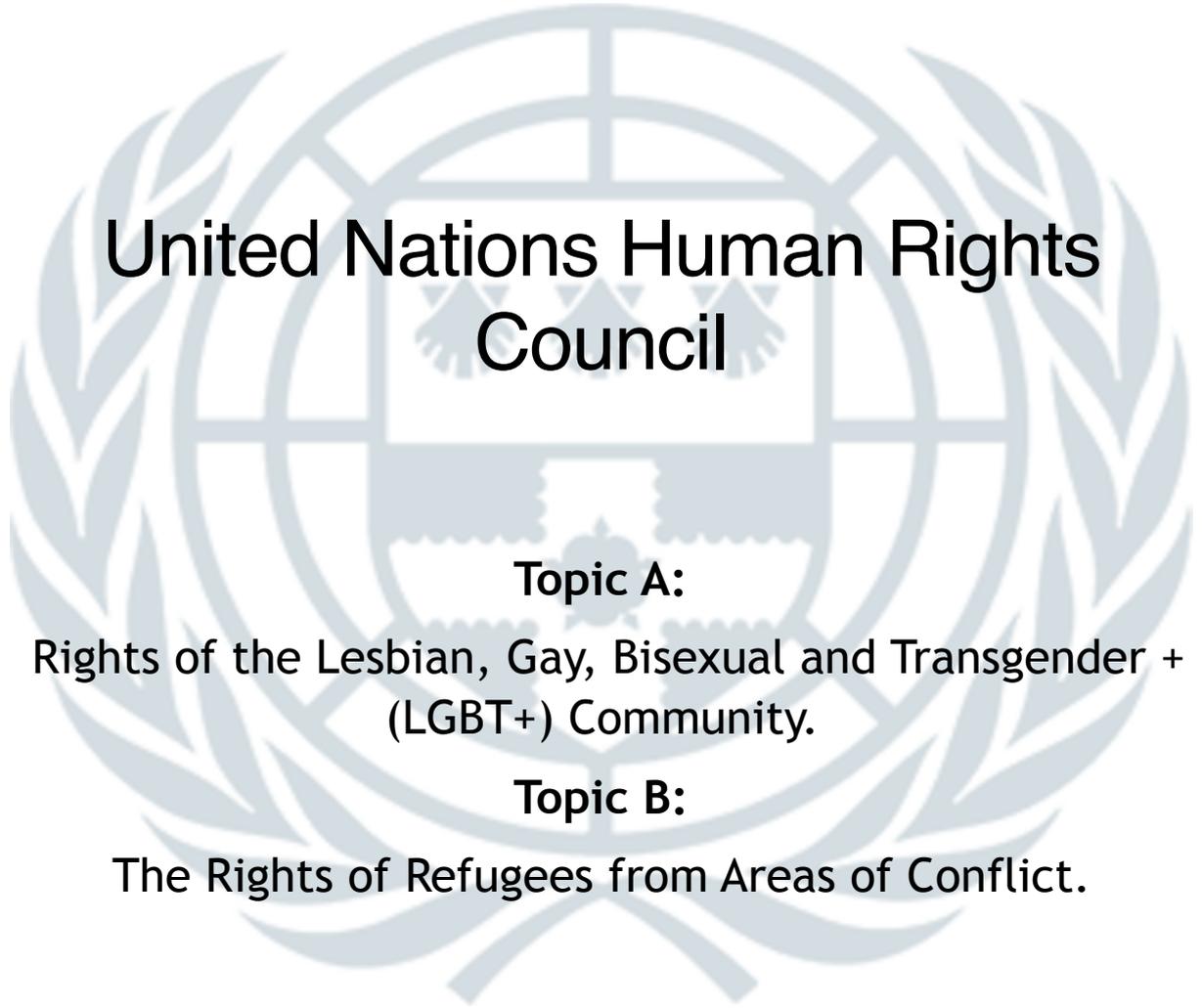


University of Reading International Model United Nations Conference 2015



United Nations Human Rights Council

Topic A:

Rights of the Lesbian, Gay, Bisexual and Transgender +
(LGBT+) Community.

Topic B:

The Rights of Refugees from Areas of Conflict.

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Topic A:

The Migrant Crisis: The Rights of Refugees from Areas of Conflict

Introduction

Today, the world is facing the worst migration crisis it has faced since World War II. Wars in Syria, Iraq, Afghanistan and Western Africa have contributed to this, as has instability in Libya, Ukraine, and Myanmar as well as in other countries all around the world. Poverty and religious persecution in certain countries have also had an effect on the crisis.

The United Nations High Commissioner for Refugees (UNHCR) has estimated that at least 60 million people around the globe had been displaced in 2014, the largest increase in the year since the agency was created. It is expected that this number will be surpassed by the end of 2015.

While all regions in the world have been affected by the crisis, Europe has faced the largest increase in number of refugees, estimated to be at least 51%. The UNHCR has predicted a further increase in the number of refugees in Europe in the next few years.

The issue is a politically sensitive one, with countries having to balance the conflicting issues of securing their borders and maintaining security, while also protecting the rights of the refugees. The increasing numbers of refugees can have major effects on the countries in which they go to, which has led to the refugee crisis not being seen as only a humanitarian issue.

Problems such as smuggling, discrimination and human trafficking have also increased as a result of the crisis.

Background

Refugee rights have been an issue for centuries. However, the origins of modern refugee laws are fairly recent. The laws related to refugees were revised after the Second World War, due to the refugee crisis that occurred during the war across the world.

Refugees are protected by the 1951 Convention relating to the status of refugees and the 1967 Protocol. These documents are based on Article 14 of the Universal Declaration of Human Rights, which states that any person has the right to seek asylum from persecution in another country or be sent to a “safe third country”. Further, they expand on the protection of all three types of human rights: fundamental rights, socioeconomic rights and those rights that go beyond the basic civil and social rights.

However, various regional treaties have modified the definition of a refugee. Furthermore, the 1951 Convention does not clarify how states should determine whether a person meets the criteria to be granted the status of refugee. Thus, it is left to individual countries to

determine whether a person is a refugee. As a result, many States base their decisions on whether to accept refugees on concerns about national security or public opinion.

While most countries have signed either the 1951 Convention or the 1967 protocol, Jordan, Pakistan, India, Syria, Iraq, and Eritrea have failed to do so.

Some issues facing refugees and their guaranteed rights are a direct result these countries not being signatories of the treaty.

An issue of terminology

When discussing refugees today, it is crucial to understand the difference between migrants and refugees. A migrant is a person that moves from one country to another for a certain period of time. Migrants who are in a search of better opportunities are known as economic migrants. On the other hand, the convention relating to the status of refugees defines the term refugee as: “A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

Even though the definitions show clear distinctions between the two, it is difficult to distinguish them due to the existence of mixed migration. Migrants and refugees frequently use the same routes, and if they are unable to enter the country through legal means, they often pay smugglers to take them. However, while refugees are entitled to “international protection,” migrants are not. Once they have been identified as migrants, they are allowed to be sent back to their country of origin. However, it is very difficult for countries to determine whether a person is a refugee or a migrant. Because of this, countries make these decisions based on things like whether the individual’s country produces many economic migrants and few refugees, and vice versa.

Current Situation

Europe

Since 2013, there has been a rapid increase in the number of migrants entering Europe by crossing the Mediterranean. The EU countries saw an increase of 24% in the number of asylum applications from the first half of 2013 to the first half of 2014. In the same time period, there has been an increase of 149% in the number of migrants crossed into Europe from January to May 2015. As conflicts in the Middle East, Africa, and South Asia escalate, more people are choosing to try entering Europe.

The worst shipwreck accident occurred on April 19th, 2015. A boat with over 850 migrants had just left, Libya and was 190 km away from Lampedusa, a southern Italian island when the vessel capsized.

Despite a rescue mission by Malta and Italy, only 28 people survived. After the accident, EU ministers responded by tripling the budget of Operation Triton, the EU’s current border security operation which began on November 1st, 2014. From 2015 to 2016, Triton is to receive €120 million from a selection of EU member states, as well as several naval boats and helicopters from the UK.

In May 2015, Jean-Claude Juncker, the President of the European Commission, offered a possible solution to the EU migrant crisis – a quota system. As a part of the proposal, the EU is to accept 20,000 asylum applications in the next two years, and each member state will be required to take in a certain number of refugees. The plan takes into consideration the capabilities of each country and adjusts for these differences, and aims to fairly distribute the refugees among 28 countries. Germany, France, Italy, and Austria have shown their support for such a system; a mandatory quota for each nation will ease the burden of receiving asylum applications for Germany and Italy. However, most countries stand against the proposal. Spain, Poland, the Czech Republic, and Hungary reject any involuntary quota system. The UK has also said ‘no’ to the plan, even though it, along with Ireland and Denmark, are exempt from the quota proposal under EU law. With less than a qualified majority agreeing to the plan, the proposal was refused by EU member states in June.

Other efforts to combat the migrant crisis include stopping smuggler boats and sending them back to Libya, but many argue that it is unethical to force people back to go back to countries where their lives are at risk. While it is obvious that EU nations need a system of accommodating more refugees, some nations have made their reluctance to accept asylum applications very clear. In August 2015, many migrants settled in Calais, France in an attempt to cross the Channel Tunnel into the UK. Even though the number of people in Calais makes up less than 1% of the total migrants entering Europe, Britain has responded by sending sniffer dogs to France to stop asylum seekers. Countries such as Lithuania, Estonia, and Slovakia also stand against being compelled to accept more refugees, despite the fact that less than 1,000 asylum seekers apply to those nations voluntarily.

Many argue that the European Union's collective response to its growing migrant crisis has been ad hoc and more focused on securing the bloc's borders than on protecting the rights of migrants and refugees. With far right parties gaining support in many member states and concerns about Islamic terrorism looming large across the continent, it remains unclear if the political environment will allow for revamped policies on immigration reform. Meanwhile, with the number of migrants coming to Europe continuing to increase, the UNHCR has urged the European Union to speed up the formulation of an adequate collective response to this unprecedented crisis.

EU member states hardest hit by the economic crisis—Cyprus, Greece, Italy, Malta, and Spain—have also served as the main points of entry for migrants and refugees because of their proximity to the Mediterranean Sea. In 2008, the Eastern Mediterranean route saw a sharp spike in irregular migration, and by 2012, 51 percent of migrants entering the EU illegally did so via Greece. This trend shifted in 2013 after Greek authorities enhanced border controls under Operation Aspida, which included the construction of a barbed-wire fence at the Greek-Turkish border.

According to the Spanish Interior Ministry, the number of migrants trying to enter Spain illegally in 2014 rose by almost 70 percent from the previous year to 12,549. And despite efforts to fortify the borders of Melilla and Ceuta, Spanish territories that are contiguous with Morocco, a steady stream of migrants from Sub-Saharan Africa continue to scale the fences of these two enclaves. However, the most heavily trafficked route along Europe's Southern perimeter remains the Central Mediterranean passage from Libya to Italy, which has borne the burden of the most recent wave of the crisis. This passage is also considered one of the most perilous: The IOM estimates that a majority of the 3,279 Mediterranean migrant deaths in 2014 occurred along this route; the organization says that the toll could reach 30,000 by the end of 2015. Several incidents involving capsized boats have garnered global attention and elicited calls from human rights activists, Pope Francis, and policymakers for a united European response to the migrant crisis.

Ethiopia

In 2014, Ethiopia overtook Kenya as the country with the most number of refugees in Africa. By the end of July, Ethiopia became host to over 620,000 refugees. Most of these refugees come from South Sudan. Ethiopia is also a major host for Somali and Eritrean refugees who make up the second and third most refugee numbers in the country. Unlike certain other countries with a high number of refugees, Ethiopia is a signatory to the 1951 Convention.

Australia

Australia has historically maintained a strict refugee policy. In 2008 Australia resumed the operation of its offshore asylum processing centres in Nauru, Papua New Guinea, and Christmas Island. When an asylum seeker is taken in by Australia they are moved to one of the three offshore processing centres while they await their status. The government also made a deal with the Cambodia to allow for the resettlement of refugees from these offshore processing centres into Cambodia. In 2013 the Australia began Operation Sovereign Borders to address maritime asylum seekers. Sri Lankan, Afghani, Iranian, and Iraqi asylum seekers commonly make the dangerous voyage via boat to Australia, and under this program the processing of these maritime refugees was placed into the hands of the navy. Under this policy the Australian navy has been towing boats back to their place of origin. In September of 2014 alone 12 boats filled with asylum seekers were towed back. The international community has responded by accusing the Australian government of refoulement, a practice that has been combated internationally since the League of Nations.

Jordan

Jordan has been one of the most impacted host states in the world. 20% of their population comes from Syria, and over two million registered Palestinian refugees live in Jordan. This doesn't account for the vast number of unregistered people who are in the country, and only a fraction of those registered have a place in a refugee camp. The fourth largest city in Jordan is a refugee camp. One huge issue with having Jordan as a major host country is that they aren't signatories to the 1951 Convention or Protocol Related to the Status of Refugees. This means that none of the refugees in the country are guaranteed the same rights as participating states. This allows Jordan to not permit the refugees the right to work. This has put an enormous strain on the Jordanian economy.

Lebanon

Lebanon host over 1,000,000 Syrian refugees, along with refugees from other countries in the region. Lebanon is situated near Syria, Iraq, and Palestine which means it gets a large number of refugees from the Middle East. While the country is more welcoming to refugees as compared to Jordan, the budget for their refugee program is estimated to be at least 800 million dollars short of the required funds.

Pakistan

The Afghanistan refugee crisis is the largest protracted refugee situation in the world. More than 3.5 million refugees have been successfully returned to Afghanistan from Pakistan since 2002, which accounts for nearly one fourth of the population of Afghanistan. Currently Pakistan is host to at least 1.6 million Afghan refugees. Like Jordan, Pakistan has not signed the Convention of 1951 or the Protocol of 1967. Pakistan also has a problem with refugees leaving, with over 43,000 refugees originating from Pakistan.

United States of America

The US currently has an annual cap of 70,000 refugees, but has pledged to increase that number to 100,000 by 2017. The largest three groups of refugees admitted were from Iraq, Somalia and Bhutan, with Syrians at the bottom of the list. The United States has been repeatedly asked to open its borders to more migrants and criticized by aid groups for not doing enough, to which it has cited security concerns and vetting requirements established post the September 11 attacks. It is now rallying support for greater aid to the United Nations refugee camps in the Middle East, in the UN General Assembly.

Germany

Germany expects to see the arrival of around 800,000 asylum seekers and refugees in 2015 - four times as much as it did in 2014. It has agreed to suspend the application of the Dublin Regulation, which now permits Syrian refugees to directly apply for asylum to the country. It has criticized other nations for not taking a similar approach towards the migrant influx. Further, it advocated the adoption of the quotas to distribute 160,000 refugees across the 23 European Union Member States but still calls it 'a first step' in resolving the crisis in the long run.

United Kingdom

The UK has provided around 5,000 Syrian refugees asylum since the start of the conflict in 2011. It received around 25,000 applications for asylum with Eritreans being the largest group applying followed by Pakistanis. It is however, among those emphasizing to stem the flow of migrants at source, to stop their perilous journeys to Europe. In June, the United Kingdom opted out of a quota system adopted by the European Commission. It plans to take in up to 20,000 more Syrian refugees from camps in the Middle East. Financially, it is the largest EU donor to the camps in the Middle East.

Timeline

1951 - The UN Convention relating to the Status of Refugees is first adopted. The convention "provides the most comprehensive codification of the rights of refugees at the

international level” (UNHCR). Later revised in 1967, the agreement sets a guideline for the treatment of refugees by individual states”.

1980 - Various groups in Somalia compete against each other for influence during a power vacuum. The nation is, to this day, in an ongoing state of turmoil as the government struggles to fight Al Shabaab and other militant groups.

1998 - Ethiopia and Eritrea become involved in a major border conflict that continues to spark violence today.

2001 - NATO deploys forces into Afghanistan to dismantle al-Qaeda. The ongoing conflict eventually results in Afghanistan being the leading country of origin for refugees.

2007 (May) - A small, crowded migrant boat carrying 53 refugees disappears after being spotted 150 km off the shore of Malta. From 1997 to 2007, over 10,000 people have died trying to reach Europe.

2009 - Jihadist rebel group Boko Haram initiates an armed rebellion against the Nigerian government. Ongoing violence in the nation has led to more than 10,000 deaths.

2009 (March) - Several smuggling boats carrying at least 500 asylum seekers capsizes as they head towards Italy. Around 200 of these seekers were from Nigeria.

2011 - The Syrian Civil War begins. Millions of civilians are forced out of their homes.

2013 (October) - Two boat full of migrants sink within two weeks of each other as they travel from Libya to Lampedusa, Italy. Over 360 deaths are confirmed.

2013 (October) - Italy launches Operation Mare Nostrum, a year-long rescue mission to protect refugees after the Lampedusa accident. The operation has helped at least 150,000 migrants safely enter Europe.

2014 (September) - 200 people drown off after a ship sinks off the coast of Libya.

2015 (April) - Another ship carrying 850 asylum capsized off the Libyan coast. The 18 rescue ships from Malta and Italy only managed to save 28 survivors.

2015 (November) - Operation Mare Nostrum ends because it is too expensive for one nation (Italy) to fund. It is replaced by Operation Triton.

2015 (May) - The European Commission proposes a quota plan that would require EU member states to accept a certain number of refugees based on economic growth, population, unemployment rate, and previous involvement with asylum seekers. EU nations offer differing responses to the plan.

2015 (June) - The EU starts surveillance-based naval operations to monitor Libyan human smugglers. Aircrafts, drones, and ships from over ten EU member states will determine whether it is feasible to mount combat-operations against smugglers in the future.

2015 (August) - The UNHCR calls for a “comprehensive response” to the conditions of migrants in Calais, France, who are attempting to enter the UK via the Channel Tunnel. The British government, however, does not accept the refugees.

Questions to address

- 1) How can there be a system of providing adequate resources to refugees?
- 2) To what extent can migrants house themselves in the immigrating country?
- 3) How can the United Nations hold receiving countries accountable for the care of refugees?
- 4) How can the different crises in the Mediterranean, Australia, and Europe be addressed?
- 5) How should the international community react to political and humanitarian oppression in asylum seekers' home nations?
- 6) To what degree are countries obligated to offer asylum to migrants?
- 7) Is it ethical to reject the asylum applications of those in need of help and repatriate migrants back to the places where they fear for their life?
- 8) How will the EU ensure quick and effective response to future possible accidents involving shipwrecks in the Mediterranean?
- 9) What is the best way to punish and deter the smugglers who are exploiting displaced citizens?

Further Reading:

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Topic B: Rights of the Lesbian, Gay, Bisexual and Transgender + (LGBT+) Community

Introduction

LGBT+ is a term we often hear in our everyday lives and in the passing news. It is an acronym for Lesbian, Gay, Bisexual and Transgender plus gender and sexual minorities. Anyone who identifies as any part of this collective group may suffer from human rights violations such as abuse and disallowed healthcare and employment. Lesbian and Gay are both terms for being attracted to the same sex, whereas bisexual is being attracted to both. Heterosexual, also used as “straight”, is when a person is attracted to the opposite sex. Transgender is when a person does not identify with the conventional notions of male or female. Even though there is a difference in sexuality and gender, these people are still fundamentally people and there have been issues with how much of their basic human rights are available to them.

History

An idea that many may count as being quite modern in sense because of its recent rise in the media; LGBT rights have been an on-going issue since the prehistoric era. There have been sightings of images of phallic men on rocks as well as Greek statues who had both female breasts and male genitalia and were considered as the artist as a ‘third gender’. However, as time passed, more people became open about their sexual orientation and/or gender identity as well as more activists being visible. With this, though, came abuse from the opposition.

The 20th Century was a turning point for the LGBT movement. Activists began to show their support for the small LGBT community, which grew and grew. Many novels that focused on homosexual couples or were written by openly homosexual authors were published during this time. Nevertheless, the discriminations grew, with the number of raids of known homosexual places and convicted members of the LGBT community, especially high profile men such as Alan Turing, Lord Montagu, and Michael Pitt-Rivers to name a few.

1970 saw the first LGBT Pride Parade in New York and the first Gay Liberation Day March in New York City. These parades continue still to this day as a sign of pride and support. In 1993, nations began adopting the Civil Union/Registered Partnership law which was then replaced with the same sex marriage law, with Norway being the first country to adopt it, then Sweden in 1995 and so on. As well as this law coming into action, anti-discrimination laws were also adopted such as the Human Rights Amendment Act, which outlaws

discrimination on the grounds of sexual orientation, or HIV, which was passed by New Zealand in 1993.

The 21st Century saw the continuation of support and passing of laws and legislations. More people found the security to be open about their sexual orientation and/or gender identity.

UN Action

Having passed The Universal Declaration of Human Rights in 1948, which covers many basic human rights the LGBT community still do not have, the UN continues to discuss certain aspects to resolve the issue. Article 2 of the Universal Declaration of Human Rights states that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

However, the UN had never discussed LGBT rights until 2011, when a resolution was made prompting the United Nations High Commissioner for the Human Rights to draft a report on the situation of LGBT citizens worldwide. This was an action taken from HRC Resolution 17/19 on Human rights, sexual orientation and gender identity, on 17th June 2011. This was the first HRC resolution to be adopted by the council on the topic. The report documented hate crimes, criminalization of homosexuality and discrimination in all forms.

HRC Resolution 27/32 Human rights, sexual orientation and gender identity (adopted on 26th September 2014), further reiterated that the work of the UN High Commissioner must be updated. Thus, more solutions to overcome violence and discrimination could be put in order within existing international human rights law and standards.

Block Ideas

When the topic of LGBT rights has been in discussion during UN Council sessions, the members are always divided, which is why there has never been a clear support for this discrimination.

The first incident of the division of ideas came in 2008, when a statement from the European Union was presented to the General Assembly to be adopted as a resolution. It was the first declaration concerning homosexual rights to be read out in the General Assembly. The statement included condemnation of violence, harassment, discrimination, exclusion, and prejudice based on sexual orientation and gender identity. It also included a support of the Yogyakarta Principles and its definitions on sexual orientation and gender identity as well as, praising the HRC and other UN bodies for the consideration of these violations. This was supported by 96 member nations.

This action then initiated an opposition from the Arab League, as well as rejections from China, Russia, and the Holy See (the jurisdiction of the Catholic Church in Rome). The statement rejected the idea that sexual orientation is a matter of genetic coding and added that this could all lead to deplorable acts including paedophilia. This was supported by 57 member nations.

Current Issues

Decriminalisation

Criminalisation of LGBT acts means that doing anything that may be considered homosexual, bisexual, or transgender, would be criminal and thus punishable by law. The problem here is that this natural process cannot be stopped. Many leaders have advocated for decriminalisation laws, however, some countries still believe in this act.

In countries that still believe in criminalisation, homophobic and transphobic individuals or groups take these laws as a sign to target members of the LGBT community. Amnesty International has documented cases where law enforcement officials have arbitrarily arrested individuals on the basis of allegations about sexual orientation, rumours of sexual behaviour or objection to gender presentation, with few, if any, consequences for torture or other ill-treatment.

Legislations could result in discrimination, prosecution, and punishment of people solely based on their sexual orientation or gender identity. Those who are imprisoned because of their sexuality are considered prisoners of conscience. Members of the LGBT community may also be punished as criminals for laws such as Sodomy Laws, discriminatory age-of-consent laws, and laws banning the promotion of homosexuality. These laws can all permit a person to be killed by the state due to their sexual orientation or gender identity.

Marriage and Family

As an issue that most people are currently aware of due to the media, marriage inequality has been a topic of interest for all LGBT people. The law to be married to whomever you want is clearly stated in Article 16 of the Universal Declaration of Human Rights, “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution”.

The fact that this law has passed has been a major step forward for the LGBT community. However, there are many countries that have not passed the law and still see same-sex marriage as punishable, sometimes by death. The denial of equal civil recognition of same-sex relationships prevents many people from accessing a range of other rights, such as rights to housing and social security. This can also be a way of discrimination.

Also, through marriage or a partnership, many members of the LGBT community fight for their right to have children. Only 21 countries have legalized adoption by a same-sex couple, and 7 have legalized stepchild adoption. This is a very low number. Many parents who become open about their sexuality or gender identity may also lose custody of their children.

Economic Inequality

Another injustice members of the LGBT community face is economic inequality. This can cover anything from employment discrimination, lack of health insurance, and

homelessness. LGBT families are most likely to be living below the poverty line because of all of these factors.

All sub parts of Article 23 of the Universal Declaration of Human Rights covers all of these topics. It states that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment” and “everyone, without any discrimination, has the right to equal pay for equal work”.

34% of lesbian, gay, bisexual and transgender people in the UK choose not to disclose their sexuality at work. This may be because of intolerances and being unaccepted and then losing employment. The Equality Act, in the UK, has been put into use to work against these discriminations and make LGBT people feel safe and secure in all environment, not just employment, since 2010.

Case Studies

Arab League

As a known conservative and mainly Islamic part of the World, the Middle East has very strong beliefs on homosexuality and gender identity. Many nations have been criticized on their support and implementation of persecution of homosexuals by imprisonment or death. However, there have been some exceptions, Israel making the biggest reforms in the region.

The view of homosexuality is seen as being westernized in the Arab world, and any person seen engaging in same gender sexual activity would be punished by death in Iran, Saudi Arabia, Sudan and Yemen.

A Human Rights Watch report on LGBT rights in the Middle East reported that some countries, like Egypt and Morocco have begun discussing LGBT matters within governmental agendas. Also, lawyers have been assigned to those arrested and there have been people to speak in favor of those in the LGBT community.

African Nations

Much like the Arab nations, Africa, with the exception of South Africa, has shown opposition as well as limiting rights to the LGBT community, even though it is mentioned in Article 2 of the African Charter on Human and People’s Rights. However, homosexuality is found throughout African nations but is outlawed by 34 of the 55 recognized by the UN. Burkina Faso, Central African Republic, Republic of Congo, Côte d’Ivoire, Djibouti, Gabon, Madagascar, Mali, Niger, and Rwanda have never criminalized homosexual activity between adults.

Developed countries have been vouching for the implementation of laws that prohibit budget support to countries that restrict homosexual rights. However, many African nations have refused and even considered limiting LGBT rights, in some cases even to increase sanctions against them. Many African nations also disallow the promotion of homosexuality. It has also been reported that the Zambian government has threatened to arrest anyone attempting to officially register a group that aims to support LGBT rights.

Throughout all this, South Africa remains to be the most liberal of all African states. It's constitution guarantees gay and lesbian rights as well as legalization of same-sex marriage and adoption by same-sex couples.

Suggestions for Solutions

- Protect individuals of the LGBT community from homophobic and transphobic violence, degrading treatment, and discrimination.
- Revoke laws criminalizing homosexuality and transgender.
- Reinforce freedom of expression for friendly assembly for all LGBT people.
- Strengthen equality within the workplace with equal opportunities for all, even members of the LGBT community.
- Maintain and emphasize freedoms of education, love, healthcare and child adoption.

Questions to Address

- What is sexual orientation and is it a choice?
- Should homosexuality be criminalized?
- What are the ongoing problems that the LGBT community faces globally?
- How can protecting the rights of the LGBT community be safeguarded internationally?
- What are the reforms that need to take place to help the LGBT community worldwide and these reforms needed?
- How can countries that do not allow the LGBT community to be present, find ways to accommodate them?

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