

## **Biden Administration Promotes LGBTQI Rights in Foreign Policy, Threatening International Religious Freedom**

By *Grace Melton* on May 13, 2021

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American tradition rooted in the US Constitution has long held that every individual is entitled to his or her rights to life, freedom of belief, speech, and conscience. Indeed, religious freedom is established as our “first freedom” in the Bill of Rights.

These rights aren’t uniquely American, of course. Religious freedom protections <sup>[1]</sup> also exist in both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights <sup>[2]</sup>. Both explicitly protect everyone’s freedom to manifest his or her beliefs in private and in public, individually or in community.

These rights are universal precisely because they emanate from our inherent human dignity and are not a result of one’s membership in any particular group <sup>[3]</sup>. Grounding these inalienable rights on any foundation other than our shared human dignity weakens the exercise of those rights. And religious freedom is paramount because it protects what makes us human <sup>[4]</sup>.

But the Biden administration has apparently decided to de-prioritize religious freedom <sup>[5]</sup>. Secretary of State Antony Blinken’s recent statement <sup>[6]</sup> that “there is no hierarchy that makes some rights more important than others” is an unequivocal rejection of the assertion that religious freedom is a pre-political, natural, and inalienable human right that deserves and requires greater protection than positive rights that are created by the state.

In the early weeks of his administration, President Joe Biden issued a “Memorandum <sup>[7]</sup> on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World.” It directs all US government entities that engage abroad to “pursue an end to violence and discrimination on the basis of sexual orientation, gender identity or expression, or sex characteristics.”

In response, the Department of Defense issued its own proclamation <sup>[8]</sup> in which it promised to “lead by example” and “expand efforts to combat discrimination, homophobia, transphobia, and intolerance.” This policy is reminiscent of the administration’s decision to permit unrestricted military service by transgender individuals <sup>[9]</sup> insofar as it elevates politically correct liberal priorities over both sound military practices and respect for inalienable rights <sup>[10]</sup>.

To state the obvious, targeted violence on the basis of any characteristic, including LGBT status, is repellant and wrong. And the US government should promote human rights and defend all victims

of human rights abuses wherever and whenever possible.

But this new Biden policy will go much further than that. It will have a substantial impact on our foreign aid, diplomacy, and military interactions with other nations and cultures. And it will have potentially far-reaching consequences for religious freedom and conscience protections for American faith-based organizations that operate around the world, as well as for religious believers of all creeds in other countries.

For example, the Department of Defense memo directs DoD components to combat “intolerance” and “discrimination” on the basis of LGBTQI+ status or conduct. These are expansive terms that lack definition.

It further promises to fight “homophobia” and “transphobia,” which means that the US military is now effectively charged with pressuring other countries to change their domestic laws and policies dealing with sexual conduct and other sensitive moral issues. Military leaders are now simultaneously charged with promoting relationships with allies and also promoting LGBTQI+ tolerance and policies. It may prove very difficult to do both.

One primary target of these terms is the marriage laws of other countries. These laws are influenced domestically by prevailing religious traditions or cultural norms, and generally reflective of the democratic will of the people in those countries.

The LGBTQI+ agenda and many of its policies are not universally accepted around the world. Many countries and religions, particularly in the developing world, view “gender ideology” as a form of ideological colonialism that specifically threatens their values. Recall that during President Barack Obama’s visit to Kenya in 2015, President Uhuru Kenyatta <sup>[11]</sup> repudiated American efforts to impose Western values on Africans, saying, “Kenya and the United States share so many values; our common love for democracy, entrepreneurship and value for families,” but “there are other things that we do not share; our cultures, our societies do not accept. It is very difficult to impose on people that which they themselves do not accept.”

Efforts by the US to bully these countries into conforming their laws on marriage or other issues of sexual morality to align with the values of American progressives will cause friction with many religious believers, especially in Muslim- or Christian-majority countries.

As Li-ann Thio, professor of law and former member of parliament from Singapore, notes in a recent comprehensive report <sup>[12]</sup> on equality and nondiscrimination in international human rights law, the concept of discrimination on the basis of sexual orientation or gender identity is a “controversial interpretation of [equality and non-discrimination]” that “does not command universal consensus” surrounding its legal status. Therefore, since states have not consented to legally recognizing these new values, the Biden administration’s campaign raises issues of national sovereignty.

Furthermore, as Thio writes, “in Western societies that have adopted SOGI non-discrimination laws, mere disagreement over same-sex marriage has led to state punishment of religious believers.” This distinction between disagreement and discrimination is critical in this context. Consider a familiar example from the United States: individuals with a variety of religious beliefs, or none at all, can disagree about the meaning or purpose of marriage, or about the proper role of the government in encouraging or recognizing marriages. These disagreements often stem from different religious convictions.

The US Supreme Court has also addressed these conflicts between religious liberty and policies based on sexual orientation and gender identity in multiple cases <sup>[13]</sup>, confirming that the government may not treat mere disagreement, particularly when it is rooted in religious belief, over whether two men or two women can or should marry, with hostility. The viewpoint that marriage is between a man and a woman is not the equivalent of race-based discrimination as the left has argued.

As the majority opinion held in Obergefell v. Hodges <sup>[14]</sup>, “the First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths.” Justice Kennedy went on to state that individuals with differing beliefs about marriage “may engage those who disagree with their view in an open and searching debate.”

What, then, is discrimination? Certainly targeting, beating, or imprisoning someone simply because he or she is gay or transgender constitutes discrimination, just as it would be discrimination if somebody was similarly abused on account of his or her race, religion, or biological sex.

However, it is not discriminatory to set boundaries around the definition of marriage. There is no universal human right to the redefinition of marriage. Under the guise of promoting human rights, the United States is instead promoting an ideology about gender identity and sexual orientation that conflicts with internationally recognized rights.

President Biden has also called for the US to continue building coalition groups made up of members from like-minded nations, such as the UN LGBTI Core Group <sup>[15]</sup>, and to engage international organizations to advance LGBTQI+ policies. This call to action will further embolden those within the UN human rights apparatus that have been operating outside their mandates <sup>[16]</sup>. These bureaucrats have been inserting rights <sup>[17]</sup> based on sexual orientation and gender identity into “gender” language <sup>[18]</sup> in human rights treaties, and endeavoring to create new rights <sup>[19]</sup> that UN member states have not agreed to.

On a more practical level, the Department of Defense memo applies to “DoD engagement with governments, citizens, civil society, and the private sector.” Faith-based organizations are leaders in the nonprofit sector and often partner with government entities to deliver aid or services.

For example, groups such as Catholic Relief Services and Islamic Relief USA have operations that serve communities across the world, and they adhere to religious codes that reject many elements of the progressive LGBTQI+ agenda. Nevertheless, these and other religiously affiliated organizations are known for serving individuals of different creeds or none at all, and they effectively deliver much-needed assistance all over the world.

Will a result of this new policy be that faith-based organizations lose out on contracts and partnerships with the US military if they fail to repudiate their religious beliefs about marriage or sexuality? This has already happened with faith-based adoption and foster care in the US.

The United States can and should defend the inalienable human rights of all individuals. And it should encourage other countries to do the same. But that is not the same as penalizing them for rejecting an ideological agenda. Another executive action <sup>[20]</sup> designed to advance the special interests of a particular group <sup>[21]</sup> under the guise of human rights will unnecessarily risk religious freedom at home and abroad, and illustrate progressive prejudice <sup>[22]</sup> against faith and tradition.

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URLs in this post:

[1] Religious freedom protections: <https://www.heritage.org/religious-liberty/report/religious-freedom-international-human-rights-law>

[2] International Covenant on Civil and Political Rights:

<https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

[3] membership in any particular group: <https://www.heritage.org/global-politics/report/the-us-must-protect-human-rights-all-individuals-based-human-dignity-not>

[4] protects what makes us human: <https://www.heritage.org/religious-liberty/commentary/why-religious-freedom-special>

[5] de-prioritize religious freedom:

[https://www.realclearpolitics.com/articles/2021/04/13/biden\\_admin\\_puts\\_religious\\_freedom\\_programs\\_on\\_hold\\_145569.html](https://www.realclearpolitics.com/articles/2021/04/13/biden_admin_puts_religious_freedom_programs_on_hold_145569.html)

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[7] Memorandum: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/memorandum-advancing-the-human-rights-of-lesbian-gay-bisexual-transgender-queer-and-intersex-persons-around-the-world/>

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<https://media.defense.gov/2021/Mar/16/2002601566/-1/-1/0/PROMOTING-AND-PROTECTING-THE-HUMAN-RIGHTS-OF-LGBTQI%2B-PERSONS-AROUND-THE-WORLD.PDF?source=GovDelivery>

[9] unrestricted military service by transgender individuals:

<https://www.heritage.org/defense/commentary/bidens-new-policy-transgender-troops-will-weaken-our-military>

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- [12] report: <https://www.heritage.org/civil-rights/report/equality-and-non-discrimination-international-human-rights-law>
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