

LGBTI policies in a changing world

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Legislation

State-Sponsored Homophobia (ILGA 2017)

- There are **124 States**, (122 UN member States as well as **Taiwan** and **Kosovo**) where there are no legal penalties levied for consenting same-sex sexual activity between adults in private. **108** countries (including Egypt) with an equal age of consent law, and **16** that have an unequal age threshold.
- There are **72 States** that criminalise homosexuality – including Egypt where same-sex sexual relations are *de facto* severely outlawed. In **45 of these States** (24 in Africa, 13, in Asia, six in the Americas and two in Oceania) the law is applied to women as well as men.

State-Sponsored Homophobia (ILGA 2017)

- “Reporting on the death penalty is quite complex, and throughout 2016 we saw it reported in media and elsewhere that 13 States ‘apply’ it. In fact, only **four sovereign** States apply the death penalty in 2017, while **regions** of two other States apply it under Shari’a, and **non-State actors** apply it across two more States.”
- “Therefore, it would be valid to say that the death penalty is ‘allowed’, or evidence of its existence, occurs in **eight (8)** States. Although its potential application by Shari’a courts in Pakistan, Afghanistan, the United Arab Emirates, Qatar and Mauritania, emits a chill factor, these States have less severe penalties encoded in their penal laws, and there appears to be no data to suggest the death penalty has been implemented in those States for consensual same-sex sexual acts between adults and in private.”
- “Further, **Brunei Darussalam** has not yet triggered its criminal procedure code, thereby stalling the introduction of its second and third phases of the 2014 Syariah Penal Code Order, and as such the threatened death penalty has not yet been implemented.”

State-Sponsored Homophobia (ILGA 2017)

- **19 States** (2 Europe, 8 Africa, 9 Asia) have ‘morality’ laws or ‘promotion’ laws that actively target public promotion or expression of same-sex and trans realities.
- Barriers to the formation, establishment or registration of sexual orientation- related NGOs: **25 States** in total: 11 of these in Africa, 13 in Asia and one in Europe. These laws function to limit civil society participation and their ability to bring their issues to public attention and be included at the policy and political levels.

State-Sponsored Homophobia (ILGA 2017)

- Laws on discrimination in the workplace have substantial impact on those who are protected by them: allowing not only a basic independent income but the ability to flourish in their work: **72 States** (including Taiwan and Kosovo)
- **63 States have** provisions that are either comprehensive or are specific non-discrimination laws, such as bans on blood donation, legal protection from partner violence for same-sex couples, and protection against SOGI-based bullying in schools.
- Hate crime and incitement to hatred: **43** and **39 States** respectively.
- States that ban so-called ‘conversion therapies’ – the harmful practice often linked to religious practice: only **three (3) States**”

State-Sponsored Homophobia (ILGA 2017)

- There are currently **23 States** in the world that recognise and provide for same-sex marriage. **Brazil** and **Mexico are considered** as marriage States because in both cases, through one legal route or another, it appears to be possible to marry in most jurisdictions within those States.
- Legislation that protects partnership relationships: **28 States**, including **Taiwan** because around 80% of the population live in areas where such partnership is available to them.
- **Austria, Finland** and parts of **Australia** introduced joint adoption laws in 2016 and 2017. There are currently **26 States** that provide for this in the world.
- A further **27 UN States** allow for same-sex second parent adoption, not counting **Italy** where there have been significant developments in regional courts.

Trans Legal Mapping Report (ILGA 2017)

- **Name change possible in 100 countries** (Africa 11, Asia 19, Europe 46, LAC 19, North America 2, Oceania 3)
- **Gender marker change possible in 78 countries** (Africa 9, Asia 14, Europe 40, LAC 11, North America 2, Oceania 2), with great variability as to requirements

Perceptions

ILGA-RIWI Minorities Report 2017

• Knowing someone

- 41% know someone who is romantically or sexually attracted to people of the same sex, 40% don't know someone and 19% do not know if they know such a person.
- 35% know someone who dresses, acts or identifies as another sex than that which they were born, 45% don't and 20% do not know if they know such a person.
- One repeatedly confirmed finding, across countries and across questions, is that when respondents know someone belonging to sexual or gender minorities their attitudes tend to be markedly more expansive or inclusive than when people do not know someone, or do not know if they know someone belonging to those minorities.

ILGA-RIWI Minorities Report 2017

• Equal rights and protections

- 55% agree that equal rights and protections should be applied to everyone, including people who are romantically or sexually attracted to people of the same sex, 25% don't.
- 59% agree that equal rights and protections should be applied to everyone, including people who dress, act or identify as one sex although they were born as another, 20% disagree.

ILGA-RIWI Minorities Report 2017

• Equal rights and protections

- When respondents know someone from sexual or gender minorities, they are much more likely to support their equal rights and protections: 73% of that cohort agreed, while of those who do not know someone only 44% agreed (sexual orientation), and 54% agreed (gender identity).
- The force of law is evident in the survey: only 46% of respondents in States that criminalise same sex sexual relations agree that equal rights and protections should be inclusive of sexual orientation with 36% disagreeing, while in non-criminalising States that figure rises to 60%, with only 19% disagreeing.
- Of the 49% of the cohort that agree with the provision of equal rights, 85% of them (over 40000 respondents) agree that they are able to respect their religion while being accepting of diversity. Conversely, of the 28% of the cohort who disagree with equal rights provision, 61% of them disagree they can be accepting and respect their religion.

ILGA-RIWI Minorities Report 2017

- **Work protection**
- Regarding gender identity 59% believe all workers should be protected from workplace discrimination, 21% don't, while in relation to sexual orientation 57% agree with the provision of protection, and 27% don't.
- The figures polarize in States that criminalise same sex sexual acts, with 49% agreeing and 30% disagreeing with work protection, and an average of 62% agreeing and 20% disagreeing in the 52 non-criminalising States surveyed here.

ILGA-RIWI Minorities Report 2017

- Legal gender recognition
- 50% of respondents agree that adults who dress, act or identify as one sex although they were born as another should be granted full legal recognition of the identity they declare, while 25% disagree and 25% neither agree nor disagree.
- The correlation between those who agree with equal rights protections being granted and legal gender recognition (LGR) is evident: of the cohort that agree with granting LGR, 77% agree with equal rights provision, while of those who disagree with granting LGR, 71% disagree with granting equal rights.
- Of those who know someone belonging to a gender minority, 63% of them agree that legal recognition should be granted, and 22% disagree. However, of those who do not know someone, only 44% agree with granting LGR and 26% disagree.
- 81% of the people who are comfortable socializing with someone of a gender minority are in favour of granting LGR, while 63% of those who are uncomfortable socializing, disagree with granting LGR.

ILGA-RIWI Minorities Report 2017

- **Criminalization**
- In States that criminalize same sex sexual activity (25 of the 77 in this survey) attitudes about equal rights and protections, neighbours, socializing, and about criminalization itself all are more severe.
- 28.5% of the entire survey agreed that people who engage in romantic or sexual relationships with people of the same sex should be charged as criminals. 49% disagreed and 22.5% neither agreed nor disagreed.
- It is notable that in criminalizing States 42% agree with the statement and 36% disagree, while in non-criminalising States only 22% agree and 55% disagree with the statement.
- Of those respondents who know someone attracted to the same sex 62% disagree with criminalization, while only 41% of those who do not know somebody disagree with criminalization.

ILGA-RIWI Minorities Report 2017

- **Neighbours**

- Regarding their male and female neighbours who respondents know to be romantically or sexually attracted to people of the same sex, globally female neighbours get more positive response rate; 60% for females, 55% for males.
- In criminalizing States, the average of positive responses to both male and female neighbours is only 37%, while the average in the non-criminalising States is 68%. Further, in criminalizing States, 31% of the negative responses come under “try to change” them, while in non-criminalising States the number with that response stands at 9%.

ILGA-RIWI Minorities Report 2017

- **Socialising**

- 38% and 42% respectively of all those surveyed would be comfortable socializing with a person of a sexual or gender minority, 28% and 32% would not, and 29% on both say they are 'neither'. It is possible that 'neither' can be read positively in that sexual or gender diversity makes no difference to the respondent (which is positive).

ILGA-RIWI Minorities Report 2017

- **Respect for religion and acceptance of diversity**
- Being accepting of sexual and gender minorities and still respecting one's religion is a concept that 48% (regarding sexual orientation) and 53% (regarding gender identity and expression) agreed with. 30% and 23% disagreed with this possibility, and 23% of respondents answered 'neither' on both.
- Of those who know someone (SO and GI), 65% and 68% agreed they can respect their religion and be accepting, while of those who do not know someone, only 35% and 48% agreed with this.

ILGA-RIWI Minorities Report 2017

- Respect for culture and acceptance of diversity
- Being accepting of sexual and gender minorities and still respecting one's culture is a concept that 49% (regarding sexual orientation) and 54% (regarding gender identity and expression) agreed with. 29% and 23% disagreed with this possibility, and 23% of respondents answered 'neither' on both.
- Of the 60% + of the cohort who feel they can respect their culture and be respecting of diversity, 78%, 75% and 83% have positive responses to a female/male/or gender diverse neighbour, while of the cohort (26% of n) who do not agree their culture can be respected and be inclusive, 68%/63%/ and 75% provided negative responses to a female/male or gender diverse neighbour.

Trends in the community

As community grows it fragments itself into new identities, with only partially overlapping needs and demands

- Gay > Lesbian > Trans > Intersex > Bisexual > Gender queer / non-binary > + (pansexual, asexual,)
- Right to exist > “Sexual liberation” > Equality – “normality” > intersectionality > gender (and sexual orientation) fluidity

Global North - West

- With marriage equality and adoptions focus in Western countries more and more on Trans issues and, increasingly, on non-binary gender self-defined identities, with potential frictions with part of the feminist communities, vis-à-vis access to women only spaces.
- Surrogate motherhood contentious between part of gay and part of lesbian community.
- Politicized v commercial = involved v self-centred (e.g. prides, movies, etc.)

Global South - East

- Fight for acceptance (cultural, social, as organisations), decriminalisation, demonization (“Propaganda” laws), search for allies among religious authorities or charismatic figures
- Gender minorities/communities seek to re-affirm terms traditionally used to define them(selves), refusing or limiting the use of ‘Trans-’
- Anti (neo) colonial perspectives

LGBTI+ and Trade Unions

Depending on:

- Economy: capitalism v socialism v other
- Politics: left v conservative
- Reciprocal needs (e.g. new demographics > new needs/focus)

Thank You!

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