

2.4 Human Rights LGBT rights and the older person

What	Human rights
Purpose	To help learners to understand the meaning and origin of human rights and their relevance to LGBT+ older people.
Target group	teachers and trainers in vocational education and their students
Level	Level 2-3-4 in vocational education.
Execution	Extra support from the teacher might be necessary depending on the ability of the students to work independently
Sources	Country reports, Country reports presentation, Human rights watch

The societal and political recognition and acceptance of LGBT people has made considerable progress in many western countries in recent decades. LGBT+ older people will have lived through times when strong conservative and religious views dictated that LGBT were seen as immoral, mentally ill or criminal. Some LGBT+ older people may not be comfortable with being publicly identified as 'LGB or T', while others embrace the term, as this acronym has only become popular in the last 25 years.

Currently, around the world 70 countries (none in Europe) criminalise same-sex sexual activity with fines, various jail sentences and with death in seven countries. Only around 70 of the world's 200 countries legally recognise transgender identities (often with heavy burdens like having to be divorced or sterilised). In terms of human rights, at the United Nations, many conservative countries argue that sexual orientation and gender identity are not subjects that human rights apply to. In late-2017, a tipping point was reached at the UN, and an UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity was appointed for the first time. An important distinction is that advocates do not argue for specific 'LGBT rights', what they argue for is the application of existing human rights law to sexual orientation and gender identity, or LGBT people.

The public movement for recognition of LGBT people began in an era of second-wave feminism and civil rights in the US and in Europe, and decriminalisation followed suit in the 1960s and 1990s mostly. However, equality and non-discrimination law, originating mostly in the employment field, that names sexual orientation and gender identity as protected grounds did not widely emerge until 20 years ago. In the area of relationship recognition, the period of same-sex marriage opened more widely in the last decade (currently 17 European countries offer marriage to couples regardless of gender). Currently, there is a backlash rising against some rights that have been achieved in Europe, particularly pertaining to gender identity issues.

Activity 1

Consider how human rights are applied to LGBT people in your country. Using a search engine such as Google, or using the first two links in the paragraph above answer the following questions:

1. In what year did decriminalisation of same sex sexual relationships occur?
2. What legal protections do transgender people have in your country?
3. Is there gender identity legislation in your country? If yes, briefly outline the details of the legal provisions in terms of gender identity.
4. Are civil partnerships or marriage between same sex couples permitted in your country? If the answer is yes, in what year were they legalised?
5. Is there hate speech or hate crime legislation in your country? If the answer is yes, who is protected under this legislation (what categories are enumerated)?

Activity 2

Watch the presentation at the following [link](#) which provides an overview of LGBT rights and provisions for older people in four countries as part of the being me project (Ireland, United Kingdom, The Netherlands and Slovenia).

Activity 3

The United States of America is often seen as the country where LGBT rights originated in the late 1960s. Below are four significant years in LGBT history which have been influential in the development of rights for LGBT people worldwide. Click on each year to see the events that happened that year:

[1960](#), [1969](#), [1973](#), [2015](#)

Activity 4

Many countries continue to criminalise same sex relationships. Visit the Human Right Watch website [here](#) to learn more about legal sanctions against same sex conduct.

Activity 5

Prior to the introduction of equality legislation, LGBT people could be dismissed from their jobs or refused public accommodations just for being a member of the LGBT community. Spend some time thinking about the effects this had on members of the LGBT community, and talk about the effects of stigmatisation and marginalisation on people and how people age with that in them?

Keep on learning

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To link to this article: <https://doi.org/10.1080/13569770802674196>
- Karen I. Fredriksen-Goldsen, Charles P. Hoy-Ellis, Jayn Goldsen, Charles Emlet & Nancy R. Hooyman (2014) Creating a Vision for the Future: Key Competencies and Strategies for Culturally Competent Practice With Lesbian, Gay, Bisexual, and Transgender (LGBT) Older Adults in the Health and Human Services, *Journal of Gerontological Social Work*, 57:2-4, 80-107, DOI: 10.1080/01634372.2014.890690
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- Almack K, Seymour J, Bellamy G (2010) Exploring the impact of sexual orientation on experiences and concerns about end of life care and on bereavement for lesbian, gay and bisexual older people. *Sociology* 44(5): 908–24
- Higgins, A; Hynes, G (2019) Meeting the Needs of People Who Identify as Lesbian, Gay, Bisexual, Transgender, and Queer in Palliative Care Settings. *Journal of Hospice & Palliative Nursing*: 21(4); 286-290
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