
Discriminations and Hate Crimes in The LGBT Community

The Universal Declaration of Human Rights (UDHR) focuses on human rights. One human right that is important and should be justified with the UDHR is discrimination based on sexual orientation and hate crimes towards those that identify themselves differently from others. The Lesbian, Gay, Bisexual, and Transgender (LGBT) community is a growing community. Underneath the Universal Declaration of Human Rights (UDHR), it mentions the right to protect the lesbian, gay, bisexual, and transgender (LGBT) community.

Members of this community are often discriminated against based on their sexual orientation and transgender identities. This is often due to their beliefs, sexual orientation, and gender identities like identifying themselves as gay or transgendered. Discrimination of these individuals result in hate crimes and the criminal justice system getting involved. The human rights of individuals that are categorized as apart of the LGBT community should be protected and not be penalized. The legal obligations of the United States and Algeria should respect human rights regarding the community, and those rights should be safeguarded. Human rights are an essential aspect for all human beings no matter what their sexual orientation or gender identities are.

Just because you identify yourself differently, doesn't mean individual human rights are different that everyone else's. The LGBT rights are human rights just like others that should equally entitle our human rights without discrimination and hate crimes. Article 2 of the Universal Declaration reads, "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 another opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty." Article 3 of the Universal Declaration reads, "Everyone has the right to life, liberty, and security of person ("Universal Declaration of Human Rights")."

Lesbian, gay, bisexual, and transgender individuals in the United States make connections with discrimination on a daily. Over twenty states, including Washington DC, banned discrimination according to sexual orientation and gender identity. The United States is represented as a symbol of equality. It is agreed upon by many that discrimination is wrong, no matter what, whom it affects, or where it takes place.

As the progression of equality has come a long way in the LGBT community, you see the

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evolution of change. Beginning with the Civil Rights Act of 1968, organization in trying to pass the statutes occurred in the 1980s. There was a conservative shift in American political discourse. Hate crime was traced to mid-80s, when various laws were enacted at state level. Federal hate crime laws weren't passed until 1990 (Meyer, 2014). This resulted in various statutes regarding sexual orientation and gender identity not passed until later on. Since the year 2003, the General Assembly has made observations towards the violence upon individuals due to their sexual orientation or gender identity through its resolutions of illegally authorized executions. This international law received unmeasured attention at an inter-governmental level (Wilson, n.d.).

In 2011, The Human Rights Council mandated the Office of the High Commissioner for Human Rights (OHCHR) developed a comprehensive survey called "Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity." The following year, in September of 2012, OHCHR published a novel called, "Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law," which is built around the basis of legal obligations of states in regard to the work of the treaty bodies and special procedures. A range of new laws has been selected – including laws banning discrimination, penalizing homophobic and transphobic hate crimes, granting recognition of same-sex relationships, and making it easier for transgender individuals to obtain official documents that reflect their preferred gender (Oflaherty, 2013).

The hate crime law that was previously passed by Congress in 2009 prior to the 2011 findings, resulted in two executive orders prohibiting discrimination by federal contractors in 2014. The launch of the Congressional LGBT Equality Caucus came soon after. The goal is to ensure human rights for LGBT individuals in the United States and in places around the world, like Algeria, are protected as well. Congressmen want to work toward the advancements of equal rights, the repeal of discriminatory laws, the elimination of hate-motivated violence, and the improved health and wellbeing of all people, regardless of sexual orientation or gender identity. The Equality Act prohibited civil rights legislation prohibiting discrimination on the basis of sexual orientation.

The act allows protection afforded to LGBT Americans into parity with this afforded members of other protected groups who face discrimination based on a gender and race. The Student Non-Discrimination Act was also an act that was federally prohibited on discrimination. It was built around the prevention of discrimination in public school based on actual or perceived sexual orientation or gender identity. As the progression continued to grow, Transgender Equality Task Force in November of 2016 was launched. The goal of the task force was to bring awareness within Congress in regard to challenges that the transgender community faces and helps protect those individuals from violence and discrimination that is spread throughout the United States and other countries like Algeria ("LGBT Equality & Civil Rights").

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As you see the progression in the LGBT community in the United States, the same achievements are not the same in Algeria. Homosexual acts are illegal in Algeria. The LGBT community in Algeria encounters legal challenges and discrimination. Legal actions are brought upon the LGBT community in Algeria. Anyone guilty of a homosexual act is then faced imprisonment, which could last anywhere from two months to two years. Also, individuals will have a fine ranging from 500 to 2000 Algerian dinars. If you are under the age of 18, the imprisonment for the older individual can increase up to three years and the fine can increase as well to 10,000 dinars. This is all stated in the Algerian law underneath article 338. Homosexuality in the LGBT community in Algeria has social attitudes that are negative and can result in violence ("STATE-SPONSORED HOMOPHOBIA", 2013). Algerian individuals that identify themselves apart of the LGBT community aren't safe no matter how the criminal justice system takes action, especially under the UDHR. There will be people that are bias and unaccepting and that is something that is difficult to change and not really that possible. Unfortunately, you can't change the way individuals think or feel no matter what we do in the criminal justice system to be proactive.

The criminal justice paradigm references theories, data structures and basic conceptual tools that are affiliated with administrative criminology that structures criminal justice methods. This paradigm is stemmed off the investigation of lesbian and gay individuals based upon anti-homophobic research focused on violence and harassment. The framework of this paradigm in the strategies and tactics of lesbian and gay anti-violence movement raises cause for concern, provoking questions about the changing relationships between sexuality, social inequality and the state. The Lesbian and Gay Anti-Violence Movement focused mainly on recording homophobic violence for the basis of highlighting it as a social and political issue, and increasingly, as a criminal justice issue. The problems that are highlighted are 'hate crime', 'hidden' crime, 'queer penalties.' It influences how lesbian and gay anti-violence campaigning has contributed to shaping the social meaning and cultural significance of terms such as 'crime', victimization and criminal justice (Russell, 2017).

The LGBT community should be equally entitled to their own human rights without discrimination and hate crimes. Hate crimes in the LGBT community are a result of discrimination. These human rights are interdependent and indivisible, no matter how they are categorized, whether being civil, political, economic, social, and/or cultural. The importance of these LGBT human rights being indivisible and interdependent is the fact that it can't be separated or divided and these rights are dependent on other human rights, such as everyone having the right to life, liberty and security of person. Regardless of your sexual orientation or gender identity, the basis all comes down to preventing discrimination? based on who you are and deterring hate crimes. Racial discrimination is a human right that can't be separated and changed even when it regards LGBT rights.

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We all have human rights that are essential to all human beings. Human rights in the LGBT community is a “positive’ right. This is creditable because none should be reprimanded and harassed physically and mentally for who they are. These rights should be protected and shouldn’t be penalized. As read above, the United States progression over time has resulted in an evolution of change for the LGBT community. As oppose from Algeria, where this is still an international conflict that even under the UDHR, the continuation of fighting for what is right is ongoing. The legal obligations of countries should respect the human rights of the LGBT community. Their rights should be safeguarded. I believe that if enough individuals stand up for who they are then change will occur. There will always be individuals that will not agree and bias.

Furthermore, if we fight for human rights in the LGBT community and what is right then, change will continue to emerge. Discrimination and the act of hate crimes isn’t something that just disappears by legal actions as seen in the country of Algeria. Individuals are discriminated against because of how they identify themselves as lesbian, gay, bisexual, or transgender. The UDHR has created human rights that cause the protection of individuals. In both the United States and Algeria the international covenant on the elimination of discrimination is relevant in the protection if all human beings. Even though being a member of the LGBT community is frowned upon in some places but not all, protection against discrimination and taking action in hate crimes should be enforced.

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