



# The Council for Global Equality

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

## BUILDING A STRATEGY FOR AN LGBT-INCLUSIVE U.S. FOREIGN POLICY

*NOVEMBER 2007*

A DISCUSSION PAPER PRESENTED BY  
MARK BROMLEY

*Launched in 2007 as the LGBT Foreign Policy Project, this was the initial discussion paper that led to the creation of the Council for Global Equality.*

Over the past ten years, global attention to the rights of lesbian, gay, bisexual and transgender (LGBT) communities has increased dramatically. Today human rights organizations worldwide are actively promoting LGBT rights and developing new LGBT initiatives, just as the United Nations and the international community are simultaneously struggling to adapt longstanding principles of non-discrimination, personal and bodily integrity, health and social development to the complexities of gender and human sexuality. It is an effort that many consider to be one of the most important new challenges in the modern human rights movement. But while several European countries have joined international non-profit organizations in this campaign, the U.S. government has remained diplomatically aloof – and at times openly hostile – to these efforts.

Credit must be given to the many individual foreign policy leaders within the State Department, the U.S. Agency for International Development (USAID) and in the U.S. Congress who have offered significant support to advance LGBT human rights battles. But current Bush Administration positions on sexual rights are not supportive of LGBT interests at the international level. Indeed, in a stunning statement at the United Nations last summer, senior U.S. Administration officials tried to sidestep longstanding and consistent international jurisprudence by denying that a bedrock UN human rights treaty that the United States ratified in 1992 protects consensual same-sex relations under its privacy and anti-discrimination provisions.<sup>1</sup>

---

<sup>1</sup> Statement by Wan Kim, Assistant Attorney General for the Civil Rights Division of the U.S. Justice Department, testifying before the UN Human Rights Committee on U.S. compliance with the International

This premise of this discussion series is that the LGBT community in the United States must do more to shape U.S. diplomatic positions on LGBT issues at the international level. And with a push from domestic LGBT organizations and activists, U.S. foreign policy leaders themselves can do far more to assist LGBT communities in other countries by extending the recognition, respect and resources those communities need to defend their basic human rights. As such, this *LGBT Foreign Policy Project* represents the first step in a long-term goal of building greater awareness and sensitivity to LGBT human rights concerns within foreign policy circles in the United States.

Through a series of meetings over the coming year, the *LGBT Foreign Policy Project* will discuss strategies to improve U.S. foreign policy responses to international human rights abuses directed at LGBT communities. Many organizations, including both domestic LGBT groups and internationally focused human rights groups, have already successfully joined with supportive leaders in government to adopt some aspects of this work. But no advocacy organization in the United States has established a dedicated initiative to systematically set broad LGBT-inclusive U.S. foreign policy goals and then press Washington policy makers to adopt those goals.

### **Exploring the Beginning of an LGBT Foreign Policy**

For many years, international human rights organizations like Amnesty International, Global Rights, Human Rights First, Human Rights Watch and the International Gay and Lesbian Human Rights Commission (IGLHRC) have worked closely with human rights experts in the State Department's Bureau of Democracy, Human Rights and Labor to improve the overall quality of official human rights reports that are released under Congressional mandate by the State Department every February. In particular, many of these advocacy organizations have made yearly efforts to encourage the State Department's reporting on international human rights abuses that are routinely directed against LGBT communities. As a result, the State Department has been delivering to Congress an increasingly good catalogue of those abuses in its annual reports.

In the Human Rights Reports for 2005 (released in early 2006), the State Department listed human rights concerns impacting LGBT communities in 95 different countries. This year, in the Human Rights Reports for 2006 (released in early 2007), the State Department details LGBT human rights concerns in 115 countries, a remarkable figure that includes all but 71 countries worldwide.<sup>2</sup> Although many of the references are vague and only mention that "societal discrimination" exists, other reports are more sensitive in their descriptions and recommendations. Increasingly, many reports have focused on violence directed at transgender communities, particularly in Latin America.

---

Covenant on Civil and Political Rights (ICCPR) at the United Nations in Geneva, July 18, 2006. An Expert member of the UN Committee responded that the U.S. delegation's statements demonstrated a lack of awareness of the "longstanding and consistent" jurisprudence of the Committee, and that such statements might suggest that persons of diverse sexual orientations and identities in the United States are not fully entitled to the rights to life and privacy under the Covenant.

<sup>2</sup> The US State Department reports annually on human rights abuses in every country except the United States.

This improvement in the State Department's annual human rights reporting is at least partially explained by an overall increase in documentation of LGBT related human rights abuses by both international and domestic human rights groups. Indeed, the State Department regularly cites to specific reports issued each year by Amnesty International, Global Rights, Human Rights Watch, IGLHRC and other local groups. But this trend seems to represent more than just an improvement in the quality and availability of LGBT human rights reporting. It also seems to represent an increased sensitivity to LGBT issues by the State Department's human rights officers in Washington and in U.S. Embassies overseas. And that sensitivity should now be leveraged to move beyond human rights reporting to diplomatic action. The State Department's human rights reports must finally be translated into meaningful diplomatic efforts by U.S. foreign policy actors, including the State Department, Congress, U.S. funding agencies and U.S. Embassies overseas.

### **Washington's Official Indifference**

Some recent examples of Washington's diplomatic indifference to sexual rights issues range from U.S. objections to provisions in the recently negotiated *UN Convention on the Rights of Persons with Disabilities*, where U.S. opposition to sexual and reproductive rights language clouded the larger treaty drafting process, to the relative indifference of the U.S. Embassy in Nigeria to a draconian "Same-Sex Marriage (Prohibition) Act" that would have criminalized participation in a same-sex marriage ceremony in Nigeria – as participant, witness or officiator – with five years of detention. The Nigeria bill died with the end of the legislative term in May 2007, but it may be introduced again in the new Nigerian National Assembly. Many European embassies spoke out forcefully against the Nigeria bill, emphasizing that it went far beyond marriage to criminalize recognition or support for any gay rights organization, or any discussion of same-sex relationships. In comparison to some of their European diplomatic colleagues, the U.S. Embassy in Abuja appeared relatively unconcerned with the bill, even after a major editorial in the *New York Times* urged the U.S. Embassy to speak out "quickly and forcefully."<sup>3</sup> The U.S. State Department issued an initial press release from Washington criticizing the human rights implications of the bill, but that press release was never widely distributed and the U.S. Embassy failed to follow up on the statement with diplomatic concern when the bill was brought up for hearings.

The next confrontation over U.S. positions could come within the Organization of American States in Washington, where officials from across the Americas are negotiating the final text of an *Inter-American Convention Against Racism and All Forms of Discrimination and Intolerance*. The current draft of that new human rights treaty includes groundbreaking antidiscrimination protections on the basis of sexual orientation. If finally adopted, that language would offer some of the first explicit protections for

---

<sup>3</sup> "Denying Rights in Nigeria," *The New York Times*, Mar. 8, 2007, at A22.

sexual orientation – and hopefully gender identity – in a multilateral human rights treaty.<sup>4</sup> But the sexual orientation provision may be in peril. Over the past year, the U.S. delegation to the OAS chose to remain outside of the treaty negotiating process. But the U.S. State Department has recently signaled a new interest in participating in the next round of negotiations in the coming year. Most observers assume this will lead to a challenge to the existing sexual orientation language and outright opposition to any additional inclusion of gender identity protection.

### **Proceeding Cautiously**

Moving beyond the comparatively simple task of encouraging the U.S. State Department to take more supportive diplomatic stances on LGBT and related sexuality issues at the international level, any broader effort to extend official U.S. diplomatic or financial support more directly to LGBT communities in especially hostile environments – and often in socially, religiously and culturally complex countries – must proceed cautiously. An affirmative foreign policy posture on LGBT issues will ultimately demand a more sophisticated level of cultural sensitivity to sexuality issues within the U.S. Foreign Service and by other U.S. foreign affairs leaders. Even when a proposed diplomatic intervention is well intentioned and responsive to accurate facts on the ground, high-profile denunciations by U.S. officials that focus on sexual identities may be altogether counterproductive and even deadly in some contexts. And the dangers of identity-based advocacy are further compounded by the fact that not all same-sex-practicing individuals necessarily associate themselves with lesbian, gay, bisexual or transgender identities in our western sense of those terms.

Within such a complex mix, lower-level diplomatic or quiet financial support for reproductive health or privacy campaigns, or support for HIV/AIDS outreach and awareness, may provide essential cover and valuable indirect support to LGBT (or same-sex-practicing) activists in particularly challenging environments. And indeed, the State Department, USAID and U.S. Embassies have been extending that level of quiet support for many years now. But we should begin to record that support, and to evaluate its effectiveness more openly. And leaders of the U.S. diplomatic corps need access to the resources and institutions – both in the countries of concern and internationally – that will allow them to make difficult judgments about where, when and how to intervene in support of sexual rights and LGBT communities. At the start, some of this information could usefully be provided as part of an introductory human rights training curriculum for Foreign Service and other foreign affairs officers.

A final example may be helpful in framing the potential for U.S. diplomatic responses to a typical set of facts. While human rights abuses against LGBT communities take many different forms, one very common pattern of direct government persecution generally begins when a foreign government decides to round up suspected homosexuals, whether homosexuality is explicitly criminalized or not. Sometimes the police lead the round-up,

---

<sup>4</sup> Human rights treaties generally extend protection to LGBT communities through more generic anti-discrimination and privacy provisions, including non-discrimination protections based on “sex” or “other status.”

at other times officials need only “encourage” some shadowy “private” group, perhaps morals police or local gang leaders, to instigate a confrontation ending in mass detention. Time and again, these round-ups are designed as media diversions, distracting restive communities from some other pressing political or economic crisis. Those who are detained are often tortured into offering false (sometimes real) confessions, or subjected to painfully intrusive anal exams to “prove” criminal homosexual activity. The authorities always end up with their “evidence.” Those arrested are then imprisoned in facilities where they are almost certain to face further torture, sexual abuse or death. The U.S. government has both a moral and a legal obligation under human rights law to denounce those abuses.

In this all-too-common hypothetical, the U.S. government can do more than simply writing about the round-ups in the State Department’s annual human rights reports. As an initial matter, the U.S. Embassy could speak out against the abuses, or at least raise private concerns. In some locations, the U.S. government could facilitate or even quietly arrange for legal counsel. Private meetings by the U.S. Ambassador with senior political leaders could serve to emphasize the interest of the U.S. government in the case. U.S. Embassy officials could attend legal hearings as a public show of concern. The U.S. Embassy or the State Department in Washington could issue a press release, speak out about detention-related concerns, or seek prison access to the detainees by human rights organizations. The list of options is broad and can be calibrated to respond to social, cultural and political realities. U.S. officials are well versed in the full range of these subtle and not-so-subtle diplomatic responses, but they must first be persuaded to respond. And if they do not, members of Congress in Washington should be persuaded to intervene to raise the profile of the case within the State Department, and ultimately within the U.S. Embassy in the appropriate country. Even in less violent cases, the U.S. government could speak out to support the rights of LGBT communities to equal participation in public and private life, to social and economic opportunity and to basic health, education and welfare.

The key to this, of course, is to make certain that U.S. Embassies and other U.S. foreign policy actors take notice and speak out. And for that to happen, the LGBT community here in the United States must first demand — in sufficient numbers and with an articulate message — that our representatives in Congress, in the White House and in U.S. Embassies around the world take notice and begin to use the diplomatic, political and economic leverage available to them to condemn such behavior. Indeed, American diplomats have long argued that U.S. foreign policy should reflect our values as a nation. LGBT Americans must now make similar demands. With even a modest level of pressure, the U.S. diplomatic establishment could be nudged into following the lead of many European countries in openly and assertively standing up for basic human rights protections on behalf of LGBT communities overseas.

### **Foreign Policy Targets to Be Considered**

The initial question that must be answered through this discussion is simple on the surface: How would an LGBT-responsive U.S. foreign policy perspective differ from

what we have today? A healthy dose of skepticism should guide the answer. A new U.S. foreign policy paradigm that responds to LGBT human rights demands internationally will take a shift in thinking and in diplomatic priority setting. But intermediate steps are possible.

In 2003, the Swedish Government issued a new development strategy focusing on excluded and marginalized individuals and groups, including those excluded and marginalized based on their sexual orientation.<sup>5</sup> The Swedish Government noted that this would be diplomatically complicated, but that “Sweden will continue to raise and take initiatives with respect to difficult and controversial issues. Experience shows that progress can be made if we take a long-term view and work together purposefully with like-minded nations and groups.”<sup>6</sup> The Swedish Government later went on to request an action plan from the country’s foreign aid agency to explain “how work on sexual orientation and LGBT issues will be concretized in development cooperation.”<sup>7</sup>

Even within a new Presidential Administration and new leadership in the State Department, when confronted with international LGBT concerns, most State Department officials will logically point to other diplomatic priorities that are more urgent, more achievable or more popular with other domestic constituencies. But over the medium term, there are ways to push LGBT foreign policy advances. The Swedish Government example offers encouragement.

Some potential advocacy targets are listed here for illustrative purposes. This list is merely offered as a starting point for further consideration and discussion.

- **Encouraging U.S. Embassies to raise concerns over human rights abuses and to speak out against harmful or discriminatory laws or practices – *Nigeria case study***

The U.S. Embassy in Nigeria could have spoken out more forcefully this year against the dangerous Same-Sex Marriage (Prohibition) Act. But the Nigeria case study also provides another good example of a more general point. U.S. Embassies should be encouraged to extend their diplomatic good will to LGBT activists on a more consistent basis. On a European tour in June, President Bush delivered a major democracy promotion speech in which he urged U.S. Ambassadors to get out of their embassies and meet democracy and human rights activists. He argued that “[p]eople living in tyranny need to know they are not forgotten.” Given the Administration’s record in this area, the speech was greeted with skepticism.<sup>8</sup> But the idea is important. This emphasis on individualized diplomacy is by now well accepted.

---

<sup>5</sup> Swedish Government bill 2002/03:122, Parliamentary report 2003/04:003, circular 2004/05:4.

<sup>6</sup> Id at 15.

<sup>7</sup> Swedish Government Letter of Appropriation for the budget year 2006, as cited in “Sida’s work on Lesbian, Gay, Bisexual and Transgender issues in international cooperation,” Sida 2006.

<sup>8</sup> See “Bush is Losing Credibility on Democracy, Activists Say,” in *The Washington Post*, Jun. 10, 2007, at A19.

Most within the State Department and in other foreign policy circles would agree that American Ambassadors should reach out to human rights leaders and build personal relationships that lend attention, credibility and some level of protection to those standing up for basic rights and freedoms. The same is certainly true for LGBT human rights leaders. A well placed invitation to a lunch at the U.S. Embassy could showcase a key LGBT issue or offer the spotlight to an LGBT activist working in a difficult environment. It could also send a subtle but important message of U.S. interest in the well-being of an activist whose life might otherwise be at risk. This sort of individualized diplomacy has been exploited by the United States throughout our diplomatic history, and LGBT activists here in the United States should demand a similar level of personalized LGBT diplomacy from our foreign representatives.

- **Providing civil society support to LGBT organizations and human rights efforts in other countries – *Dutch Embassy support, Swedish Government strategy***

The Dutch and Swedish Governments regularly offer direct and indirect support to LGBT organizations and activists working in dangerous environments. Increasingly other European embassies have been following this lead. During the recent debate over the Same-Sex Marriage (Prohibition) Act in Nigeria, the Dutch Embassy provided direct financial support to help Nigerian human rights organizations organize in opposition to the bill. LGBT constituencies in the United States should demand similar outreach by U.S. Embassies in emergency situations.

In November 2007, the government of the Netherlands went a step further by demanding that all Dutch ambassadors serving in countries receiving Dutch development aid begin advocating for the decriminalization of homosexuality (in those countries where it is still criminalized) and for the implementation of effective LGBT human rights protections. The announcement was made in Parliament by the country's Development Minister, after a government study found that homosexuality was still criminalized in 18 of the 36 priority development countries that receive a large majority of the Netherlands' development assistance.

The Swedish Government's development policy is just as encouraging. It specifically mandates integrated development support for LGBT issues. The policy is still being internalized, but the aid money is already flowing and LGBT organizations around the world are beginning to see the results of the new policy. Other European governments, including the UK Government, are also focusing their development assistance on "pro-poor" efforts to reach particularly marginalized and vulnerable communities, with some assistance now flowing to LGBT organizations, particularly within the context of HIV/AIDS outreach work. The U.S. Agency for International Development could begin to adopt similar approaches to vulnerable communities long excluded from development assistance and economic support programs, most likely through its current stream of "Democracy and Governance" funding.

- **Immigration equality – *One of the few areas of engagement***

To date, the LGBT community in the United States has been focused more on same-sex immigration barriers than it has to any other human rights issue touching on U.S. foreign policy considerations. In big cities, and even in rural settings, many lesbian, gay, bisexual and transgender Americans know personally someone struggling to maintain a same-sex relationship in the face of homophobic immigration laws. These transnational couples often have very sympathetic stories, and support for their struggles and for immigration equality is certainly growing within the domestic LGBT movement. The reintroduction of the Uniting American Families Act in Congress in May 2007 attests to the growing strength of the issue. And the Human Rights Campaign has now added a question to its Presidential candidate questionnaire addressing support for immigration benefits for bi-national same-sex couples. The growing demand within the LGBT community for immigration related benefits should be considered within the context of this larger foreign policy discussion. Some of that energy and support could almost certainly be channeled into greater interest in U.S. foreign policy more generally.

- **LGBT asylum – *Preparing for the backlash***

The U.S. asylum process for LGBT applicants remains highly uneven and largely dependent on the biases of immigration officials. Nonetheless, large numbers of strong LGBT asylum claims are being granted by administrative and federal courts based on a string of good decisions that date back to the first precedent decision issued by President Clinton’s Justice Department. An increasing number of sexuality-based cases are also making their way into federal appeals courts, reflecting both their complexity and the poor adjudication they often receive at the first-instance level of immigration review. As these complicated cases continue to be reviewed by higher-level appeals courts, and perhaps one day by the U.S. Supreme Court, a more organized conservative backlash could emerge against the practice of granting permanent refuge to those fleeing persecution on the basis of their sexual orientation or gender identity. As the conservative commentator Bill O’Reilly so childishly put it when commenting on a recent Ninth Circuit Court of Appeals decision, “are you saying that every homosexual in the world . . . . can come here . . . .if they think that somebody’s going to yell at them?”<sup>9</sup>

A better informed U.S. foreign policy establishment will be more capable of responding to any potential asylum backlash with accurate information about the true intensity of the persecution that exists in various countries, while simultaneously articulating that asylum cases demonstrate how important it is to promote an LGBT-inclusive human rights agenda within other countries. The domestic LGBT community must also defend asylum while supporting human rights initiatives in those countries where LGBT asylum claims are most obviously well-founded.

There also appears to be a quiet trend within some immigration contexts toward overstating the legal and political gains made by LGBT communities in other parts of the world, particularly in Latin America, where domestic partnership and anti-discrimination

---

<sup>9</sup> The O’Reilly Factor, Fox News Network, Feb. 14, 2007, Transcript 021402cb.256.

laws are slowly being adopted in large cities. Those initial advances may obscure the violence and persecution that still confront most individuals who transgress entrenched sexual norms in Latin America, especially those living outside of a handful of large cities. Since U.S. Embassies report on both positive legal developments and continuing human rights violations, and since those reports are crucial evidence in LGBT asylum claims, it is imperative that U.S. Embassy personnel develop greater sensitivity to the issues and to the complex matrix of persecution that may in fact increase in the wake of initial legal advances. LGBT advocates in Washington should ensure that the U.S. State Department remains sensitive to these trends and reports on them accurately within the asylum context.

At the diplomatic level, it is also important to recognize that asylum in the United States is based on U.S. treaty obligations under the UN Refugee Convention. The Office of the United Nations High Commissioner for Refugees (UNHCR) has often stressed the importance of granting refugee status for those fleeing persecution as a result of their sexual orientation or gender identity. Diplomatically, the United States government should promote that interpretation of the Refugee Convention more actively, since it is by now well entrenched in U.S. jurisprudence.

- **Encouraging U.S. diplomatic positions on sexuality related issues in multilateral settings – *Building a progressive sexual rights caucus***

Within the United Nations and the Organization of American States, the United States must stop throwing its diplomatic weight behind efforts to block sexual and reproductive rights. These U.S. positions embolden nations that are most opposed to the recognition of even basic LGBT rights. This effort should also recognize that the Organization of American States appears uniquely poised to assume a new position of leadership on LGBT human rights issues, perhaps joining some of the more progressive positions of the European Court of Human Rights. These OAS steps must be encouraged by U.S. diplomats, not challenged.

U.S. diplomacy and U.S. funding should also be calibrated to support a progressive human rights approach within the Organization for Security and Co-operation in Europe (OSCE) and by the newly reinvigorated African Commission on Human and Peoples' Rights and the new African Court of Human and Peoples' Rights. As a positive sign, the African Commission has expressed concern over the Same-Sex Marriage (Prohibition) Act in Nigeria.

- **Foreign policy and the U.S. Presidential race – *International LGBT positions?***

Presidential candidates should be asked direct questions about support for human rights issues impacting LGBT communities internationally. Responses by most candidates are likely to be couched in answers that highlight support for HIV/AIDS funding and outreach to “vulnerable” groups, with perhaps some mention of immigration equality as seen in the new HRC presidential candidate questionnaire. But candidates should also be pressed to reach beyond the political safety of answers focusing on HIV/AIDS

programming or limited immigration rights. HRC, NGLTF and other LGBT political organizations could begin to add questions to their presidential scorecards on issues such as UN outreach and direct funding for LGBT human rights organizations internationally. A few well placed questions focusing on human rights abuses against LGBT communities could provide the impetus for greater attention to LGBT foreign policy issues during the upcoming campaign. They could also simultaneously clarify the starting point for LGBT foreign policy advocacy within a new Presidential Administration and a new State Department.

- **Corporate leadership – *Extending same-sex employee benefits internationally***

Many socially responsible corporations are voluntarily struggling to extend same-sex partner benefits to employees worldwide. These benefits, even when extended voluntarily, often create significant legal complications for well-intentioned corporations. Increasingly, however, corporations are using their economic clout to demand legal exceptions or special arrangements that allow them to provide more equitable personnel policies for same-sex employees. And once the Employment Non-Discrimination Act (ENDA) eventually becomes federal law in the United States, more companies will be forced to struggle with the inequities in their personnel policies as compared across countries and regions, along with the inherent visa complications involved in transferring LGBT employees and their same-sex spouses. There may be an important role for U.S. Embassies to play in supporting these negotiations on behalf of U.S. companies – and ultimately on behalf of all workers as a human rights issue. And corporate responsibility indexes could eventually be calibrated to account for a company's efforts (or ability) to extend same-sex partner benefits across all country offices for all employees worldwide.

### **Tactics and Tools to Be Considered**

The next set of questions relates to how we begin to build an LGBT responsive foreign policy. What tactics or tools do we need as we move forward? What policy tools are likely to appeal to the LGBT community? And which are most likely to appeal to the foreign policy community?

- **Building foreign policy interest within the LGBT community**

The most important tool is our voice. Like some influential ethnic and religious communities in the United States, the LGBT community has the potential to unify around a series of broad foreign policy demands. And that unity, when combined with the growing political and financial influence of the LGBT community within the Democratic Party, should begin to translate into more meaningful foreign policy influence. The foreign policy establishment in the United States will be far more likely to respond to a demand-led appeal from domestic LGBT organizations and activists. Without grassroots support and political money, the effort will be far more difficult.

The discussions on this point should consider the potential to tap into the growing interest within the U.S. LGBT community over same-sex immigration issues and whether some

of that energy could be projected outward toward U.S. foreign policy issues more generally. And while seemingly frivolous, there is also clearly a wealthy and politically active segment of the LGBT community that travels internationally far more often than the average American. Considering the growing popularity of international gay cruises, those foreign travel trends seem to be continuing and could one day provide opportunities for broaching conversations about the hostile human rights environments facing LGBT communities in the Caribbean and in other favorite destinations for LGBT travelers.

- **Nurturing alliances with like-minded advocacy campaigns**

As with any new advocacy effort, one of the most important initial activities will be to identify and nurture alliances with like-minded advocacy organizations that have greater experience in shaping Washington policy. In addition to some of the more obvious alliances with LGBT and human rights advocacy organizations themselves, this effort must also build broader coalitions and alliances with other affinity communities that are working to influence U.S. foreign policy objectives. These alliances should include women's rights and reproductive health organizations that are trying to lift international funding limitations, as well as progressive religious and ethnically identified organizations, international HIV/AIDS programming organizations and advocacy organizations demanding an overall expansion of U.S. development assistance.

These alliance-building efforts will require a significant amount of time and effort and should not be taken for granted. In almost all cases, these natural allies also have the potential to oppose an LGBT-focused foreign policy effort if the initiative is not presented with sensitivity and deference to the work of more established foreign policy advocates.

- **Improving press coverage**

The gay press offers little coverage of international issues. And the mainstream press even less so. Any effort to spark demand for an LGBT-inclusive U.S. foreign policy will require greater mainstream access to information on international LGBT issues. Human Rights Watch deserves much recent credit for increasing the level and the sophistication of current press coverage in the United States, but much more can be done. A recent editorial in *The New York Times*<sup>10</sup> opposing the Same-Sex Marriage (Prohibition) Act in Nigeria was a remarkable achievement. But the relative novelty of that editorial also shows that more coverage is imperative. And much of the confused and outright erroneous reporting on the July 2005 execution of two Iranian youth for vague sexual charges demonstrates just how much effort is needed to provide accurate and culturally sensitive information to the press.

Advocates might initially concentrate on reaching out to the LGBT press, which seems receptive to covering international issues if given access to information and experts to help interpret the news. It is interesting to note, however, that the *Washington Blade*

---

<sup>10</sup> "Denying Rights in Nigeria," *The New York Times*, Mar. 8, 2007, at A22.

recently published an analytically weak story that made domestic LGBT organizations sound very defensive when explaining their lack of attention to international LGBT issues.<sup>11</sup>

- **Raising LGBT issue with visiting diplomats and heads of state**

When heads of state, foreign ministers and other senior foreign officials come to Washington on official visits, they usually hold meetings – often an official lunch – with members of Congress. This generally includes a meeting with the Senate Foreign Relations Committee and the House Committee on Foreign Affairs. Several members of Congress make a point of raising human rights questions during these meetings, and some have occasionally raised LGBT related concerns with senior officials. But targeted LGBT questions are exceptionally unusual. The LGBT community could set its long-term sights on demanding more consistent attention to LGBT issues during these diplomatic meetings in Washington. Several leading members of Congress could be persuaded to raise LGBT issues more consistently, particularly after some prompting from LGBT activists or organizations in their home states.

And while these high-level meetings often appear pointlessly laden with diplomatic pleasantries, their value should not be underestimated. Persistent questioning will eventually encourage visiting dignitaries and foreign ministers to begin to anticipate scrutiny of the human rights protections afforded to their LGBT citizens back home. Their answers to those questions will almost certainly be evasive, but the consistency of questioning is important. And once foreign leaders begin to anticipate the questions, some might even take steps to adopt laws and practices that provide better answers.

- **Encouraging Congressional action - *Resolutions and hearings***

Congressman Lantos has previously introduced a House Resolution “Expressing the concern of Congress regarding human rights violations committed against lesbians, gay men, bisexuals, and transgender (LGBT) individuals around the world based on their real or perceived sexual orientation or gender identity.” Similarly broad as well as potentially more targeted resolutions could be introduced in the current Congress. And their introduction could be accompanied by Congressional hearings. Eventually, policy hearings should be conducted to help identify specific diplomatic and funding options to translate the State Department’s annual reporting on LGBT human rights violations into a meaningful U.S. foreign policy response.

- **Ambassadorial Confirmations – *Using the confirmation process as leverage***

Ambassadorial confirmation hearings offer another potential venue to raise LGBT related issues with future U.S. Ambassadors. Several members of the Senate Foreign Relations Committee could be persuaded to ask questions of nominees who have been appointed to serve in countries where the State Department’s own human rights reports point to a

---

<sup>11</sup> “Should U.S. gay groups adopt a broader scope,” *Washington Blade*, by Elizabeth Perry, Jun. 15, 2007, at A10.

troubling human rights landscape for local LGBT communities. As Chair of the Africa Subcommittee, Senator Feingold, for example, could almost certainly be counted on to ask those sorts of questions of U.S. Ambassadors being posted to African countries with grave LGBT human rights records. And when these career Ambassadors return, and are re-nominated for new postings in other countries, their record on LGBT issues could then be challenged – or praised. The only significant impediment to such an effort is in the time required to keep track of the nearly constant ambassadorial nomination process in the U.S. Senate.

### **Potential Obstacles To Be Addressed**

This proposal merely outlines some of the key issues and potential targets to be considered as this discussion moves forward. Several obstacles to building an LGBT-inclusive U.S. foreign policy should also be carefully articulated. The most immediate obstacles relate to three broad sets of points. First, given the current lack of U.S. credibility on human rights issues at the international level, it is important to ask if this effort is viable in the short or even the medium term. A second set of obstacles involves the potential for a domestic backlash that could potentially come from the LGBT community itself if international efforts are perceived to be draining domestic efforts or scarce financial resources. A third set of obstacles relates to the political nature of the work and the ability to fund it.

The following is a partial list of obstacles to building an LGBT-inclusive foreign policy that should be considered – and expanded – as part of the initial consultation process.

- Given the legacy of the Bush Administration, will the United States have the necessary credibility (even under a new President) to embark on an LGBT-supportive human rights campaign at the international level? What are the potential benefits of U.S. engagement as compared to the costs of benign U.S. disengagement? Could this LGBT-inclusive human rights focus send a diplomatic message about the intention of a new President and a new State Department to reassert human rights leadership at the international level?
- How great is the potential for backlash on the political right? And on the left? And within the LGBT community itself?
- As conservative U.S. advocacy organizations continue to take their work and their agendas to the international level, including to the United Nations where they are regularly fighting the inclusion of sexual and reproductive health provisions in international conferences and treaties, this LGBT initiative could be targeted for particular attack. What safeguards should be put in place to prepare for an early and aggressive attack against this work?
- How political should this effort be? Should there be a “C-4” non-charitable component to fund a clear political agenda and dedicated Congressional lobbying on

LGBT foreign policy issues? How involved in the 2008 Presidential campaign should (or could) this initiative become?

- Why have other foreign policy efforts by other issue-based and ethnicity-based groups floundered? Why should the LGBT community be any more optimistic?
- Is there sufficient funding to support this effort? How should it be organized? Should it be identified more with an existing LGBT organization? With an existing international policy organization? With an existing human rights organization? Should this be an independent effort?