

tudes toward gays and lesbians and gay and lesbian parenting are theistic, highly traditional men who believe homosexuality is a life-style choice, who know few if any gay or lesbian people per-.

In the Roman-Dutch law, sodomy originally encompassed a number of sexual acts considered unnatural, including heterosexual anal sex, masturbation and bestiality, as well as homosexual sex. South African statute law also contained, in section 20A of the Sexual Offences Act, a provision known as the "men at a party" offence; this criminalized any sexual acts between men at a party, where "a party" was defined as any occasion with more than two people present. In particular, sodomy was listed as a Schedule 1 offence in the Criminal Procedure Act, placing it in the same category as murder, rape and fraud. This listing also allowed police officers to arrest people suspected of sodomy without a warrant, and to use deadly force against them if they attempted to flee. Judge Ackermann referred to the various draft constitutional texts then under negotiation, and pointed out that the drafts proposed by the ANC, the DP and the IFP all explicitly forbade discrimination based on sexual orientation, while the draft proposed by the NP-controlled government forbade discrimination on the basis of "natural characteristics". He used these facts to justify a ruling that custodial sentences were not appropriate for cases of consensual private sodomy. Significantly, he also wrote: The court did state that they would have considered the case had the act in question been consensual. The conviction and sentence was reviewed by Judge Ian Farlam in the Cape Provincial Division; he specifically questioned whether the crime of sodomy was compatible with the anti-discrimination and privacy provisions of the Constitution. The Attorney-General of the Cape disputed this, submitting that the crime of sodomy was indeed incompatible with the Bill of Rights. The Coalition was joined as applicant by the South African Human Rights Commission, an independent chapter nine institution created by the Constitution and tasked with the promotion and protection of human rights. Named as respondents were the Minister of Justice, the national minister responsible for criminal law; the Minister of Safety and Security, the national minister responsible for policing; and the Attorney General of the Witwatersrand, the official responsible for prosecutions in the Witwatersrand Division. The applicants asked the High Court to: The Minister of Justice only opposed the last of these requests, and after the applicants withdrew it the government did not offer any opposition to the case. The applicants argued that because the offences applied only to men and only to sex between men, they infringed the equality clause of the Constitution because they unfairly discriminated in terms of gender and sexual orientation. They also argued that "commission of an unnatural sexual offence" was so vaguely defined that it was not compatible with the rule of law, as a person could not be certain what acts it criminalised. The offence of sodomy, he ruled, amounted to unfair discrimination both in terms of gender, because it criminalised an act between men that would not be a crime between a man and a woman, and in terms of sexual orientation, because anal intercourse is the gay male analogue to vaginal intercourse for heterosexuals. He then examined whether the discrimination could be justified, and observed that the only arguments for justification were based on prejudice or religious beliefs, which are irrelevant in a constitutional secular state; protection of public morals, which could be achieved by non-discriminatory sex offence laws; or the prevailing public opinion. Addressing the last point, the judgment referred to *S v Makwanyane*, in which the Constitutional Court had abolished the death penalty despite acknowledging that the weight of public opinion was opposed to abolition. The court therefore ruled that the offence of sodomy was inconsistent with the Constitution and invalid. He did accept, however, that the offence had primarily been used to prosecute gay men, and ruled that it was discriminatory and unjustifiable, and therefore invalid, to the extent that it criminalised acts between men that would not be criminal between women or between a man and a woman. Continuing to section 20A of the Sexual Offences Act, Judge Heher ruled that, as in the case of sodomy, it was discriminatory in terms of both gender and sexual orientation. Looking to justification, he proposed that Parliament might have enacted the section for the purpose of suppressing "sexual license", but considered that since the government had not seen fit to criminalise similar heterosexual or lesbian activities, the argument was not persuasive. The court heard argument from the applicants on 27 August; the government did not

oppose the application and presented no argument. The Constitutional Court handed down its decision on 9 October ; the judges were unanimous in confirming the order of the High Court. The majority judgment was written by Justice Lourens Ackermann , while Justice Albie Sachs authored a separate concurrence. The court, recognising that the criminalisation of sodomy was clearly discrimination, assessed the fairness or otherwise of the discrimination by examining its effects on the groups affected, i. Ireland and of the Supreme Court of Canada in *Vriend v. Alberta* , finding that heterosexist discrimination causes psychological harm to gays and lesbians and affects their dignity and self-esteem. It also observed that the criminalisation of sodomy legitimises blackmail, entrapment and "queer-bashing". Noting that gay men are a permanent minority in society who have been severely affected by discrimination, and that the conduct that is criminalised is consensual and causes no harm to others, the judgment determined that the discrimination is unfair and therefore infringes on the constitutional right to equality. Observing that the laws punish an act that society associates with homosexuality and thereby stigmatise gay men, as well as putting them at risk of prosecution for "[engaging] in sexual conduct which is part of their experience of being human", the court determined that the right to dignity was infringed. The court found that, on the one hand, the criminalisation of sodomy had severe effects on the lives of gay men, and, on the other hand, that no valid purpose had been suggested for the infringement. It pointed out that religious views could not influence constitutional jurisprudence in a secular country. The court also examined the situation in other democratic countries, observing that sodomy had been decriminalised in the United Kingdom, Ireland, Germany, Australia, New Zealand and Canada, and throughout Western Europe. The court did take note that *Bowers v. Hardwick* was still at that time law in the United States, but pointed out its inconsistency with *Romer v.* The result of the balancing test was that the infringements of the rights of gay men could in no way be justified in an open and democratic society. The court noted that male rape could be prosecuted as indecent assault , and that the Sexual Offences Act created a separate statutory offence criminalising same-sex sexual acts with a person under the age of There was therefore no need to retain a limited offence of sodomy to deal with non-consensual or underage sex, and it could be entirely struck out of the common law. Considering the "men at a party" offence, the court described it as "absurdly discriminatory" and declared it to be unconstitutional for the same reasons that the offence of sodomy was. The final question before the court was the exact nature of the order to be made and, in particular, to what extent it should be retroactive. The court ruled that, in law, the offences in question ceased to exist on 27 April , when the Interim Constitution came into force. The order, however, provided that past convictions should only be invalidated if they were for consensual acts and the case had not been completely finalised; the court pointed out that those whose cases were final could apply for leave to appeal and condonation of their delay in appealing, in light of the judgment. The order also provided that actions taken as a result of the inclusion of sodomy in the schedules to the Criminal Procedure Act and the Security Officers Act should not be invalidated unless a court found that it would be just and equitable to do so. It was followed by a series of rulings relating to the recognition of same-sex relationships which granted, amongst others, immigration benefits, the ability to adopt, medical and pension benefits, rights related to artificial insemination, and intestate inheritance rights. This trend was completed by the ruling in *Minister of Home Affairs v Fourie* , which led to the Civil Union Act and the legalisation of same-sex marriage. This discrepancy was addressed in by the Criminal Law Sexual Offences and Related Matters Amendment Act , which reformed and codified the law relating to sexual offences to place it on a gender- and orientation-neutral basis, setting a uniform age of consent at The erstwhile discrepancy was declared to be unconstitutional in , in the case of *Geldenhuys v National Director of Public Prosecutions*.

I wonder how we find room for hatred. My conscious is often too packed with confusion, sadness, loneliness, doubt, joy, laughter, and the other facets of our emotionality to let hatred squeak its.

Supreme Court building June 26, in Washington, D. The plain and simple fact is that, with two Trump appointments to the Supreme Court, should that come to pass, we can expect significant changes in the way the Court approaches the rights of gays and lesbians in the future. Before we get to that point, it is important to understand how we got to where we are today. It is only with that understanding that we can truly comprehend the magnitude of the challenge ahead. In my first two pieces in this series which I have decided to expand to four posts rather than three, I discussed the history of homosexuality from the ancient world through the s. In this, the third piece in the series, I will discuss the role of the Supreme Court in addressing the constitutionality of laws making sodomy a criminal offense. Each of these posts, I should note, is drawn in part from my forthcoming book, *Sex and the Constitution*. I hope you will find this history instructive. Upon entering the home, the officer observed Hardwick and another man engaged in oral sex. The officer placed both men under arrest for the crime of sodomy. This, however, was a dissenting opinion. Texas, was pretty much a re-run of *Bowers*. Police officers in Houston were dispatched to a private residence in response to a reported disturbance. After they entered the residence, they saw two men engaging in anal sex. After all, if homosexual conduct is criminal, than a homosexual is no different than a rapist, a robber, or a thief. Much had changed, however, in the 17 years between *Bowers* and *Lawrence*. In a six-to-three decision, the Supreme Court overruled *Bowers* and held the Texas statute unconstitutional. Justice Anthony Kennedy, who had been appointed by President Reagan, delivered the opinion of the Court. There was, he concluded, no constitutionally legitimate justification for making same-sex sex a crime. The Constitution was now their constitution, too. In San Francisco, a group of veterans who had been expelled from military service during World War II because of their sexual orientation proudly saluted as a huge Rainbow Flag, which had flown atop an eighty-foot pole for more than five years, was lowered and an American flag for the first time was raised in its place. It is striking how far the Court had moved in the 17 years from *Bowers* to *Lawrence*. What had changed in those years was the public awareness of gays and lesbians in society and the public and legal understanding of both the morality and wisdom of laws discriminating on the basis of sexual orientation. Indeed, public opinion on this issue had shifted dramatically between *Bowers* and *Lawrence*. This shift was due to many factors, but most important was the profound change in the visibility of gays and lesbians in American society. This transformation affected not only everyday citizens, but also legislators, mayors, governors, presidents, and judges. With these changes, the traditional judicial understandings of such fundamental legal concepts as liberty, equality, and due process "as applied to homosexuals" were suddenly called into question, and rightly so. Indeed, it is striking that four of the seven justices who had been appointed by Presidents Richard Nixon, Ronald Reagan, and George H. Bush voted with the majority in *Lawrence*. The next issue, of course, was same-sex marriage. Do you have information you want to share with HuffPost?

Chapter 3 : LGBT - Wikipedia

Justice for Gays and Lesbians is wonderfully accessible and useful rather than a "scholarly" dissertation or one-dimensional approach to the crisis and challenge facing mainline Protestant denominations in this country.

Peterson is a member of the socialist youth organisation, Resistance, currently in Nepal. He maintains a blog on Nepalese politics, <http://www.peterson.com.np/>: Is that something of concern for sexual minorities? It is a religious society so, basically, "one culture, one religion, one pattern". I think every religion is like. For more than two centuries, the Hindu religion was carried out by the Hindi-based high-ranking caste group, the Brahmins. The so called high castes in the society dominated. And that brand of religion dominated all aspects of society. The Brahmins cannot imagine that certain other cultures, groups and genders exist in society. They only recognise the established, such as male and female relationships. But slowly attitudes are changing. We are starting to come out and committee groups are already raising our voice in the decision-making bodies, like the constituent assembly. We have a representative, Sunil Babu Panta, who is an openly gay member of the assembly. So right now, we are a bit more comfortable in society. We are in the process of making a new constitution. We are engaging in that process. And very good sentiments are already part of this process – like including our committee. On every front, the assembly is trying to include a wide range of groups. There is already a sexual and gender minorities committee. We have to accept the fact that society will always change slowly, not abruptly. Until we have good legal mechanisms, there can be no change. We are hoping that, with the right legal framework, we can advocate. We can say, "You know in society we are citizens, the same as other citizens, so why you not accepting us? We are starting to extend our network to other organisations, such as civil liberties and civil society organisations, media groups and political parties. They are starting to understand us and slowly we are entering society. What is your relationship with the Maoists the United Communist Party of Nepal-Maoists hold the largest number of seats in the assembly and head a coalition government? I have read that, up until a few years ago, and even more recently, Maoist cadre would pressure people not to accept queer tenants, among other things. But I have also been seeing a lot recently that suggests a change in policy. The Maoist culture has also been monolithic. They also believed in one culture and one command. But we can channel our voice into party organisations, due to our representative in the assembly. They were expelled from the PLA-run cantonments. After they were expelled, the two came to our office and we provided them with some accommodation and raised the issue within the Maoist organisation. After a month, our approaches and our relationship with the leadership meant they were able to return to the cantonments. This is a great example of how we have been able to make them believe that we are human and citizens too. They are trying to learn. They are listening to us. This process is going on. We can put our voice forward. This sort of environment encourages us to use our voice, because there is democracy. What sort of activities does the Blue Diamond Society carry out? The organisation was established in and it is formally a non-government organisation. At first, our committee focused on HIV prevention and treatment. Later, we realised that only taking up HIV-related issues will limit us. We are experts on HIV because of our sexuality, however only taking up HIV will not resolve all the social issues we face, so we started to raise our voice through human rights campaigning. In recent times, there has been widespread human rights violations in Nepal. Has there been much risk involved in this work? In previous years, because we have no legal protection in the law, we could not appeal to the police to protect us from violations. Our community had to rely on sex work, we had no other means of livelihood. But now, the Blue Diamond Society is able to employ more than people. The society now has more than 35 offices in Nepal. We are already very influential. Violence against the community was very great in previous years, but now, because we have support from other organisations, we are able to have confidence to do our work. But there is still some violence. Do you do much work in rural areas? How does this differ from urban work? It is typical that those who have been expelled tend to centre around the cities. So we concentrate on city areas. People move there and open up offices. Initially we had one office, but so many people got in contact with the society that we encouraged them to open up more offices in their area. In that way we are able to grow. Because of this, we have been able to open up more offices. What

are your hopes for the new constitution and the "new Nepal"? It is in the discussion process, and the Supreme Court has ordered the government to form a study committee that will research the needs of our community, international norms and make recommendations for the constituent assembly. Is there any already noticeable difference in the attitudes of people? Is there more acceptance than there was a few years ago? Ultimately, attitudes are changing. The antagonisms between our community and society as whole are starting to slowly lessen. But even in developed nations things are not perfect and ideal. Current issue Become a supporter.

Chapter 4 : Nepal: Gays and lesbians struggle for justice | Green Left Weekly

Justice Department Says Rights Law Doesn't Protect Gays Image Attorney General Jeff Sessions boarding a plane on Thursday for a trip to El Salvador, where he will meet with local leaders about.

From major legislative achievements to historic court victories to important policy changes, the President has fought to promote the equal rights of all Americans – no matter who they are or who they love. And the progress the Administration has made mirrors the changing views of the American people, who recognize that fairness and justice demand equality for all, including LGBT Americans. Department of Health and Human Services HHS collaborated with five other federal departments to establish a federal task force on bullying. The site includes resources and assistance for LGBT youth, including examples of community groups that offer support and options to seek counseling. Department of Education hosted five summits on strategies for protecting students, including LGBT students, from bullying and harassment. These events included an LGBT Youth Summit in and a meeting with transgender students in June, with a sixth summit scheduled for August. Supporting LGBT Health In June, President Obama issued a directive on same-sex domestic partner benefits, opening the door for the State Department to extend the full range of legally available benefits and allowances to same-sex domestic partners of members of the Foreign Service sent to serve abroad. The Office of Personnel Management OPM also expanded federal benefits for same-sex partners of federal employees and allowed same-sex domestic partners to apply for long-term care insurance. In March, the Affordable Care Act was signed into law by President Obama and ensures that Americans have secure, stable, and affordable insurance. Insurance companies are no longer able to discriminate against anyone due to a pre-existing condition, and because of the law, insurers can no longer turn someone away just because he or she is lesbian, gay, bisexual, or transgender. The federal website, HealthCare. This report, which was developed in collaboration with the American Psychological Association and a panel of behavioral health experts, is the first federal in-depth review of conversion therapy. Conversion therapy is not effective, reinforces harmful gender stereotypes, and is not an appropriate mental health treatment. This center supports communities across the country as they aim to serve the estimated 1. This center provides information, assistance and resources at the state and community levels. After the United States v. Windsor decision, in which the Supreme Court struck down Section 3 of the Defense of Marriage Act as unconstitutional, the President instructed the Cabinet to review over 1, federal statutes and regulations to ensure the decision was implemented swiftly and smoothly by the federal government to recognize the rights of same-sex couples. The Administration has long advocated for a Constitutional guarantee of marriage equality for same-sex couples—a position the Supreme Court vindicated in its historic decision in Obergefell v. After the Supreme Court issued a decision in Obergefell v. Hodges, the Social Security Administration SSA began to recognize all valid same-sex marriages for purposes of determining entitlement to Social Security benefits or eligibility for Supplemental Security Income. SSA continues to work closely with the LGBT advocacy community to conduct outreach to ensure that same-sex couples are aware of how same-sex marriage affects benefits. The Administration has taken unprecedented steps to protect and promote the rights of transgender and gender non-conforming Americans. These actions have included: The release of joint guidance from the U. Departments of Education and Justice to provide educators with the information they requested to ensure that all students, including transgender students, can attend school in an environment free from discrimination. The issuance of guidance from the Department of Justice that concluded that the prohibition against sex discrimination in Title VII of the Civil Rights Act of encompasses claims of discrimination on the basis of gender identity, including transgender status. Agencies, including OPM, the State Department, SSA, and HHS, took various actions to ensure that transgender Americans were treated fairly and without discrimination in the workplace, in official documents, and in the health care system. The Department also launched a website to allow citizens to offer comments on housing discrimination based on sexual orientation and gender identity. In addition, the guidance makes clear that sexual orientation and gender identity should not and cannot be part of any lending decision when it comes to getting an FHA-insured mortgage. Over the next two years, the initiative has developed and evaluated

strategies to prevent lesbian, gay, bisexual and transgender youth from becoming homeless or intervene as early as possible once they do become homeless. The Justice Department issued guidance stating that Federal prosecutors should enforce criminal provisions in the Violence Against Women Act in cases involving same-sex relationships. The guidance serves two key purposes. First, it aims to examine how gender bias can undermine the response of law enforcement agencies to sexual assault and domestic violence. President Obama has also issued a presidential memorandum that directs all Federal agencies engaged abroad to ensure that U. In February , the U. The State Department revised its Foreign Affairs Manual to allow same-sex couples to obtain passports under the names recognized by their state through their marriages or civil unions. The results of the theme study are expected later this year.

Chapter 5 : Consent Form | Diversity Best Practices

Justice for Gays and Lesbians: Reclaiming Christian Fundamentals: Crisis and Challenge in the Episcopal Church by Robert L McCan starting at \$ Justice for Gays and Lesbians: Reclaiming Christian Fundamentals: Crisis and Challenge in the Episcopal Church has 1 available editions to buy at Alibris.

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Chapter 6 : LGBTI Equality | Socialist Alliance

Workplace experiences of gay and lesbian criminal justice officers in the United States: a qualitative investigation of officers attending a LGBT law enforcement conference.

Chapter 7 : Alabama Social Justice Organizations | YWCA

GLobal LGBT Equity is a Social Justice Issue The National Association of Social Workers has a strong position against discrimination of persons based on their sexual orientation or gender identity.

Chapter 8 : GLobal LGBT Equity is a Social Justice Issue | calendrierdelascience.com

Windy City Times News Archive - Groups push restorative justice for LGBTQ youth Lesbian, gay, bisexual, transgender, and queer (LGBTQ) students report experiencing ongoing bullying, harassment.

Chapter 9 : National Coalition for Gay and Lesbian Equality v Minister of Justice - Wikipedia

Justice Harry Blackmun, joined by Justices Brennan, Marshall, and Stevens, dissented. Although conceding that "traditional Judeo-Christian values" had proscribed homosexual intimacy for.