



The Earth Charter, Non-Discrimination, and Sexual Orientation

Principle 12 establishes the following: "Defend the right of all, without discrimination, to a natural and social environment that supports human dignity, physical health and spiritual well-being, with special attention to the rights of indigenous peoples and minorities "

For its part, principle 12a provides as follows: "Eliminate discrimination in all its forms, such as those based on race, color, gender, sexual orientation, religion, language and national origin, ethnic or social".

In its 12th principle, the Earth Charter calls for an end to all forms of discrimination, including those based on sexual orientation, in accordance with international human rights law. It is only in this context that the Earth Charter addresses the issue of homosexuality.

Discrimination encompasses distinctions, exclusions and restrictions that deny people their human rights and fundamental freedoms, as provided by international law. Some people suffer from discrimination because of their sexual orientation. Article 26 of the International Covenant on Civil and Political Rights is widely recognized among international lawyers, as it includes a general prohibition against all discrimination based on sexual orientation.

Principles 12 and 12a represent an extension and clarification of the concerns and values that are set out in a series of preceding principles within the Earth Charter. For example, Principles 1 and 2 call for respect and care for the community of life as a whole. Principle 2 emphasizes the values of understanding, compassion, and love. Principle 3 calls for the establishment of peaceful societies and Principle 3a states that it is essential to ensure that "communities, at all levels, guarantee human rights and fundamental freedoms and provide all opportunities to develop their full potential." In this sense, Principle 9c calls on communities to "protect the vulnerable". Principles 12 and 12a should be read with each of these principles in mind.

Under certain circumstances, human rights and fundamental freedoms must be weighed and balanced against each other. In this regard, international jurisprudence (norms with precedents) leaves open the possibility that, if religious institutions or other organizations can demonstrate that it is "legitimate to do so", they could restrict certain opportunities for homosexuals and lesbians within their respective institutions. The ethics behind such restrictions is a matter of continuing debate.

The Earth Charter recognizes that "life often leads to tensions between important values. This can involve difficult decisions". The tension between individual freedom and social justice, or the practice of non-violence and the prevention of harm, or environmental protection and economic development represent examples of this. The Earth Charter is not intended to address the many and complex problems that could arise when individuals, institutions, and governments seek to implement the document's general principles. From the perspective of the Earth Charter, there will have to be strong ethical reasons to allow any type of discrimination in any institution.