

**AGENDA 2- Discrimination based on sexual orientation and physical violence and other discriminatory practices carried out on such individuals.**

**Note:** The agenda will be focused mainly on physical violence carried out on and criminalization of sexual orientation and differentiated gender identity and practices that are of physical threat to the community, including practices that result in death of LGBT individuals.

Over the recent years, the quest for equal rights for all men regardless of their colour, religion, sex and sexual orientation have been gaining increasing significance. Of late, equality for the lesbian, gay, bisexual and transgendered [LGBT] community has been a pivotal struggle. The movement against discrimination of these members of society has been attracting attention in several countries, with more than a few governments legally accepting the LGBT community as an integral part of the nation and passing legislation protecting their interests.

International law guarantees human rights to all without distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Expert bodies of the United Nations have affirmed that this principle includes discrimination on the basis of sexual orientation. In fact, on June 15th 2011, the General Assembly passed a resolution to the effect that the High Commissioner must commission a study regarding the treatment of the LGBT community by December this year.

Amidst these positive developments regarding the protection of the rights of this section of society, there remains, however, a continued level of intolerance against the LGBT community by several countries as well as indigenous interest groups. Though the quest for equality regardless of one's sexual orientation is gaining momentum, gender identity and sexual orientation continue to be used as justifications for serious human rights violations around the world. The Lesbian, Gay, Bisexual and Transgender (LGBT) community constitute a vulnerable group and continue to fall prey to persecution, discrimination and gross ill-treatment, often involving extreme forms of violence.

While the perpetrators of discrimination and settings in which it occurs may vary, at the heart of all forms of discrimination is prejudice. Committed within society generally or at the hands of officials', discrimination and repression is an abuse of human rights as is the impunity too often enjoyed by those responsible

Several countries still have laws which criminalize homosexuality. Such discriminatory laws not only deprive a sector of the population of their human rights, they may also act as a licence to torture or ill-treat those individuals that are detained due to their sexual orientation. By institutionalizing discrimination, such laws can act as an official incitement to violence against lesbian, gay, bisexual and transgender people in the community as a whole.

Currently, approximately 80 States still criminalize consenting same-sex relations. These countries include Algeria, Angola, Egypt, Ethiopia, Gambia, Iran, Lebanon, Libya, Morocco, Nigeria, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, Uganda, United Arab Emirates and Yemen who criminalize "consensual sexual acts between persons of the same sex in private over, the age of consent." Further in countries such as Saudi Arabia, Yemen, Iran, Sudan and some parts of Nigeria, homosexuality is a crime punishable by death.

However, such concerns are not limited to countries where homosexuality is illegal. Institutionalized prejudice is also a form of discrimination against the LGBT community. This means that lesbians, bisexuals, gay men and transgender people who come into contact with the law for other reasons may be targeted for abuse. In some Central and Eastern European countries, lesbians, bisexuals, gay men and

transgender people suffer limitations and restrictions on their right to freedom of expression and freedom of assembly ranging from the outright banning of Pride marches by municipal authorities to the provision of inadequate protection against attacks by counter demonstrators.

The criminalization of homosexuality has an adverse impact on the enjoyment of other human rights by LGBT community. This refers to the violation of rights such as the right to privacy and to health, as well as of association, assembly and expression. Moreover, criminalization frequently brings about other human rights violations such as torture, cruel or inhuman treatment, and violation of the right to life with increased tolerance of “honor killings” of LGBT people and the accompanying impunity.

The discrimination and criminalization of homosexuality and provision for LGBT rights is thus a much debated agenda on which the international community must come to a consensus.

**Questions to be addressed:**

1. How may indigenous groups be dissuaded from carrying out discriminatory practices against the LGBT community?
2. Is the criminalization of homosexuality in accordance with international law, especially laws emulating equality and equal liberty of all individuals
3. How does criminalization of homosexuality encourage the discrimination of LGBT community?
4. How may countries form a united agreement regarding the agenda that is favourable to all nations?

**Position Papers:**

1. Clear statement of the country’s stance on the agenda
2. Level of LGBT rights in the country and sanctions if any that protect the LGBT community from discrimination
3. Discriminatory practices carried out by indigenous groups and methods, if any, of combating these
4. The country’s stance regarding the necessity to protect the interests of the LGBT community

**Sources:**

<http://ilga.org/ilga/en/Articles?select=tag:homophobia;>

<http://www.amnesty.org/en/discrimination>

<http://www.unhcr.org/refworld/docid/4b2f4ddf0.html>

<http://civilliberty.about.com/od/gendersexuality/tp/History-Gay-Rights-Movement.htm>

<http://ilga.org/ilga/static/uploads/files/2011/6/17/RESOLUTION%20L9rev1.pdf>