



The Council for
Global Equality

Advancing an American Foreign Policy
Inclusive of Sexual Orientation and Gender Identity

**Supporting Meaningful Progress for LGBTQI Communities
Through the Summit for Democracy Process**

The Council for Global Equality has participated with other democracy- and human rights-focused civil society organizations in putting forward suggested outcomes for the Summit for Democracy. As Summit preparations continue in earnest, we offer these additional LGBTQI-specific reflections and refinements for your consideration.

Baskets and High Bars

We acknowledge and endorse the three “baskets” of conversation designated for the Summit:

- Defending against authoritarianism;
- Addressing and fighting corruption; and
- Advancing respect for human rights.

Each of these areas provides an opportunity to highlight and tackle LGBTQI inequalities, and progress in each area is dependent on progress in the others.

Defending against authoritarianism

LGBTQI individuals are a favored scapegoat of authoritarian regimes around the world. Cycles of discriminatory rhetoric and violence often peak during elections, especially during elections that are unlikely to be fully free and fair in the first place. In too many countries, authoritarian regimes find it convenient to unify disparate religious or political groups around a shared animosity toward LGBTQI individuals, especially when they are successful in labeling LGBTQI citizens as “Western” or “foreign” agents who disrespect the country’s “traditional” values. In this context, LGBTQI individuals often are the proverbial canary in the coalmine. In stark contrast, countries that protect their LGBTQI citizens are far more likely to protect other ethnic and religious minorities and to entrench democratic values and institutions.

Addressing and fighting corruption

There are at least 69 countries that criminalize same-sex sexual activity. In nearly all of these countries, anti-LGBTQI criminal laws are exploited by police and other state officials to extort bribes from suspected LGBTQI individuals. Medical, educational, and government officials also often act as gatekeepers to services by extorting bribes in exchange for access to public goods or institutions – or by denying access to public goods and services altogether.

In extreme but not unusual cases, police will detain members of the LGBTQI community and demand that they implicate other community members in exchange for their life or freedom, thereby providing an ever-expanding list of extortion targets. Extortion also drives the increasingly common occurrence of online police entrapment of LGBTQI individuals on social networking sites. Indeed, corruption is a natural consequence of anti-LGBTQI laws, while simultaneously ensuring deep and enduring support for such laws among corrupt officials.

Advancing respect for human rights

Secretary Clinton famously delivered a 2011 speech at the UN declaring that LGBT rights are human rights. Decades before that, leading international human rights bodies began to recognize that violence and discrimination on the basis of sexual orientation and gender identity constitute human rights abuses. Fortunately, the rights of LGBTQI individuals are now a cornerstone of human rights policies and investments by the United States and several other leading democracies, and the UN Independent Expert on sexual orientation and gender identity has identified three global objectives to entrench these rights: decriminalization of same-sex relationships and LGBTQI expression by 2030; self-determined gender recognition for all people everywhere; and a global ban on so-called conversion therapies. Those are the essential building blocks for what must ultimately become an LGBTQI-affirming human rights safety net in all democracies around the world.

An integrated approach that measures progress

We urge that the Administration's preparations for the Summit for Democracy be designed to clearly demonstrate the interrelationship of Summit goals in the above areas to parallel goals it has set for greater racial equality and justice reform efforts at home. In view of the tortured path toward LGBTQI equality in our country, as well as a more recent history of democratic and human rights transgressions by the previous Administration (including with regard to LGBTQI equality), we urge that the tone of Administration interventions model confessional leadership. Finally, we ask that, in preparing for the second phase of the Summit, the Administration work with us and other elements of civil society to show

progress toward Summit goals, thereby setting the highest of bars for leadership by example. This should include a “Summit Scorecard” to record democratic progress, celebrate milestone advances, and discourage democratic backsliding in the year between the two key Summit events.

Meaningful Impact

Broad human rights commitments are of course meaningless unless applied both specifically and equally to minority groups. We ask that each of the attached suggestions be viewed through that lens.

Of the goals identified by our broad democracy/human rights community, we single out the following goals as being of particular help in reducing the severity of human rights challenges faced by LGBTQI communities:

- **Decriminalization of LGBTQI status.** True decriminalization is not a matter of simply eliminating laws that criminalize homosexuality or same-sex relationships *per se*. Rather, LGBTQI populations are often subjected to: arbitrary police treatment and arrest; denial of government-issued documentation needed for a range of citizen rights and services; specific infringements of rights to organize, gather, and speak; denial of meaningful participation in a country’s economic life; and targeted surveillance, on the internet and elsewhere. To be truly meaningful, decriminalization must address these and other impediments to achieving real equality under the law.

Proposed Actions: Announce this December that countries that incarcerate LGBTQI individuals will not be invited back to the in-person Summit in 2022. Seek public commitments to work in partnership to secure the UN goal of decriminalization by 2030.

- **Measurable Progress Toward Equality.** Since no current democratic country has a perfect record on the equal treatment of LGBTQI citizens, every country including the United States should commit to taking concrete steps toward a more genuinely inclusive democracy. Participating countries will approach this from very different legal and social perspectives on LGBTQI-inclusion. For some, decriminalization will be the most immediate equality deliverable. Others will have far more advanced legal and social protections for LGBTQI citizens. All participating countries, no matter where they are in their own national journey to recognize the rights of their LGBTQI citizens, should be challenged to adopt concrete democracy advancement goals across 2022, between the two Summits. We believe regular contacts among governments, whether in working group format or at an intermediate meeting involving senior officials, is essential to

maintaining a critical focus on results. LGBTQI inclusion goals should fit across the following continuum in relation to baseline legal and social contexts in each participating country:

Minimum Protection Actions: For *all* countries that criminalize, ask countries to take meaningful steps toward decriminalization, including at minimum a moratorium on arrests of LGBTQI individuals based on same-sex conduct or expression during the coming year between the two Summits; ask countries to adopt basic non-discrimination protections focused on the rights of LGBTQI individuals to exercise freedom of expression and association even as decriminalization advances through the courts or legislature.

Intermediate Protection Actions: The treatment of intersex, transgender and nonbinary individuals deserve much greater attention by every country. For countries that have already taken important steps to decriminalize and recognize fundamental rights of LGBTQI citizens, appropriate intermediate pledges could include a focus on the ability to legally change gender markers on government documents based on self-determination; ending unnecessary surgeries on intersex babies and children prior to informed consent; and banning so-called conversion therapies.

Advanced Protection Actions: Countries at the leading-edge of LGBTQI-inclusion and respect should consider the adoption of fully SOGI-inclusive nondiscrimination laws; additional protections for the rights of same-sex families, including the ability to legally create, adopt, and foster children; and same-sex marriage equality.

Proposed U.S. Actions: The United States should model leadership by announcing plans to begin issuing gender-neutral U.S. passports by the opening of the 2022 Summit (planning for which is already well advanced) and highlight other countries that are on track or have already acted to provide gender-neutral identification documents by that target date. The United States also should highlight domestic efforts at state and federal levels to curtail so-called conversion therapy.

- **“Sticks and carrots.”** Rather than only seeking *de minimus* endorsement of broad democratic principles, we urge that the Summit focus on the need for state participants to ensure that those principles are leveraged in their interactions with less democratic states. Given that authoritarian states are particularly eager to obtain international legitimization and military assistance, both critical to remaining in power, we ask that

Summit participants recognize these authoritarian goals and be encouraged to take specific contravening action aimed at discouraging countries from violating LGBTQI human rights — e.g., withholding bilateral visits, arms sales, defense product exports, military visits and exercises, and other forms of security assistance, with clarity as to the reasons thereof. We equally urge that Summit participants be encouraged to explore positive ways to induce democratic growth and respect for human rights in countries with which they enjoy good relations.

Proposed Actions: Announce the creation of an “LGBTQI Elders Group” of distinguished religious and cultural leaders who will serve as a contact group to encourage progress and dialogue in countries that are at a tipping point in terms of protection and recognition of LGBTQI citizens.

- **Economic Empowerment.** The Summit’s design does not appear to highlight barriers to economic cohesion that we believe are essential to resiliency in any democratic society. We nonetheless urge that this issue be woven into the Administration’s presentations, again with reference to current tangible domestic policy priorities of the Biden Administration, in each of the three Summit baskets. Creation of a livelihoods fund to support the integration of minority communities into community and national economies might be a particularly fruitful area in which state, corporate, and civil society participants might coalesce. More thought equally could be given to how Summit-participating governments and corporations might collaborate on job training and job fair opportunities for disadvantaged, marginalized communities abroad.

Proposed Actions: Announce the creation of a multi-stakeholder LGBTQI livelihoods fund to be managed by USAID with contributions from like-minded states and in coordination with World Bank livelihood efforts.

- **Shared commitment to Global Magnitsky-type sanctions.** Previous USG application of Global Magnitsky sanctions in cases of egregious actions against LGBTQI individuals has been welcomed by local LGBTQI communities and has carried political impact. We urge that the Treasury and State Departments make every effort *before* the Summit’s convening, as well as *between* the two Summits, to broaden the group of countries committed to considering and adopting such sanctions, with a view to increasing exponentially the value of those sanctions.

Proposed Actions: Announce a year-long process to work with like-minded countries that have Global Magnitsky-style sanctions to identify and apply coordinated sanctions to a list of abusers who persecute LGBTQI individuals.

- **Commitment to consultation with civil society.** Open discussion and transparency are key to democratic practice; they also are fundamental to the development of fair laws and regulations impacting any element of society, including LGBTQI communities. While much anti-LGBTQI legislation is deliberate in intent, a commitment to consult publicly with civil society, including LGBTQI advocacy organizations, could lessen the negative impact of many laws that, intentionally or not, discriminate against our community.

Proposed Actions: Pledge to support civil society dialogue within the Equal Rights Coalition and the UN Core Group; announce new members for each of these crucial intergovernmental institutions that provide a forum for civil society engagement.

- **Accountability mechanism.** Summit participants should be asked to establish ombudsmen or similar mechanisms to examine whether government policies and decisions encourage human rights observance and Summit pledges. In that event, we urge that there be specific reference to the need to advance and protect the equal treatment of LGBTQI and other minority communities as part of the mandate for such mechanisms, and that achieving a working mechanism to provide public accountability be prioritized as preparations are made for the second, in-person phase of the Summit process.

Proposed Actions: At the 2021 Summit, highlight accountability commitments made by states in any final document and associated monitoring efforts. Welcome civil society commitments to produce “score cards” to identify and measure progress toward commitments made by states at the 2021 Summit for release before the 2022 Summit. (See details below.)

Effective Participation

The Summit will only succeed if participating states and civil society are chosen with care. We enjoy a broad network of relationships with LGBTQI civil society abroad and would be happy to be part of conversations regarding the selection of civil society organizations to participate in the Summit. We would be concerned if countries that disrespect LGBTQI and other minority populations were to be invited, at least without clarity as to minimal standards of conduct. We similarly ask that corporate participation be examined from the perspective not only of LGBTQI workplace acceptance and policies at home — a relatively low bar — but of actions taken to show consistency of support for the advancement of LGBTQI rights and equal workforce opportunities abroad.

Accountability for Summit Participants

Finally, we believe it critical that metrics be established to ensure that those invited to next year's phase two, in-person Summit have shown broad and specific progress in the goals set at this first, virtual Summit. In other words, we ask that the Administration diligently weigh actions by each participating state and corporation subsequent to the virtual Summit — and that only those demonstrating clear commitment to democratic precepts and progress in their implementation be invited to the in-person event. To assist in this effort, we recommend that a task force be created at the State Department to evaluate participation at the in-person Summit, and that civil society be invited to submit “score cards” as part of those efforts. The Council for Global Equality pledges to produce civil society score cards identifying LGBTQI benchmarks and state progress – or retrenchment – in meeting those pledges in advance of the 2022 Summit.

Side Events

The Council for Global Equality, together with our 30 leading civil society member organizations, offers to organize and host a side event on the margins of the Summit to highlight commitments made at the Summit and to propose a participatory process to collect inputs for the 2022 score cards on LGBTQI progress that the Council has pledged to produce. In between the two main convenings, we also could co-convene a global input session at the ILGA-World conference that will take place in Long Beach, CA from May 2-6, 2022, and invite key staff from the Summit for Democracy organizers from NSC, Department of State and USAID to participate. Similarly, we could co-convene an input meeting at the Equal Rights Coalition conference in London in June 2022.