

The Council for Global Equality



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

Global Equality Today January 2020

CONGRESSIONAL ACTION



GLOBE Act introduced in Senate for Human Rights Day; sponsorship grows in House. Senator Markey (D-MA) introduced the GLOBE Act ([S.3004](#), [H.R. 3874](#)) – *Greater Leadership Overseas for the Benefit of Equality* – at a public event in the Senate to mark International Human Rights Day on December 10th. As a comprehensive “vision bill,” GLOBE provides a broad roadmap for U.S. leadership to advance the human rights of LGBTI and other vulnerable minority communities around the world. With leadership from Rep. Titus (D-NV) on the companion bill, the House has 63 cosponsors and the Senate now has 11 cosponsors. Read the Council’s endorsement and a blog explaining the bill’s impact [here](#).

Global Respect Act reported out of House Foreign Affairs Committee. Senator Shaheen (D-NH) and Rep. Cicilline (D-RI) reintroduced the Global Respect Act ([S.1825](#), [H.R. 3252](#)) in this Congress and it was reported out of the House Foreign Affairs Committee in June. House cosponsors now seek a floor vote. The bipartisan bill requires the State Department to produce a biannual list of foreign individuals who commit human rights violations targeting the LGBTI community. Those individuals will be subject to U.S. visa sanctions. It also codifies LGBTI reporting requirements in the State Department’s annual Human Rights Report. The bill currently has 70 cosponsors in the House and 9 cosponsors in the Senate.

Appropriations bill includes new funding for LGBTI rights globally, fails to repeal “Global Gag.” The final FY 2020 appropriations package that was signed into law includes language supporting funding for LGBTI rights, including: \$7.5 million for the Global Equality Fund at the State Department and \$5 million for LGBTI programming at USAID. It also includes funding for the State Department’s Special Envoy for the Human Rights of LGBTI Persons, a position that remains vacant despite Secretary Pompeo’s pledge to fill the post during his confirmation hearing almost two years ago. Unfortunately, the package did not include the House repeal of the “Global Gag Rule,” despite [growing evidence of the devastating impact of this radically expanded provision](#) on the rights and health of women and girls, as well as the LGBTI community.



Council continues to draw attention to LGBTI refugees with Hill events. The Council leads a working group focused on ameliorating the plight of LGBTI refugees along the southwestern U.S.-Mexico border — the result of regressive Trump Administration policies on immigration, migration, and asylum. The working group sent a broad [coalition letter](#) on the plight of LGBTI refugees at the border to senior Trump Administration officials. We followed up with Hill briefings for Congressional staff in the House in September and a similar Senate briefing focused on the voices of LGBTI refugees in October. The results have been limited, but there is increasing awareness in Congress that refugee and asylum issues are also “LGBTI issues.” Read our blog [here](#).

Congress asks for clarifications on the expulsion of the U.S. Ambassador to Zambia. Rep. Sean Patrick Maloney (D-NY) organized [a letter signed by 54 Members of Congress](#) that called on President Trump to explain the recall of Daniel Foote, U.S. Ambassador to Zambia, in December in the aftermath of his [strong protests](#) over a [15 year prison sentence](#) handed down to two men because of their same-sex relationship. Read our blog about Ambassador Foote's recall [here](#).

EXECUTIVE BRANCH ACTION

Council meets Assistant Secretary Robert Destro as he takes up leadership of the human rights bureau at the State Department. Although the Council [expressed significant concern over the confirmation of Robert Destro](#) to serve as Assistant Secretary of State for Human Rights because of his past homophobic and transphobic writings, we have since met with him and he has pledged to support LGBTI rights as a significant human rights concerns globally. We plan to hold him to that pledge. The first test of his commitment will come with the expected release of the State Department's annual human rights report next month. Last year, the State Department stripped all reporting on sexual and reproductive health and rights and scaled back LGBTI reporting. We will monitor the reports closely this year to see if those reporting trends continue under Destro's leadership, while also insisting that the \$7.5 million appropriated by Congress to support LGBTI rights (see appropriations above) is allocated effectively toward that end by his bureau's leadership.



GLIFAA leader Bob Gilchrist confirmed as U.S. Ambassador to Lithuania. A career diplomat and a longtime leader of Gays and Lesbians in Foreign Affairs Agencies ([GLIFAA](#)), an LGBTI affinity group at State Department and USAID, the Council welcomes Ambassador Gilchrist's appointment and his recent confirmation as our next ambassador to Lithuania.

Council opposes new "Unalienable Rights Commission" at State Department. Secretary Pompeo has announced the formation of a new "Commission on Unalienable Rights" to reexamine how human rights should be understood and advanced within U.S. foreign policy. The framing of the commission, along with appointments thereto, suggests that it is designed to focus on religious freedom and to challenge the inclusion of LGBTI and reproductive rights within core understandings of what constitutes "human rights" — and that future U.S. Government advocacy on our issues thus appears to be highly at risk. The Council is working with a broad, progressive coalition of organizations to call the new commission out for what it is: a cabal of extremists aimed at rolling back America's commitment to fully inclusive human rights principles, and at diminishing the importance of human rights within U.S. foreign policy. [The Council organized a membership sign-on letter to Secretary Pompeo](#), directly challenging the concept and intent of the new commission. Read our recent blogs about this dangerous commission [here](#) and [here](#).

President calls for decriminalization in speech to UN General Assembly. In his [annual speech to the UN General Assembly](#) this year, President Trump announced that "my administration is working with other nations to stop criminalizing of [sic] homosexuality, and we stand in solidarity with LGBTQ people who live in countries that punish, jail, or execute individuals based upon sexual orientation." We have reached out to the State Department and the White House to ask for details of the Administration's approach on this issue, including how it differs from long-standing State Department engagement on criminalization policies overseas, and to encourage a wholistic approach to decriminalization, based on earlier [policy guidelines](#) submitted to Obama Administration officials. We have yet to receive any response. U.S. Ambassador to the UN Kelly Craft, together with U.S. Ambassador to Germany Richard Grenell, also [hosted a UN discussion](#) in December on "Decriminalizing Homosexuality in Solidarity with LGBTQ People" to address this effort, albeit without any

clarifications of the above points. The Council strongly supports decriminalization efforts provided they are carried out with country-specific nuance, in close consultation with in-country advocates and community needs.

Council meets with State Department to discuss decriminalization in the Caribbean. Following the President’s call for decriminalization, the [Council met with Principal Deputy Assistant Secretary of State Julie Chung](#) to discuss rapidly moving efforts by local activists to strike sodomy laws across the Caribbean. The Council encouraged support for these local leaders and their lawyers and called for ongoing U.S. investments to support shifting public opinion and development in the region.

State Department sanctions notorious anti-LGBTI official in Tanzania. In January, the [State Department sanctioned Paul Makonda](#), Regional Commissioner of Dar es Salaam, for his involvement in gross violations of human rights. The State Department designation notes his role in “targeting marginalized individuals,” which certainly includes his [October 2018 pledge to round up suspected homosexuals](#) and subject them to forced anal examinations and incarceration. Makonda and his immediate family members will be denied visas and are ineligible for entry into the United States

Questioning AGOA Benefits for Tanzania. The Council led an effort to press the United States Trade Representative (USTR) to use the human rights provisions of the Africa Growth and Opportunity Act (AGOA) as a point of departure to engage Tanzanian officials on repression of Tanzania’s LGBTI community. These conversations with USTR have been substantive and are ongoing.

Adding LGBTI Sensitivity to Religious Freedom Agenda at State Department. After initially opposing his confirmation, the Council has engaged Ambassador-at-Large for Religious Freedom Sam Brownback to insist on an LGBTI-inclusive understanding of religious freedom — the signature issue of this Secretary, and a significant driver of America’s foreign policy leadership-level engagement at present. While Council efforts have opened the door to LGBTI and LGBTI-supportive church leaders and related organizations to attend the administration’s annual ministerial-level religious freedom gatherings, the balance of participation has remained heavily skewed toward our opponents, and there has been no concrete affirmation of LGBTI rights in any meeting documents – nor any tempering of broader Administration efforts to enlarge religious exemption carveouts to non-discrimination policies. Nonetheless, the homophobic rhetoric at the 2019 ministerial was noticeably tempered in comparison to the first ministerial in 2018, and Ambassador Brownback recently gave an interview in which he drew a link between countries that protect religious minorities and those with the strongest human rights protections for LGBTI individuals. Listen to that podcast [here](#). (The section on LGBTI rights begins around 19:15.)

Election 2020



The Council for Global Equality challenges all presidential candidates, on each side of the political divide, to express their support for elevating our country’s human rights policy, and for ensuring that it addresses the needs of LGBTI communities worldwide. Specifically, we have called on all candidates and their campaign staff to ensure that their positions respond to eight policy priorities in support of human rights for LGBTI individuals globally. ***See our presidential challenge [here](#).***

GLOBAL LGBTI DEVELOPMENTS

In recent good news...

- At the end of 2019, the Court of Appeals in [Belize upheld the country's decriminalization](#) ruling from 2016 and positively ruled that the term "sex" should be interpreted to include sexual orientation for protection under the law. This is a significant precedent for the region.
- In Costa Rica, where the Supreme Court ruled that marriage equality must be guaranteed by May of 2020, the ["Si Accepto"](#) (or "I accept") campaign to sensitize the public has been a huge popular success.
- In January the [Chilean Senate passed an "idea to legislate"](#) for a marriage equality bill that will now go to the lower house for review. This is an important but tentative first step toward full marriage rights.

In bad news...

- [Gabon recently passed a new criminal](#) code that bans "sexual relations between people of the same sex," making it the 70th country in the world to criminalize.
- [Forty-seven gay men stood trial recently after a mass arrest in Nigeria](#), but the LGBTI community is beginning to fight back in the courts to demand equal rights.
- Similarly, [mass arrests continue in Uganda](#), where 67 people were arrested in an LGBTI-friendly bar in November.
- On November 25, Jeudy Charlot, the founder and Executive Director of Kouraj, a leading LGBTI organization in Haiti, [was found dead in his apartment in Port-au-Prince](#). His death is still being investigated, but he was receiving death threats immediately prior to this.

Watch this space...

- The government of [Bhutan appears ready to decriminalize homosexuality](#), with the upper house of Parliament set to debate a bill in the coming weeks. In mid-2019, the lower house unanimously passed the motion to repeal sections 213 and 214 of the penal code.
- Courageous gay male plaintiffs are filing cases to [challenge their government's anti-gay laws in Mauritius](#) and also in Barbados. Barbados is part of a [five-country strategy in the eastern Caribbean](#) to rid the region of colonial-era "buggery" and indecency laws in Barbados, Saint Kitts and Nevis, Antigua and Barbuda, Grenada, and Saint Lucia. These countries could decriminalize homosexuality in the year to come with positive decisions in the courts.

New Resources on Global LGBTI Issues...

- A coalition of groups in Latin America has produced [a new report and website](#) to combat violence based on sexual orientation and gender identity in the region.
- Franklin and Marshall College's [Global Barometer of Gay Rights and Global Barometer of Transgender Rights](#) is releasing a new report in February: "A Comparative Analysis of LGBT Human Rights in 197 Countries: 2011-2017."
- ILGA Europe's [2020 Annual Review of the Human Rights Situation of LGBTI People in Europe and Central Asia](#).