

U.S. Government Documents Trend of Severe Human Rights Abuse Against LGBT People

“Top Ten” List of Countries Where the U.S. Should Do More

February 2009

On February 25, 2009, the State Department released a report to Congress that examines the human rights record of every country around the world. In terms similar to years past, *the report reveals a continued crisis in human rights violations based on sexual orientation and gender identity.*

BACKGROUND

The U.S. Congress requires the State Department to report annually on human rights conditions in all countries (except the United States). In 1993, the instructions on reporting were modified to require all U.S. embassies to include information on patterns of abuse directed at specific minority groups including those based on ethnicity, religion, trade union activity, sexual orientation or other factors. Embassies were also instructed to report on incitement to violence directed against these groups, whether instigated by the government or by other elements of society.

This year’s human rights report, which covers human rights concerns from 2008, is the most comprehensive to date with regards to sexual orientation and gender identity issues (referenced in 190 country reports) and points to a growing crisis in human rights abuse directed against LGBT people around the world. LGBT-related incidents cited by the State Department in this year’s report include arbitrary arrest and detention, police abuse, rape, and even murder. Many of the most egregious abuses have been committed in countries considered to be friends and allies of the United States, including those that receive sizeable U.S. development or security assistance. In many cases, there sadly is evidence of either the complicit or direct involvement of police or other government officials.

Although the facts in some cases are unclear, the Council for Global Equality believes the State Department must move beyond a reporting agenda to an affirmative "*protection agenda*" that actively seeks to redress these serious and ongoing human rights violations. The following country examples explore specific opportunities for the U.S. to embrace an affirmative agenda by using its political, economic and security arrangements to support human rights for all.

TOP TEN: Opportunities for the U.S. to Respond

Although all of the LGBT-directed human rights abuse cited in this year's report deserve attention, the United States clearly should take action in the following ten cases. We urge the new Administration to respond with appropriate steps aimed at both reaffirming America's leadership in human rights and improving the lives of LGBT men and women abroad.

Egypt

Human Rights Watch has reported the arrest, beating, and imprisonment of men suspected of being HIV-positive. On several occasions, suspected men were tested against their will for the HIV virus and subjected to abusive anal examinations; those who were shown to be HIV-positive were chained to their hospital beds, and were unchained only after an international outcry. Adding insult to (quite literal) injury, the Egyptian Government prevented the non-governmental organization that called international attention to this crackdown from attending a UN high-level meeting on HIV/AIDS.

***What can the U.S. do?** Egypt was the third largest recipient of U.S. foreign aid from USAID and the State Department in 2008. (Congressional Research Service statistics) Our partnership with Egypt should extend beyond the Middle East peace process: it should require a broad commitment to human rights that includes the rights of LGBT men and women.*

Gambia

Gambian President Yahya Jammeh has threatened to "cut off the head" of any homosexual in his country. He further ordered all homosexuals to leave the country and decreed that Gambian security forces should arrest homosexuals.

***What can the U.S. do?** Both in Washington and in the Gambia, U.S. officials should express our concern over such hate speech. This message should be conveyed at senior levels. Moreover, we*

should explore using USAID funds to support programs that encourage tolerance, respect for diversity, and a genuine commitment to civil society – all intrinsic American values that should be intrinsic to America’s foreign relations.

Honduras

Judged by information in this year’s report, Honduras was one of the worst violators of gay and transgender human rights in 2008. There were multiple killings or attacks on persons presumably because of their sexual orientation; these included the murder of a leading Honduran transgender rights activist. According to one organization, a number of gay persons fled the country due to fear of persecution by security forces and society. The human rights report notes what it calls “credible reports” that Honduran security officials condoned physical assaults, including rape, on gay detainees. A report by the Center for Torture Prevention and Rehabilitation (a Honduran NGO) found that city and other police routinely rounded up LGBT and other vulnerable youths without cause. The Inter-American Commission on Human Rights has issued urgent “protection orders” to highlight the dangers faced by LGBT organizations in Honduras.

***What can the U.S. do?** The U.S. Embassy should offer visible support to LGBT leaders in the country, and should press for accountability within the Honduran government. It should work with Honduran authorities to offer tolerance and diversity training for police and other security forces that are suspected of complicity in human rights abuse. It also should press for a prompt and thorough investigation of the murders and other incidents noted above.*

India

This year’s report notes extensive discrimination against gays and lesbians in India, including in employment and education; it also notes that police “committed crimes against homosexuals and used the threat of arrest to coerce victims into not reporting the incidents.” In addition, many reports have documented police abuse directed against transgender people in Bangalore. One, from Human Rights Watch, was of an October 20, 2008 arrest, followed by the detention of representatives of an NGO trying to negotiate their release, and a subsequent attack directed against a group of peaceful demonstrators protesting the arrests. According to the negotiators, who eventually were released, police told them higher-level authorities had ordered the campaign to arrest the transgender individuals.

A broad cross-section of Indian activists, cultural leaders and HIV/AIDS workers are also pressing for repeal of the country's colonially-imposed sodomy law, which reportedly has been used to target the gay and lesbian community. International human rights law now recognizes that the mere existence of laws criminalizing consensual same-sex activity, even if they are not enforced, fundamentally violates human rights. That growing consensus was joined by the U.S. Supreme Court in 2003 (*Lawrence* decision). In response, however, the Indian Government has actively fought efforts to decriminalize homosexuality.

***What can the U.S. do?** Given our increasingly close relationship with India, we should express frank concern to the Indian Government over LGBT violence and discrimination. In addition, candid public comments by the U.S. Ambassador or other senior U.S. officials highlighting of the importance of the 2003 U.S. Supreme Court ruling that struck down the remaining sodomy laws in the U.S. could be productive in fostering public awareness that just laws must never oppress the fundamental human rights of any segment of society.*

Jamaica

The 2008 report cites credible claims of harassment and arbitrary detention of homosexuals by public employees, with little if any investigation by police. There also have been numerous anti-gay mob attacks, at times apparently with direct police complicity; some of these attacks have resulted in murder. In December, the Inter-American Commission on Human Rights issued a statement "....strongly condemn(ing) the high level of homophobia that prevails throughout Jamaican society (which) has resulted in violent killings of persons thought to be gay, lesbian, bisexual or transsexual, as well as stabbings, mob attacks, arbitrary detention and police harassment." Referring to four murders in the past year and a half – including the firebombing of the home of a person believed to be gay, and the chopping to death by machete of another individual who was gay – the statement further notes that "Defenders of the rights of gays, lesbians, bisexuals and transsexuals have been murdered, beaten and threatened, and the police have been criticized for failing in many instances to prevent or respond to reports of such violence."

***What can the U.S. do?** Senior U.S. officials should urge Jamaica's Prime Minister to show leadership by condemning this violence and instituting measures to bring these and any future perpetrators to justice. U.S. police assistance should be*

targeted toward programs that promote tolerance and the defense of vulnerable groups against mob violence.

Kuwait

The report notes cases of police abuse against transgender individuals. In one such case, "...police arrested two transgendered persons at a checkpoint, made them take off their men's hats and jackets, and hit them on their faces as they stood in their female clothing. Authorities allegedly held them for five days and shaved their heads before releasing them."

***What can the U.S. do?** Individual liberties are at the heart of our democracy, and are critical to the development of deep-seated relationships with like-minded friends and allies. We need to encourage this understanding with Kuwaiti and other authorities as part of our dialogue on human rights.*

Kyrgyz Republic

The report notes the vulnerability of LGBT individuals to physical and verbal abuse, employment discrimination, and police harassment. It also notes problems of prison abuse of gay men, inflicted by both prison officials and inmates. In a report released last year, Human Rights Watch has described a pattern of beatings, forced marriages, and physical and psychological abuse in the Kyrgyz Republic against lesbian and bisexual women and transgender men. The report concludes that the government refuses to protect these victims and has done nothing to address the atmosphere of intolerance in which these attacks have taken place.

***What can the U.S. do?** Kyrgyzstan receives significant U.S. foreign assistance – only last year, in fact, the United States signed a two-year, \$16 million Millennium Challenge Corporation agreement with that government. Kyrgyz human rights groups had urged the U.S. to suspend the signing of the agreement until "the government proves its commitment" to program objectives of judicial reform and anti-corruption. We need an honest evaluation of the Kyrgyz Republic's commitment to human rights: if Kyrgyz officials are unwilling to address the problem, we should reevaluate our assistance levels and other bilateral programs.*

Lithuania

According to the human rights report, the city of Vilnius (Lithuania's capital) would not issue a permit for a European Commission display

on diversity and discrimination that was to be mounted in the city's Old City Hall Square. This is one of several instances in which leaders of the capital have embraced homophobic policies. The report further notes that on several occasions, the government denied permits for gay rights groups to organize public parades.

***What can the U.S. do?** Freedoms of assembly and of association are fundamental rights in any democracy. If Lithuania is to claim its place as a democratic state, it must be challenged to honor these principles in law and in practice.*

Nigeria

Nigeria continues to criminalize homosexuality. As noted in this year's report, "...adults convicted of engaging in homosexual intercourse are subject to execution by stoning" in those parts of the country that have adopted Shari'a law. (The report also notes that no deaths by stoning occurred last year.) In northern Nigeria, the report notes repeated delays in the trial of 18 men arrested in 2007 on charges that have veered over time from sodomy to vagrancy to cross-dressing. These repeated delays, and lack of clarity as to the charges at hand, amount to a serious denial of the right to justice, exposing the young men to ongoing discrimination, harassment and abuse in their local community while the trial lingers. The report also mentions that members of the LGBT-friendly House of Rainbow Metropolitan Community Church in Lagos were harassed, with one female member attacked by a group of men, while other members were stoned, beaten, or verbally threatened.

A new "anti-marriage" bill, now pending in Nigeria's Senate, would ban not only same-sex marriage, but also the "...coming together of persons of the same sex with the purpose of living together for other purposes of same sexual relationship." In other words, the bill would criminalize same-sex cohabitation alone – and potentially could cause the arrest of even same-sex individuals who are legally married outside of Nigeria and happen to travel to that country.

***What can the U.S. do?** The U.S. Embassy is following these issues. We hope it will work with European and other embassies in Abuja to voice strong concerns over this dangerous new bill in the Nigerian Senate.*

Uganda

Homosexuality remains criminalized. Police harassed members of an NGO for taking a public stance against sexual discrimination. Police

also arrested three LGBT activists in June 4 at the 2008 HIV/AIDS Implementers meeting in Kampala. They were charged with trespassing for protesting the lack of funding any for HIV/AIDS within the LGBT community. At least one of those arrested was mistreated by police officers during 24 hours of detention. (They were acquitted in August.) After two other gays were arrested by police and held without charge for six days, a Ugandan minister said these kinds of arrests would continue, as "we are concerned about the mushrooming of lesbianism and homosexuality."

***What can the U.S. do?** Uganda is one of the largest recipients of PEPFAR funding for HIV/AIDS care, prevention and treatment. In Uganda, the money has been used to empower institutions and activists that have led homophobic campaigns in the country. We need to consider whether the US government's priority focus on abstinence funding is blunting the effectiveness of the money we're spending, while also discouraging tolerance-based response to the epidemic.*

Special Mention: The United States

The United States is not covered by the State Department's human rights report, of course. But our country takes pride in standing for equality, justice and human rights, and we claim these principles in our foreign policy leadership abroad. For the sake of America's credibility, we should and must do more to honor these principles at home. We call on the Obama Administration to partner with Congress to pass legislation banning hate crimes and employment discrimination, offer fair benefits to the families of gay and lesbian federal employees, support immigration rights through the Uniting American Families Act, repeal "Don't Ask, Don't Tell" and the Defense of Marriage Act, and include LGBT organizations among the civil society groups that America sustains abroad. This is a call for consistency and fairness in our foreign policy, and for renewed American integrity and leadership in the fight for human rights.

ABOUT THE COUNCIL FOR GLOBAL EQUALITY

The Council for Global Equality brings together international human rights activists, foreign policy experts, lesbian, gay, bisexual and transgender leaders, philanthropists, corporate leaders and political strategists to encourage a clearer and stronger American voice on human rights concerns impacting LGBT communities around the world.

The Council for Global Equality is a coalition effort. Our institutional members include many of the most prominent organizations working to promote human rights and LGBT equality in the United States and overseas. This unique collaboration joins the respective expertise and positioning of LGBT and non-LGBT organizations; domestic-focused and internationally focused organizations; as well as advocacy groups, multinational corporations, and research organizations.

Together, Council members seek to ensure that those who represent our country—in Congress, in the White House, in U.S. embassies and in U.S. corporations—use the diplomatic, political and economic leverage available to them to oppose human rights abuses that are too often directed at individuals because of their sexual orientation, gender identity or gender expression. The Council also seeks to increase support for foreign LGBT organizations as vital contributors to our country's national interest through the development of free and vibrant civil societies abroad.

Council for Global Equality
1220 L Street, NW
Suite 100-450
Washington, DC 20005-4018
www.GlobalEquality.org
Phone/Fax: (202) 719-0511