

AFRICAN CAUCUS
Topic C: LGBT Rights Legislation

Chair David Carvalho
Vice-Chair Lucca Domingos
SALMUN 2015

INDEX

Background Info.....	3
Key Terms.....	8
Guiding Questions.....	9
Further Research.....	10

Background Information

Origins and Introduction

Homosexuality is a fact that has been ongoing throughout history. Great historical names, like Alexander the Great, Julius Caesar, and Atila the Hun are just some of the many great men that have been known to engage in same-sex relationships in between their many achievements as leaders. In Ancient Greece homosexuality was common in the armies, and was even thought to increase morale between soldiers at



war. The Philosopher Plato wrote ,”... he would prefer to die many deaths: while as for leaving the one he loves in a lurch, or not succoring him in peril, no man is such a craven that the influence of Love cannot inspire him with a courage that makes him equal to the bravest born” Showing his support to these same-sex relations and even its necessity to the success in the battlefield.

During the 20th century homosexuals started to be hunted and criminalized for many diverse reasons, ranging from religion to extreme machismo. During the Nazi regime in Germany, homosexuals were also introduced to the terrible concentration camps together with Jews, where they had to face the horrors of such terrible places. This reality, however, has not changed; the LGBT community only got a specific mention inside the UN during the 21st century. To this day, there is no clear policy on

the right of these people. To this day, same-sex relationships are illegal in 76 countries, and punishable by death in 11.

This fight has a very broad spectrum of possibilities that ranges from criminalization to complete acceptance as a registered parenthood, and marriage authenticity. Intermediate options such as mere decriminalization, acceptance to the army, and



employment equality are also realistic possibilities. Many countries have taken these matters to their own legislative levels and have decided on the fate of these people, many times deciding in favor of full acceptance into society, and others towards more death penalty related ideas. The international community has for many years delayed in its tackling of this subject, delay that can not be continued any longer.

After the adoption of a resolution in 2011 with the intention of providing research about the discrimination towards this group, awareness increased and the problem grew thicker, as never before was such issue even recognized inside the United Nations.

Movements

The rights of homosexual people in particular have long been the subject of political debate, with past discussion focused mainly around the legality of sexual

relations between same-sex partners. Until the 1960s there was no collective movement either nationally or internationally that fought openly for LGBT rights. The birth of the LGBT rights movement is commonly attributed to the Stonewall riots that took place in New York in 1969 where, for



the first time, the homosexual community fought against the government-led discrimination against them in response to the police raid of the Stonewall Inn at Christopher Street in Greenwich Village. This day has since been celebrated every year by the LGBT community and its supporters, and has given its name to the UK LGBT organization.

In Western and Latin American countries, great progress has been made over the last few decades. In most of these countries, sexual acts between two consenting adults from the same sex have been legalized on the basis that sexuality is a strictly private matter. In addition, the general age of consent for sexual activity for homosexual people has been widely adjusted to the same age as heterosexual people. Even further, many countries apply the 'non-discrimination norm' to LGBT people and may have specific laws prohibiting discrimination based on sexual orientation or gender identity. In 2000, the European Union adopted the European Charter of Fundamental Rights. This includes sexual orientation discrimination as a prohibited ground of discrimination in its non-discrimination article 21, being the first international human rights charter to do so.

The Charter became binding after the entry into force of the Lisbon Treaty on the 1 December 2009.

In Africa

Even though there were significant improvements in regards to the rights of LGBT members in the West and Latin America, the hole is a bit further down if you consider Africa, where LGBT people are not only openly



denied protection of various human rights, but are also often actively pursued. The public discourse can be very violent and the issues are sometimes used and abused by populist politicians to rally supporters. An example of this is the public debate surrounding the Ugandan anti-homosexuality bill, sometimes referred to as the 'Kill the Gays Bill'. Whereas the origins of discrimination and violence against LGBT people in Sub-Saharan Africa are mainly Christian morals, in Muslim countries discrimination and violence is mainly based on Islamic law: the Sharia. LGBT activism is limited in these countries often because activists are criminally persecuted or publicly harassed and abused. There are several countries who claim that their laws are sovereign and that they do not have to abide to the Human Rights Charter for they do not consider these people human.

Alongside these countries is the very liberal South Africa, who not only openly approves Homosexual activities inside its borders, as it has issued a resolution in 2011 to the Security Council, in regards to the violence stemming from the discrimination of these people. South Africa is also the first nation in the world to approve such couples and provide no sorts of discrimination to this minority since the Constitution that was written after the Apartheid, separation aided by Nelson Mandela.

Key Terms

Discrimination: treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit

Sharia Law: The term means way or path, it is the legal framework that describes the public and some private aspects of one's life. Sharia deals with all aspects of society like politics, economics, social, business and of course, sexuality. This set of laws comes from interpretation from the Muslim holy books, and may often vary from nation to nation, hence why some are more extreme than others.

Homophobia: unreasoning fear of or antipathy toward homosexuals and homosexuality.

Same-sex marriage: Marriage between members of the same sex, male-male, female-female.

Capital punishment: The death penalty.

Civil union: a relationship between a couple that is legally recognized by a governmental authority and has many of the rights and responsibilities of marriage:

Guiding Questions

- What is the role of education in the discrimination against the LGBT?
- To what extent are the laws of a country sovereign towards this minority?
- Should LGBT members be granted the right to seek exile in other nations?
- How can policies already tackled by the UN be improved or better implemented into societies?
- What is the best way to tackle the discrimination not only of the government, but also of the people inside the nations?
- In what manners can modern technology assist the LGBT?
- Should the international community have a set of standard treatments towards members of the LGBT?

Personal Understanding towards your country (*Please know these answers*)

- What is the legal status of LGBT people in my country, to what extent are they protected or persecuted?
- Which principles and declarations, if any, has my country already endorsed?
- Regardless of laws, how are LGBT people viewed within my countries' society?
- How willing is my country to engage in international LGBT rights discussions?

Further Research

http://www.muimun.org/wp-content/uploads/2013/02/SG_HRC_web_optimised.pdf

http://simple.wikipedia.org/wiki/Sharia_law

<http://76crimes.com/76-countries-where-homosexuality-is-illegal/>

<http://www.theguardian.com/world/2014/apr/30/africa-homophobia-legacy-colonialism>

<http://www.theguardian.com/world/2014/feb/23/africa-homophobia-uganda-anti-gay-law>

<http://edition.cnn.com/2014/02/28/opinion/uganda-anti-gay-law-marc-epprecht/>

<http://www.thedailybeast.com/articles/2014/03/31/why-africa-s-turning-anti-gay.html>

[http://www.washingtonpost.com/blogs/worldviews/wp/2013/06/27/from-colonialism-to-](http://www.washingtonpost.com/blogs/worldviews/wp/2013/06/27/from-colonialism-to-kill-the-gays-the-surprisingly-recent-roots-of-homophobia-in-africa/)

[kill-the-gays-the-surprisingly-recent-roots-of-homophobia-in-africa/](http://www.washingtonpost.com/blogs/worldviews/wp/2013/06/27/from-colonialism-to-kill-the-gays-the-surprisingly-recent-roots-of-homophobia-in-africa/)