, others are actually reducing them and trying to further criminalise members of the LGBT community.

Cultural Relativism & UN's Role

Cultural relativism is the view that all countries' beliefs, cultures, laws and politics are equal. It is the ideology that everyone's views are relative to their environment and upbringing, and so are relevant to them and therefore as valid as anyone else's views. This can be a difficult view for the United Nations to accommodate because it means creating legislation applicable to all. However if your country does adopt this ideology, it would be extremely interesting to hear how you propose to provide a resolution to the controversy surrounding this topic.

The United Nations are faced with the challenge of maintaining a safe situation for all people regardless of sexuality, while maintaining a person's right to follow a belief system or religion of their own free will. In a world that is becoming increasingly politically volatile, the task to keep peace among all nations, no matter their opinions, may prove to be extremely difficult.

Key Events

Event Date	Explanation
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December 2006,	<u>The first time a discussion about homosexuality is held at the United Nations since its founding in 1946.</u> Norway presented a joint statement on human rights violations based on sexual orientation and gender identity at the Commission on Human Rights on behalf of <u>54 states.</u>
December 2008	A joint statement presented at the General Assembly by Argentina on behalf of <u>66 states.</u>
Late 2008- Early 2009	The 2008 statement prompted an Arab League-backed statement opposing it. 57 UN member nations had initially co-sponsored the opposing statement in 2008. Some of these countries later switched their position to support the original resolution backing LGBT rights in 2011, leaving 54 countries as continued sponsors of the statement opposing LGBT rights <u>Both statements remain open for signature, and neither of them has been officially adopted by the General Assembly.</u>
June 17, 2011.	A resolution submitted by South Africa requesting a study on discrimination and sexual orientation (A/HRC/17/19) passed, 23 to 19, with 3 abstentions, in the UNHRC. <u>This is the first time that any United Nations body approved a resolution affirming the rights of LGBT people.</u>
July 2014	The United Nations (as an employer) announced it would <u>extend equal benefits to its employees</u> who have entered into same-sex unions in jurisdictions where they are legal
2016	<u>UNHRC passed a resolution to appoint an "independent expert" to find the causes of violence and discrimination against people due to their gender identity and sexual orientation,</u> and discuss with governments about how to protect those people. The milestone resolution has been seen as the UN's "most overt expression of gay rights as human rights"

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