



The Rainbow Hue to Western Diplomacy

- Manoswita Hazra (II B.B.A.LL.B.)
and Tanu Priya (II B.A.LL.B.)

In the mid-20th century, the international community adopted a “common standard of achievement for all peoples and all nations” known as the Universal Declaration of Human Rights (UDHR). Though Article 7 of UDHR guaranteed the Right to Equality before the Law, it still lacked the inclusiveness for different sexual orientations and genders (SOGI). The struggle for the politicisation of gender identity - ignited by the Stonewall movement and post-Stonewall response to AIDS- to achieve recognition, protection, and equality continued, leaving concrete footprints like the Declaration of Montreal and Yogyakarta Principles of the application of international human rights law about SOGI. This expanded the horizons of LGBTQ+ rights intersecting culture, human rights, international policy, and law. Initially, legal advancements in different nations, on lines of UDHR and the International Covenant on Civil and Political Rights (ICCPR), were in terms of anti-discrimination laws (based on Article 26 of ICCPR) ie. legal protections against discrimination in employment,

housing, and public accommodations; decriminalisation and later expanded to recognition of partnerships and same-sex marriages. States are not only obliged to respect but protect the human dignity of all including LGBTQ+ persons and take appropriate measures against violence and targeted killings of the LGBTQ+ community. The West, particularly the US, Britain, and Nordic countries, has a long history of promoting human rights evident in their liberal and progressive LGBTQ+ policies. This sustained activism not only enhances their international reputation but their ability to profoundly influence and mould diplomatic relations mainly through bilateral ties, multilateral platforms, and foreign aid. Contrary to this, conservative countries employ religion, nationalism, and traditional family values to oppose LGBTQ rights, often portraying the community itself as a threat to sacred societal norms and national identity. Be it the veil of safeguarding religious doctrines in Iran, Saudi Arabia, and Russia or nationalist rhetoric of Western cultural imperialism and perversion to justify political actions in Poland (LGBTQ-free

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At least 42 people were killed in Israeli attacks on districts of Gaza City in the north of the Palestinian enclave on Saturday, the director of the Hamas-run government media office said. One Israeli strike on houses in Al-Shati, one of the Gaza Strip's eight historic refugee camps, killed 24 people. For more information, see [here](#).

Russian guided bombs struck an apartment building in Ukraine's second largest city of Kharkiv, on Saturday, killing three people, injuring 29 and prompting President Volodymyr Zelenskiy to call for more help from Kyiv's allies. For more information, see [here](#).

A nuclear-powered U.S. aircraft carrier, the Theodore Roosevelt, arrived in the South Korean port city of Busan on Saturday to take part in joint military exercises later this month with the host nation and Japan, naval officials said. For more information, see [here](#).



zones), Uganda, and Russia; the individuals of the LGBTQ+ community are endangered. The applaudable resistance shown by EU nations varies from filing legal petitions against state-sponsored homophobia in Hungary to imposing sanctions on Ugandan officials for anti-gay laws by the US in 2014.

However, the strong diplomatic ties between the US and Middle Eastern countries with anti-LGBTQ+ policies like Saudi Arabia and the UAE changes the championing scenario of Western Diplomacy. These ties are often justified for strategic reasons, such as countering Iranian and Chinese influence through trade partnerships. Violations by these allies pervade three principal areas of human rights diplomacy. In many religious West African nations, gay intimacy is already illegal but countries like Ghana foster a more hostile environment. In February 2024, Ghana passed the "Human Sexual Rights and Family Values" bill with widespread support from the population and backed by traditional policymakers which endangers the safety and well-being of an already vulnerable community in education, employment, and health.

Though the US at times has incentivised African states to adopt more inclusive policies and recently threatened to pull out its foreign aid as Ghana introduced its anti-LGBTQ+ bill, one cannot guarantee how effective the verbal condemnation would be. Despite the threats of less aid, the Nigerian President signed the Same-Sex Marriage Prohibition Act in 2014 and similar legislative discrimination continued in Uganda- transphobia has deepened its roots in these societies. In fact, studies show that conditions have worsened in Nigeria and Uganda despite generous foreign aid.

Apart from this, most of the efforts are limited to moral persuasion and concerns vis-à-vis its powerful allies. This raises a critical ethical question and highlights the urgency for legal enforcement.

Other than the US, many members of the EU take a pro stance on the protection of LGBTQ+ rights. In April 2023, 15 European Union countries collectively filed a legal challenge against Hungary's Child Protection Law, which has faced widespread criticism for its perceived anti-LGBT stance. But within the EU itself, there is a stark

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Proposed European Union tariffs on Chinese goods are not a "punishment", Germany's Economy Minister Robert Habeck told Chinese officials in Beijing. Habeck's visit to China is the first by a senior European official since Brussels proposed hefty duties on imports of Chinese-made electric vehicles (EVs) to combat what the EU considers excessive subsidies. For more information, see here.

Thailand's Senate voted 130-4 to pass a same-sex marriage bill that the lower house had approved by an overwhelming majority in March. This makes Thailand the first country in Southeast Asia, and the second in Asia, to recognize same-sex relationships. For more information, see here.

French voters began voting in the first round of a snap parliamentary election that could usher in the country's first far-right government since World War Two, a potential sea change at the heart of the European Union. For more information, see here.



contrast that exists among member states in their commitment and implementation of laws and policies related to LGBTQ+ rights as member states like Poland, Hungary, Bulgaria, and Romania exhibit significant aversion to LGBTQ+ rights which creates a dichotomy within the union thus, affecting the EU's collective diplomatic stance and internal social cohesion.

Thus, advocating for LGBTQ+ inclusivity in conservative regions can strain relations, as even some Middle Eastern countries see it as a cultural imposition, stirring up diplomatic tensions with more progressive nations which results in a "fiefdom" culture, with standards and best practice set by the head or deputy. In some postings, this facilitates tremendous equitable support for an LGBTQ+ diplomat. In others, ambiguous policy is used to relegate navigation of this fraught legal and social environment entirely to the diplomat, increasing the likelihood of career burn-out and blunting the mission's diplomatic efficacy.

The impact of LGBTQ+ rights on diplomatic relations is complex and not universally positive as challenges persist due to legal and

cultural disparities: 64 jurisdictions still criminalise same-gender sexual activity. On a micro level, diplomatic immunity protects legally but not socially, leaving LGBTQ+ officials vulnerable to cultural homophobia i.e. affecting relationships with local staff, complicating social functions, delaying visas for partners and this is worsened by policy ambiguities, as observed in China. While high-profile LGBTQ+ leaders inspire, many mid-career diplomats still navigate a nuanced landscape, particularly in Asia and the Pacific where identity disclosure may jeopardise career prospects. The concept of coming out is culturally complex, and legal and social discrimination continues to harm LGBTQ+ diplomats, affecting their well-being and career longevity. Much more is needed than the Yogyakarta principles to ensure a more inclusive international environment for LGBTQ+ communities and diplomats. Foreign ministries are also replete with policy grey zones with poorly articulated policies or guidelines for support of LGBTQ+ diplomats. Effective diplomacy requires navigating these cultural sensitivities while promoting universal human rights. The contradictions in national laws

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The UN announced the additional deployment of UN peacekeepers in the southeast Haut Mbomou region of the Central African Republic to prevent further violence. The mission decided to expand its presence in the region to make progress on the security, humanitarian and peacebuilding fronts amid the intensifying violence against civilians. For more information, see [here](#).

Malawi's Constitutional Court dismissed the case of two applicants seeking to legalize same-sex relationships, marking a significant setback for LGBTQ+ rights in the country. The judges ruled that the applicants failed to demonstrate that the laws in challenge specifically discriminated against homosexual individuals. The court also maintained that it is the role of the parliament to review and amend these laws if deemed necessary. This means that the criminal proceedings against both applicants will continue in the lower courts. For more information, see [here](#).



regarding LGBTQ+ rights indeed strain international relations. The Western Nations' prioritisation of strategic alliances over advocacy for LGBTQ+ inclusivity as part of their human rights agenda reveals a double standard, undermining the credibility of Western human rights diplomacy and fostering resentment among conservative nations. Therefore, while strategic considerations often take precedence, it is crucial for the international community to find a balance that genuinely upholds human rights without disregarding cultural sensitivities, ensuring a more consistent and equitable approach to LGBTQ+ inclusivity.

Status of Same Sex Marriages in International Law

- Mansi Pathak (II B.A.LL.B.)

Marriage is a key social institution that provides companionship, enables procreation, and legally recognizes sexual relationships. International conventions define marriage as a union between two opposite sexes which reinforces the concept of heteronormativity, as seen in Article 16 of the Universal Declaration of Human Rights (UDHR), Article 23 of the International Convention on Civil and Political Rights (ICCPR) and

Article 12 of the European Convention on Human Rights (ECHR). However, at the same time, these international frameworks also grant the fundamental right to marry to individuals. They incorporate that only men and women can marry each other and therefore explicitly exclude the right of the LGBTQ+ community to get married. The community also lacks the right to marry in most of the countries, as only 36 countries have legalized same-sex marriage, as of 2024.

In the landmark case of Joslin et al. vs New Zealand, two lesbian couples challenged New Zealand's refusal to issue them marriage licenses under New Zealand's Marriage Act of 1955. In their communication to the United Nations Human Rights Committee (UNHRC), the complainants claimed that the failure of New Zealand's Marriage Act to provide for marriage between persons of the same sex directly discriminated against them on the basis of sex, and indirectly on the basis of sexual orientation, in violation of Article 26 of the ICCPR. Additionally, they also claimed violations of Articles 16 (Right to recognition everywhere as a person before law), 17 (Unlawful

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Russia's authorities are systematically denying arbitrarily imprisoned government critics contact with their families. Using several emblematic cases, the report documents how authorities have exploited legal loopholes and fabricated pretexts to further isolate dissidents, including those imprisoned for speaking out against Russia's invasion of Ukraine. For more information, see [here](#).

The UK Court of Appeal ruled Thursday that the UK National Crime Agency's (NCA) refusal to investigate the importation of Uyghur forced labour cotton from China was unlawful. The Global Legal Action Network (GLAN) and the World Uyghur Congress (WUC) have secured a historic victory, which marks the first successful case globally to disrupt supply chains complicit in the ongoing genocide of Uyghur and other Turkic peoples in East Turkestan/Xinjiang, China. Companies must now ensure their supply chains are free from forced labour or face legal consequences. For more information, see [here](#).



interference with privacy, family, home) and 23(2) (Right to marry) of the ICCPR. The government of New Zealand sought to save its Marriage Act from Article 26 violation with various justifications: Firstly, the inability of homosexuals to marry does not follow from the inherent nature of marriage itself. The State defended further that “marriage is at present universally understood as open only to individuals of opposite sexes, and is so recognized in the civil law of all other States parties to the Covenant.” This justification has its grounds in the social norms of any society and resembles the justification put forth by the state party in Broeks vs Netherlands.

Secondly, the State party argued that the inability of homosexual couples to marry under New Zealand law is not a distinction or differentiation based on sex or sexual orientation. It is the nature of the couple, rather than of that of individual members, that is determinative. The Marriage Act grants all persons equal rights to marriage, regardless of sex or sexual orientation and does not differentiate between persons on any such basis, for the provision is applied in the same manner to males and females. Thirdly, it was

argued that the Marriage Act’s differentiation between same-sex couples and opposite-sex couples relied on clear and historically objective criteria and sought to achieve the purpose of protecting the institution of marriage and the social and cultural values that the institution represents. Lastly, the State put forward that the sole ultimate purpose of marriage is procreation. However, since homosexual couples cannot procreate ‘naturally’, they should not be granted the right to marry. Despite refutations by Juliet Joselin of the same, also highlighting the use of reproductive technologies for ‘natural’ procreation, the Committee ruled in favour of New Zealand.

Nevertheless, in the case of Goodridge vs. Department of Public Health, the Massachusetts Supreme Judicial Court stated that procreation has nothing to do with the legality of marriage and thus same-sex couples who cannot procreate naturally also deserve the right to marry. This decision came in contrast to that of the Joslin case, mainly because in Joslin, the Court supported procreation as a necessary indicum of marriage, whereas it was

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The US Supreme Court ruled in a 6-3 decision to allow cities to enforce bans on homeless encampments even when shelter space is unavailable. For more information, see [here](#).

Racism and intolerance towards minorities have risen for the second consecutive year in France, according to a report published by the French National Consultative Commission on Human Rights (CNCDH). The report correlated this rise in intolerance, racism, anti-Semitism and xenophobia, amongst other things, to the Gaza War and the polarization of debates relating to immigration after the passing of the controversial asylum and immigration bill. For more information, see [here](#).



strongly rejected in the Goodridge case. The Goodridge case is considered one of the progressive judgements in the field of same-sex marriage.

To legalise same-sex marriage and to provide a life of dignity to individuals from the LGBTQ+ community, current international frameworks need to be amended. They do not explicitly grant homosexual couples the right to marry and thus impede upon their basic human rights. Taking the desires and needs of the community into consideration, the international fraternity should make an effort to formulate explicit frameworks protecting the rights of the LGBTQ+ community. One such framework is the Yogyakarta Principles. Outlined in 2006, it recognizes the freedom of sexual orientation and gender identities. They serve as a set of standards for interpreting international human rights law in relation to sexual orientation and gender identity. Yogyakarta principles are binding on all state parties, but the international fraternity requires more such binding and explicit frameworks protecting the rights of the LGBTQ+ community. They accelerate slow yet significant progress in the attitude of the

masses as well as governments due to intensified efforts by same-sex advocates. Judicial decisions in favour of the LGBTQ+ community are being welcomed along with the passage of legislation securing their rights. In light of recent advancements and growing acceptance, it is evident that positive change for same-sex marriage might continue to shape a more inclusive and equitable future.

Redefining Competition: The Debate of Inclusion of LGBTQ+ and Transgender Athletes in Professional Sports

- Harshita Tandon (II B.A.LL.B.)

In recent years, the participation of members of the LGBTQ+ community, particularly transgenders, has gained centrality in many debates. Their performance in professional sports such as that of Lia Thomas has sparked global discussions on fairness and ethicality.

In practice, this means that transmen can compete in men's sports (although it is rare in application) if they wish to do so. While, more controversially, trans-women who want to participate in women's sports should be allowed to do the

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The US is "out of step" with the rest of the world with its disenfranchisement of large numbers of citizens based on criminal convictions, the Sentencing Project, Human Rights Watch, and the American Civil Liberties Union said in a joint report published. For more information, see [here](#).

Human Rights Watch (HRW) urged the Iraqi government on Thursday to halt the arbitrary detention and deportation of Syrian asylum seekers. According to HRW, Iraqi authorities have detained and deported Syrians even when they possessed the required Iraqi documentation. The decade-long civil war in Syria has resulted in the world's largest refugee population as many Syrians chose to flee due to prolonged armed conflict and security situation. Although Syria has not been in conflict since 2018, the country remains unsafe for returning refugees. For more information, see [here](#).



same. This raises the question of fair and safe play for trans-athletes to compete against natal female athletes.

Presently, almost all sport regulating bodies, such as IOC, World Athletics, and World Rugby, allow such competition against natal females, provided that the trans-athlete declares their gender as female and a reduced testosterone level is consistently recorded at least a year before the competition. Additionally, gender reassignment surgeries are not required for the same. Through this Framework, the IOC promotes a safe and welcoming environment for everyone involved in elite-level sports competition, consistent with the principles enshrined in the Olympic Charter. While the IOC Framework preaches no presumption of advantage for trans-athletes unless proven otherwise, its practice of testosterone suppression requirement is heavily criticized, as new research has shown that generally acceptable testosterone limit for female athletes is based on flawed science.

However, this consensus is being challenged, in the case of Lia Thomas, the transgender swimmer

who won the NCAA Division 1 Championships in March 2022. This highlighted the void in guidelines set for transgender inclusion in elite sports. Since the criteria for trans-athletes' participation can vary widely, leading to disparities. For example, the requirements regarding hormone levels and transition periods can be different, and some of these may be seen as invasive or impractical.

The question is whether elite sports' primary aim is competitive fairness or maintaining inclusiveness. This happens to be the most complicated and long-standing divisive issue in sports. In response to this, FINA, the world swimming governing body has essentially prohibited trans-athletes from competing at the highest levels of women's sports competitions. This changed the earlier consensus among governing bodies about including trans-athletes at the highest levels of competitive sports. Additionally, FINA proposed creating an "open category" of competition to "protect competitive fairness." But, many including the Athlete Ally think that this new category is "isolating and demeaning" to the athletes.

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The European Court of Human Rights (ECHR) rejected on Thursday four Italian citizens' request to reduce their life imprisonment sentence to 30 years of prison and ruled that their bid was out of time. The case before the ECHR started when four Italian citizens filed a request to their national courts to review the enforcement orders of their sentences. For more information, see [here](#).

Russia and Ukraine conducted a prisoner exchange, with each side exchanging 90 prisoners of war each and the United Arab Emirates (UAE) acting as an intermediary. The Tuesday exchange marked the latest in a series of periodic swaps between the two nations since the onset of the Russia-Ukraine war in February 2022. For more information, see [here](#).



There are reasoned arguments made on both sides, the most prevalent among them being the physical differences between the male and female body. This is a complex issue as elite sports celebrate extraordinary bodies, which results in the players' heightened physical ability to display excellence in their games. Premier athletes are nothing short of physical anomalies in several ways, from high lung capacity to superior muscle strength. This raises the question of whether the physiological advantages gained from male puberty are significant enough to surpass the impact of genetic factors and hard work on an athlete's performance. The case of Dutee Chand, an Indian female track athlete with exceptionally high testosterone levels (hyperandrogenism), illustrated the great difficulty in the determination of fairness. Chand maintained that distorted gender verification methods led to her disqualification by the IAAF. Later, she was cleared to compete by the Court of Arbitration for Sports. It was concluded that the IAAF lacked scientific evidence for her disqualification and they were unable to establish a connection between hyperandrogenic athletes having increased testosterone

levels and better athletic performance.

It is quite evident that the framework for trans-athletes in professional sports lies inadequate, and there exists a lack of consensus for their inclusion as well as a cultural stigma regarding their participation to date. For instance, The World Rugby completely bans trans-athletes from competing, the reason being high testosterone levels. The irony here is that there is no substantial scientific evidence to back this up. The guidelines are thus rooted in the general agreement of the board rather than rigorous scientific research.

Therefore, it is important to protect trans-athletes and to strictly ensure that fairness and the competitive spirit of elite sports are maintained. This demands the attention of health professionals who deal in sports to learn and cater to athletes' unique issues on a case-to-case basis. The scientific and medical communities must also collaborate to help shape regulations and establish the relationship between high testosterone levels and improved athletic performance. International sports regulating organisations

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Military vehicles from Bolivia breached the presidential palace in an apparent coup attempt. This came after many military vehicles were seen in Plaza Murillo where the government houses and presidential palace are located. This mobilization was met with immediate backlash from the government as the country's president, Luis Arce, denounced the troops' movements and called for democracy to be respected. The president then installed a new commander of the armed forces which caused the occupying troops to retreat from the plaza. Later, General Juan José Zúñiga was arrested for the attempted government takeover. He was dismissed from his post earlier that day and replaced as the army's commanding general with José Sánchez. For more information, see [here](#).



play as a medium for the transgender and the LGBTQIA+ community to truly enjoy their rights. The practice of intrusive medical interventions as eligibility criteria must be discontinued and instead scientifically valid, non-discriminatory measures should be adopted. Further, it is supported that a third category be added to elite sports, similar to the “open category”, where proof of third gender is not legally required. By focusing on these areas the future of athlete sport appears to be inclusive and just for all participants. In the end, the policy-makers must not dehumanise athletes in the spirit of the competition but rather find creative easy to reimagine regulations to include and respect each athlete.

Pinkwashing or Progress? Israeli Court Ruling on Palestinian LGBTQ+ Asylum Sparks Debate

- Ritu Karwa (III B.A.LL.B.)

A recent ruling by the Tel Aviv Court for Administrative Affairs held that LGBTQ+ Palestinians are in danger due to their sexual orientation and can request asylum in Israel. The judgement came in light of dire conditions in

both States as a result of the ongoing war that is deeply rooted in geographical and territorial disputes. The judgement is in tandem with the Refugee Convention and is of tremendous importance, as LGBTQ Palestinians are particularly susceptible when it comes to social acceptance, personal security and dignity. As they are often subjected to violence and persecution, with insufficient protection by the authorities.

What is pertinent here is how it brings forth the general legal framework of the Refugee law and its applicability to Palestinians. The crux is the right of Palestinians to apply for refugee status in Israel, which lies in Article 1D of the 1951 Refugees Convention. The Convention is not applicable to persons who are receiving protection/ assistance from organs/agencies of the United Nations High Commissioner for Refugees protection/assistance. Consequently, one may refer to this article as an “exception clause.” The Article's objective is to stop circumstances where people receive double protection so that attention can be paid to the most vulnerable people—those who dread persecution and are in

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Amnesty International called for an immediate investigation into the death of Malay Muslim human rights defender Roning Dolah, who was fatally shot in Thailand on Tuesday night. Human Rights Watch also added its voice to the call for accountability. For more information, see [here](#) and [here](#).

Human Rights Watch (HRW) raised alarm over the arbitrary arrests and enforced disappearances conducted by Houthi officials in Yemen since May 31, 2024. The report highlighted that Houthi security forces have forcibly disappeared dozens of Yemenis, including at least 13 UN staff. These conditions meet the criteria for enforced disappearances, according to the organization, which is a serious violation under international humanitarian law. For more information, see [here](#).



danger of losing their lives, their health, or their dignity. According to the [UNHCR's guidelines](#), the 'exception clause' will only be applicable when an individual who is entitled to receive protection doesn't receive so, for reasons beyond their control. The evaluation should be done on a case-by-case basis, rather than the adoption of a generalized approach towards a certain population that might be entitled to protection. This was rightly pointed out in the case [Bolbol v Bevándorlási és Állampolgársági Hivatal](#) by the European Court of Justice.

The [case](#) in question involves a gay Palestinian man who moved to Israel in 2015. The individual conveyed his apprehensions about his safety in the West Bank, stemming from being targeted for his sexual orientation. With a temporary residence status in Israel already, an application for permanent residency status was applied for by the individual which was eventually turned down. The reason for this was that the Refugee Convention doesn't apply to the Palestinians because they are already covered by the 'exception clause' of the convention.

The court struggled to adjudge whether Palestinians, who enjoy the assistance and protection of a specialized United Nations Agency, United Nations Relief and Works Agency for Palestinian Refugees ([UNRWA](#)), are competent to apply for asylum in Israel. It is pertinent to understand the scope of the clause in order to evaluate the application of the same. The petitioner argued before the district court about how the sweeping assertion that the 1951 Refugee Convention is inapplicable to the Palestinians in the West Bank is the wrong interpretation of the Convention, as many Palestinians who ought to reach protection do not receive so for [various reasons](#) by the UNRWA. On the contrary, the State contended that residents of the West Bank are entitled to assistance from UNRWA and fall under the behest of the exception clause. This conclusion was in fact based on a [government report](#) from 2014 asserting the rarity of prosecution based on sexual orientation within the West Bank.

The judge, Michael Agmon-Gonen, dismissed Israel's [claim](#) that the convention does not apply to Palestinians given their eligibility for UNRWA's assistance and it was

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The International Criminal Court (ICC) convicted Al-Qaida-linked militant leader Ag Abdoul Aziz Ag Mohamed Ag Mahmoud of war crimes and crimes against humanity for his alleged role in terrorizing the civilian population of the Malian city of Timbuktu. Centered on the 2012-2013 northern Mali conflict, which began with an uprising by the local Tuareg population, and quickly escalated after a military coup created a power vacuum. Islamist groups, including Ansar Dine and Al-Qaeda in the Islamic Maghreb (AQIM), seized control of major northern cities, imposing strict Sharia law and committing human rights abuses. For more information, see [here](#).



One of the most important parts of the ruling was that the judge underscored the substantial importance of the interpretation offered by the UNHCR for refugee seekers. The factual claims put up by the 2014 Israeli Government Report, which stated that sexual persecution is rare, are outdated. More updated reports support this view such as the [HIAS 2019 report](#) which presented a more volatile environment for the LGBTQ+ community. Another important obiter dictum highlighted that the UNHCR guidelines regarding sexual orientation should serve as a normative basis for discussion in future cases. In doing so, it was also reaffirmed that the criteria for refugee status based on 'membership of a particular social group' allows for flexibility when assessing if a person falls within one of the protected groups under the 1951 Refugee Convention. This flexibility is essential for addressing societal phenomena not envisaged by the conventions then.

The judgement holds many implications, the first and foremost being that LGBTQ Palestinians are given the procedural right to petition for asylum for the first time in Israel's history. Furthermore, by rejecting the

blanket approach that a person eligible for the UNRWA assistance shouldn't enjoy the protection of the convention, as people who did not receive the same could move further with the asylum request; the relevance of the UNHCR's principles in the interpretation of the treaty is a significant obiter dictum of the judgement. Even though the judgement is a significant step on the part of the Israeli state, one cannot help but notice the strategic time at which it has been pronounced. The apparent inclusiveness is an attempt solely made to attract international sympathy for its violations of international law in Palestine. It is a way to 'pinkwash' the horrifying conditions of the Palestinians after the bombings in Rafah.

The Israeli state refuses to acknowledge that Palestinian queers are in fact among those who are harassed, brutalised, displaced, bombed, and incarcerated. It has come to light that the Israeli army in fact targets and pressurizes the queer community into becoming informants for them under the threat that if refused to do so would result in exposing their identities. Therefore it reveals the

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The Chamber of the European Court of Human Rights (ECtHR) announced the relinquishment of its jurisdiction to the Grand Chamber in a case concerning 32 Afghan refugees at the Poland-Belarus border. The Afghan nationals claim they fled their homeland following the Taliban's takeover of the government in 2021. They first crossed into Poland from Belarus in August 2021 but were pushed back, forcing them to set up camp in "problematic sanitary and humanitarian conditions." In October of the same year, some members of the group attempted to re-enter Poland but were again sent back to Belarus by Polish police. The applicants allege that they have been denied access to asylum and, if sent back to Afghanistan, they risk inhuman or degrading treatment, in breach of Article 3 of the ECHR. Furthermore, they allege that they may face chain refoulement if sent to Belarus, violating Article 33 of the 1951 Refugee Convention. For more information, see [here](#).



contradiction of the Israeli State which it is desperately trying to distract the world population from, as it attempts to pinkwash the activities of crime it has committed presenting it as an explicit counterpart to a Palestinian identity depicted as exclusively and violently homophobic. The scale of death and destruction in Gaza has made the struggle for queer rights less urgent for many LGBTQ+ Palestinians. There is no 'pink door' in the wall for queer Palestinians to leave Gaza and make a life in Israel, and the people who move in search of a more 'queer-friendly environment' often face racist hostility, bureaucratic red tape and a state of long-term vulnerability. The plight seems unending for the Palestinian queer community.

How Long Can We Ignore It?: A Critical Analysis of the Sex Trafficking in the LGBTQI Community

- Anuradha Lawankar (III B.A.LL.B.)

Sex trafficking is a universal form of modern slavery. Perpetrators often use violence, threats, lies, debt bondage, and other forms of coercion to compel individuals to engage in sexual acts against their will. Victims face myriad situations that range from romantic

involvement to financial constraints. While trafficking affects all demographics, perpetrators frequently target individuals who lack strong support systems, are facing financial constraints, have experienced violence in the past, or are marginalized by society. Without adequate community support, youth who identify as lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) are found to be at particular risk for sex trafficking.

Deep-rooted homophobic and transphobic attitudes are often intertwined with a lack of adequate legal protection against discrimination on grounds of sexual orientation and gender identity, exposing many individuals to egregious violations of their human rights. In 77 countries, discriminatory laws criminalize private, consensual same-sex relationships which exposes individuals to the risk of arrest, prosecution, and imprisonment. LGBTQI+ youth face higher rates of discrimination, violence, and economic instability than their heterosexual peers. Instances of sex trafficking are often overlooked and rarely reported by local and national governments, which

Upcoming Activities

Call for Papers: Renewing the Social Contract:

The Center for Critical Democracy Studies at the American University of Paris has announced an international conference on "Renewing the Social Contract: The Challenge of Inclusivity and Democratic Government in Social Contract Theory" scheduled for 18 – 19 December 2024. The conference will explore how the idea of a social contract should be adapted or reconsidered to address its relationship to democracy, and in particular to democratic government. They invite researchers in political theory, philosophy, law, history, sociology, economy, and other related fields to submit abstracts on the theme of the conference conceived broadly. Proposals must be submitted by 15 September 2024. For more information, see [here](#).



severely hampers global efforts to tackle the crime at a larger level. This underreporting also makes it difficult to understand the specific nature of the crime.

The issue is sensitive and requires a systematic understanding of socio-cultural conditions, which are elaborated below and are broadly similar for the community across the globe:

Firstly, “Heteronormativity” is a socially constructed process that works to make heterosexuality seem normal, natural, and superior to other sexual orientations. It assumes that everyone is naturally heterosexual and it is the ideal orientation, considering it superior to homosexuality and bisexuality. “Cisnormativity” assumes that everyone identifies with the gender they were assigned at birth and that there are only two distinct genders. It also assumes that sexual and marital relations should only involve people of the opposite sexes.

With both “heteronormativity” and “cisnormativity” working in tandem, an environment where cisgender and heterosexual populations are privileged in social attitudes, family structures,

institutions, cultures, and legal frameworks is created. This leads to overlooking individuals who may not fit this narrative and is also reflected in the heteronormative conception of the “ideal victim” of sex trafficking; wherein only women and girls are seen as victims and men as perpetrators.

Due to this, many of the policies and approaches concerning sex trafficking have revolved around excluding sexual and gender minorities and queer victims of exploitation who by definition always fall outside of the bonds of heteronormative legal frameworks.

Secondly, existing criminal and anti-LGBTQI+ laws merged with hostile narratives towards the community reinforce public prejudice in many countries across the world. This leaves LGBTQI+ individuals vulnerable and compels them to move across the globe seeking refuge from discrimination, harm, and criminalization. Their social vulnerabilities are hence easier for traffickers to exploit.

In an attempt to escape homophobic conditions in their home countries, LGBTQI individuals are forced to seek work

Upcoming Activities

Symposium: The Situation in Palestine – Emerging Domestic and International Jurisprudence:

On 9 July 2024, the Research Centre in International Justice in Maynooth University and the Centre for Evidence & Criminal Justice Studies in Northumbria University will jointly host a symposium on ‘The Situation in Palestine – Emerging Domestic and International Jurisprudence’. This event reflects on international and domestic developments to defend Palestinian rights. This symposium brings together practitioners and scholars of international law who have been at the forefront of pursuing and analysing this emerging jurisprudence. For more information, see [here](#).



abroad. Oftentimes migrants from third-world countries take up menial or low-paying jobs in developed countries. However, financial constraints push them to enter the sex industry. There is a direct link between obtaining legal migration documents and increased vulnerability to sexual exploitation. Similar situations are faced by African LGBTQI individuals victims of trafficking cartels in the Middle East. Most of them are forced to become sex slaves in the United Arab Emirates, Qatar and Saudi Arabia.

Thirdly, social stigma is attached to individuals who do not conform to societal norms regarding sexual orientation, gender identity, and physical appearance. This results in scarce reporting of exploitative same-sex prostitution. They are often touted as criminals rather than being acknowledged as victims, violating the United Nations Trafficking Protocol, and preventing LGBTQI+ victims of trafficking from exercising their rights and seeking help.

It is also imperative to discuss the Palermo Protocol, which is considered a supplementary component of the United Nations Convention against Transnational

Organized Crime and was ratified 20 years ago. Within the international framework for implementing the Trafficking in Persons Protocol known as the "3P's" (Prevention, Protection, Prosecution), "prosecution" has often been overemphasized and simultaneously, "prevention" has been underemphasized. Despite significant expenditure, a majority of anti-trafficking efforts initiated after the Protocol have broadly failed to achieve their objectives and sustain long-term, positive impact. However, one of the major limitations of the same was the narrow conceptualization of trafficking through the lens of criminal justice and an oversimplification of perpetrator-victim dynamics.

Lastly, most often, the LGBTQI community have a history of abuse by State machinery, consequently making them reluctant to seek help from the police. Nations that continue to criminalize LGBTQI+ identities, same-sex behaviour, and non-conforming gender identity and expression contribute to the 'push' factors that enable young people from these States to become trafficked.

For example, the dire situation in

Upcoming Activities

Hybrid Workshop: The Contribution of the United Nations War Crimes Commission to International Criminal Law:

Last year, marked 80 years since the establishment of the United Nations War Crimes Commission (UNWCC) in London. To mark this occasion, the Research Centre in International Justice in Maynooth University is organising a workshop on the contribution of the United Nations War Crimes Commission (UNWCC) to International Criminal Law. This event will take place on 12 July 2024 online and in person. It brings together UNWCC experts and new scholars to explore the contribution of the work of the UNWCC to contemporary international criminal law. For more information, see [here](#).



Afghanistan, where the re-emergence of the Taliban has left many LGBTQI individuals vulnerable to sex trafficking. Such individuals are deliberately denied any kind of health or social services, and many even fear to even cross critical checkpoints or visit the passport office. To avoid the administration, many seek informal methods to escape the country. Additionally, the Taliban prohibits women from travelling without a male family member, leaving lesbians and bisexual women in a vicious trap of exploitative confinement.

To tackle these issues, it is imperative to change narratives through potential reforms that are elaborated below;

Firstly, being considerate of the diverse experiences within the commercial sex trade would help individuals to find more community support and acceptance. This has also been practised in the United States of America, where community partnership programmes are encouraged, to allow more LGBTQI individuals to come forward.

Secondly, moving away from the 'ideal victim' paradigm; the

assumption that all trafficking victims are heterosexual and/or cisgender makes invisible those outside the traditional sexuality and gender spectrum. Therefore, by improving inclusivity in the 'research system', more voices can be heard. This was seen in Norway, where an action plan for gender and sexuality was released, containing 49 measures to improve the quality of life and inclusivity of LGBTQI individuals. This prompts a greater acceptance of gender and sexual diversity.

Thirdly, law enforcement mechanisms must demonstrate flexibility and nimbleness in accurately identifying trafficking elements across all demographics, to evaluate the situation plaguing the community. This however would only be possible if States start accepting identities beyond the heterosexual conceptualization of gender.

Lastly, training staff, (that is inclusive of both service providers and law enforcement officers) for advocating LGBTQI rights and sensitization of the public sphere could go a long way.

The question of 'How long can we ignore it?' remains at the forefront,

Upcoming Activities

Rio School on Global Governance, Democracy and Human Rights; SAIELN Local Approaches to International Economic Law; Lessons from Courtroom Battles on International Climate Law; ICLQ New Forum and CFP; Futureproofing Human Rights Symposium:

The conference will take place on 16-18 December 2024 in Colombo, Sri Lanka, in collaboration with the Open University of Sri Lanka. The Fourth Biennial Conference will be held in person and aims to provide a platform for experts, policymakers, lawyers, academics, economists, and grassroots level actors to exchange views on the multifaceted challenges and innovative legal and policy solutions to further "local" approaches to IEL. For more information, see [here](#).



considering the limited to no global legal mechanism to deal with the exploitation of the LGBTQI community through sex trafficking. It is disheartening to realize the dearth of data that remains neglected due to harsh domestic policies against recognizing individuals with different sexual orientations. The issue is socio-culturally complex and requires an objective yet sensitive approach to tackle the legal issues pertaining to it. In the end, it's about the horrific condition of the individuals who are victims of sex trafficking.

Editor:

Shreya Basu (IV B.A.LL.B.)

Assistant Editors:

Sana Kulkarni (IV B.A.LL.B.)

Anuradha Lawankar (III B.A.LL.B.)

Upcoming Activities

CfP Canadian Yearbook of International Law; CfS Hertie School Centre for Fundamental Rights; CfP 100 Years of Lotus; University of Leuven Vacancy; Double Standards and International Law:

The Canadian Yearbook of International Law is seeking articles (in French or English) for publication in a Special Issue on "Canada before International Courts and Tribunals". Articles by early and mid-career scholars are particularly welcome. Topics to be addressed as part of the Special Issue include but are not limited to aspects of substance and procedure relating to past and present proceedings involving Canada before international courts and tribunals. For more information see [here](#).