

# LGBT RIGHTS vs. REALITY: THE GLOBAL SCENARIO

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## ABSTRACT

***LGBT (Lesbian, Gay, Bisexual and Transgender) community worldwide represents a very low proportion of population and due to this reason they are neglected and denied basic human rights which are crucial for survival. For these communities the world, the society, the laws and even the same human beings feels quiet different as to the heterosexuals. Forget about love, affection and care, they are even not completely accepted by others. People are since birth taught that they are different and deserve to be neglected even though it is not a choice to be LGBT.***

***This piece is an attempt to throw light upon the various endeavors made by these communities to recognize their rights as well as to show that how inhumanly they were and somewhat now also are neglected by the government. Having imported great principles, came across various landmark judgments, created multiple legislations, how many countries still fail to provide the homosexuals basic human rights. However, it is not only the mistake of government and legislation but also of the people around which ultimately creates a cycle of discrimination and injustice. Even the family members try to hide the gender identity to save their honor. What can be worst? This way the LGBT people have to not only face physical violence but also the badly affected mental health. It is not the case that these communities are demanding something special or privileged but just a normal life. It is because we haven't faced any form of discrimination for our basic rights, we feel that it is privileged. In this regard, the Navtej Singh Johar case brought to the fore the judicial discrepancies surrounding the LGBT communities and the lack of legal rights thereof. At this juncture, it is imperative for the best interests of the LGBT community to be identified and conscious efforts to be made by the law-makers to reconcile the existing differences.***

***This paper is an attempt to make the readers realize their mistake they have been doing since so long and try to change their mindsets and thinking for these communities from different to equal.***

***Keyword:*** LGBT, Society, Human rights, Mental Health, Constitution, International Laws, India, US.

## 1. INTRODUCTION

The law occupies a prominent place within the everyday lives of LGBT individuals, and the continuing regulation and policing of sexuality and gender weighs heavily on many of us who identify as LGBT. Despite remarkable progress within the area of LGBT civil rights, LGBT individuals in the United States still lack formal equality and are denied many of the protections that are afforded other historically disadvantaged groups. These legal disabilities represent an ongoing source of minority stress and may produce a correspondingly high degree of "legal consciousness" within the LGBT community.

Although LGBT individuals currently enjoy an unprecedented degree of political and social acceptance, they continue to be subject to a broad range of legal disparities and inequities. In the course of their daily lives, many LGBT individuals encounter legal barriers and obstacles with reference to relationship formation,

parenting issues, health care, and immigration status, and housing, eligibility for government benefits, taxes, employment, education, and safety.

For the last fifteen years, the focus of the LGBT civil rights movement has been marriage equality. The push for same-sex marriage has met with some success on the state level, but it remains a hotly contested topic both in the political arena and the courts. As a result, LGBT lives and families are uniquely politicized. Presidential candidates openly debate whether LGBT individuals should be entitled to equal treatment under the law. Every person enters the world through the same process but few of them are denied basic human rights, these communities are denied equal treatments as provided to other majority of the people. It is laughable that it is considered a debatable topic that whether to provide basic human rights to a person or not.

A final complicating factor is the speed with which changes have taken place in the area of LGBT civil rights. In addition to an increased willingness on the part of legislatures to extend both non-discrimination protections and relationship recognition, a number of important lawsuits remain poised to bring significant reforms with regard to relationship recognition.

Lesbian, gay, bisexual and transgender (LGBT) individuals are a vital group in our society. If not identifying ourselves in this group it is likely that someone among our children, parents, friends or colleagues are persons whom secretly or openly identify themselves as homosexual, bisexual, or transgender. It is a need of the hour to change our perspective and mindset for these communities. From treating them unequal and making them uncomfortable to live in the same society in which we are, we need to start accepting them not as a different community but as humans. To bring the change we want, we need to change ourselves, our stereotypical mindsets and our way of thinking first. The change is not so far.

## 2. LGBT COMMUNITY IN INDIA

LGBT in India, the word itself cause an enormous dimension of problems not just only in appearance but also in virtual state of mind ups of the society.

1. **Marginalization and Social Exclusion:** In India, sex education has a different iteration in the understanding among the people. Indians segregate on the basis of everything, ranging from caste to complexion. Then why not sex? And that's not only between boys and girls. The LGBT community is facing the retrogression.
2. **Homelessness:** The stipulated version of being marginalized is not being a part of society and not a part of a home to be obvious. People don't accept them to live in their house. Moreover, LGBT youths don't get education and family in the most formative years of life.
3. **Problems of Homophobia:** The LGBTQ people always have a fear of their different sexual orientation and fear of getting humiliated in the society. Today, the situation is such that, even if, the heterosexuals try to change it, it is difficult to be on their track as they fear from the society.
4. **Barriers to Care:** The next iteration in the problems is the epitome of all the reasons. It piles up all the former points. Since, they are marginalized; homeless, homophobic, not educated, succeeding big problem of all is about their health care. The fear, insecurity often

is like a boomerang. The anxiety of fear won't vanish and they don't care about the health because the medical is also a part of the society.

## HOW IT FEELS TO BE LGBT IN INDIA: A REAL-LIFE SCENARIO

Lesbian women are subjected to family-sanctioned corrective rapes, which are often perpetrated by their own family members. Vyjayanti Vasanta Mogli, a trans woman LGBT activist and public policy scholar at Tata Institute of Social Sciences, Hyderabad, who has openly spoken about her abuse at school, says that lesbian women and trans men in rural areas end up at the bottom of the hierarchy when it comes to basic human rights within the unit of family and village.

She invokes B.R. Ambedkar when talking of the rural socioeconomic environment. "Ambedkar thought of the village as a unit of violence which is most true for LGBT issues," she says. "Village medics and babas often prescribe rape to cure lesbians of homosexuality. Refusal to marry brings more physical abuse. Stories of family acceptance that you simply see on TV and other media are more of an urban phenomenon."

## 3. IS LGBT COMMUNITY BEING ACCEPTED GLOBALLY?

Despite major changes in laws and norms surrounding the problem of same-sex marriage and the rights of LGBT people around the world, opinion on the acceptance of homosexuality in society remains sharply divided by country, regional and economic development.

As it was in 2013, when the question was last asked, attitudes on the acceptance of homosexuality are shaped by the country in which people live. Those in Western Europe and the Americas are generally more accepting of homosexuality than are those in Eastern Europe, Russia, Ukraine, the Middle East and sub-Saharan Africa. And publics in the Asia-Pacific region generally are split. This is a function not only of economic development of nations, but also religious and political attitudes. But even with these sharp divides, views are changing in many of the countries that are surveyed since 2002. In many nations, there has been an increasing acceptance of homosexuality, including in the United States, where 72% say it should be accepted, compared with just 49% as recently as 2007. Many of the countries surveyed in 2002 and 2019 have seen a double-digit increase in acceptance of homosexuality. This includes a 21- point increase since 2002 in South Africa and a 19-point increase in South Korea over constant period of time. India also saw a 22-

point increase since 2014, the first time the question was asked of a nationally representative sample there. There also have been fairly large shifts in acceptance of homosexuality over the past 17 years in two very different places: Mexico and Japan. In both countries, just over half said they accepted homosexuality in 2002, but now closer to seven-in-ten say this. In Kenya, only 1 in a 100 said homosexuality should be accepted in 2002, compared with 14% who say this now.

In many of the countries surveyed, there also are differences on acceptance of homosexuality by age, education, income and, in some instances, gender and in several cases, these differences are substantial. In addition, religion and its importance in people's lives shape opinions in many countries. For example, in some countries, those that are affiliated with a religious group tend to be less accepting of homosexuality than people who are unaffiliated.

Political ideology also plays a role in acceptance of homosexuality. In many countries, those on the political right are less accepting of homosexuality than those on the left. And supporters of several right-wing populist parties in Europe are also less likely to see homosexuality as acceptable. In general, people in wealthier and more developed economies are more accepting of homosexuality than are those in less wealthy and developing economies.

#### **VARIED LEVELS OF ACCEPTANCE FOR HOMOSEXUALITY ACROSS GLOBE**

The 2019 survey shows that while majorities in 16 of the 34 countries surveyed say homosexuality should be accepted by society, global divides remain. Whereas 94% of those surveyed in Sweden say homosexuality should be accepted, only 7% of people in Nigeria say the same. Across the 34 countries surveyed, a median of 52% agree that homosexuality should be accepted with 38% saying that it should be discouraged.

On a regional basis, acceptance of homosexuality is highest in Western Europe and North America. Central and Eastern Europeans, however, are more divided on the subject, with a median of 46% who say homosexuality should be accepted and 44% saying it should not be. But in sub-Saharan Africa, the Middle East, Russia and Ukraine, few say that society should accept homosexuality; only in South Africa (54%) and Israel (47%) do more than a quarter hold this view. People in the Asia-Pacific region show little consensus on the subject. More than three-quarters of those surveyed in Australia (81%)

say homosexuality should be accepted, as do 73% of Filipinos. Meanwhile, only 9% in Indonesia agree. In the three Latin American countries surveyed, strong majorities say they accept homosexuality in society.

#### **4. HUMAN RIGHTS AND HEALTH PROVISIONS**

The interdependent relationship between health and human rights is well recognized. Human rights are indivisible and inalienable rights due to all people. Articles 1, 2, 3, 5, 6, 7, and 16 of the Universal Declaration of Human Rights (UDHR) address, respectively, the rights to equality; freedom from discrimination; life, liberty, and personal security; freedom from torture and degrading treatment; recognition as a person before the law; equality before the law; and the rights to marry and have a family. Some people, specifically lesbian, gay, bisexual, and transgender (LGBT) individuals, are in many places and circumstances denied their claim to the full set of human rights. This puts LGBT people in many countries at risk for discrimination, abuse, poor health, and death which is the ultimate human rights violation.

Denial of the popularity of human rights for any group of people is a denial of their humanity, which encompasses a profound impact on health. For LGBT people, it may result in discrimination in housing and jobs (affecting the ability to purchase food, shelter, and health care); lack of benefits (affecting the ability to pay for health care and financial security); harassment and stress (affecting mental health and/or prompting substance abuse, smoking, overeating, or suicide); isolation (leading to depression); sexual risk-taking (exposing oneself and loved ones to sexual health risks, including HIV); physical abuse and injuries; and/or torture and death. If health care organizations take a rights-based approach to health provision for LGBT people by explicitly recognizing their existence and targeting health interventions to their needs, it may alleviate fear of discrimination and discrimination itself, as well as improving health outcomes.

#### **MENTAL HEALTH OF THE LGBT PEOPLE GLOBALLY**

LGBT youth are one of the most vulnerable groups in society due to their increased risk of mental health problems. Statistics for the LGBT population estimate that New Zealand has 8% non-heterosexual youth, the U.S. has 7-8% LGB youth, and the U.K. has 4.1% of LGB young people aged 16–24. Although LGBT represents only a small proportion of the total youth population, they are at increased risk, compared to heterosexual youth, of experiencing hostile environments at home and in wider

society, and are subject to direct and indirect discrimination, harassment, disadvantage and inequality with detrimental consequences for mental health.

In fact, the 2012 survey completed as part of the Youth 2000 Survey Series, Young People Attracted to the Same Sex or Both Sexes Report, stated that sexual and gender minority youth were more than three times as likely to express symptoms of depression and more than twice as likely to have self-harmed than their heterosexual peers. One in five had attempted suicide, with almost half of the respondents having thought about a suicide attempt. 41% of sexual and gender minority youth had been to see a professional for emotional support in the last 12 months, compared to 16.6% of their non-LGBT peers. The Youth 2000 Survey also identifies a greater risk of alcohol or drug use in LGBT youth. During the same period, in Scotland, 40% of LGBT youth considered themselves to have a mental health condition in comparison to 25% of non-sexual and gender minority youth, and bullying was identified as a key factor in distress among respondents.

Minority stress theory suggests that the increased prevalence of mental health issues experienced by LGBT youth is due to the increased level of social stress, including stigma, discrimination, prejudice and victimization. Adolescence is a critical neurological development stage, with heightened effects of stress on mental health, important memory system development and a time of increased sensitivity to drug use. At this crucial time, feeling discriminated against by educational, medical or religious institutions or internalizing feelings of victimization due to homophobia, trans phobia or bi-phobia can result in significant psychological challenges for sexual and gender minority youth. Evidence has consistently identified that issues such as marginalization, isolation, exclusion and bullying create social stress for sexual and gender minority youth. Additionally, lack of access to understanding adults, safe places and change room facilities creates a psychological burden.

Particularly, stigma and shame create personal barriers for at-risk youth, preventing those affected from accessing services suggests that embarrassment, shame and fear of stigmatization are reasons for sexual and gender minority youth to avoid seeking support from mental health services. Young LGBT people who are homeless, rural, or who are substance-users face additional barriers to seeking help. If support from adults or professionals is inaccessible, an alternative is for LGBT youth to find peer support and information on internet-based forums.

## **LGBT COMMUNITIES AND PROTESTS FOR HUMAN RIGHTS**

In the human rights arena, major international human rights organizations have only committed to including the rights of LGBT people within the past decade approximately. Human rights organizations like Amnesty International and Human Rights Watch now have campaigns to deal with LGBT human rights violations. Specialized LGBT human rights groups have been active for much longer. For instance, the International Gay and Lesbian Human Rights Commission (IGLHRC) has existed for the past 16 years to secure the complete enjoyment of the human rights of LGBT people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. Likewise, for the past 28 years, the International Lesbian and Gay Association (ILGA) have been fighting for equal rights for LGBT people.

There is some support for LGBT human rights at the United Nations (UN). UN Secretary-General Kofi Annan expressed his support in August 2003 for LGBT nondiscrimination, stating, "The United Nations cannot condone any persecution of, or discrimination against, people on any grounds." The UN Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights, found that laws punishing adult consensual homosexual acts violate the Covenant's guarantees of nondiscrimination and privacy and held that discrimination on the basis of sexual orientation is prohibited under Articles 2 and 26 of the Covenant.

## **VIOLATION OF HUMAN RIGHTS: DENIAL OF THE RIGHT TO EXIST**

The current period is one of rapid advances in LGBT right in many countries and of a wave of anti -laws and policies in others and there is a burden of HIV Risks and face stigma and there is key programs success in challenging context. Legal rights of the LGBT people in India is strategizing for the longer term and right to marriage same sex people now became a global legal scenario but still in India there are civil laws which affect the men and women and gay rights.

Human rights are the basic rights of each person, no matter culture or societal norms and to provide access to health service of the LGBT people many of them working for his or her recognition and many people working to get principles codified into policies and laws in both International and municipal law. Homosexuality in India



was considered as an Unnatural sexual offence under section 377 of the Indian penal code, 1860. Same-sex orientation and behavior has been abandoned in India since 1970's by modern medicine and psychiatry but the reality is that Homosexuals doesn't have any objective psychological dysfunction or Impairments and therefore the reason is just too complex in nature therefore we can clearly state that homosexual was not a disorder. Many petitions were filed before the Hon'ble Supreme Court to declare Section 377 of the Indian penal code as Unconstitutional. One of the famous cases for this LGBT issue is Naz foundation case . On 2nd July, 2009, the high court of Delhi ruled that the provision in Section 377 of Indian penal code that criminalizes private consensual sex between same-sex adults violates the country's constitution and International human rights conventions. Consensual sex amongst adults is legal, which includes even gay sex. Delhi High court further states that it's against the constitutional values and notions of human dignity. Most unanimous medical and psychiatric says that Homosexuality is not a disease or disorder. After the decriminalization of homosexuality, LGBT individuals finally became free from criminalization under the law and free from the threat of arrest and therefore the ruling gave confidence and dignity to LGBT people in the eyes of law. They were now not criminals and could proudly look at themselves in the mirror. But it has been ended when supreme court ruled over the judgment of the Delhi high court in 2013 and it has said that Section 377 of Indian penal code nowhere unconstitutional once we look into the history of the provision and one of the contention by the petitioner was LGBT rights is against Indian culture but when we read about same-sex love in India from literature and history we can easily identify that ancient people in India involved in same-sex love for that temple sculptures at Khajuraho and Konark are the best examples which clearly explains that ancient people involved in same sex love and in the book of Loving women and In sahayatrika it has been clearly stated about Lesbian women committing suicide this shows that there is a practice of homo sexualitism in ancient period. The Supreme Court's decision can either further crystallize or instead discard some of the remarkable principles of jurisprudence that high court developed and there is Court's remarkable discussion of constitutional morality and using constitutional morality to check the bounds of a compelling state interest would imply a moral code that is based on the liberal democratic ideals that underlie the Indian constitution. On 6 September, 2018 the apex court in the case of Navtej Singh Johar & Ors. v. Union of India Other. Secretary Ministry of Law and Justice declared that

as Section 377 criminalizes consensual sexual acts of adults (i.e. persons above the age of 18 years who are competent to consent) in private, is violative of Articles 14, 15, 19, and 21 of the Constitution. Thus all the adults including LGBTQ people were provided equal rights through this landmark judgment. Also it was held that the provisions of Section 377 will continue to govern non-consensual sexual acts against adults, all acts of carnal intercourse against minors, and acts of bestiality.

The much needed step was finally taken by the supreme court and it was a big relief for the homosexual community as they can now in real sense enjoy their basic fundamental rights.

## 5. INTERNATIONAL LAWS FOR THE LGBT COMMUNITY

LGBT people in many societies are subjected to discrimination, abuse, torture, and sometimes state-sponsored execution. For many human rights violations, there exist laws under which countries punish perpetrators of such abuses. For LGBT people in most countries, abuses perpetrated against them are not viewed as human rights violations. Some countries, such as Iran and Saudi Arabia, have laws calling for the execution of "practicing homosexuals." At least 40 countries criminalize same-sex behavior for both men and women, and an additional 35 or more criminalize it just for men. Countries most recently in the news in this respect include Uzbekistan, India, Nigeria, and Saudi Arabia. In many Muslim countries, both civil law and Shariat (the rules governing the practice of Islam) criminalize homosexual activity. Police abuse of LGBT people is common and pervasive in many places, including the United States. Recent notable abuse cases have occurred in Nepal, Guatemala, Ecuador, Honduras, Colombia, Peru, India, Taiwan, Cameroon, Uganda, and Zimbabwe. Thirty-four of the 50 US states and the District of Columbia do not prohibit discrimination on the basis of sexual orientation. Twenty do not have "hate-crime" laws that include sexual orientation among their protected categories. Protection for transgender identity is even more limited.

## LEGAL MARRIAGE RIGHTS OF THE LGBT COMMUNITY

Legal marriage conveys many additional benefits and protections to couples. Only a few governments (to date, Canada, Belgium, the Netherlands, and Spain) recognize LGBT rights to marry and form a family. South Africa, which in 1996 became the first country to include sexual orientation in its Constitution as a status protected from discrimination, has legalized the same sex marriage since

the Civil Union Act came into existence on 30 November 2006. In Brazil, where state and federal laws prohibit discrimination based on sexual orientation, inheritance rights are provided to same-sex couples. Several European countries (Denmark, Sweden, Norway, Finland, the UK, France, Germany, Switzerland, Portugal, Slovenia, Croatia, and Iceland) as well as Israel and New Zealand have some benefits for same-sex couples, but not equal to those for heterosexual couples. California, Connecticut, the District of Columbia, Hawaii, Maine, New Jersey, and Vermont have either civil union laws or other domestic partnership laws to provide some benefits to unmarried couples (again, not equal to marriage rights).

## 6. CONSTITUTIONAL RIGHTS OF LGBT COMMUNITY IN INDIA

The Preamble to the Constitution of India mandates Justice - social, economic, and political, equality of status. The Constitution provides everyone an equal status before the law and an equal protection of laws within the territory of India. The word "any person" here means every individual, without any discrimination based on any of the category which includes caste, creed, religion, sex, etc. A transgender in India is included within the words "any person" and is given equal status to that of every gender in India. The transgender community can't be discriminated on the ground of non-application of any of the laws within the nation by reason of their differences and dividing them based on any arbitrary class. The key word with respect to the protection of Transgender is the word "sex". The interpretation of the word "sex" includes these communities regardless of them falling under the category of male or female. The Apex Court of India in a landmark case observed that both gender and biological attributes constitute distinct components of sex. Biological characteristics include genitals, chromosomes and secondary sexual features, but gender attributes include one's self-image, the deep psychological or emotional sense of sexual identity and character. The discrimination on the ground of sex under Articles 15 and 16 of the Indian Constitution includes discrimination on the basis of identity. The expression sex is not just limited to biological sex of male or female but intended to include people that consider they to be neither male nor female. Articles 15(2) and 16(4) has also been interpreted to provide social equality to those communities like equality in public employment, it provides that the states shall have the power to create any special provision for the enhancement of those vulnerable minority who are now included within the category of socially and educationally

backward classes. These Articles read with the Directive Principles of State Policy and various international instruments to which India is a party, involve social equality, which the transgender could realize, provided that facilities and opportunities are extended to them so as that they will also accept dignity and equal status with other genders. the right to decide on one's own identity is one of the most essential right under this article to life with dignity, and this aspect is covered and guarded by this article because it symbolizes the foremost important right being an individual's, a right to measure, which the State is required to protect from violation. The transgender communities have a right to dignified life which is one of the most important aspects of Article 21 of the Constitution of India. Recognition of identity provides the recognition of their right to dignity and non-recognition violates the same, they have full right to express and live their life without fear. Also, the right to reputation extends to their protection. Transgender in our society haven't been seen with respect, they are often humiliated and beaten up by the authorities in power their reputation in the society has degraded and their significance in the society has been deteriorated. Everyone has a right to personal development, and this might be secured only if there exist a right against exploitation which creates a free environment for an individual. Transgenders are the worst victims of exploitation; due to their degraded economic status they indulge into prostitution and other immoral activities and are usually seen as taboo by the society.

## 7. LGBT COMMUNITY IN US

The fight for gay rights in the United States has come a protracted way since the Stonewall Uprising of 1969, when gay and Trans patrons of the Stonewall Inn in New York City fought back against police trying to arrest them. That night marked the start of the gay rights movement in the US, a decades-long fight that just a few years ago resulted in the momentous 2015 Supreme Court decision legalizing gay marriage nationwide.

But the ruling on June 26, 2015, didn't end the struggle for equality and protection. Across the country, LGBT Americans still face legalized discrimination under the law when it is the matter of housing, jobs, parenting, and even prison.

The LGBT Community in the US and in the whole world is still fighting from these 9 battles:

1. Violence: Hate crimes against LGBTQ individuals are still shockingly prevalent across the country. In 2015,

nearly one in five hate crimes committed in the US was because of sexual orientation, and another 2% of crimes were committed due to gender identity.

There has been an outbreak of violent crime against transgender individuals, particularly trans women of color. Trans women of color are among the most vulnerable minorities in the country, fighting against racism, sexism, trans phobia, and, frequently, poverty, putting them at higher risk for violence.

2. **Parenting:** Only some of states have enshrined in law the right of gay couples to parent together. States that allow same-sex couples to have a second-parent adoption include California, Colorado, Connecticut, Washington D.C., Idaho, Illinois, Indiana, Maine, Massachusetts, Montana, New Jersey, New York, Oklahoma, Pennsylvania, and Vermont. Five states legally allow adoption agencies to deny adoption to a same sex couple because of their sexual orientation. And only California prohibits discrimination for both sexual orientation and gender identity in adoptions.
3. **Gay Conversion Therapy:** In majority of states, kids can still be sent to so-called “gay conversion therapy,” a harmful practice that the American Psychological Association has condemned.
4. **Employment Discrimination:** In most states, gay and trans individuals can be fired from their job on the basis of their sexual orientation or gender identity. That means that regardless of job performance or ability, a person can lose their job if their boss finds out about and disagrees with their identity. The lack of protection forces individuals to remain in the closet and guard the secrets of who they are, in order to earn a living.
5. **Housing Discrimination:** When LGBT people can be fired for their jobs because of their identities, earning a living and supporting a decent life can be difficult; that problem is compounded when LGBT people can be also legally be denied housing based on their identities. But across America, that's the truth for several gay and trans citizens.
6. **Bathrooms, Schools, & Other Public Accommodations:** The fight over public-school bathrooms have become a flashpoint and a symbol for the LGBTQ rights movement in recent years. At the heart of the issue is the right of all Americans to public accommodations that is, safe access to goods, services, facilities, and privileges in the public sphere. That's a bit wonky, but the battle being fought over bathrooms is about whether trans and gay individuals have a right to use

all of the facilities the rest of Americans use in a way that accommodates their needs. For trans kids in school, that means being able to use the bathroom that suits their gender identity not the gender on their birth certificate, or the gender that the school thinks they are.

7. **Unequal Healthcare:** The LGBT community continues to fight for better access to healthcare, and for equal treatment by doctors and health insurance companies that can block individuals' access to care they need. LGBT youth are more likely to have health issues because of substance abuse and mental health issues, and trans individuals can face discrimination from health insurers simply for identifying as trans. In 37 states, insurance companies can discriminate based on sexual and gender identity.
8. **Criminal Justice:** Queer individuals face high rates of discrimination in prison, where trans inmates have a particularly grueling history of abuse, including being put in solitary confinement allegedly for their own protection. The US prison population has twice the number of LGBT individuals because the non-incarcerated population suggesting that LGBT individuals are overrepresented in jails, and therefore the number is even higher for those in juvenile detention.
9. **Acceptance:** There are some battles that can't be won in the courtroom, though they can certainly be helped along by judicial decisions and laws crafted and passed to ensure equality. But outside of the legal system, LGBT communities still face discrimination, fear, and hate that results in physical, mental, and emotional harm. About 40% of homeless youth in America identify as LGBT and often end up on the streets because they are rejected by their members of the family. There, young gay, lesbian, bi, and trans kids are more likely to face violence, end up in danger or participate in crime, and encounter trauma that can affect their entire lives. A stunning 41% of Trans adults have reported attempting suicide, followed by 10% to 20% of LGB adults, as per The Williams Institute. The rate for the rest of the population hovers around 4%.

## 8. WHY SUPPORT SAME SEX MARRIAGE?

Denying lesbian and gay couples the proper to wed not only deprives them of the social and spiritual significance of marriage; it has serious, often tragic, practical consequences. Since they can't marry, the partners of lesbians and gay men aren't next of kin in times of crisis; they're not consulted on crucial medical decisions, they

are not given leave to care for each other; they are not each other's legal heirs, if, like most Americans, they do not have wills. Marital status is often the basis on which employers extend health insurance, pension and other benefits.

### **FAMILY ACCEPTANCE AND SUPPORT**

Family acceptance also has been identified as a salient influence on the mental state of sexual and gender minority youth. Parental attachment is characterized by sensitivity and responsiveness to a young person's needs. If sexual and gender minority youth feel accepted and valued as individuals, there is an increased likelihood to disclose non-heteronormative status to family, and "come out," or "be out," the colloquial terms for having the ability to openly express LGBT orientation. However, there is a disproportionate number of homeless LGBT youth, signifying that familial rejection is a significant factor for compromised mental health.

### **9. HOW DO LGBT RIGHTS DIFFER AROUND THE WORLD?**

Yet, due to this global support, we're recently witnessing an intensifying backlash. To an outsized degree, this is because of the greater visibility of the LGBT community in societies that have begun to acknowledge their rights. But LGBT people also are convenient scapegoats for embattled leaders, who try to rally support from more conservative sectors of their society. Whether it's Uganda, Nigeria or Russia, the decision to scapegoat the LGBT community is an outcome of significant challenges to the regime, for widespread corruption or abusive authoritarianism.

The status of the LGBT community is a good litmus test for the status of human rights in society more broadly, precisely because it's such a vulnerable minority. Where the rights of LGBT people are undermined, you can make certain that the rights of other minorities and critical members of civil society will soon also be in jeopardy.

When you reminisce over the last decade, what does one think was the main driver for change, in regulation and people's mindset? Broader changes in society have driven a number of the greater recognition of LGBT rights, like more equitable relations between genders, the rights revolution generally and also the greater respect for individual autonomy. Within that context, you saw the LGBT population gradually coming out, so people suddenly discovered that they had a gay brother or son or neighbor or close colleague, which started shaping public perception and reinforced the social changes.

It's easy for bigotry to exist in a context of ignorance, but when you're being bigoted toward a close friend or neighbor, you start thinking: "Maybe LGBT people are really just people; maybe I should recognize their rights. Why can't they love whom they choose, just like I can?" Yet the lingering fear of 'the other' is additionally applicable to some of the other trends we see during this year's Outlook on the worldwide Agenda like increasing nationalism and anti-immigrant sentiment.

### **10. GENERAL AS WELL AS IMPORTANT QUESTIONS ABOUT LGBT COMMUNITY**

#### **IS IT A CHOICE TO BE LGBT?**

No, it is not a choice. People don't choose to be gay or not. As people get older they become aware of feeling attracted to others, whether those feelings are for somebody of the same gender, a different gender or both. (According to the American Academy of Pediatrics, "Sexual orientation is usually established during early childhood.")

#### **WHY DO KIDS ALWAYS USE THE WORD "GAY" TO PUT SOMEONE DOWN?**

Many children use the word "gay" that way because that's the only way that they have heard it used. Often children don't know what it really means. They think that they can bother other children by using it. It's not okay to use "gay" or "fag" to belittle the community.

#### **WHY DO GAY AND LESBIAN PEOPLE HAVE RAINBOW FLAGS OR RAINBOW STICKERS?**

The rainbow flag or sticker symbolizes support for LGBT people. Anyone can use them to show their support. The rainbow flag is also depicted as a symbol of LGBT pride. It was designed to represent the diversity of the LGBT community. Uses of symbols such as flags are common for many people.

### **11. THE LONG WAY TO EQUALITY IN INDIA**

The human rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI) are coming into sharper focus round the world, with important advances in many countries in recent years, including the adoption of new legal protections. The preamble to the Indian Constitution mandates justice social, economic, and political equality of status for all. The right of equality before law and equal protection under the law is guaranteed in Articles 14 and 21 of the Constitution. In April 2014, the Supreme Court of India ruled in *NALSA v. Union of India* that the rights



and freedoms of transgender people in India were protected under the Constitution, in September 2018, the Supreme Court also decriminalized adult consensual same-sex relationships in the Section 377 judgment review. These judgments are considered as landmark both in terms of their meaning of constitutional rights and in empowering LGBT community. Both judgments mark a crucial moment for LGBT rights that not only reversed a relic of British imperial rule but also ordered that LGBT Indians be accorded all the protections of their constitution. This was a welcome victory, but it doesn't necessarily mean that LGBT people in India are fully free or perceived as equal among their fellow citizens. It underscores what proportion work remains to be done in India and the rest of the world to overturn antiquated and repressive anti-gay laws.

## 12. WHAT DOES THE LGBT COMMUNITY DEMANDS?

The LGBT community demands nothing less than “full equality” and an “end to discrimination.” The basic human rights without which human existence is impossible and which distinguishes humans from animals are only demand of these communities. These rights include preventing violence against the LGBT community, full recognition of gay families, including equality in surrogacy, providing appropriate social welfare to LGBT people, equality in health care, and educating the general population for tolerance and acceptance of the LGBT community.

In this unexpected pandemic situation LGBT community demands separate isolation wards because other heterosexuals in the same ward may have the feeling of disgust for these homosexuals which certainly leads to mental disturbance.

## ARE THESE PEOPLE DEMANDING SPECIAL RIGHTS AND PREFERENTIAL TREATMENT?

As the Supreme Court explained in *Romer v. Evans*, there's nothing "special" about laws which prevent people from losing jobs and houses due to who they are. Most people take the right to participate in everyday life on an equal footing for granted, the Court said, either because we have already got the right under the law, or because we aren't subjected to that kind of discrimination. Laws which prohibit discrimination simply give LGBT people that basic right to be equal participants within the communities in which they live.

Most Americans don't realize that a lot of LGBT people who face discrimination - in areas from housing and

employment to parenting have no legal recourse since federal law does not prohibit discrimination against LGBT people.

## 14. CONCLUSION

At the end it can be concluded that, it is a need of the hour to protect LGBT people from violence and discrimination. It is not a difficult thing like rocket science and does not require the creation of a new set of LGBT specific rights, nor does it require the establishment of new international human rights standards just what is needed is implementing the current law in a systematic manner and making some efforts as to change the perspective of people and public opinion for these communities. The lawful obligations of the States to safeguard the human rights of LGBT people are well established in international human rights law in Universal Declaration of Human Rights and subsequently agreed international human rights treaties. Every human being, irrespective of sex, sexual orientation or gender identity, are authorized to enjoy the protections and rights provided by international human rights law, including in respect of rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly. These are the basic human rights which the Indian constitution provides to every human. Then why to treat these gods made creatures like aliens? The core legal obligations of States concerning human rights of LGBT people include obligations to protect the community from homophobic and trans phobic violence, prevent torture and cruel, inhuman and degrading treatment, repeal laws criminalizing homosexuality, prohibit discrimination based on sexual orientation and gender identity, safeguard freedom of expression, association and peaceful assembly for all LGBT people.

LGBT individuals are a stigmatized and vulnerable group, especially regarding the fact that their sexuality cannot only result in discrimination but also in imprisonment, torture and death penalty. It is not only due to unjust laws and corrupt system that these practices are performed but also the majority of population holds a great place in it. It is we the people who can bring revolutionary changes in the society by just thinking in a different way. As it is already stated that to bring the change, we need to be the change we want.

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