

JustComment

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Rights for gay Australians

“Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

Universal Declaration of Human Rights

What does it mean to be gay?

Is being gay a sexual preference? Is it a choice? Is it a disorder? It is none of these. Such views have long been discredited by highly respected medical and psychological organisations. The American Psychological Association (APA) and the Australian Psychological Society (APS) describe being gay, lesbian or bisexual as a sexual orientation, not a preference or illness. Sexuality is a component of a person's identity much like culture, gender or personality. The APA describes this identity as occurring along a continuum in which a person may have enduring emotional, romantic or sexual attraction exclusively for members of the opposite sex (heterosexual); the same sex (homosexual); or for both genders (bisexual).^{1,2} Australian studies have found that between 3-14% of young people between the ages of 14 and 18 are same sex attracted.³

Exclusion, isolation and discrimination for young gays and lesbians

Many gay people suffer from discrimination because of misconceptions or a lack of understanding about their sexuality. Homophobia, a fear or hatred of

homosexuality or homosexuals, “undermine[s] families...endangers health...endangers basic human rights, and we should all be concerned by it,” according to Human Rights Watch.⁵

Desmond Tutu, the former Archbishop of Cape Town and a Nobel Peace Prize winner says that homophobia is a “crime against humanity” and “every bit unjust” as apartheid.⁶

Young gay people (also known as “same-sex attracted young people” or SSAYP) experience higher levels of verbal and physical violence from their family and peers: lesbians are six times more likely to be assaulted and gay men are four times more likely to be assaulted than the general population. Gay youth also experience peer harassment at school, which can lead to truancy, poor academic achievement and even dropping out.⁷ Gays and lesbians who are targeted due to their sexual identity often fear disclosing this violence, as they may also fear negative reactions from friends and family, especially parents if they “come out.”

“Homosexuality is neither mental illness nor moral depravity. It is simply the way a minority of our population expresses human love and sexuality. Study after study documents the mental health of gay men and lesbians.”⁴



Australia's Human Rights and Equal Opportunity Commission recently tabled a report in Federal Parliament entitled “Same-sex: Same Entitlements,” recommending changes to legislation which discriminate against same-sex couples and their children. According to this report, “same-sex couples and families get fewer leave entitlements, less workers’ compensation, fewer tax concessions, fewer veterans’ entitlements, fewer health care subsidies, less superannuation and pay more for residential aged care than opposite-sex couples in the same circumstances... because they are excluded from the definitions describing a couple in all the federal laws.”⁸ This discrimination breaches the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

Responses from family and friends

Where did I fail as a parent – is it my fault?⁹ Why are they doing this to me? What about grandchildren? How will my family react? How do they know?¹⁰

Reactions can range from anger and confusion, to disappointment or acceptance. One of the most significant problems parents face in response to gay or lesbian child is how to look past the homosexuality and see the same child they were before "coming out." Children who have "come out" to their parents are reasonably the same people they were before if not happier to have been honest with their family and embracing who they really are. A parent's common reaction to a child's homosexuality is guilt. This tension may come from the fear that somehow a parent's actions during a child's upbringing have made them this way. Testimonials from parents of gays and lesbians have shown that a helpful way of dispelling these fears is to get involved in their son/daughter's life as a gay person, and spend time within the gay community. This approach helps to illustrate that members of the gay community are often not unlike members of the straight community, and actions during a child's upbringing have not generated homosexuality.

There are numerous resources for parents and families of gay and lesbian individuals, many of which were started by parents and families themselves. These organizations work to embrace youth whether they be Lesbian, Gay, Transgender, Bisexual, Questioning, Straight, etc.

Suicide

Considering all of these struggles which gays and lesbians must deal with, it is not surprising that up to 25-30% can suffer from mental illness, and it is these youth who are most at risk of suicide. It is important to note that being gay does not lead to mental illness or suicide attempts; as the remaining 70-75% of young gays and lesbians are able to move through adolescence without suffering from these problems. "Suicide isn't necessarily due to feeling bad about being same sex attracted. It may be

"I am deeply, deeply distressed that in the face of the most horrendous problems - we've got poverty, we've got conflict and war, we've got HIV/AIDS - and what do we concentrate on? What you are doing in bed." Desmond Tutu¹⁶

more related to gay/lesbian stressors such as isolation and lack of support, or to other issues common to all young people."¹¹

Gay, lesbian and bisexual youth face a much greater risk of suicide and suicidal thought than youth who identify as straight, or heterosexual. Young men who identify as gay are 3.7 times more likely to attempt suicide, according to the Health Department.¹² The time of greatest danger is after a person has self-identified as gay, but before they have publicly identified themselves as gay or had any same-sex experience.¹³

Suicide is never an isolated event. The death of an individual can not only "rob the young person of his or her promised future. But it also traumatises the family, the friends...the entire community. Every suicide of a young person speaks volumes of weeks, months, even years of confusion, alienation, hopelessness and despair leading up to the final and fatal event."¹⁴

Human rights framework

Rights for all people, including those who are gay, are guaranteed in various United Nations human rights conventions. As the Universal Declaration states, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind"

In late 2006 groundbreaking international legal principals on sexual orientation and law were established by The International Commission of Jurists and the International Service for Human Rights

announced the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity. These principles are intended to serve as a guide for the United Nations and governments, stating that human rights violations directed against people due to their actual or perceived sexual orientation is a matter for global concern, and that "Sexual orientation and gender identity are integral to every person's dignity and humanity and must not be the basis for discrimination or abuse."¹⁵

Singers Joan Armatrading and Elton John; writer Oscar Wilde; actor Ellen DeGeneres; artists and great thinkers Leonardo da Vinci and Michelangelo; and Australian High Court Judge Michael Kirby are all examples of gays and lesbians who have made huge and positive contributions to their respective societies.

Discrimination against gays and lesbians can only serve to cause them and their families' pain and suffering. It would be difficult to find a comparable group in society today for which we could justify such ill-treatment within general social situations; or legislated discrimination.

Just Action

- For a list of areas of discrimination faced by gay men and lesbians http://www.hreoc.gov.au/samesex/discussion_paper2.html#Heading429
- Go to <http://www.yogyakartaprinciples.org> to find out about basic standards gender rights and sexual equality.
- If you are experiencing violence because of your sexuality, tell friends you trust and report it to someone in authority.
- For more advice or information, call the Gay and Lesbian Counseling Service. Details are online at <http://www.reachout.com.au/default.asp?ti=305>

Extra resource:

[<http://www.smh.com.au/news/national/my-four-mums-are-gay/2007/06/15/1181414542339.html?page=fullpage#contentSwap2>]

Full references on the ERC website



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