

EXPLORING THE IMPACT OF GLOBALIZATION ON LGBTQIA+ RIGHTS: ANALYZING GLOBAL RECOGNITION AND ITS INFLUENCE ON THE LGBTQIA+ COMMUNITY

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ABSTRACT

Lesbian, gay, bisexual, transgender, queer and other (LGBTQIA+) individuals have seen incredible growth over the past several decennary in the global campaign to secure protections, particularly with respect to marriage equality. Globalization began as an era 1980s & 1990s. During this time, important growth was made in efforts to protect lesbian, gay, bisexual, transgender, gay, and other “LGBTQIA+” people, while a crucial shift in attitudes towards the “LGBTQIA+” community was seen around the world. Globalization facilitated the quick spread of ideas on sexual and gender transition by bringing people together around the world and removing customary barriers. International organizations such as the United Nations accepted the rights of ‘LGBTQIA+’ individuals and set up various procedures and changes to protect those rights. This Paper analyzes how globalization has significantly influenced LGBTQIA+ rights, with a specific stress on how the LGBTQIA+ community is recognized and influenced internationally. Due to the interconnectedness that comes with globalization, the legal and social acknowledgement of LGBTQIA+ people have advanced enough over the last few decades. The progress of communications and the demolition of old barriers has enabled the quick spread of ideas about gender identity and sexual orientation, leading to a shift in attitudes around the world. This paper looks at how global institutions such as the United Nations are helping to encourage LGBTQIA+ rights and help various countries create legislative safeguard for this community. The paper also addresses the financial effect of LGBTQIA+ rights infringement, thrown light on the ways in which discrimination prevents economic growth and productivity. Through the integration of facets from multiple regions such as Africa, Asia, and Latin America, the study presents an in-depth analysis of diverse responses to LGBTQIA+ rights in the context of globalization.

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“This world would be a whole lot better if we just made an effort to be less horrible to one another. If we took just five minutes to recognize each other's beauty, instead of attacking each other for our differences. That's not hard. It's really an easier and better way to live. And ultimately, it saves lives.”¹⁵⁵

--Ellen Page

The abbreviation LGBTQIA+, Lesbian, gay, bisexual, transgender, and queer individuals are said to as LGBTQIA+. Additionally, some people use the letter Q to mean "Queer", which depict people who are figuring out their Gender identity or sexual orientation. GLAAD claims that a person's gender identity is their internal, strongly held awareness of their gender.¹⁵⁶ It's possible that your gender identity and the sex you were assigned to at birth may be different. The nation has finished off its colonial-era law that openly discriminated against transgender people and gay people.¹⁵⁷ “Any identity or practice that cross, intersects, goes between, or otherwise queers socially formed sex/gender binaries” are all involved under the umbrella term “transgender”. In the past, the “LGBTQIA+” community was looked down upon. It was rarely talked about and was associated with stigma.¹⁵⁸ Individuals who recognized themselves as "LGBTQIA+ " have faced discrimination in several areas, including work, education, health care, and social and commercial services.

They have also faced abuse, disgrace and hate crimes. They endured harassment, imprisonment, and even death threats, in addition to being denied of basic human rights. This dilemma still prevalent today: any culture battle for its identity must determine whether it should ally with other groups that discriminate against people based on their gender and

¹⁵⁵ Vivian Kane, “Ellen Page's Coming Out Speech is a Thing of Beauty”, *Pajiba*, Feb. 15, 2014, *available at*: https://www.pajiba.com/celebrities_are_better_than_you/ellen-pages-coming-out-speech-is-a-thing-of-beauty.php (last visited on Oct. 13, 2024)

¹⁵⁶ Laurel Wamsley, *A Guide to Gender Identity Terms*, June 02, 2021, *available at*: <https://www.npr.org/2021/06/02/996319297/gender-identity-pronouns-expression-guide-lgbtq> (last visited on Oct. 13, 2024)

¹⁵⁷ Dhananjay Mahapatra and Amit Anand Choudhary, “SC Decriminalizes Section 377, Calls 2013 Ruling 'Arbitrary and Retrograde'”, *The Times of India*, Sept. 07, 2018, *available at*: <https://timesofindia.indiatimes.com/india/sc-decriminalises-section-377-calls-2013-ruling-arbitrary-and-retrograde/articleshow/65712063.cms> (last visited on Oct. 13, 2024)

¹⁵⁸ T Laxmi and K Payal, “Transgender - Hijra Strategy, NACO, NACP IV”, *Naco*, May 05, 2011, *available at*: http://naco.gov.in/sites/default/files/4.%20TG_paper_NACO%20shortversion.pdf. (last visited on Oct. 13, 2024).

sexual orientation. People who identify as LGBTQIA+ may face racism, sexism, poverty, and other forms of harassment in addition to homophobia and transphobia. All of these problems have the probability to negatively influence their mental health. LGBTQIA+ individuals frequently face obstacles to accessing requisite services due to their marginalization. These resources include possibilities for access to education, legal and judicial assistance, and health care. This is due to the fact that they usually do not receive suitable legal protection from discrimination based on sexual orientation and identity. According to a recent study conducted by the Williams Institute at the UCLA School of Law, one in ten violent harassments of LGBTQIA+ people can be linked to hate crimes. LGBTQIA+ individuals are nine times more likely to become victims of violent hate crimes against them than non-LGBTQIA+ individuals. Ahead, it is more generic for victims of violent hate crimes against LGBTQIA+ people to be young and in a relationship with their perpetrator.¹⁵⁹

Lesbian, gay, bisexual, transgender, queer and other (LGBTQIA+) individuals have seen incredible growth over the past several decades in the global campaign to secure protections, particularly with respect to marriage equality. Globalization began as an era 1980s& 1990s. During this time, important growth was made in efforts to protect lesbian, gay, bisexual, transgender, gay, and other “LGBTQIA+” people, while a crucial shift in attitudes towards the “LGBTQIA+” community was seen around the world. Globalization facilitated the quick spread of ideas on sexual and gender transition by bringing people together around the world and removing customary barriers. International organizations such as the United Nations accepted the rights of ‘LGBTQIA+’ individuals and set up various procedures and changes to protect those rights.

GLOBALISATION'S IMPACT ON THE “LGBTQIA+” COMMUNITY

Globalization is defined as “the gradual removal of economic boundaries and the corresponding increase in international trade and international interaction.”¹⁶⁰ “It is the procedure of mixed, multifarious cultures and unified economies and societies.”¹⁶¹ The 1990s mark the commencement of the globalization process, and as the world became more

¹⁵⁹ Andrew R. Flores and Rebecca L. Stotzer, “LGBT People Nine Times More Likely than Non-Lgbt People to Be Victims of Violent Hate Crimes”, *William Institute*, Dec. 21, 2022, available at: <https://williamsinstitute.law.ucla.edu/press/lgbt-hate-crimes-press-release/> (last visited on Oct. 13, 2024).

¹⁶⁰ Reshma Elizabeth Thomas, “Effect of Globalization on Transgenders in India” 4 *International Journal of Humanities and Social Science Invention* 28-29 (2015).

¹⁶¹ Rajeev Kumar Upadhyay, “Socio-Cultural Impact of Globalization in India’ the Discussant” 2 *Journal of Centre for Reforms, Development and Justice*, (2014).

interconnected, individuals began to feel a sense of universality, integration, and unity. The world became smaller and more equal as a result of the opening of commercial markets and improved international communications. Since its beginning, the term "globalization" has been used mainly in the parochial context of economics, but is not limited to that field.

A crucial attribute, globalization results in the inclusion and mixing of social and cultural components. Globalization has greatly influenced national life, influencing national behavior like social interaction etc. eating habits, work cultures, family structures, attitudes and identities. Due to the increase of social media, industrialization, and increasing urbanization, ideas were easily shared globally, and discussions around gender identity and sexual orientation took hold. As old boundaries broke down in the age of globalization, the idea of LGBTQIA+ rights extended quickly around the world, and ideas about gender transition and sexual equality also expanded quickly.¹⁶² Social movements and reforms concentrated around recognition and rights for the LGBTQIA+ community have raised in response to the centuries of oppression and prior bias that LGBTQIA+ people have faced at the hands of “church, state, and medical institutions”.

“People everywhere now have a new sense of place and identity because of the progress of the LGBTQIA+ rights movement.”¹⁶³ Thereby, in addition to the liberation of the global economy, the idea of globalization also brings about the “globalization of sexual identity”, as this time bring about the idea of equal opportunities for all individuals, regardless of gender or race, as well as the legal recognition of LGBTQIA+ rights was established.¹⁶⁴ The LGBTQIA+ community feel bullying, physical assault, abuse, harassment, job denial, and family problems as a result of rights violations. Due to the fact that “LGBTQIA+ individuals always have the potential to play a major role in progress and execution more sustainable and equitable growth paths,” this has noxious effects not only on their physical and mental health but also on the economy.¹⁶⁵ “Stigma and discrimination frequently have a direct influence on the lives of LGBTQIA+ people, but also affect economies and societies at large: when whole

¹⁶² Mark Gevisser,, “How Globalization Has Transformed the Fight for LGBTQIA+ Rights,” *The Guardian*, June 16, 2020, *available at*: <https://www.theguardian.com/world/2020/jun/16/how-globalisation-has-transformed-the-fight-for-lgbtq-rights> (last visited on Oct. 13, 2024).

¹⁶³ Bonnie J. Morris,, “A Brief History of Lesbian, Gay, Bisexual, and Transgender Social Movements”, *American Psychological Association*, Mar. 16, 2023, *available at*: <https://www.apa.org/topics/lgbtq/history> (last visited on Oct. 13, 2024).

¹⁶⁴ Timothy Wright, “Gay Organizations, NGOs and the Globalization of Sexual Identity: The Case of Bolivia,” *5 Journal of Latin American Anthropology* 89-111 (2011).

¹⁶⁵ Peter Druker, “Changing Families and Communities: An LGBTQIA+ Contribution to an Alternative Development Path’ Development in Practice,” 19 *Routledge* (2019).

groups are left behind – involving based on sexual orientation or gender identity – everyone can reach their skills. and loses productivity” This is the narration issued by the World Bank to mark the 2016 International Day Against Homophobia and Transphobia (IDAHOT).¹⁶⁶

“Underinvestment in human capital and poor utilization of human resources can stunt macroeconomic progress.”“Eliminating the human rights of LGBTQIA+ people can have economic results, such as wasted labor time, reduced productivity, underinvestment in human capital, and inefficient human resource allocation.” The rights of the LGBTQIA+ community have long been backed by the United States of America (USA).¹⁶⁷ Many credit the beginning of the from the civil rights movement to the Stonewall riots of 1969 in New York City, for contemporary LGBTQIA+ and, United States “has been chief in protecting LGBTQIA+ rights around the world” even today.¹⁶⁸ Because they believe that economic growth breeds tolerance, Robert Anderson and Tina Fettner have “linked higher GDP levels in a country to more illiberal attitudes about homosexuality.”¹⁶⁹

Because the media brought with them the kind of international information stream that are crucial for stimulate contact and communication between groups, the media have Contributed significantly to making it possible for such liberal Western values to spread around the world. during the era of globalization. Has played an important role. “With greater media notice more trans and intersex voices began to gain space,”¹⁷⁰ and discussion about the LGBTQIA+ community were no longer taboo as they were being held publicly and through literature, art, film, and theater. Was being reflected from. As a result, “radically different ways of imagining sex and gender systems and identities were introduced by television, film, radio, and the Internet.”¹⁷¹ Furthermore, “people moved from rural areas to quickly progressing metropolitan centers, where there was a freedom of experiment in 'private life' that was

¹⁶⁶Ede Ijjasz-Vasquez and Maninder Gill, “How Can the World Bank Support LGBTQIA+ I Inclusion?”, *World Bank Blog*, May 17, 2016, available at: <https://blogs.worldbank.org/en/voices/how-can-world-bank-support-lgbti-inclusion>(last visited on Oct. 13, 2024).

¹⁶⁷M.V. Lee Badgett, “The Relationship Between LGBTQIA+ Inclusion and Economic Development: Macro-Level Evidence,” 12 *World Development* 1-14 (2019).

¹⁶⁸B. Lee Aultman, “The Rise of Transgender Social Movements: Narrative Symbolism and History,” *Oxford Research Encyclopedias*, (2021).

¹⁶⁹Robert Andersen and Tina Fetner, “Economic Inequality and Intolerance: Attitudes Toward Homosexuality in 35 Democracies” 52 *American Journal of Political Science* 942-958 (2008).

¹⁷⁰Bonnie J. Morris, “A Brief History of Lesbian, Gay, Bisexual, and Transgender Social Movements”, *American Psychological Association*, Mar. 16, 2023, available at: <https://www.apa.org/topics/lgbtq/history> (last visited on Oct. 13, 2024).

¹⁷¹Dennis Altman, ‘Sexuality and Globalization’, *Agenda: Empowering Women for Gender Equity*, 2 *African Feminisms* 22-28 (2014).

implausible in rural areas,” which share to the build new, hybrid sexual identities.¹⁷² Migration was the main means by which people moved westward. Thus, the formation of sexual identity has been greatly affected by globalization.¹⁷³

WORLDWIDE ACKNOWLEDGMENT OF LGBTQIA+ RIGHTS

'The 2000s can be believed as the 'decade of sexual rights', as it has its background in the 1990s, when sexuality began to make its way into the debate around international human rights.'¹⁷⁴ The United Nations (UN) has played a crucial role in encouraging and safeguarding the rights of sexual minorities. “Civil society organizations have pushed for the recognition of human rights based on sexual orientation and gender identity since the founding of the United Nations in 1945.”¹⁷⁵

The case of *Toonen v. Australia*¹⁷⁶ was initially bring before the United Nations Human Rights Committee in 1994. This was concerned to a Tasmanian law that was passed making ban on male-to-male sex, even sane, consensual relationships between adult gay men. The Committee manifest, “Discrimination against persons on the basis of sexual orientation form a violation of international human rights law.”¹⁷⁷ First valued international human rights organization to issue sexual orientation report was Amnesty International, which released “*Breaking the Silence*”: *Human Rights Violations Based on Sexual Orientation*” in 1994.

“To Describe a collection of global norms relating to gender identity and sexual orientation”, Experts on gender identity, sexual orientation and international human rights law gathered in Yogyakarta, Indonesia. in November 2006.¹⁷⁸ The authors created a This narration covers twenty-eight human rights related to gender identity and sexual orientation. This shared set of legally enforceable international principles and objectives need integration into local laws

¹⁷²Julienne Corboz, “Globalization and Transnational Sexualities’,” *Australian Research Centre in Sex, Health and Society (ARCSHS)* (2009).

¹⁷³ Ibid

¹⁷⁴ Aeyal Gross, ‘Post/Colonial Queer Globalization and International Human Rights: Images of LGBTQIA+ Rights’, 4 *Jindal Global Law Review* 98 (2013).

¹⁷⁵ Paul J Angelo and Dominic Bocci, “From Renewing America the Changing Landscape of Global LGBTQIA+ Q+ Rights,” *Council on Foreign Relation*, Jan. 29, 2021, available at: <https://www.cfr.org/article/changing-landscape-global-LGBTQIA+-rights>. (last visited on Oct. 13, 2024).

¹⁷⁶ *Toonen v. Australia*, 1992, CCPR/C/50/D/488

¹⁷⁷ Ibid

¹⁷⁸ “The Yogyakarta Principles – 2006”, *South Asian Translaw Database*, available at: <https://translaw.clpr.org.in/international-conventions-declarations/the-yogyakarta-principles/> (last visited on Oct. 14, 2024).

and policies by social actors and invested stakeholders.¹⁷⁹The Yogyakarta Principles Plus Ten were permitted on November 10, 2017, adding to the original set of principles. “The YP Plus 10 documents raised from the intersection of the recognition of the exclusive and intersectional strength of gender expression and sexual characteristics, including the raising understanding of violations infested by individuals on the basis of sexual orientation and gender identity, and progress in international human rights law. “The United Nations adopted a number of resolutions, declarations and reports during the 2000s and 2010s, involving the June 2011 Human Rights Council resolution on human rights, sexual orientation and gender identity.”¹⁸⁰

September 2014: Human rights, gender identity and sexual orientation; Independent Protection's 2016 mandate to inhibit violence and discrimination against people based on gender identity and sexual orientation; Expert on preventing violence and discrimination based on gender identity and sexual orientation in 2019; Discrimination against girls and women in sports etc. will end in 2019. The aim is to “address inequality, violence, and discrimination based on sexual orientation, gender identity, or intersex status, and promote universal access to health and social. Services,” the United Nations Development Project began the regional project “Being LGBTQIA+ I in Asia and the Pacific” in 2017.”¹⁸¹

PROGRESS MADE ON LGBTQIA+ RIGHTS IN ASIA AND THE PACIFIC

Over the past ten years – particularly in the past year – the Asia Pacific region has seen famed achievement in the contest for LGBTQIA+ equality. Some recent cognition includes the decriminalization of homosexual intercourse in Singapore, the registration of same-sex marriages in Nepal, and the giving of adoption rights to same-sex couples in Taiwan. Albeit there is still much work to be done, the various court conquest represents years of hard-won efforts to progress LGBTQIA+ rights across the region. “*Equality is the cornerstone of democracy; within a democratic system every individual has equal opportunities and rights to live a life of dignity.*” LGBTQIA+ people (or any other population) must be behaved equally in the eyes of the law and have the same safeguard as heterosexual people for true democracy to occur. In fact, social group equality, which measures exclusion and

¹⁷⁹ Elijah Adiv Edelman, *Gender Identity and Transgender Rights in Global Perspective* 62-74 (Oxford University Press, 2019).

¹⁸⁰ Ibid

¹⁸¹ “Being LGBTI in Asia and the Pacific”, *United Nations Development Project*, available at: <https://www.undp.org/asia-pacific/projects/being-lgbti-asia-and-pacific> (last visited on Oct. 13, 2024).

discrimination based on sexual orientation, is a key pointer in the framework of global democracy.¹⁸² In ahead to maintaining stigma and discrimination, denying same-sex couples the capability to marry or participate in homosexual activity also inhibit them from accessing crucial legal and social profit such as *parental rights, healthcare coverage, and tax exemptions*. Equality in marriage and the decriminalization of homosexual activity are often regarded as key pointer of inclusion growth and have the probable to encourage the full fulfillment of LGBTQIA+ rights.

Many nations in the Asia Pacific region score in the middle to low range of V-Dem strength distributed by sexual orientation variable, with only 8.6% scoring at the high level. Europe (57.8%) and the Americas (29.6%) are the two regions with the highest percentage of high-performing nations worldwide. 9.6% of African nations are high-performing, but none of the nations in Western Asia are high-performing. New Zealand, Australia, Thailand, Taiwan, and Nepal are the countries with the most progressive LGBTQIA+ policies in the Asia Pacific region, in pursuance to additional data sources, which measure the adoption and execution of LGBTQIA+ policies, such as the decriminalization of homosexual relationships, marriage equality, safeguard against hate crimes and changes to gender markers, etc. On the other hand, *Malaysia, Afghanistan, the Maldives, Indonesia, and Uzbekistan* are known to have more orthodox LGBTQIA+ laws.¹⁸³ Specially, 24 of the 35 countries in the region permits consensual homosexual relationships, opening the way for other legal reforms such as gay marriage. Only some countries in the Asia Pacific region have so far permitted gay marriage: *New Zealand, Australia, Taiwan and most recently Nepal*. These countries did so in 2013, 2017, 2019 and 2023 respectively.¹⁸⁴

Moved measures pertaining to marriage equality have been seen in Thailand, India, Japan and South Korea. The marriage equality bill in Thailand is nearing completion, and the historic victory of Move Forward (MFP) in May national elections has given renewed hopefulness for the bill's passage. Albeit, the legislation has steady since *MFP leader Pita Limjaroenrat* was unable to secure enough votes from the military-elected Senate to confirm him as prime

¹⁸² International IDEA, The Global State of Democracy Indices, 1975–2022, v. 7, 2023, <<https://www.idea.int/gsod-indices>> (last visited on Oct. 14, 2024).

¹⁸³ “LGBT+ Rights Index”, *Our World in Data*, Apr. 27, 2023, available at: <https://ourworldindata.org/grapher/lgbt-rights-index> (last visited on Oct. 14, 2024).

¹⁸⁴ “Legal Frameworks | Criminalisation of Consensual Same-Sex Sexual Act”, *He International Lesbian, Gay, Bisexual, Trans and Intersex Association*, available at: <https://database.ilga.org/criminalisation-consensual-same-sex-sexual-acts> (last visited on Oct. 14, 2024).

minister. In contrast, the *Pheu Thai* party leader and next Prime Minister, Sritha Thawisin, has promised to pursue legislation that upholds the equality and rights of LGBTQIA+ people, although he has not mentioned any specific legislation.¹⁸⁵ During this, calls to permit gay marriage in Japan have been advances since two judges declared laws against gay marriage unconstitutional in March 2021 and May 2023. Similarly, in February a South Korean court accepted same-sex couples' *eligibility for health insurance for the first time*. Rights advocates in both countries are hopeful that these rulings will lastly move the conversation about legalization forward, even if it could be ponder a minor victory.¹⁸⁶

INDIAN LANDSCAPE

“History owes an apology to these people and their families. Homosexuality is part of human sexuality. They have the right of dignity and free of discrimination. Consensual sexual acts of adults are allowed for [the] LGBTQIA+ community.”

- Justice Indu Malhotra

The history of homosexuality in India dates back to pre-colonial times. In many faiths and beliefs, same sex activity was believed to be bad and immoral. Manu Smriti forbidden homosexual relations, and anyone who not follow the order risked severe punishment. Under Muslim law or Sharia law, homosexuality was believed haram or evil and harsh penalties were imposed. The Bible prohibited homosexual relations because it was believed to be against natural law and God's will.

Section 377 of IPC was the first criminal law, which outlawed same-sex partnerships, was passed during the British era when laws were codified. Pursuance to the Indian Penal Code 1861, section 377 states that *any person who has voluntary perform any sexual activity with a man, woman or animal that violates the natural order will result in life imprisonment or a maximum of ten years in prison*. Even after the end of the British Empire, Section 377 was retained, making homosexuality illegal. This was detrimental to the LGBTQIA+ community.¹⁸⁷ But when Western culture and impact began to prevalent in Indian society in the 1980s and 1990s, worry about the rights of the LGBTQIA+ community began to raise. The 200-year-old British-era law, which discriminated against the LGBTQIA+ population

¹⁸⁵ Francesca Regalado, “Thailand PM Srettha Commits to \$280 Handout to Kick-Start Economy”, *NIKKEI Asia*, Sept. 11, 2023, available at: <https://asia.nikkei.com/Politics/Thailand-PM-Srettha-commits-to-280-handout-to-kick-start-economy> (last visited on Oct. 14, 2024).

¹⁸⁶ Kevin Casas-Zamora, *The Global State of Democracy 2023 the New Checks and Balances* 210 (International Idea, 02 November 2023).

¹⁸⁷ Indian Penal Code 1860 (Act No. 45 of 1860), s. 377

and was “a weapon to oppress and exploit all those who do not according to the traditional binary of sexuality and gender,”¹⁸⁸ was the target of many social movements. An NGO called The NAZ Foundation claimed in a 2001 lawsuit that Section 377 of the Indian Penal Code was unconstitutional before the Delhi High Court citing the public interest litigation jurisdiction of the high court. The Delhi High Court in its decision in 2009 said, “Section 377 of the IPC puts an unreasonable restriction on two adults having consensual sexual intercourse in private and thus violates the fundamental rights enshrined under Articles 14,¹⁸⁹ 15¹⁹⁰, 19¹⁹¹ and 21¹⁹² of the Indian Constitution violated.” But because of the conventional outlook of the High Court – which considered homosexuality to be wrong – the decision sparked considerable discussion in Indian society that it was against Indian customs and culture.

As a result, the verdict appeals were made from Delhi High Court to the Supreme Court of India. On 11 December 2013, against the Delhi High Court's decision that LGBTQIA+ persons were a “small minority” and not entitled to constitutional protection was overturned by the Supreme Court. The court also said that section 377 IPC is not unconstitutional. There was a lot of protest over this agonistic decision of the Supreme Court, which denied the LGBTQIA+ people their fundamental human rights, and as a result, there was a rise in public debate about LGBTQIA+ rights in India.¹⁹³

In a historic judgment in the *NALSA vs Union of India*¹⁹⁴ case, the Supreme Court of India recognized “third gender” status to transgender people in April 2014. The Government of India was instructed to look after members of the “third gender” socially and economically. deprived class by the court, which ruled that “non-recognition of their identity was a violation of Articles 14, 15, 16¹⁹⁵ and 21 of the Constitution of India.” In another landmark and historic verdict, *Navtej Singh Johar & Ors. v. Union of India*,¹⁹⁶ the Supreme Court on September 6,

¹⁸⁸ Sannidhya Shanvi, “Living Free and Equal: Evolution of Lgbtq+ Rights in India and Taking the Narrative Forward!”, *Medium*, Nov. 02, 2021, available at: <https://juvenilecarevit.medium.com/living-free-and-equal-evolution-of-lgbtq-rights-in-india-and-taking-the-narrative-forward-65a351dff8eb> (last visited on Oct. 14, 2024).

¹⁸⁹ The Constitution of India, Art 14

¹⁹⁰ The Constitution of India, Art. 15

¹⁹¹ The Constitution of India, Art. 19

¹⁹² The Constitution of India, Art. 21

¹⁹³ *Suresh Kumar Koushal v. NAZ Foundation*, 2013, Civil Appeal No. 10972.

¹⁹⁴ *National Legal Services Authority v. Union of India*, 2013, Writ Petition (civil) No. 604

¹⁹⁵ The Constitution of India, Art. 16

¹⁹⁶ *Navtej Singh Johar & Ors. v. Union of India through the Secretary Ministry of Law and Justice*, (2018) AIR 4321.

2018 struck down Section 377 of the Indian Penal Code, decriminalizing homosexual relations between consenting adults. The court laid down that Section 377 violates Articles 14, 19(1), and 21 and is vague in distinguishing between normal and unnatural sexual relations.

In case of *Supriyo Chakraborty and Another v. Union of India and Others*¹⁹⁷ on October 17, the Supreme Court ruled that same-sex marriage could not be explained into pre-existing laws and could only be allowed by special legislation. All judges recognized that queerness is neither an elite class nor an urban notion or features, but they also recognized the daily oppression and discrimination faced by members of the community. When combined, these verdicts are believed to be landmark for extensive interpreting of constitutional rights and empowering LGBTQIA+ people. "Both judgments shows a turning point for LGBTQIA+ rights, as they ordered that full constitutional safeguard be given to LGBTQIA+ Indians in addition to demolished remains of British imperial rule." The Transgender Persons (Protection of Rights) Act, 2019 was passed by the Indian Parliament in response to these decisions Safeguarding the rights of the transgender community and declared unconstitutional discrimination against them in the workplace, classroom, health care system and public or private institutions, among other contexts.

INTERNATIONAL LGBTQIA+ RIGHTS CAMPAIGN

In 1994, South Africa became the first country in the world to involve provisions for sexual orientation in its interim constitution. That same year, *President Robert Mugabe of neighboring Zimbabwe* condemned homosexuality, calling it a Western sin. Criticizing homosexuals was Mugabe's way of diverting his people's consideration from his declining economy and declining political destiny. He had lost reliability as a regional leader and was thinking about living under Nelson Mandela. Mugabe took to social media to maul homosexuality and stress his position as the voice of the real Africa. By doing so, he pictures South Africa's stance on gay and lesbian equality as a sign of imperialism.¹⁹⁸ In a globalizing world, this has been the prevalent story for decennary. LGBTQIA+ human rights have come to be agreed as a liberal Western concern. The rise of movements advocating gay rights and the enhanced fame of LGBTQIA+ individuals are agreed as indicators of Western impact and

¹⁹⁷ *Supriya Chakraborty v. Union of India*, (2023) Writ Petition (Civil) No. 93.

¹⁹⁸ "The Spread of Homophobic Rhetoric in Southern Africa", *Human Right Watch*, available at: <https://www.hrw.org/reports/2003/safrica/safriglhr0303-02.htm> (last visited on Oct. 15, 2024).

the decline of indigenous culture. The effect is that homosexuality in Africa was not ponder African. However, homosexuality is also used in several distinct regions of the world to distinguish between “insider” and “outsider”, self and other.

Though, events in *Asia, Latin America and Africa* during the past 20 years have inverted this overly simplistic narrative. Besides, there have been two crucial growth this year that further challenge that narrative. On June 17, a resolution on human rights, gender identity and sexual orientation was introduced by South Africa at the UN Human Rights Council. 23 voted in favour of the resolution, 19 against and 3 abstained. In pursuance to this brief one-page document, the UN High Commissioner is to report, and a panel is to deliberate on the results and recommend suitable next steps.¹⁹⁹ In 1998, Ecuador involved outspoken safeguards against discrimination based on sexual orientation in its constitution, which constituted some characteristics from the South African constitution. Congressmen in Mexico City passed decisions in 2009 that assisted gay marriage and adoption. In 2010, Argentina enacted a law for egalitarian marriage. This year, Brazil's Supreme Court ruled in favor of full-rights civil unions in May, and the Supreme Appeals Court affirmed gay couples' right to marry in October.

In the case of the LGBTQIA+ rights movement, globalization has presented conflicting results: albeit it has assisted the movement, it has also led to opposition. International solidarity has profited from the expansion of communication and contact options. For businesses that require to conduct in secret, electronic communication has become a crucial tool. A very useful communication channel has been made available through the Internet.

Christian fundamentalism has extended with globalization, as evidenced by the spread of the *American “culture wars” in Eastern Europe, the Caribbean, and Africa*. Besides, the Internet can be used as a tool for trapping and monitoring. And it is no surprise that, in an era of fast social change, sexuality has become a source of moral concern. Many reckon that LGBTQIA+ people are often used as scapegoats and that traditional lifestyles are changing too fast. Many countries are creating new laws, constrict existing regulations or reviving extinct laws in place of decriminalization. The more rigid laws are agreed to help “traditional

¹⁹⁹Jan Moolman and Valeria Betancourt, “Building Feminist Cross-Movement Collaboration and Action on Internet and Human Rights in Africa, Asia and Latin America and the Caribbean”, *Association for Progressive Communications*, May 16, 2016, available at: <https://www.apc.org/en/project/building-feminist-cross-movement-collaboration-and-action-internet-and-human-rights-africa>(last visited on Oct. 15, 2024).

culture.” Of course, people often overlook the scoff that most laws against homosexuality are actually remains of colonialism.

Scholars are still discussing how globalization influence gender and sexual identity; some claim that there is evidence of enhancing homogeneity and that we all fly the same rainbow flag. Some characteristics the tenacity of regional ideas about gender and sexuality as well as the rise of a more varied global movement regardless unequal opportunities. Definitely, the African continent will react negatively to South Africa's position. Mauritius helps and the unclear position of *Burkina Faso and Zambia* may raise eyebrows between some of the *nine African governments that voted against the resolution*. Whatever one's position, the discussion is definitely African and cannot be stated as "un-African".²⁰⁰

GLOBAL CAMPAIGN AGAINST DISCRIMINATION AGAINST LGBTQ RIGHTS

The rise of far-right ideology and hate speech in democratic countries, as well as the expansion of religious fundamentalism in authoritarian regimes, have both had an influence on the community that celebrates International Pride Day. The Progress of LGBTQIA+ rights is always met with opposition, whether it is via legislation recognizing gay marriage or administrative recognition of transgender individuals. The LGBTQIA+ community has had many successes and failures in its history, but these days, the dynamics are quickly reversing. Today, the community celebrates Pride Day, and moreover it takes place on a global scale. Not only can being an LGBTQIA+ person result in criminal prosecution, but discrimination can also take many other forms, such as limited access to healthcare, difficulty finding work, bullying or harassment in the workplace, and more.

The campaign, which is being help by the far right, has discovered that attacks on LGBTQIA+ rights can be a strong ideological and electoral tool, evident in several EU member states. This is the case in Italy, where the far-right government of Giorgia Meloni is trying to inhibit the legal recognition of families with gay parents,²⁰¹ and in Hungary and Poland, where there are concerns about the democratic hard of the administration. One of the most onward laws to safeguard the LGBTQIA+ community was recently sanctioned by

²⁰⁰ Graeme Reid, “A Globalized LGBT Rights Fight New International Agreements Show Redrawing of Decades-Old Battle Lines”, *Human Right Watch*, Nov. 02, 2012, available at: <https://www.hrw.org/news/2011/11/02/globalized-lgbt-rights-fight>.(last visited on Oct. 15, 2024).

²⁰¹ “Italy's Democratic Head Blasts Limit on LGBTQ Parental Rights”, *Voa News*, Mar. 18, 2023, available at: <https://www.voanews.com/a/italy-s-democratic-head-blasts-limit-on-lgbtq-parental-rights-/7011722.html>(last visited on Oct. 15, 2024).

Spain, a country that has been strengthening LGBTQIA+ rights for almost 20 years. However, the so-called Trans Law is presently under attack from the far-right Vox and the conservative Popular Party (PP), who have brought it to light.²⁰²

Whereas hate speech and the political exploitation of LGBTQ+ rights are used as ideological weapons to corrupt public discourse in democracies and terrorize the physical safety of LGBTQIA+ individuals, authoritarian regimes and dictatorships such as Saudi Arabia and Russia punish and remove any expression of sexual diversity, even punishing it with the death penalty. Homosexuality is illegal in 32 of the 54 African countries because of a strong orthodox religious movement that has expand almost like wildfire to more accepting countries such as Senegal.

A landmark Supreme Court ruling overturned a colonial-era law that assent India to legalize homosexuality in 2018. But there remains an underlying taboo about anything concerning to diversity in this country. A recent article published by the Women's Media Centre Foundation states that the LGBTQIA+ population in India continues to face systemic prejudice at best and subtle violence at worst. In pursuance to the article, gender self-determination and gender identity as a third gender are among the fundamental rights acknowledged by Indian law. Same-sex marriage is not legally recognized, which inhibit couples from deciding to form a new family, although cohabitation between people of the same sex is not penalized. Several couples have petitioned the Supreme Court to make same-sex marriages legal.²⁰³

Researchers found that patients versed intersectional discrimination in 2022, which had an impact on their health and dignity. The study was a qualitative investigation of how LGBTQIA+ individuals are treated in Indian hospitals and was published in Sexual and Reproductive Health Matters. Going a step further, the study analyzed a wide range of familial and societal pressures faced by the LGBTQ+ group. A gay patient, who was 26 years old at the time of the interview, explained how his loved ones had spent a lot of money on religious conversion therapies, which are forbidden unless the patient gives assent. He claims they first took him to a religious healer who quoted him a price of 500,000 rupees or about

²⁰² Carlos E. Cué, "Spain Calls Snap General Election After Right, Far-Right, Inflict Heavy Local and Regional Defeat", *El País*, May 29, 2023, available at: <https://english.elpais.com/spain/2023-05-29/spain-calls-snap-general-election-after-right-far-right-inflict-heavy-local-and-regional-defeat.html>(last visited on Oct. 15, 2024).

²⁰³ Nikita Jain, "The Long Fight for Same-Sex Marriage in India Could Soon Be Won", *Women's Media Center*, June 23, 2023, available at: <https://womensmediacenter.com/women-under-siege/the-long-fight-for-same-sex-marriage-in-india-could-soon-be-won>(last visited on Oct. 15, 2024).

\$6,090 for a fire ceremony called havan. His family continued to pay for his hospital stay even after he deny to convert, which cost an additional 100,000 rupees or about \$1,200.²⁰⁴

CONCLUSION

*“Gay rights are human rights, and human rights are gay rights, once and for all.”*²⁰⁵

-U.S. Secretary of State Hillary Clinton

The beauty of the world is to adopt the various diversities that make it up. If one wants to bring about a change or revised one's way of thinking, one must appreciate that we are all human beings and no one has the right to treat another person in such a disgusting manner just because of their differences. Do not have the right to do such thing. With the arrival of globalization, the battle for the safeguard of LGBTQIA+ people right have advanced importantly in recent decades. Global social movements and the enhanced impact of Western culture on media and social media have led to an awareness of the exigency for society to accept intersex couples and safeguard their rights. As a result, many countries have begun to establish laws and regulations within their jurisdictions to safeguard and equally accept the rights of the LGBTQIA+ population. There are various theories concerning about human homosexual behavior. Gay people and sexual minorities are not the same. In some countries, opposite to conventional religious belief, the perceived threat against them may lead to negative mentality towards bullying, hatred and violence against them and even a threat to their lives because of their sexual orientation. However, because other countries have not involved such safeguards in their legislation to protect the LGBTQIA+ community, anti-LGBTQIA+ discrimination still exists. Eight countries still have the death penalty for homosexuality, and there are currently sixty-nine countries that still ban homosexual activity, involving Pakistan, Somalia, Singapore, Morocco, and others.

It is completely deniable to treating someone unfairly because of their gender identity or sexual orientation. When the LGBTQIA+ population is refused to social justice, it results in being denied political and economic justice. As a result, gender identity has become increasingly crucial to exercise one's civil rights. So, it is crucial that suitable legislation is passed to accept and protect the LGBTQIA+ community. We should perceive the discord in

²⁰⁴ Nikita Jain, “The Worldwide Offensive Against the Rights of the LGBTQ+ Community”, *El País*, June 28, 2023, available at: <https://english.elpais.com/international/2023-06-28/the-worldwide-offensive-against-the-rights-of-lgbtq-people.html> (last visited on Oct. 115, 2024).

²⁰⁵ “Hillary Clinton Declares ‘Gay Rights are Human Rights’”, *BBC*, Dec. 07, 2011, available at: <https://www.bbc.com/news/world-us-canada-16062937> (last visited on Oct. 15, 2024).

sexual orientation and welcome these sexual minorities with open hearts. Feminist community and social perspective should aim to unite such marginalized groups into the mainstream social area. Indeed, solid efforts are required to raise public awareness of the issues faced by sexual minorities.

RECOMMENDATIONS

- Advocate for the acceptance of adoption rights and same-sex marriage.
- Speak up in favor of laws that lessen the poverty and encourage economic inclusion for LGBTQIA+ community.
- Support entrepreneurship and employment opportunities for LGBTQIA+ community.
- Boost the availability of mental health services catered to needs of LGBTQIA+ peoples.