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Equality for All: Equal Protection for Queer Individuals in International Community

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“It is not called the partial declaration of human rights. It is not the sometimes
declaration of human rights. It is the universal Declaration, guaranteeing all human
beings their basic human rights ... without exception.”

I. INTRODUCTION

Over the centuries of human history many different classes of people have been
faced with discrimination. The individuals that are generally faced with discrimination
are usually people that fall within the minority of the population, and because they are not
a part of the majority they are persecuted and discriminated against. Majorities are
constantly shifting and evolving as well as minorities. In the past, the majority has
consisted of only men, and women were held to be the minority. Many in the
international community have worked to protect women and the rights of women around
the world. Resolutions have passed, documents have been drawn up, and women now
receive protections on the international stage. Children have also been a special focus of
the United Nations and others in the international arena and resolutions have also been
passed and documents created to protect children and their rights as human beings.
However, the struggle for human rights and equality for all has not ended.

Today, the struggle for equality and protection continue, with the gay, lesbian,

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1 U.N. Secretary-General, Ban Ki-moon, Remarks at Event on Ending Violence and
Criminal Sanctions Based on Sexual Orientation and Gender Identity, •New York, 10
sgsm13311.doc.html.

2 KENJI YOSHINO, Covering 25 (Random House 2007).

3 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
(U.N. 1979).

bisexual, transgender and intersex (‘LGBTI’) communities advancing their cause around the world. Many western countries have created or passed some form of protection for LGBTI individuals, but there are a great number of countries around the world that still persecute, harass, and even put individuals in these communities to death. It is imperative that the international community actively work to protect individuals within these groups and allow them to fully realize their rights under the Universal Declaration of Human Rights.

This paper will address the need for international protections of the LGBTI community. After looking at some definitions and theories of international law, this paper will address the question of why protections are needed for the LGBTI community. Then the paper will look at previous attempts to create international precedent to protect these groups. Following those topics, this paper will take a look at the Yogyakarta Principles and conclude by speculating on the future to see where protections for these communities may lie.

II. DEFINITIONS & INTERNATIONAL LAW THEORIES

The groups of individuals that are generally included within the sexual minorities are gay, lesbian, bisexual, transgender, and intersex individuals. Transgender individuals are generally identified as having Gender Identity Disorder (‘G.I.D.’), while intersex refers to individuals that are born with ambiguous sex organs and can be a member of

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5 Referring to the west in this paper is generally defined as the first-world or developed nations, such as Europe and North America, and does not only refer to the countries that are within the western hemisphere.

6 Gender Identity Disorder is defined as an awareness of being a member of one gender but feeling that they belong to the opposite gender. Gender is defined as “those behaviors, attitudes, and personality traits that a society, in a given culture and historical period, designated as masculine or feminine.” STEPHEN R. HOOPER, GEORGE W. HYND, RICHARD E. MATTISON, CHILD PSYCHOPATHOLOGY: DIAGNOSTIC CRITERIA AND CLINICAL ASSESSMENT, LAWRENCE ERLBAUM ASSOCIATES, 306 (Lawrence Erlbaum Associates, Inc.1992)
either sex.\textsuperscript{7} In short, this overarching group is commonly called the GLBTI, which has been described as an alphabet soup of sexual minorities. However, a more common term that has been used in more recent times is queer and it has been used to include all of the different sexual minority communities.\textsuperscript{8} In solidarity with the current use of the terminology, this paper will use the term queer to reference all individuals within the sexual minority populations and communities.

International law, according to \textit{Black’s Law Dictionary} is defined as, “the legal system governing the relationships between nations; more modernly, the law of international relations, embracing not only nations but also such participants as international organizations and individuals.”\textsuperscript{9} The traditional definition of international law is that which governs only the state and the interaction that the state has with other states on the global stage. The traditional view of international law can be found in the positivist doctrine,\textsuperscript{10} which holds that only states are subject to international law and that the only way in which the individual can be subject to the international law is through the state in which the individual is a national.\textsuperscript{11} The individual’s “membership of the state – his nationality – is an essential condition of jurisdiction of international tribunals when resorted to for the purpose of redressing wrongs alleged to have been suffered.”\textsuperscript{12} The

\textsuperscript{7} At birth, the parents of these individuals are generally told that they must decide what sex they want to raise their child. The parents usually make a choice, but when the child comes to a certain age, he or she may feel more strongly associated with the opposite sex as they have been raised and may choose to change their sex. Consortium on the Management of Disorders of Sex Development, \textit{Handbook for Parents}, 4 (2006) \textit{available at} http://www.dsdguidelines.org/files/parents.pdf.

\textsuperscript{8} \textsc{David V. Ruffolo}, \textsc{Post-Queer Politics} 1 (2009).


\textsuperscript{10} \textsc{H. Lauterpacht}, \textsc{International Law and Human Rights} 6 (Fredrick A. Praeger, Inc. 1950).

\textsuperscript{11} \textit{Id.} at 7.

\textsuperscript{12} \textit{Id.}
doctrinal states that the only way that international law can affect the individual is if the local laws of the state are brought in line with the international law and would thus allow for a cause of action within the individual’s state for a violation of the right that the individual has been denied. This may be true in common law countries, such as the United States where international treaties and agreements become the law of the land once they are ratified by the Senate, but this is not the case when it comes to other states around the world.

Modern international law rejects the traditional theory and argues that individuals are proper subjects of international law. The United Nations Charter is the first such instance in which the individual is called upon as being subject to international law in that it refers to the “fundamental human rights”.

“The Charter of the United Nations is a legal document; its language is the language of law, of international law.” Therefore, the obligation of the member states of the United Nations is to respect and uphold the human rights of all of its citizens. Yet, this theory is not well played in practice because it is difficult to enforce and without an overarching document that the individual state has agreed to be governed by, there can be no enforcement. In addition, the remedy of the individual is not readily available without an adjudicative body that can redress the violation. This in turn creates a problem of whether or not the individual can access those adjudicative bodies and whether or not the state will subject itself to the jurisdiction

\[13\] Id. at 8.

\[14\] See U.S. Constitution, Art. VI, Clause 2 (U.S. 1787).

\[15\] Lauterpacht, supra note 6, at 34. See also, Jack Donnelly, The Social Construction of International Human Rights, in HUMAN RIGHTS IN GLOBAL POLITICS 73 (Tim Dunne and Nicholas J. Wheeler, ed. 1999).

\[16\] Id.

\[17\] Id.
of that body.\textsuperscript{18} Happily, there are a number of states that do subject themselves to the jurisdiction of such bodies, including countries of Europe and in the Americas.

III. WHY PROTECTION IS NEEDED

It has been argued that individual countries are providing protections for the queer community and protections on the international level may not be needed. “In certain polities the nation-state is increasingly asserting itself as the protector of the rights of lesbian and gay men.”\textsuperscript{19} However, this is a false dichotomy because queer individuals may be increasingly seeing protections within individual countries in the west, but there is an increase in regulation of queer individuals in other countries around the world.\textsuperscript{20} A prominent report on the status of queer rights around the globe has stated that the situation in Africa “has gone from bad to worse” with thirty-six countries in Africa retaining or creating laws criminalizing same-sex conduct, including the death penalty in several countries.\textsuperscript{21} Even within Asia,\textsuperscript{22} where 60% of the global population resides, over fifty percent of the region’s countries still have laws criminalizing same-sex conduct.\textsuperscript{23} This is a fairly troubling problem through the rest of the world and globalization is making it more imperative.

The increase in communication and the ease of travel between countries, regions, and localities around the world has led to increased discussion of globalization. Globalization is defined by the \textit{Merriam-Webster Dictionary} as making an integrated

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global economy or to apply things equally worldwide.\textsuperscript{24} “While globalization has spawned an avalanche of work on the intersections of global politics, economics and culture, sexuality has been almost completely overlooked.”\textsuperscript{25} There is a dearth of information available on the globalization of sexuality and most information available is uniquely from the point of view of those in the western world and do not take into account the experiences of other areas of the world.

As already indicated above, in many countries there are still criminal statues that are routinely enforced against the queer community. There are 63 countries around the world that have criminal statutes against same-sex conduct.\textsuperscript{26} While the number has been shrinking, individuals within these countries face discrimination and criminal sanctions against them. “Full equality for queer citizens requires not only the decriminalization of same-sex activities but also protection against discrimination based on sexual orientation and recognition of lesbian and gay relationships and community institutions.”\textsuperscript{27}

There are several unique groups of individuals that require specific protections in the queer community. These include those individuals who are forced to immigrate to another country to seek protection, generally referred to as refugees or migrant populations. Another of those groups of individuals are those that serve in the military and those that are caught in wars. Both of these groups are difficult segments of the queer community to focus on because they are inherently complicated, but do deserve attention nonetheless.

The migratory population of queer individuals that are forced to leave their

\textsuperscript{25} Binnie, \textit{supra} note 19, at 33.
\textsuperscript{26} Bruce-Jones, \textit{supra} note 20, at 9.
\textsuperscript{27} \textsc{Morris B. Kaplan}, \textsc{Sexual Justice} 47 (Routledge 1997).
families, loved ones, and country behind because of criminal statutes prohibiting the practice their sexuality, face particularly unique challenges. Discrimination and fear of criminal sanctions force these individuals to seek asylum in other countries that provide greater protections for their sexual orientation. However, “those trapped by poverty in places unsupportive of their sexuality are least likely to have resources to be able to migrate to the queer homelands.” 28 The individuals able to get to a country that will allow them to remain as a refuge are the fortunate ones, but granting asylum based on sexuality has only been a recent development, most notably in the 1990s. 29 Yet, the choice to leave one’s homeland is not an easy choice to make because in many instances, the individual will not be able to see their family, friends, or even their country, again. Protections of sexual minorities globally will remove the need to make such difficult choices by making sure that countries do not discriminate or persecute individuals based on their sexual identity.

It should also be noted that queer individuals serve in militaries around the world and are often forced to hide their sexuality for fear of persecution or blatant discrimination. 30 Countries that have passed protections for sexual minorities still allow discrimination in military service and forbid these individuals from enlisting and serving in the military. 31 On the other hand, where there are prohibitions on sexual minority conduct there is even more blatant discrimination against allowing these individuals to

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28 Binnie, supra note 19, at 90.
29 Id. at 98.
30 It is important to note that some countries have mandatory military service and queer individuals are not exempted from serving their military time in most of these countries. This presents unique problems that further complicate the question of providing protections for queer individuals in military service.
enlist and serve their country. Yet, it has been noted that “[m]any lesbian and gay men serve in the armed forces and feel fiercely patriotic and strongly identify with the nation that they serve.” This may seem like a strange polarity with individuals that are facing discrimination and harassment because of their sexual identity in these hostile environments, but it further illustrates that these individuals are deeply committed their country, want to serve, and should be granted further protections. “This is a complex issue – one in which gender, racialized and classed components tend to be made invisible on both sides of the argument.”

Further, individuals that are caught in war should also receive particular attention. Rape of a country’s women have been generally widely known, but the rape of men has also come to light in more recent times. Theorists have stated that the role of war can be seen as enforcing gender roles in general society, for the soldier is the male who rushes into the country, that is seen as the female and defiling the people of the country that is being invaded is defiling the country itself. These complications should be addressed in the Geneva Convention as it applies to the times of war, but special protections should also be included.

One of the most prominent and most celebrated documents of international human rights is the Universal Declaration of Human Rights (“UDHR”). This document was born out of the holocaust and a desire to protect individuals from discrimination and preserve their human rights. Specifically the UDHR says, “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.” [emphasis added]  

However, the document fails to recognize the queer community as needing protections, which is strikingly odd because queer individuals were included in the concentration campus of Nazi Germany. Yet, many still argue that the UDHR and the International Convent on Civil and Political Rights have enough protections within them that another document speaking directly to the human rights of queer individuals is redundant. It is the reference to “sex” and “other status” that has been called upon as an inclusion of queer individuals within the UDHR.

A case can be made that sex should include transgender and intersex individuals with a general understanding that individuals who are caught in G.I.D. and intersex individuals should be included within the definition. However, the term sex in the past has generally only referred to the binary reference to male and female and generally did not take into account those that feel they are “in-between” the sexes, which references those who may be transitioning from one sex to the other, but also those who are living as the opposite sex but cannot or do not have the ability to transition to the opposite sex. Further, it does not bar discrimination against those that society feels should not have transitioned to the opposite sex.

Similarly, a case has been made that “other status” can be used in include those that are attracted to the same-sex or to both sexes equally. However, as it has been said that “[n]one of the human rights treaties by the original texts address the expression of sexuality as a human right.”

Other similar documents to the UDHR, including the International Covenant of

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39 Mindy Jane Roseman and Alice M. Miller, Normalizing Sex and it’s Discotents: Establishing Sexual Rights in International Law, 34 Harv. J. L. & Gender 313, 343 (Summer 2011).
Civil and Political Rights contain similar language. Article 2 of the Covenant states:

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.”

The almost exact same language is also included in Article 2 of the International Convention on Economic, Social, and Cultural Rights as well.

IV. PREVIOUS ATTEMPTS AT PROTECTION

There have been several court cases that have focused on queer issues through the European Court of Human Rights. One of the first such cases was the case of Dudgeon v. United Kingdom decided in 1981. This case overturned criminal statutes against same-sex relations in all of the member states that are obligated to follow the decisions of the court. The case was brought by Dudgeon, of Northern Ireland, who was arrested after police entered his house with a warrant to search for drugs when they found person papers that indicated that Dudgeon was a homosexual. In fact, the Court cited the law of Northern Ireland in saying that the law as it stood allowed anyone to bring prosecution against a “homosexual offense”. The Court further cited that between the years of 1972

43 Suzanne Michelle Sable, A Prohibition on Antisodomy Laws Through Regional Customary International Law, 19 LAW & SEXUALITY 95, 97 (2010).
44 Dudgeon, supra note 14, at Article 32 and 33.
45 Id. at Article 29.
and 1980, sixty-two people has been prosecuted under this law and a large number being minors.\textsuperscript{46} The Court found that the anti-sodomy laws that were being enforced in Northern Ireland were in violation of Article 8 under the European Convention on Human Rights that read as follows:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."\textsuperscript{47}

Several cases followed the \textit{Dudgeon} case in which the European Court of Human Right reaffirmed the ruling that same-sex conduct should not be criminalized. These include \textit{Norris v. Ireland}\textsuperscript{48} in 1988, \textit{Modinos v. Cyprus}\textsuperscript{49} in 1993 and \textit{Mouta v. Portugal}\textsuperscript{50} in 1999. In turn, states around the world began repealing criminal sanctions against same-sex relations including Cuba in 1984 and New Zealand in 1986.\textsuperscript{51} In the United States, \textit{Lawrence v. Texas}\textsuperscript{52} was decided in 2003 and specifically cited \textit{Dudgeon} as a model for making criminal statutes against same-sex relations illegal. The case is significant because it overturned previous precedent that upheld those same criminal sanctions.\textsuperscript{53}

However strong these cases may have been or how remarkable it was that the

\textsuperscript{46} \textit{Id.} at Article 30.
\textsuperscript{47} \textsc{European Convention on Human Rights}, Art. 8 (Council of Europe 1953).
\textsuperscript{51} Fellmeth, \textit{supra} note 31, at 819.
\textsuperscript{52} \textit{Lawrence v. Texas}, 539 U.S. 558 (2003).
\textsuperscript{53} The case overturned the precedent previously decided in \textit{Bowers v. Hardwick}, 478 U.S. 186 (1986) over 15 years earlier.
rights of the queer communities were being protected, these cases did not constitute international law and did not provide protections for queer individuals on a global scale, instead these cases only applied to the members of the European Commission that had agreed to be bound by the decisions of the Court. In other words, even if an individual brings a case in an international court such as the European Court of Human Rights, unless a country agrees to be bound by the decision and submits to the court’s jurisdiction, the opinions and rulings of the court are without teeth in the other states. This is a reason that many are pushing for an inclusive human rights document that will extend protections to queer individuals. However, it is important to note that these cases can create precedent that other judiciary bodies may be willing to cite and look to as authoritative.

During the 2003 session of the United Nations, Brazil introduced a resolution to the United Nations Commission of Human Rights entitled The Brazilian Resolution on Human Rights & Sexual Orientation. The resolution was introduced on April 17, 2003, but almost immediately was faced with opposition from Catholic countries, the Holy See, and the Organization of Islamic Conference ("OIC"). The opposition was mostly based on religious grounds. Twenty-seven co-sponsors supported the resolution, but many more opposed the resolution. The resolution itself sought to protect the rights of sexual minorities and specifically “expressed deep concern at the occurrence of violations of

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55 Id. at 670-671.
56 Id. at 671.
human rights in the world against persons based on sexual orientation”  
and requested the United Nations High Commissioner for Human Rights to oversee and look into the violations of human rights of these individuals.  

Despite the high ideals of the resolution, it was tabled for the remainder of the 2003 session and when reintroduced in the 2004 session, Brazil withdrew the resolution after significant pressure from the religious alliance that had grown out of resistance to the resolution. Some have said that the resolution was introduced hastily and that Brazil did not stop to think of the consequence of introducing such a resolution. Brazil has been further criticized for not having waited for a more salient time to introduce the resolution. However, it should be noted that the resolution raised the profile of global sexual minorities even higher and called attention to the need for stronger protections for the queer community.  

V. YOGYAKARTA PRINCIPLES  

A group of twenty-nine distinguished individuals came together in to draft a set of principles that would provide a basis for the protection of queer individuals on a global scale. The process of drafting the principles took place over 12 months and was done mostly electronically; however, many of them at a seminar that took place in Yogyakarta, Indonesia where the Principles were completed. This document became known as the  

Yogyakarta Principles on the application of international human rights law in relation to

58 Id.  
59 Garvey, supra note 54, at 671.  
60 Id.  
62 Id. at 234.
sexual orientation and gender identity (“Principles”). The need for the Principles was born out of the diverse use of the terms sexual orientation, gender identity, LBGTI, and the different ways in which individuals states and judiciary bodies addressed queer issues. The Principles were to serve three functions; first, they should trace the history of human rights violations against the queer community; second, the application of international human rights law; and finally, explain the obligations that individual states to guarantee protections for the human rights of queer individuals.

The document contains twenty-nine principles that call for the adoption of many rights for queer individuals. Principles 1 through 3 explain the application of human rights universally to all individuals. Principles 4 to 11 put forward the fundamental rights to life and liberty, specifically addressing the right to privacy, the right to access the courts, and a right to be free of unlawful imprisonment. Principles 12 through 18 address the right of enjoyment of economic protections, as well as social and cultural protections. Then, Principles 19 to 21 advocate the importance of self-expression. Principles 22 and 23 emphasizes the right to seek asylum, while Principles 24 to 26 put forward the need to protect the right to family life and participation in civic life. Principle 27 promotes the right to defend human rights and Principles 28 and 29 discuss the importance of holding violators of these rights accountable for their actions.

While the Principles cannot be instituted as international law because it was created by a group of individuals and is not a covenant or convention on human rights.

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63 Id. at 232.
64 Id. at 233.
65 Id. at 234.
66 Id.
67 Id. at 234-235.
68 Id. at 235.
69 Id.
70 Id.
that states have signed onto and ratified, it can and has served as a building block for protections of queer individuals.\textsuperscript{71} In addition, the Principles “recommend that the UN High Commissioner for Human Rights endorse them.”\textsuperscript{72} However, currently, and perhaps more importantly, the Principles are being used to teach and heighten the awareness of individuals within universities globally and drawing their attention to the need to protect queer communities internationally.\textsuperscript{73} These individuals who are receiving the information now are most likely the ones who will implement and change international law to protect the queer community in the future. Yet, the future does not need to be in the distant future, it can be as close as tomorrow, as progress is being made even today.

VI. FUTURE OF PROTECTIONS

On March 22, 2011, Columbia, with 85 other signatory countries introduced a Joint Statement to the Human Rights Council of the United Nations calling upon the international community to pass protections for the queer communities around the world.\textsuperscript{74} The statement called for the end of criminal sanctions against queer individuals, protections against violence, and an end to general discrimination of queer individuals. This statement received the broadest support to date of any statement or resolution introduced in the international community addressing the protections of queer individuals. Not only did states join in recommending the statement be adopted, but 119 international organizations also submitted a letter of support for the statement and 19 national human

\textsuperscript{71} It has been noted that Egypt has referred to them in discussions with the Special Rapporteur as well as the Czech Republic. \textit{Id.} at 239.

\textsuperscript{72} \textit{Id.} at 241.

\textsuperscript{73} \textit{Id.} at 246.

rights organizations also submitted a letter of support. South Africa, a state signatory, additionally called for an open international dialogue on the issue of queer human rights and their violations. This statement provides hope that more countries are accepting, or at least open to, the idea that protections for queer individuals globally are needed and should be instituted.

Even more recently, the Inter-American Commission on Human Rights, which is an autonomous body of the Organization of American States, created a unit to focus on the protections of queer individuals. The Commission officially recognized that queer individuals face discrimination and human rights violations, specifically stating that the Commission had received reports of “murders, rapes, and threats.” This new unit is part of a broader initiative to protect minorities that have traditionally been discriminated against in the past. This is a significant step in achieving international protections for the queer community because it may force broader awareness of the human rights violations against the queer community. In addition, it may help to facilitate a document to protect queer individuals globally, similar to the UDHR.

The Inter-American Court of Human Rights has also recently heard arguments in the first of its kind case involving a lesbian mother that lost custody of her children. Karen Atala Riffo is a judge and mother in Chile and lost her custody battle with a final

75 Id.
76 Id.
78 Id.
79 Id.
ruling by the Supreme Court of Chile in 2003.\textsuperscript{81} The court will issue a ruling that will be binding on Chile, as Chile has submitted to the court’s jurisdiction.\textsuperscript{82} Jessica Stern, Director of Programs at the International Gay & Lesbian Human Rights Commission said,

> The Inter-American Court of Human Rights now has an opportunity to render a decision that discrimination on the basis of sexual orientation is wrong. Such a verdict will send a message to every state party to the American Convention on Human Rights … that sexual orientation has no bearing on a parent's ability to raise healthy children.\textsuperscript{83}

While the arguments have been heard, the Court has not made a ruling in the matter yet. Still, this is significant step for the Inter-American court because the region has been traditionally very religious and very conservative when it comes to queer rights.

Even these positive steps do not remove the problem that these Conventions, Declarations, and Protocols are not regulations that the international community can enforce upon individual states, but rather ideologies that the individual citizen is able to bring action against their own country; that is, if the country is willing to submit to the jurisdiction of a court or tribunal that is willing to adjudicate the case. However, many states that already afford protections for the queer community can bring pressure to bear upon that states that do not protect the queer citizens. As individuals states have been making human rights an increasingly more important part of their discussion and negotiations, so the pressure to reverse the criminal statutes against queer individuals can be pressured into being reversed.

VII. CONCLUSION

The global queer community is faced with discrimination on a daily basis. The queer community is seeing protections in certain areas of the world, mostly the west, by

\textsuperscript{81} Id.
\textsuperscript{82} Id.
\textsuperscript{83} Id.
states that have undertaken the responsibility of protecting their citizens that identify as queer. However, several portions of the world, including Asian and Africa have seen no protections afforded to them or may even be seeing an increase in the restrictions enacted against their right to live their lives in private. An international convention, agreement, covenant, or protocol would create a sort of international legal precedent and international law. While it is true that not all countries around the world follow these international agreements, such a document would go far in bringing the plight of the queer community to light and would also allow other states to pressure the countries that are not following the document to fall in step with the rest of the global community.

Finally, if a document cannot be agreed upon that would satisfy the desire of the queer community and will address their concerns, a simple fix would be to incorporate gender identity and sexual orientation language into the Universal Declaration of Human Rights. The Declaration is not binding international law but has been certainly become customary law and is cited and discussed at great length the world over. As the Secretary General of the United Nations, Ban Ki-moon stated, the Declaration is not a sometimes declaration that only applies to some individuals, but is an always declaration that should be all encompassing and should include everyone, regardless of status.

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84 While the United States still has not added sexual orientation or gender identity to the federal Civil Rights act, individual states have added protections for queer individuals, but it is far from unanimous. See generally, Human Rights Campaign, http://www.hrc.org/laws-and-legislation/state.