

Forum: GA3 - Social, Humanitarian, and Cultural
Issue: Preventing the Criminalization and Discrimination
of LGBTQIA+ People
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I. Introduction

Only in 2015 did the Supreme Court make same-sex marriage legal in all 50 states of the USA. Only in 2017 did the Bundestag pass legislation legalizing same-sex marriage in Germany. Only in 2013 did the British Parliament pass the Marriage (Same-Sex Couples) Act, legalizing same-sex marriage in the United Kingdom. Gay relationships are still illegal in around 70 countries.¹ The battle for gay rights has been going on for centuries. The world has come far, and this does not only include the LGBTQIA+ community, there is still an abundance of discrimination and hate in the world. Working together and utilizing, for example, UN resources in order to make a change can save lives. In the US alone, LGBTQIA+ youth is four times more likely to consider or attempt suicide.² In response to bullying, discrimination, and improper care concerning dysphoria or identity crises, they are more likely to develop anxiety or depression and, as a result, are far more likely to have suicidal thoughts than heterosexual/cis people. (Good support communities and safe spaces for anyone struggling with mental health issues (especially LGBTQIA+ related): The Trevor Project, GLBT National Hotline (USA), OK2BME, GSA Network, more on <https://www.glaad.org/resourcelist>).

Historically, the fights for LGBTQIA+ rights have ended up in compromise. Compromise in regards to human rights is very close to a loss; someone's right to exist shouldn't be compromised. There are however not only negatives, there are several initiatives, governmental as well as non-governmental organizations, and also member states helping out to strive for the goal of equal rights for LGBTQIA+ people, decriminalization of said community, and ridding the world of discrimination towards said community. As good of a job as these individual organizations and initiatives may be doing, the most significant change can only be made if member states work together in order to create refined, progressive legislation and better treatment of members of the LGBTQIA+ community.

¹ "There's Progress In Times of Uncertainty"

<https://ilga.org/ilga-world-releases-state-sponsored-homophobia-December-2020-update> - ILGA 2020

² "Estimate of How Often LGBTQ Youth Attempt Suicide in the U.S."

<https://www.thetrevorproject.org/research-briefs/estimate-of-how-often-lgbtq-youth-attempt-suicide-in-the-u-s/> - Trevor Project 2021

II. Definition of Key Terms

A. LGBTQIA+

In simple terms, the acronym LGBTQIA+ stands for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and more. But there are more nuances about the name of the community as well of course the community itself. The acronym for this community has changed a lot over time. The most recent change was to change it from LGBTQ to LGBTQIA+.³ In the mid to late 80s, the acronym changed from LGB to LGBT in order to be more inclusive of trans people. The same concept applies to all acronym changes. As more and more sub-communities of this community gained awareness, more changes were made to the acronym in order to be more inclusive.

B. Systemic Oppression

Systemic oppression is a term that is definitely not only prominent when it comes to the LGBTQIA+ community. It comes up with basically all minorities. It is when groups are intentionally disadvantaged due to their identity. At the same time, it advantages other groups which are viewed as better, dominant, or strongest.⁴ It is the ideology that certain groups of people are better than others.

C. Social Stigma

A social stigma is the discrimination or marginalization of a person or a group of people based on social characteristics distinguishing them from other people/other groups.⁵ This could be based on physical disabilities, mental illnesses, unemployment, political views, homosexuality, etc. There are certain prejudices and stereotypes surrounding stigmas.

³ "From LGBT to LGBTQIA+: The Evolving Recognition of Identity"

<https://www.nationalgeographic.com/history/article/from-lgbt-to-lgbtqia-the-evolving-recognition-of-identity> - National Geographic 2021

⁴ "The Lens of Systemic Oppression"

<https://www.nationalequityproject.org/frameworks/lens-of-systemic-oppression#:~:text=Systemic%20oppression%20is%20systematic%20and,%2C%20language%2C%20etc.> - National Equity Project

⁵ "Social Stigma" <https://pallipedia.org/social-stigma/> - Pallipedia 2021

D. Criminalization vs. Discrimination

There is a vast difference between criminalization and discrimination. Not only the definitions are different but also the impact.

Discrimination is unjust, prejudiced treatment of people, mostly minority groups on a basis of, for example, race, sexual orientation, gender, and disability. The most common form of discrimination is social discrimination: being discriminated against by larger communities. Discrimination poses lots of problems. Insults, harassment, and in some cases even physical assault. The main problem with discrimination is that it is often not dealt with properly. This ties into “*Systemic Oppression*”, which is where these discriminatory views bleed into the justice system. It is incredibly difficult to completely change the mindset of whole groups of people, of whole generations. This makes it so hard to *completely* overcome discrimination.

Simply put, criminalization takes discrimination and turns it into laws. What was before frowned upon is now illegal. Historically, some discriminatory laws were, for example, Jim Crow Laws and Black Codes, which were laws discriminating and segregating people of color in the USA. There are so many countries, where it is illegal to be part of the LGBTQ+ community. This not only creates a hostile environment for people of the LGBTQIA+ community but also puts them in danger of facing legal repercussions on a basis of their sexual orientation or gender identity.

III. General Overview

A. History of Discrimination of LGBTQIA+ People

“Homophobia” is defined as a culturally produced fear or prejudice against homosexuals that sometimes manifests itself in legal restrictions (criminalizing) or bullying/violence. Of course, homophobia is not the only discriminatory phobia when it comes to the LGBTQIA+ community. Transphobia, for example, is another common term. It describes the fear or prejudice against transgender people. The list goes on. Not only are there people who discriminate against the LGBTQIA+ community as a whole, but also people, who discriminate against specific sub-groups of this community.

Another interesting and in some ways tragically ironic form of discrimination is when members or entire sub-groups of the LGBTQIA+ community discriminate

against other members or entire sub-groups of the LGBTQIA+ community. An example of this could be the “double-discrimination” of bisexual people. To be bisexual means to be attracted to all genders but have a preference (this form of discrimination could also apply to pansexual people, which is where you are attracted to all genders but have no preference). Homophobic heterosexuals discriminate against bisexuals and at the same time, there are some lesbian or gay people who discriminate against bisexuals. This can be due to several reasons. For example, because they are not fully straight or fully gay. A lot of people also claim that bisexuals are more likely to cheat on their partners.⁶ The point I am trying to prove is that discrimination can even exist within a community. This is very ineffective and sad. If there is infighting in a community it can split and fall apart, making it harder to fight against other communities. Working together is the most important thing when fighting for equality.

B. History of Criminalization of LGBTQIA+ People

It is illegal to have relationships/sexual activity between men in 71 jurisdictions, which refer to it as “sodomy”, “buggery”, or “unnatural offences”. 43 jurisdictions illegalize relationships/sexual activity between women. 11 jurisdictions impose (or could impose) the death penalty for same-sex relationships/sexual activity. 15 jurisdictions illegalize any transgender activity such as so-called “cross-dressing”, “impersonation”, and “disguising”.⁷

Shockingly, although the United Kingdom is now a safe and inclusive place for LGBTQIA+ people, 47 out of 70 countries that illegalize same-sex relationships used to be part of the British Empire. The laws were put in place by the British and are now a sort of souvenir from those times.

C. Effects of Discrimination on LGBTQIA+ Youth

Growing up in an environment that is hostile towards you and your sexuality or gender identity can provide for a number of problems. It can convince you that you are abnormal. Things like conversion therapy, where people, most likely children

⁶ “Double Discrimination”

<https://www.nbcnews.com/feature/nbc-out/double-discrimination-loneliness-contribute-bisexual-health-disparities-study-says-n798071> - NBC News 2017

⁷ “Map of Countries that Criminalise LGBT People”

<https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/> - Human Dignity Trust

sent by their parents, go to have their gender identity or sexual orientation “cured” or “repaired” can convince these kids that they have to change in order to be “healthy”, “normal”, “acceptable”, etc.⁸This can also channel internalized homophobia, which is when people part of the LGBTQIA+ community grow up in a heteronormative society and develop homophobic views, which they project onto themselves as well as people around them.⁹

D. LGBTQIA+ Representation

Similar to lots of minority groups, the LGBTQIA+ community is unrepresented in media, government, etc. A form of discrimination or rather a claim often made by homophobes is that LGBTQIA+ representation would “convince children to become gay”. The thought behind this claim is that introducing children to the concept of homosexuality, transitioning, etc. will somehow make them gay, trans, etc. Of course, these claims stem solely from a homophobic mindset and don’t have any supportive evidence or rather no evidence that this is inherently a bad thing. Nonetheless, this is a huge reason why the LGBTQIA+ community has very little representation.

Another big problem when it comes to representation is that the LGBTQIA+ community is not normalized. Our society revolves around a concept of heteronormativity¹⁰, which basically means that being heterosexual and cisgender is normal and should be normal. Interestingly enough, the same people that advertise for LGBTQIA+ representation and equality can actually play a very big part in a heteronormative society. An example of this is LGBTQIA+ movies/tv shows. A coming-of-age film or something similar. The way that these movies/shows are made is that the whole point of the movie is that the main character is LGBTQIA+. This makes it seem so abnormal and special. The problem with this is that regardless of how “accepting” the movies seem and regardless of good intentions behind them, the fact that these characters usually only have one personality trait: being gay, makes it seem like that is the only thing that defines people of the LGBTQIA+ community. This misrepresents what the LGBTQIA+ community strives for. There is

⁸ “What is Conversion Therapy”

<https://www.webmd.com/sex-relationships/what-is-conversion-therapy> - WebMD 2021

⁹ “Internalized Homophobia” <https://www.rainbow-project.org/internalised-homophobia/> - The Rainbow Project

¹⁰ “Heteronormativity” <https://en.wikipedia.org/wiki/Heteronormativity> - Wikipedia

a difference between tolerating and accepting and there is yet another difference between accepting and normalizing.

IV. Major Parties Involved

A. Human Rights Campaign

The main goal of the HRC is to strive for equality and thus create a safe, comfortable environment for all LGBTQIA+ people. They achieve this through means such as, but not limited to: spreading awareness. They work towards educating the public and community on LGBTQIA+ issues. Mobilizing voters. Too many people, regardless of their views on the topic, don't see the importance of acting on those views. Enabling them to vote and take action in support of pro-LGBTQIA+ views is incredibly important in the strive for equality. This doesn't only enable their voice but also creates a community of allies. Advocating for pro-equality policies. This step comes after the voting process. Once an LGBTQIA+ friendly government is established, said government needs to take legal action in favor of LGBTQIA+ rights.

B. Netherlands

The Netherlands count as one of the, if not the most LGBTQIA+ friendly countries in the world. Not only were they the first country to legalize equal rights for same-sex couples as well as the first country to legalize same-sex marriage, but they are still, to this day, advocating for safe, equal treatment of LGTBQIA+ people.

C. Canada

Along with the Netherlands, Canada is recognized as one of the most LGBTQIA+ friendly countries. They implement discrimination protection for same-sex couples and the LGBTQIA+ community in general. They have also ensured the recognition and support of gender identity rights.

D. Nigeria

On the other side of it, Nigeria is recognized as one of the most dangerous countries for LGBTQIA+ people. LGBTQIA+ people in Nigeria face social and legal challenges. There are legal repercussions put in place for any same-sex sexual

activity or display of a same-sex relationship. The same goes for gender identity. Some of these can include long prison sentences or even death sentences. As a result, society is equally discriminatory. There are underground clubs and communities created by LGBTQIA+ people in order to enable a sort of safe space. However, this comes with a great risk due to all the “crimes” being committed in the creation of a community such as this.

E. Qatar

Qatar is another country all the way down on an LGBTQIA+ person’s top travel destination. Same-sex activity is illegal in Qatar. There have been no known cases of the death penalty being implemented, however, fines or long prison sentences are the usual punishment.

V. Timeline of Events

<u>Date</u>	<u>Event</u>
August 1971	First documented same-sex marriage in a “civil government” ¹¹
June 1979	Netherlands is the first country where same-sex couples could apply for limited rights
October 1989	Denmark becomes the first country to legally recognize same-sex unions
September 1996	Bill Clinton signs “The Defense of Marriage Act” into law, banning federal government from recognizing same-sex unions
December 2000	Queen Beatrix of the Netherlands signs into law the first same-sex marriage bill ever

VI. Previous & Possible Solutions

A. Previous Solutions

¹¹ “Jack Baker and Michael McConnell: Gay Americans who Married in 1971”
<https://www.bbc.com/news/magazine-23159390> - BBC 2013

So far, one of the main solutions to the problem of LGBTQIA+ discrimination has been activism. Pride month was implemented in 1994, formerly called “Lesbian and Gay History Month”, now, of course, encompassing all members of the LGBTQIA+ community. The idea is the same as for Black History Month. It creates a specific time in the year to highlight the involved minority. This month provides a time for LGBTQIA+ people to take to the streets and celebrate their pride. “Pride”, in relation to the LGBTQIA+ community, means to promote self-affirmation, equality, dignity, and acceptance. In a way, it is opposing social stigmas as well as the shame that surrounds “coming out”/being part of the LGBTQIA+ community. The idea of pride month is good and it stems from good intentions. At the time, there was basically no other time or place where LGBTQIA+ people could freely be themselves. Even nowadays, there are places where it is necessary for LGBTQIA+ people to create their own safe space because they are not accepted by their society. That being said, there are people who have problems with pride month, even people who are part of the LGBTQIA+ community. The points they make are, for one, “Rainbow Washing”. This term basically means that companies have overused/misused the pride flag in order to sell merchandise. It is immediately very attractive for allies and LGBTQIA+ people to see lots of pride flags on apparel, imagery, and advertisement. The problem with this is, that pride month becomes capitalized and the idea behind it loses its meaning. Another point is that people should be allowed to celebrate pride all year round, not just pride month.

B. Possible Solutions

There need to be tougher measures taken in order to stop the criminalization of LGBTQIA+ people all around the world. Nationally, the most important thing to do, if criminalization isn't a problem, is to spread awareness and education. Making sure that no biases, social stigmas, or systemic oppressions put LGBTQIA+ people at a disadvantage is incredibly important. It is necessary for this community to feel safe in their expression. It is difficult, however possible, to keep a balance between suppressing hate speech and maintaining freedom of speech.

Additionally, there need to be more measures taken internationally. It is vital to hinder any immense criminalization around the world. Aside from just social discrimination, there are places where LGBTQIA+ people are legally not allowed to

act upon their sexual orientation or gender identity in any way. This has to be stopped. Utilizing the UN would be quite clever. UN organs or UN-funded organizations could be created in order to act as peacekeepers.

VII. Conclusion

Discrimination is a huge issue in society. Too many people and minorities feel unsafe or oppressed. The only way to worsen the problem is taking legal action. Turning discrimination into law, criminalization doesn't just create an oppressive environment but a dangerous one. It starts becoming illegal to express one's identity, it becomes illegal to love one another. The domino effect this can create is immense. It enables future generations to adopt the same regressive mindset. It is important that people are educated on topics concerning the LGBTQIA+ community. We need to strive further than just acceptance and reach for the normalization of LGBTQIA+ people.

VIII. Questions to Consider

- Are all forms of discrimination equal?
 - Are there "more intense" forms of discrimination?
- To what extent does discrimination impede career or academic success?
- Is there a pattern of member states that criminalize LGBTQIA+ people?
 - Does a certain type of government often criminalize this community?
 - What political views do these member states/their leaders have?
- To what extent are LGBTQIA+ people discriminated against (in your member state)?
- Are there varying intensities of criminalization of LGBTQIA+ people?
- To what extent are LGBTQIA+ people represented (in your member state)?

IX. Sources for further research

A. <https://www.hrc.org/our-work>

1. Good tool to learn more about ways that national organizations help support the cause of LGBTQIA+ rights.

B. <https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/>

1. Good source to understand which countries criminalize LGBTQIA+ people as well as understanding to what extent they are criminalized/discriminated against.

C. [https://www.unfe.org/system/unfe-43-UN_Fact_Sheets_-_FINAL_-_Criminalization_\(1\).pdf](https://www.unfe.org/system/unfe-43-UN_Fact_Sheets_-_FINAL_-_Criminalization_(1).pdf)

1. UN Source to understanding the concept of criminalization and how it is implemented throughout the world.

D. <https://psycnet.apa.org/buy/2015-58774-007>

1. Reliable source to understand the mental health effects that discrimination can have.

E. <https://www.tandfonline.com/doi/abs/10.1080/00918369.2018.1539582>

1. Introduction to microaggressions within the compass of discrimination against LGBTQIA+ people.

X. Works Cited & Bibliography

Anderson, Eric. "Homophobia | Psychology and Society." *Encyclopædia Britannica*, 22 Nov. 2016, www.britannica.com/topic/homophobia. Accessed 17 Apr. 2022.

"Criminalising LGBT Persons under National Criminal Law and Article 7(1)(H) and (3) of the ICC Statute | Global Policy Journal." *Globalpolicyjournal.com*, 2016, www.globalpolicyjournal.com/articles/international-law-and-human-rights/criminalising-lgbt-persons-under-national-criminal-law-a. Accessed 17 Apr. 2022.

Gender Equality Law Center. "LGBTQ DISCRIMINATION." *Gender-Equality-Law*, 2015, www.genderequalitylaw.org/lgbtq. Accessed 17 Apr. 2022.

Human Dignity Trust. "Map of Countries That Criminalise LGBT People." *Human Dignity Trust*, 2019,

www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/. Accessed 17 Apr. 2022.

Human Rights Campaign. "Our Work." *HRC*, www.hrc.org/our-work. Accessed 17 Apr. 2022.

Nadal, Kevin L. "A Decade of Microaggression Research and LGBTQ Communities: An Introduction to the Special Issue." *Journal of Homosexuality*, vol. 66, no. 10, 7 Nov. 2018, pp. 1309–1316, 10.1080/00918369.2018.1539582.

Sears, Brad, and Christy Mallory. "Documented Evidence of Employment Discrimination & Its Effects on LGBT People." *Escholarship.org*, 2011, escholarship.org/uc/item/03m1g5sg. Accessed 17 Apr. 2022.

Singh, Sejal, and Laura Durso. "Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways." *Center for American Progress*, 2 May 2017, www.americanprogress.org/article/widespread-discrimination-continues-shape-lgbt-peoples-lives-subtle-significant-ways/. Accessed 17 Apr. 2022.

thisisloyal.com, Loyal |. "LGBT People's Experiences of Workplace Discrimination and Harassment." *Williams Institute*, Sept. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-workplace-discrimination/. Accessed 17 Apr. 2022.

"Unfair Criminalization of Gay and Transgender Youth: An Overview of the Experiences of LGBT Youth in the Juvenile Justice System | Office of Justice Programs." *Www.ojp.gov*, www.ojp.gov/library/abstracts/unfair-criminalization-gay-and-transgender-youth-h-overview-experiences-lgbt-youth. Accessed 17 Apr. 2022.

Wikipedia Contributors. "Timeline of Same-Sex Marriage." *Wikipedia*, Wikimedia Foundation, 12 Oct. 2019, en.wikipedia.org/wiki/Timeline_of_same-sex_marriage. Accessed 17 Apr. 2022.