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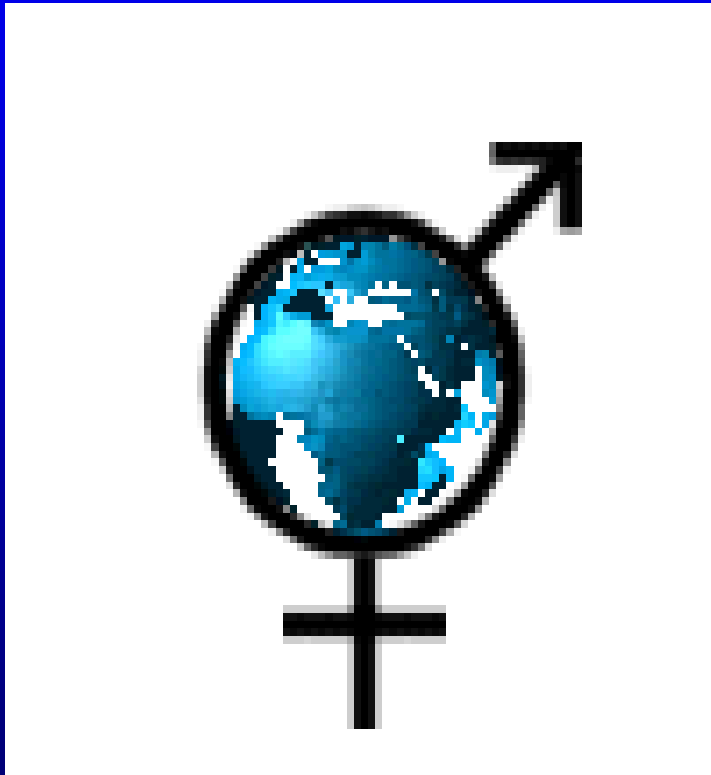


# Sexual Minorities and Global Human Rights

The challenge of reconciling irreconcilable differences

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# Sexual Minorities: A Global Reality



- Approximately 2% (12 million) of the world's women and 4% of the world's men live exclusively as homosexuals (Mackay 2001)
- Many more engage in homosexual behaviour, but may not identify as gay or lesbian

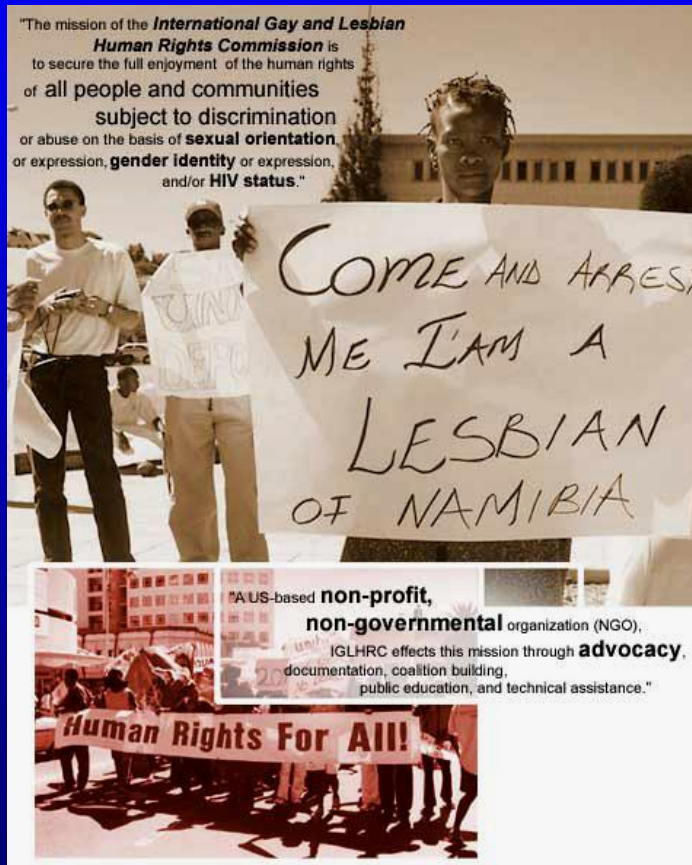
# Sexual Diversity: What's in a term?



Latvia Gay Pride

- Sex has to do with your body; it's your biology, e.g., male, female, intersexual
- Gender is what you are in society, e.g., man, woman, transgender
- Sexuality is to do with desire and orientation, e.g., homosexual, heterosexual, bisexual

# Sexual Minorities...



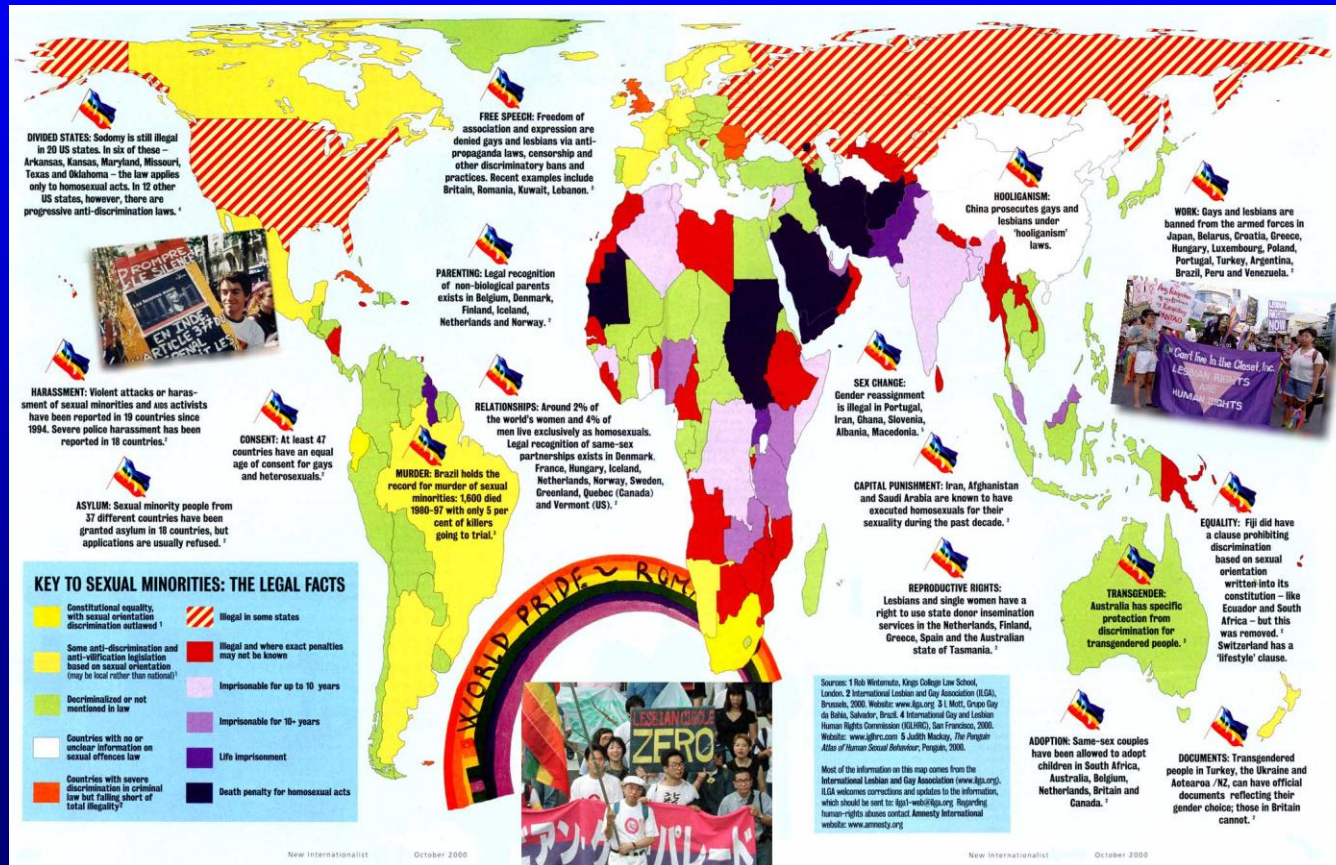
- "...comprise people whose rights are violated based on their real or perceived sexual practices with consenting adults, or their experience or expression of their own gender.
- Sexual minorities face discrimination and stigma in most societies around the world."



# Freedom is relative...



# International or National Freedom?



# Crimes of hate, conspiracy of silence



- 1998-2000: 2000 documented LGBT peoples murdered in Brazil
- 1995-1998: 125 LGBT murders investigated in Mexico, findings noted:
- “Once a victim is identified as gay or lesbian...the investigation mandated by law... is then dismissed.”
  - Sir Nigel Rodley, Special Rapporteur (June 2001)



# This was our brother, this was our son



- **Yesterday, I told another friend. Matt Shepard's death must mean something. Even though he died because of hatred, I will not let that deter me. I am gay. Matt Shepard may have died, but his strength lives on in each of us."** –  
– email, October 20, 1998.

# “Queen Boat” case in Egypt (May 2001)



- “They punished me only because of my sexual orientation and they condemned me as a criminal for my entire life. In brief, they killed every beautiful hope and future I ever had.”
  - Young Egyptian man speaking to Human Rights Watch (2002)

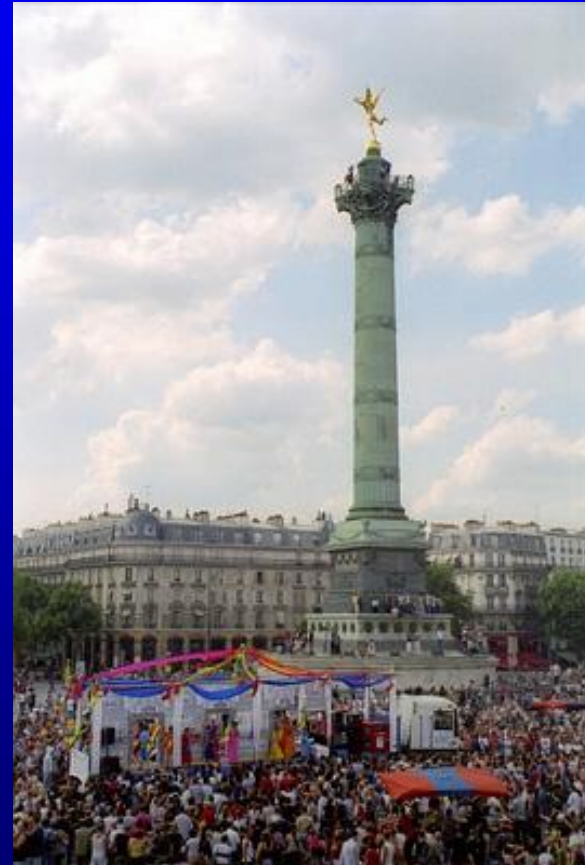
# Homophobia: The last respectable prejudice?



- I think some time ago we overcame the notion that the struggle against discrimination based on sexual preference was only a concern of the gay, lesbian and transgender community. It is a matter of human rights and is part of the agenda of all human rights activists.
  - Alejandra Sarda, Coordinator, Latin American & Caribbean Program of IGLHRC (2004)

# Human rights for all—a universal?

- "... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ..." (UDHR, 1948)





# LGBT peoples seek...



- Freedom of assembly
- Freedom of speech
- Right to equal protection under the law
- Right to work, health, education
- Right to free choice in marriage & family
- Right to asylum & refugee status
- Right to life, liberty, and security of person without fear of violence, torture or arbitrary imprisonment

# New Zealand's LGBT Rights

- July 1986: Homosexual Law Reform Act, decriminalized homosexuality
- 1993: Human Rights Amendment Act, rendered it illegal to discriminate on the basis of sexual orientation or HIV/AIDS status
- 2004: Civil Union Act, confirms right to a state-sanctioned union between LGBT peoples, and recognises the right to parent and have a family



# Chris Carter, MP, Labour Party



- “I was in New Zealand’s first gay rights rally...in 1972. I was fighting for the rights...of a minority. I made my speech as a gay man in Parliament to send a clear positive message to heterosexuals and to young gays and lesbians that it is possible to be gay and succeed.” (1997)

# Georgina Beyer, MP, Labour Party



- The first transsexual in the world to be elected as a Mayor (1995 & 1998)
- The first transsexual in the world to be elected to Parliament (1998- present)



# Nothing less than freedom...



- In April 2003 Brazil introduced a ground-breaking resolution on human rights and sexual orientation to the UN Commission on Human Rights.
- The resolution was the first of its kind and held out the hope that persecution of sexual minorities would finally be taken seriously by the nations of the world.
- The resolution initially gathered widespread support from European, South American and Asian nations including co-sponsorship by Poland.
- However, strident opposition from various countries and behind-the-scenes lobbying by the United States, saw debate on the Brazilian resolution postponed in 2003 and 2004.

# Importance of the UN Resolution...



- It would be the first UN resolution to connect the full range of human rights to sexual orientation discrimination and to condemn this discrimination.
- It would give all individuals, NGOs, governments and UN agencies, a clear mandate to condemn as contrary to the Universal Declaration of Human Rights all discrimination and persecution on the grounds of sexual orientation.
- It would provide a stronger mandate for those working against sexual orientation based murder, torture, detention, arbitrary arrest and in favour of sexual orientation related economic, social and political rights including legal equality, access to health and education, and asylum claims.

# Fundamental rights, not special rights

