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**House Committee on Foreign Affairs**  
**“Global Human Rights Under Siege”**  
**July 12, 2016**

Mr. Chairman,

I am honored to join you today to discuss “Global Human Rights Under Siege.” Human rights protections are indeed under siege – and that is particularly true for lesbian, gay, bisexual and transgender (LGBT) individuals globally. The targeted attack on a gay bar in Orlando just one month ago today, which killed 49 young persons and wounded scores more, provides a sobering reminder of that fact, and it lends a jarring perspective from which to consider the global human rights landscape today.

If the persecution of LGBT individuals was ever considered a minor distraction, meriting little policy interest, the Orlando massacre has proven that idea wrong. My comments this morning aim to prove that idea wrong as well. I submit that such ISIS-inspired violence, and that anti-LGBT propaganda in general, are part of a global conflict of ideas, one that challenges fundamental democratic values and pluralistic societies everywhere. We must respond to this challenge by recommitting ourselves and our country to the fundamental freedoms and democratic ideals that have made our country strong.

For many LGBT individuals globally, particularly in the nearly 80 countries that criminalize consensual same-sex relationships with long prison sentences or death, violence is an everyday reality. To quote Thomas Hobbes, in the absence of government protection, or, worse yet, when your government turns on you and actively persecutes you, life becomes “solitary, poor, nasty, brutish and short.”

Life is **solitary** when you are criminalized for who you are and who you love; when the clubs, coffee shops and community centers where you might meet other LGBT persons are raided by the police as criminal venues, and the patrons arrested and forced to undergo dangerous and humiliating anal exams to try to prove homosexual sexual activity. Life is materially **poor** when you are driven out of school, denied job opportunities and pushed to the margins of your country’s economy. Life is **nasty and brutish** when you are targeted for hate crimes, “corrective rape,” or extrajudicial execution. And life is certainly **short** when you are gunned down in a club like the pulse nightclub in Orlando – or on the streets of any city in Central America. Indeed, the UN and others have estimated the life expectancy of transgender women in Central America to be less than 35 years of age.

The State Department's annual human rights reports confirms this daily reality. As usual, this year's report offers disturbing pictures of violence being committed against LGBT people worldwide, from Afghanistan to Honduras to Kenya. In this year's report, targeted LGBT killings are cited in countries ranging from Germany to Honduras and Russia to Pakistan. Attacks are commonly identified as occurring in both public and private spaces. The Mali report explains that "family members, neighbors, and groups of strangers in public places committed the majority of violent acts, and police frequently refused to intervene." But even in the home, the report recognizes that LGBT individuals are targeted for abuse and sexual violence by family members, including in countries ranging from Belize to Romania and Cambodia to Zimbabwe. The Zimbabwe report notes that "some families reportedly subjected their LGBTI members to 'corrective' rape and forced marriages to encourage heterosexual conduct." In Ecuador, "LGBTI organizations and the government continued to report that private treatment centers confined LGBTI persons against their will to 'cure' or 'dehomosexualize' them." Although illegal, the clinics also reportedly used extreme treatments, including rape.

The vast majority of the State Department country reports cite a reluctance on the part of victims – characterized as outright fear – to report such abuse to authorities in the belief that they would be ignored at best but also potentially targeted by the police for filing the complaint. The South Africa report discusses the "secondary victimization" of individuals, particularly lesbian and transgender women, including cases in which police harassed, ridiculed, and assaulted victims of sexual- and gender-based violence who reported abuse.

In many other cases, from Azerbaijan to Kenya and from Guatemala to Turkey and Indonesia to Sri Lanka, the State Department report notes patterns of abuse of LGBTI citizens by police or other security forces, or other inappropriate police action. The Bolivia report cites a study that found that 82 percent of those surveyed "knew of at least one person whom police had arbitrarily detained due to sexual orientation or gender identity." Police in all regions regularly extorted money from presumed LGBT individuals by threatening to arrest or expose them, including when LGBT individuals attempted to report violence or seek protection. In Mexico and Venezuela, cases of violence are often recorded by the police as "crimes of passion" that are then ignored in the belief that they are little more than domestic squabbles between jilted lovers.

Given these findings, and turning back to Orlando and its global legacy, I believe our country and our allies must not under-react or overreact, and that we must not obfuscate the difference between these two extremes. To be sure, in response to the Orlando attack, we must recognize that ISIS is indeed a threat to the LGBT community, as it is to other ethnic and religious communities in the Middle East and beyond. The State Department has found that ISIS is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims. In the same way, ISIS has also targeted LGBT individuals with ferocious violence and a similar intent to destroy the community.

One of the Council for Global Equality's member organizations, OutRight Action International, has monitored ISIS-affiliated propaganda sites, and they have documented more than 40 men

who have been accused of sodomy and killed in horrific public executions over the past 19 months – and those are just the cases that ISIS itself has taken credit for on social media. In response to this violence, for the first time last summer, the United States and Chile co-sponsored a Security Council briefing on LGBT-related atrocities in ISIS-controlled areas.

Unfortunately, as we all know, the global assault on the fundamental freedoms of LGBT citizens is not limited to ISIS-controlled territories. With echoes of Orlando, in April we also witnessed the brutal murder by an ISIS-inspired group of a gay man in Bangladesh who worked as a local employee for USAID and published a gay-rights magazine. Russia has led a new assault on LGBT organizations and individuals through an “anti-propaganda” law that bans all public discussion of homosexuality, even in the context of HIV/AIDS, and it is using the law and other related prohibitions on democracy groups to close down LGBT organizations and LGBT-friendly venues. Versions of this Russian law have popped up in one form or another across most of the former Soviet Union and they are emerging now in Africa, where criminal penalties for LGBT individuals are already severe – and severely enforced in a number of African countries.

Indeed, this ISIS violence and propaganda is part of a larger war of ideas, one that challenges democratic values and pluralistic societies. But we must be clear: It is a war of ideas not religions. Authoritarian governments from Uganda to Kazakhstan, and even allies such as Egypt and India and Indonesia, have adopted anti-LGBT rhetoric to justify the closing of civil society space and to limit democratic engagement. Freedom House records this in its annual survey as a point of fact: democracy and human rights groups are under severe threat, and attacks on LGBT groups are often the first line of assault in that broader crackdown.

At the same time, I would urge us not to overreact to the violence in Orlando or to ISIS threats beyond our country. We must not close our borders or turn inward. We need to keep our borders open and offer protection, together with our European allies, for those refugees who are most vulnerable – those who cannot wait out the conflict in a camp or in a neighboring country because they simply would not survive. This includes LGBT refugees fleeing persecution. LGBT refugees are some of the most vulnerable individuals on the planet; even in their most desperate hour of flight, they are rejected by their own refugee community and exposed to extreme levels of violence and persecution at every turn.

Finally, we must not allow countries to obfuscate or to justify sweeping anti-democratic actions in response to terrorism. Instead, we must hold ourselves and our allies to our international human rights commitments, rejecting any inclination to exploit very real terror threats as a justification to shut down legitimate democracy and civil society organizations, including LGBT groups. Turkey recently banned a gay pride parade for the second year in a row, citing threats of terrorism to justify the ban. While we know, tragically, that there is a very legitimate threat of terrorism in Turkey, safe accommodations could have been secured to allow peaceful forms of expression and association in a safe venue. At the same time, a leading LGBT group in the country has accused the government of failing to provide its office and its employees with appropriate physical protection in the face of this very same terrorism threat.

So in this global environment, where civil society space is shrinking, where countries like Russia and China are exporting sophisticated cyber surveillance technology that allow authoritarian governments to spy on the legitimate democratic initiatives of their citizens, where fundamental protections for ethnic, religious and LGBT minorities are denied, and where the very notions of pluralism and democratic citizenship are being questioned by allies and foes alike, what course should we chart at home and abroad? The only proper way forward, and the only fitting tribute to Orlando, is to double-down on our investments in civil rights at home, human rights abroad and democratic governance globally.

U.S. financial support for good governance and human rights overseas must be protected even in difficult budget years – surely there should be bipartisan support for these investments given the trends that we have identified today. This is all the more important as our European allies, longstanding co-investors in human rights programs globally, are turning inward to respond to existential internal challenges. In the LGBT context, this means that we should continue to invest in the Global Equality Fund at the State Department, which is supported by 13 other countries under U.S. leadership. The fund has supported front-line human rights defenders as they stand for fundamental rights for LGBT individuals in more than 80 countries globally.

We should support USAID and the World Bank as they identify development opportunities for marginalized LGBT individuals, and in so doing demonstrating the macro-economic benefits of LGBT participation in the workplace. A World Bank study recently concluded that homophobia costs the Indian economy \$31 billion or more annually in lost economic opportunities. To their credit, the State Department's Special Envoy for the Human Rights of LGBTI Persons, together with USAID's Senior LGBT Coordinator, are leveraging these opportunities to ensure that our investments in human rights and development today pay off with handsome democratic and economic dividends in the years ahead. In short, modest U.S. assistance to global LGBT communities offers an unparalleled long-term return on investment.

Recognizing the magnitude of hate violence targeting LGBT individuals everywhere, the State Department, working closely with civil society and the private sector, is also identifying opportunities to address bias-motivated violence using our global rule of law and criminal justice assets, recognizing in particular the need for law enforcement, judges, legislatures, governments, and civil society to work together to respond comprehensively and decisively to such violence. This year's State Department human rights report reminds us that there is much more work to do. But it also provides a glimmer of hope, recognizing some of the unique steps that a handful of governments are taking to acknowledge, document and respond to extremely high levels of bias-motivated violence targeting LGBT individuals.

This is also the moment to double-down on our investments in multilateral institutions, including the United Nations. The UN Office of the High Commissioner for Human Rights and the UN Human Rights Council are playing leading roles in responding to violence and discrimination on the basis of sexual orientation and gender identity globally. Just two weeks ago, following a request from over 600 civil society organizations from 147 countries, the Human Rights Council created a new Independent Expert position to document and respond to

such abuses. This is a long-awaited and groundbreaking development that will unlock existing resources to elevate the UN's attention to LGBT hate crimes and related violations. And with strong U.S. leadership, the UN Security Council last month condemned the killings in Orlando, recognizing for the first time that these individuals were targeted because of their sexual orientation.

Thank you, Mr. Chairman, for your attention to these human rights concerns. It should be clear that countries that turn on their own LGBT citizens, or that scapegoat their LGBT citizens to distract from broader political or economic failings, are equally likely to turn on other ethnic or religious minorities and on human rights and democracy groups writ large. In contrast, all of our strongest allies, from Canada to our European partners to Israel, have strong civil rights protections for their LGBT citizens. This is not a coincidence, and the State Department's Special Envoy for the Human Rights of LGBTI persons should continue to make that point to those governments that hope to deepen their diplomatic and economic relationship with the United States in the years to come.

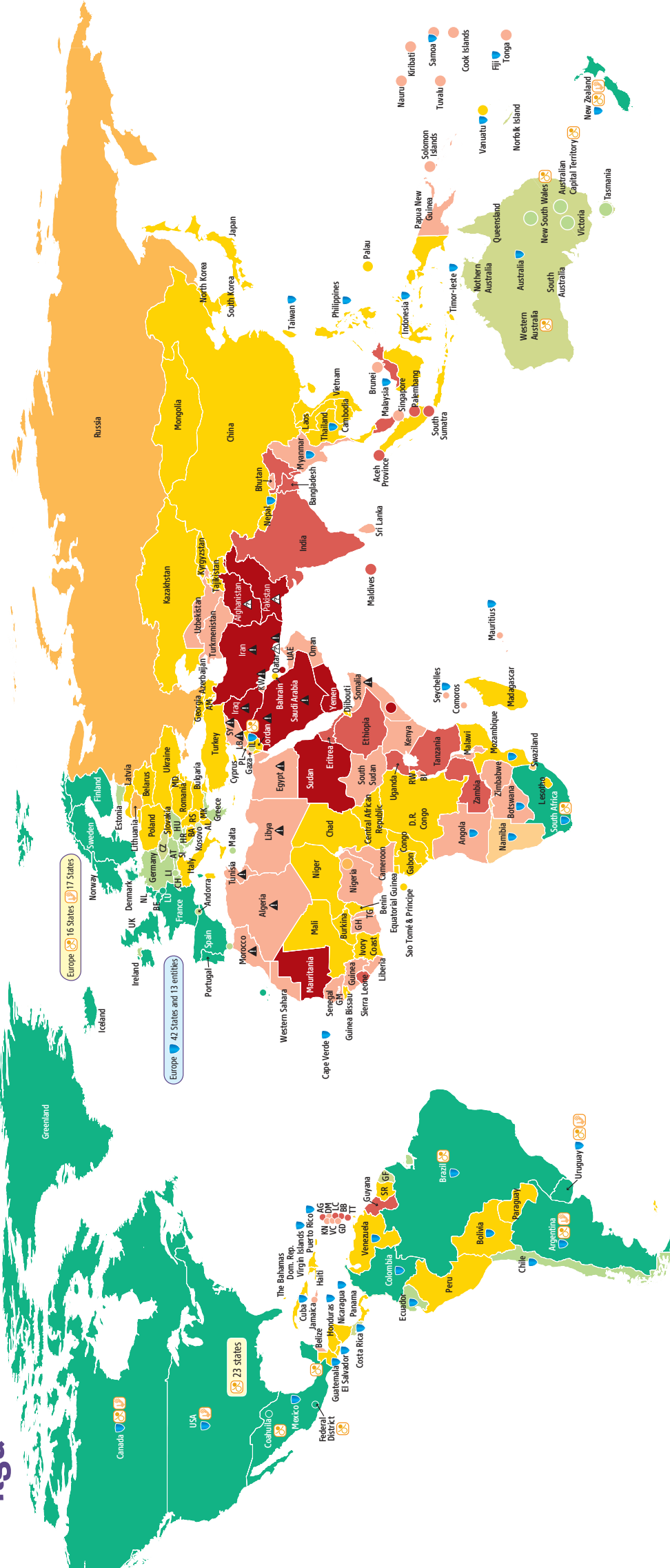
As a supplement to this testimony, please see a map by the International Lesbian, Gay, Bisexual, Trans and Intersex Association that charts laws impacting LGBT citizens in countries across the globe.



# SEXUAL ORIENTATION LAWS IN THE WORLD - OVERVIEW

ILGA, THE INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION

**MAY 2016**  
WWW.ILGA.ORG



## CRIMINALISATION

### IMPRISONMENT

75 countries and 5 entities

### DEATH PENALTY

13 States (or parts of)

Death penalty not known to be implemented

Morality laws (religion-based) that limit LGBT freedom of expression and association

### Death penalty

Imprisonment 14 Y - Life

Imprisonment up to 14 years

Promotion ('propaganda') laws limiting freedom of expression

No penalty specified

## PROTECTION

### ANTI-DISCRIMINATION LAWS

76 countries and 85 entities

Includes employment, Constitution, other non-discrimination protections, hate crime and hate speech.

### NO SPECIFIC LEGISLATION

Laws penalising same-sex sexual acts decriminalised, or never existed

## RECOGNITION

### RECOGNITION OF SAME-SEX UNIONS

34 countries and 65 entities

### JOINT ADOPTION

27 countries and 28 entities

### SECOND PARENT ADOPTION

17 countries and parts of Italy



### Marriage

Equal (almost equal) substitute to marriage

Clearly inferior substitute to marriage

The data represented in this map, and the three accompanying separate maps on Criminalisation, Protection and Recognition, are based on *State-Sponsored Homophobia: a World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, an ILGA report by Aeguis Carroll. The report and these maps are available in the six official UN languages: English, Chinese, Arabic, French, Russian and Spanish on [www.ilgaglobal.org](http://www.ilgaglobal.org). This edition of the world map (May 2016) was coordinated by Aeguis Carroll and Renato Sabadini (ILGA), and designed by Eduardo Enoki (eduardo.enoki@gmail.com).