



**Forum:** Social, Humanitarian and Cultural Committee (GA3)

**Issue:** The Question of LGBT Rights in Commonwealth Nations

**Student officer:** Tomi Petek

**Position:** President

## INTRODUCTION

The question of LGBT individuals and the rights that would enable them to obtain an equal status to any other citizen has always been all but controversial. The issue seems to be torn between those who would grant the said members of the society a completely equivalent position, from the right of marriage to adoption of children, referring to the human rights and moral and ethical viewpoint; and those who would see the LGBT individuals retain an inferior status in terms of the universal personal liberty, which may be on grounds of religion, defining homo-, bi-, trans- or any other form of sexual identity as medical conditions, dismissing the matter to a mere taboo, or alike.

In light of this, it is inevitable that informal, interpersonal, more or less laic interpretations of the issue are to set the direction of the whole country and its legislation. The quintessential purpose of this report will be just that: to establish whether the rights of this social minority are being violated and if so, how. I will be looking at in what a manner this situation could be ameliorated in the chosen region, namely the Commonwealth of Nations. This group of countries, bound together by the history of colonialism, mark wide differences among themselves as well as from their former colonial force.

## DEFINITION OF KEY TERMS

**LGBT:** it is an internationally accepted abbreviation derived from its English definition. Its letters stand for 'lesbian, gay, bisexual and transsexual', however, in many cases a 'Q' for 'queer' is added, and/or a '+' indicating a continuation in terms of sexuality-associated phrases. The abbreviation has become one of the most discernible symbols of the subculture and its primary form of identification.

**Commonwealth Nations:** also known as 'the Commonwealth' or 'the Commonwealth of Nations'. It is a voluntary group of independent countries which have up until a certain point formed a part of the British Empire, mainly as colonies. It associates 52 states joined by shared values of democracy, human rights and the rule of law, as defined in the Commonwealth Charter.

Queen Elizabeth II is the head of state of 16 of them (those are called the Commonwealth realms). The representatives of the Commonwealth Nations gather every two years, and a sporting event called the Commonwealth Games is held every four years.

Civil union: also known as a ‘civil partnership’, it is an arrangement akin to marriage, yet different from it by a few aspects. It grants those involved the right to hospital visitation and offers certain insurance possibilities, however, the exact description is specified by an individual state. In some of them, homosexuals are permitted to be joined in a civil union but not in a marriage.

Sodomy: anal or oral copulation with a member of the same or opposite sex; also: copulation with an animal. However, the term’s wider usage has been in reference to homosexual acts.

## **BACKGROUND INFORMATION**

The rights of the LGBT individuals have been categorically neglected throughout known history. Unless we are to count the ancient Greece or Rome where conduct or affairs of a non-heterosexual nature were not frowned upon but virtually constituted an integral part of the society, we are right to profess that the issue of an adequate integration of thus defined personae was always a spectre at the feast of formal and informal state relations alike, and so remains in many places to this day.

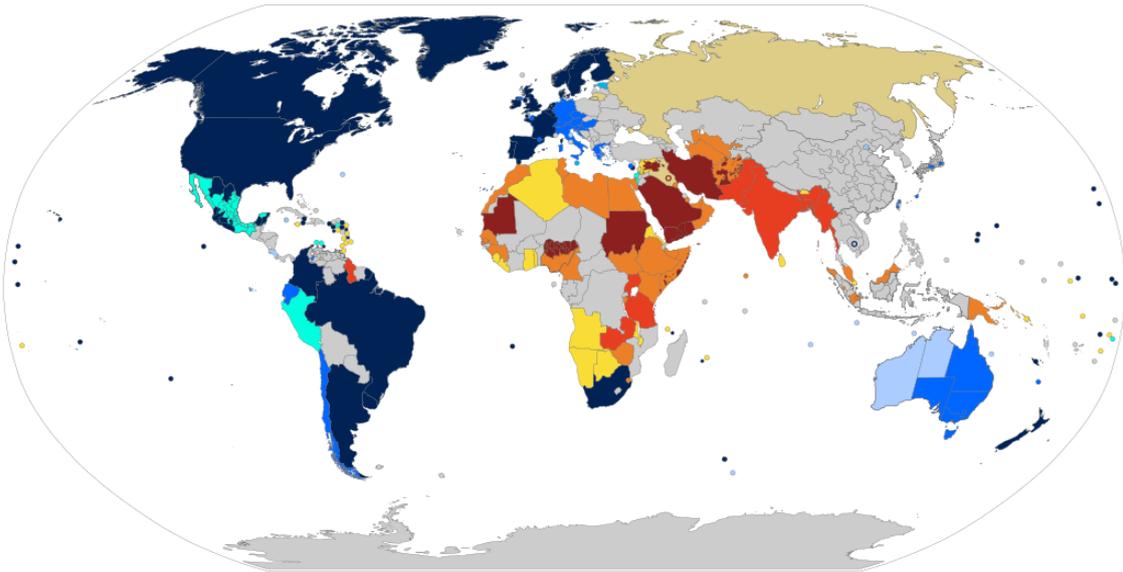
After the long ‘silence’ in terms of homosexual activities brought by the Middle Ages and the first years of the Age of Discovery, the LGBT question tentatively re-emerged during Renaissance, but, clearly, without indications of pro-homosexual movements to break the lasting taboo the issue was shrouded in. First such endeavours began in the early 19<sup>th</sup> Century which saw contrasting legislations in different areas of Europe and America: both progressive and regressive. World Wars I and II and their aftermath once again brought a sense of detriment to the sexual equality. There are well-known cases from the past of those who were outed and consequently faced legal repercussions for sodomy, for example the playwright Oscar Wilde, the poet Federico García Lorca, the mathematician Alan Turing, to name a few.

An initial success of sorts for the LGBT community were the decriminalisation and the legalisation of homosexual acts, which took place at various points in different countries. The next milestone was the removal of homosexuality from the group of illnesses, and transsexuals being allowed to undergo gender re-assignment therapies. Nowadays, the situation might be the most bipolar it has ever been: in some countries marriage equality acts have already been upheld, in some there are efforts to do so, while in others non-heterosexual behaviour remains punishable.

## **LGBT RIGHTS IN THE COMMONWEALTH**

From the early 15<sup>th</sup> Century on, the United Kingdom colonised a large quantity of areas around the globe. While some of them were inflicted with a strong oppression and assimilation, others managed to evade the imminent influence of the conquistadors, hence the dissimilarity in the social development.

United Kingdom recognises an absolute marriage equality since 2014, some (mostly crown depended) states followed. A large share of the countries forming the Commonwealth of Nations have decriminalised same-sex relationships, many protect individuals from discrimination on grounds of their sexuality. In numerous states, however, homosexuality continues to be a criminal offence, whether it is enforced or not. Those are, for example, India, Pakistan, Kenya, Cameroon, Guyana, Papua New Guinea; Singapore, Namibia or Jamaica. In Brunei and Northern Nigeria such deeds are punishable by death.



*LGBT rights around the world: countries in blue recognise LGBT rights at least to some extent, in those in red hues LGBT activities are prohibited (you can find the exact descriptions at: [https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_Commonwealth\\_of\\_Nations#/media/File:World\\_laws\\_pertaining\\_to\\_homosexual\\_relationships\\_and\\_expression.svg](https://en.wikipedia.org/wiki/LGBT_rights_in_the_Commonwealth_of_Nations#/media/File:World_laws_pertaining_to_homosexual_relationships_and_expression.svg))*

## **MAJOR PLAYERS**

### *The United Kingdom of Great Britain and Northern Ireland*

Same-sex male sexual acts were outlawed in the UK up until 1967 when it was partially reformed in England and Wales, and in Northern Ireland by 1982. Since 2000, the campaign for equality has been swiftly improving through the years, until 2014 when the aim for equality reached its victorious peak with the same sex-marriage act. The UK is one of the world's finest examples of a good equality practice, and many of its former territories followed.

### *Australia*

Australia is one of the most divided countries in terms of LGBT rights, since five out of its seven biggest states and territories (Queensland, New South Wales, Victoria, South Australia and Tasmania) allow same-sex couples to be joined in a civil union, two of them (Western Australia and the Northern Territory), however, only permit them to enter an unregistered cohabitation.

## *India*

As one of the largest members of the Commonwealth, India was always meddled with and influenced by the Western empires. Nevertheless, it has not yet followed the UK's LGBT-rights example, since same-sex activities and unions still face legal persecution. There have been efforts to change the discriminating law, and pride parades have been organised in some cities. Transgender people, however, have more rights, namely to access gender-changing medical treatment and to some other basic civil deeds. They are called Hijras.



*Pride Parade in New Delhi, India*

## **TIMELINE OF EVENTS**

- 1897: the first homosexual rights group is organised in England
- 1967: homosexual acts are decriminalised in England and Wales
- 15 October 1973: Australian and New Zealand College proclaims homosexuality is not an illness
- 1984: New South Wales and the Northern Territory legalise homosexual acts
- 1986: New Zealand legalises sexual intercourses between consenting males over 16
- 1994: South Africa decriminalises homosexuality
- 1994: Canada grants refugee status to LGBT individuals escaping sexual identity-related violence
- 2013: India recriminalizes homosexuality
- 2013: Same-sex marriage rights law is passed and comes into effect in New Zealand

## **RELEVANT UN TREATIES AND EVENTS**

*The Human Rights Council's Resolution on protection against violence and discrimination based on sexual orientation and gender identity, 30 June 2016, RES 32/2*

The third version of the similar previously discussed resolutions 17/19 and 27/32 on the issue of sexual orientation and gender identity elaborates on the possible solutions to the problem of discrimination of the LGBT minority. The resolution was adopted by 23 to 18. Notable opponents were China, Kenya, Nigeria, Russian Federation.

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

There have been three considerable efforts made by the UN to improve the LGBT situation, namely with the three Human Rights Council resolutions (see above). The UNHRC also actively urges all nations with an existent anti-LGBT legislation to modify it (for example Kenya). Furthermore, international organisations aiming to amend the LGBT situation across the world, for example the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), play an active role in raising awareness.

## **POSSIBLE SOLUTIONS**

A complex issue such as this one is not something that can be resolved very quickly. However, to maintain the tenacity in order to reach the most optimal equilibrium must be the very first objective.

We have seen progressive attempts in the past, but many failed to break the most ardent opposition. Just as ever, collective endeavours are crucial. Working to persuade the ones already sharing our beliefs is futile, a way needs to be found to endorse a well-directed mutual solution. Fear of small steps is redundant: it is the smallest stones that start an avalanche.

The media are a very powerful element, education is another important factor, then politics and the people. These aspects combined have the power to change any social situation, yet the question is how to use them properly. The key is to stay focused as well as creative, dwelling too much upon previously dealt propositions can lead the debate into a status quo.

## **USEFUL LINKS**

- <http://www.ohchr.org/EN/pages/home.aspx>
- <http://www.commonwealthofnations.org/>
- <https://www.thercs.org/our-work/campaigns/lgbt-rights/>
- <http://ilga.org/>

- <https://www.theguardian.com/world/2013/nov/10/homosexuality-illegal-in-41-out-of-53-commonwealth-countries-report>
- [https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_Commonwealth\\_of\\_Nations](https://en.wikipedia.org/wiki/LGBT_rights_in_the_Commonwealth_of_Nations)
- <http://commonwealth.sas.ac.uk/resources/publications/house-publications/lgbt-rights-commonwealth>

### **NOTES FROM THE CHAIR**

Please keep in mind that the debate we are to be conducting will not in any way be inviting the delegates to convey their own opinions on the matter, nor to refer to any relevant current or past discussions within their actual country of origin, lest they may undermine their arguments and thus their performance in the debate.

Have a productive research and see you very soon.