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An Overview of State-Sponsored Homophobia and LGBTI Rights Worldwide

Presentation to Miami Asylum Officers

(b)(6)

Dr. Professor of Political Science, 24 February 2021

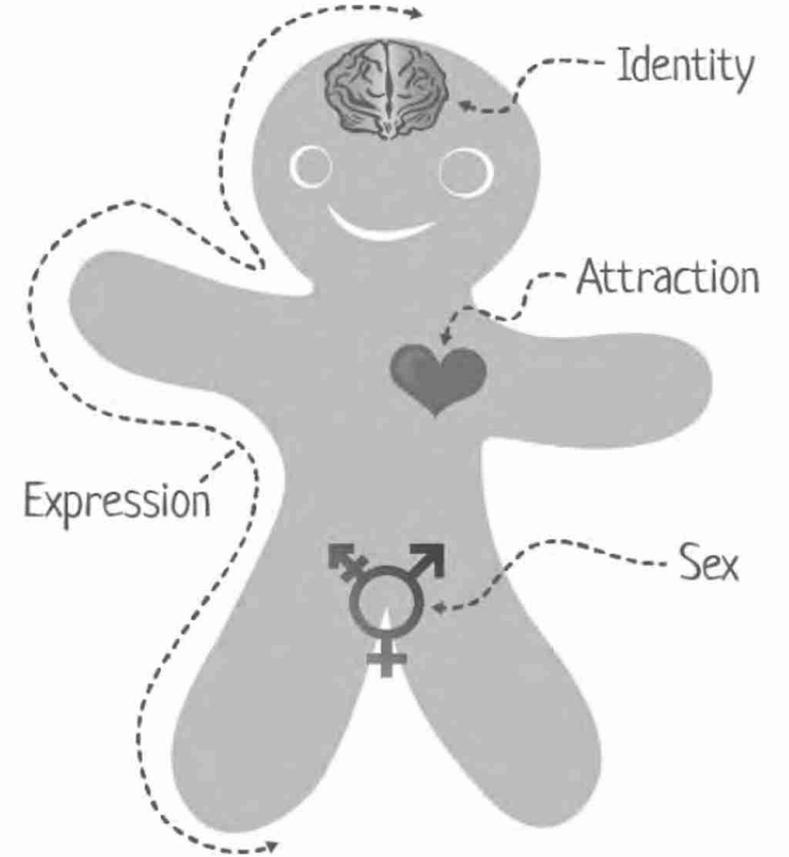


PRESENTATION OUTLINE

1. Key Terms
2. Conflicting International Norms regarding LGBTI Rights
3. Overview of Resulting Problems
4. Questions?

What does LGBTIQ refer to?

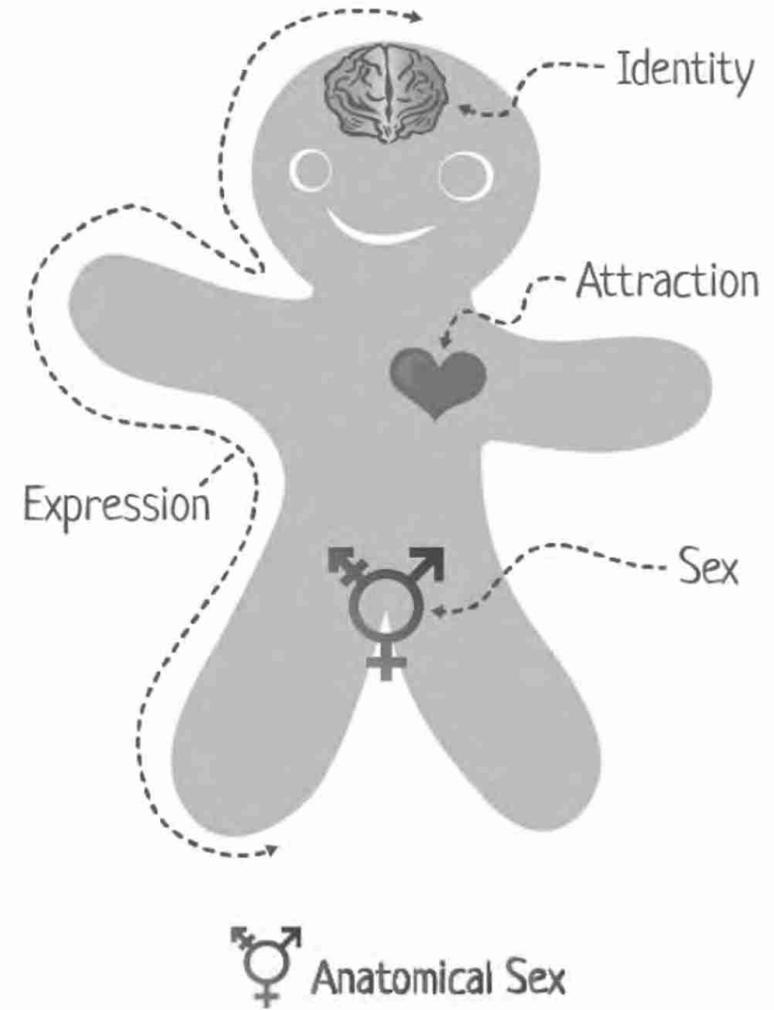
- Anatomical Sex (physical)
- Sexual Orientation
- Gender Identity (cultural)
- Gender Expression



Anatomical Sex

- Female
- Male
- Intersex (I)

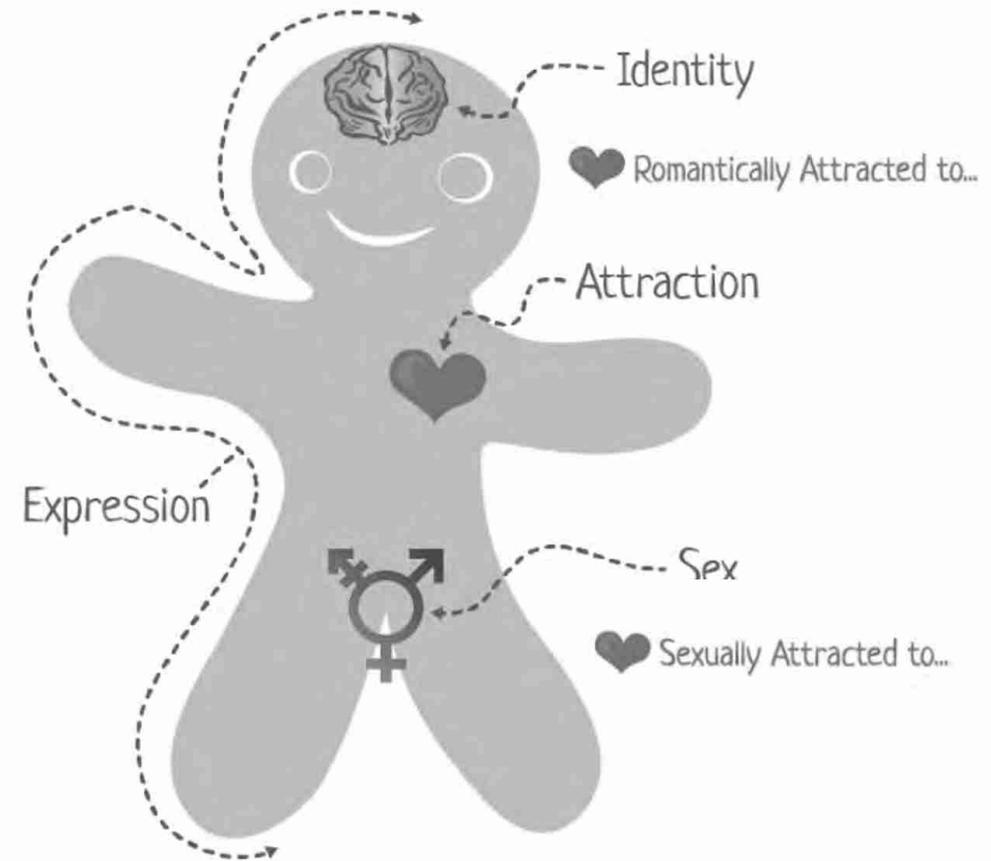
♂♀ Anatomical Sex



Sexual Orientation

- Heterosexual/ Straight
- Homosexual
 - Lesbian* (L)
 - Gay* (G)
- Bisexual* (B)
- Asexual (A)

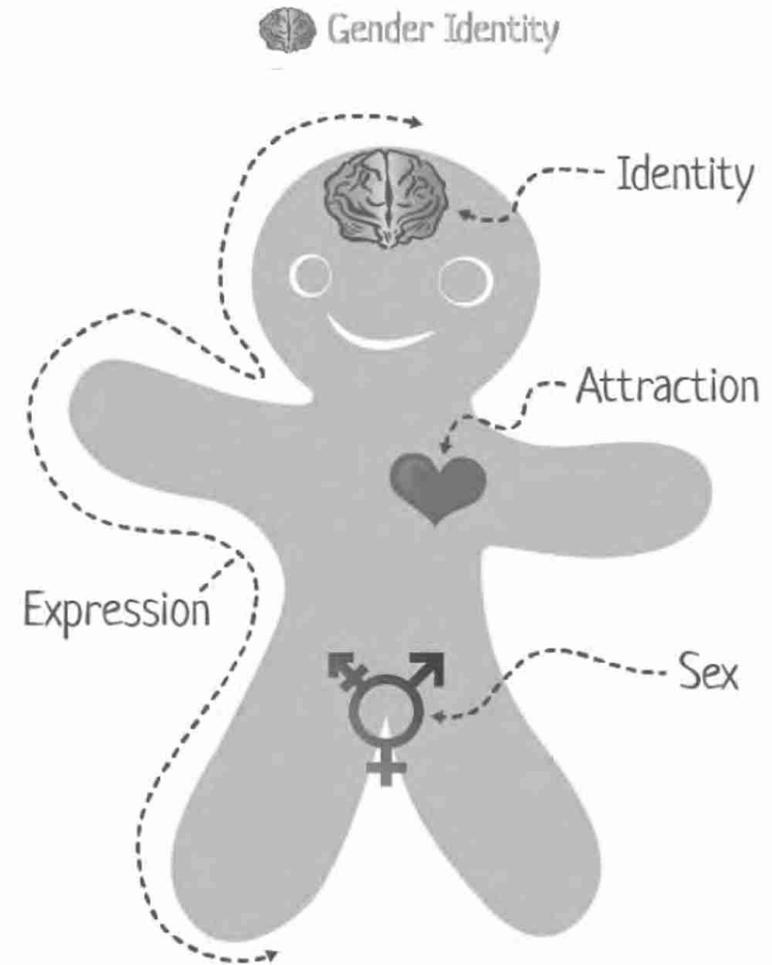
*Not everyone uses these terms;
“A” can also mean “ally”



Gender Identity

- “Woman-ness”
- “Man-ness”
- Non-Binary

Transgender (T) people’s gender identity does not match their anatomical sex. “Cisgender” people match.

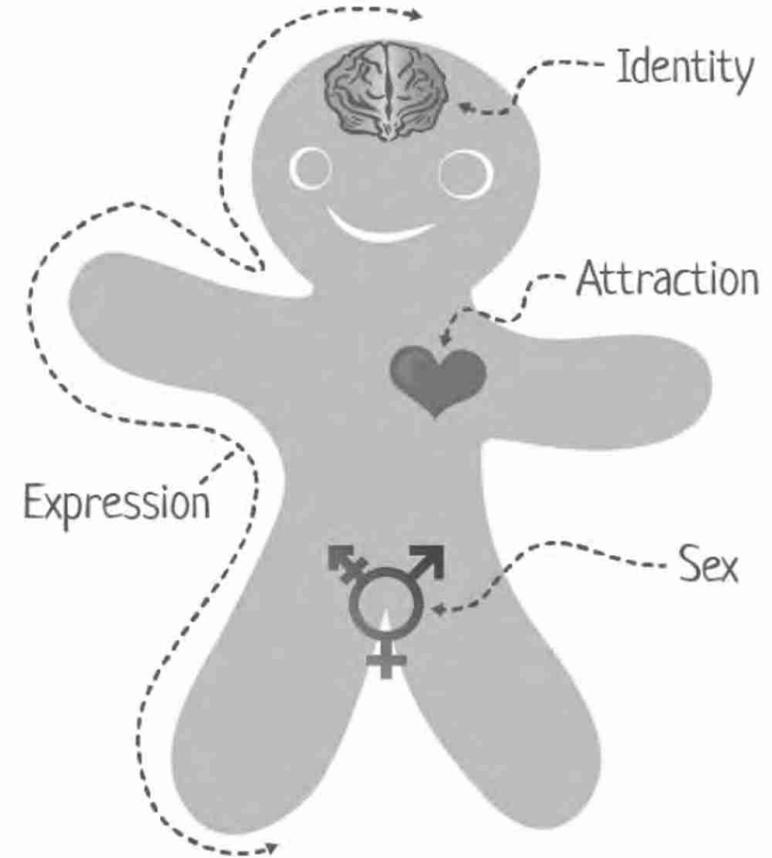


Gender Expression

- Femininity
- Masculinity
- Nonbinary

This is visible

 Gender Expression



Note: Queer (Q) is a catch-all term that could refer to (m)any of the categories discussed.

Sexual orientation and gender identity can be kept invisible (“closeted”). This can be a survival strategy

- In Miami Dade: A 2020 FIU research project found 48% of LGBT immigrants surveyed had been victims of hate crimes in the last 5 years
 - 35% decided to “act more straight” to prevent future victimization



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EN English

Home > ... > Lesbian, gay, bi, trans and intersex equality > LGBTIQ Equality Strategy 2020-2025 > List of actions to ad

List of actions to advance LGBTI equality - 2015-2019

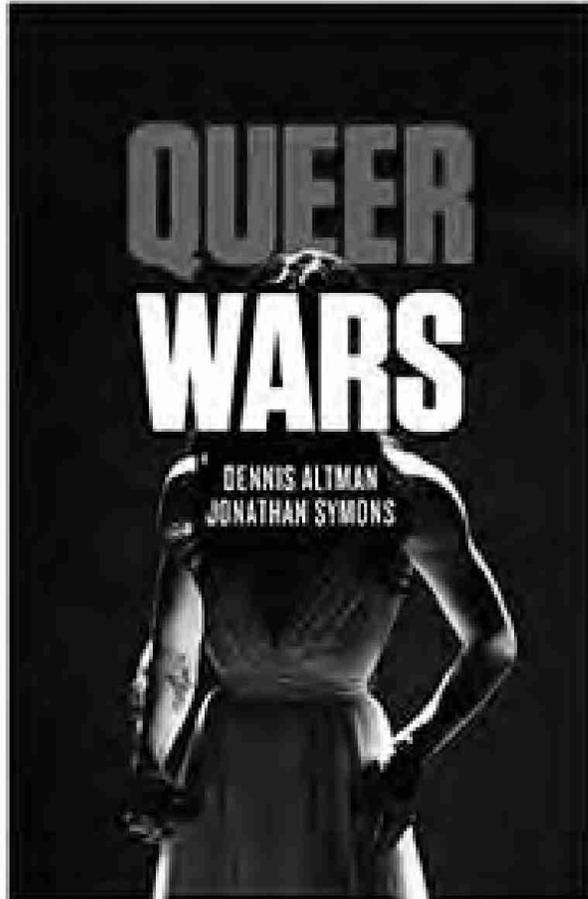
The YOGYAKARTA PRINCIPLES



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More information here: <http://yogyakartaprinciples.org/>



Vatican opposes U.N. gay support declaration

Wall Street Journal: LGBT Rights Are Flashpoint in Culture War Dividing Europe's East and West

Are Latin American Nations Turning Their Backs on LGBTQ+ Rights?

Despite much progress over the past decade, the tide may be shifting. But U.S. partnership can help revitalize the

How globalisation has transformed the fight for LGBTQ+ rights

Much progress has been made in attitudes towards sexual equality and gender identity - but in many places a dramatic backlash by conservative forces has followed. By Mark Gevisser

Africa

Uganda arrested 16 LGBTQ activists. Here's where else gay rights are a battleground in the world.

Journal of Global Initiatives: Policy, Pedagogy, Perspective

Volume 12

Number 1 *Russia Relations in Today's World*

Ar

January 2018

Political Homophobia as a State Strategy in Russia

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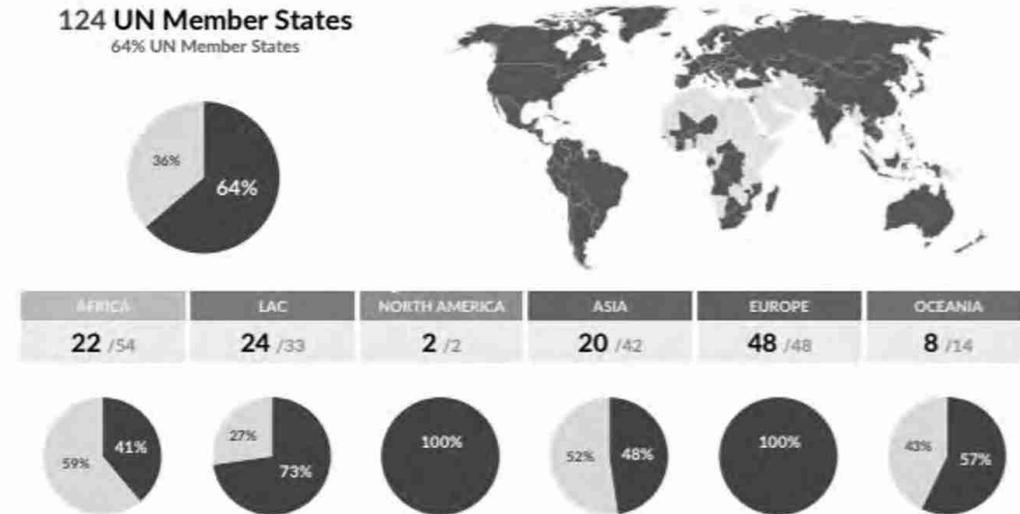
Sum: In the Caribbean and much of Latin America and the former Soviet Union there are few protections and little recognition

Data on Legal Status of LGBTI Citizens

- Criminalization
 - Are same sex sexual actions illegal?
- Protection
 - Is discrimination banned in constitution? Or codified into law?
 - Is employment discrimination illegal?
 - Are hate crimes vs LGBTI people illegal?
 - Are there other broad protections?
- Recognition
 - Is same-sex marriage legal? Civil unions?
 - Can same-sex couples adopt?

Consensual Same-Sex Sexual Acts between Adults in Private: LEGAL

Highlights



States Criminalizing Same-Sex Sexual Acts:

Latin America & Caribbean

- Antigua and Barbuda
- Barbados
- Dominica
- Grenada
- Guyana
- Jamaica
- St. Kitts & Nevis
- St. Lucia
- St. Vincent and Grenadines

Eurasia

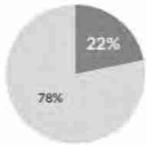
- Turkmenistan
- Uzbekistan



Legal barriers to freedom of expression on sexual and gender diversity issues

Highlights

42 UN Member States
22% UN Member States



AFRICA	LAC	NORTH AMERICA	ASIA	EUROPE	OCEANIA
20 / 54	1 / 33	0 / 2	17 / 45	4 / 48	0 / 14



Countries with laws prohibiting “homosexual propaganda” and/or complicated registration procedures for LGBT organizations

- Belarus
- Lithuania
- Paraguay
- Russia
- Turkmenistan

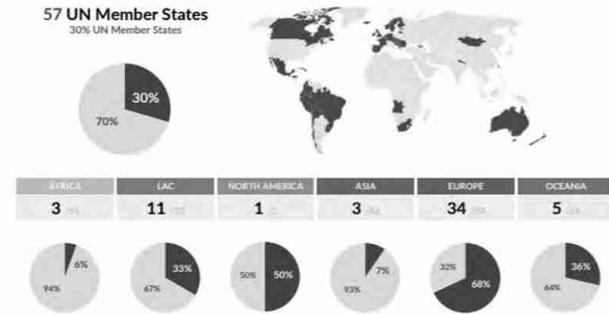
Countries proposing such legislation but not passing it

- Armenia
- Haiti
- Guatemala
- Kazakhstan
- Kyrgyzstan
- Moldova
- Ukraine
- Venezuela



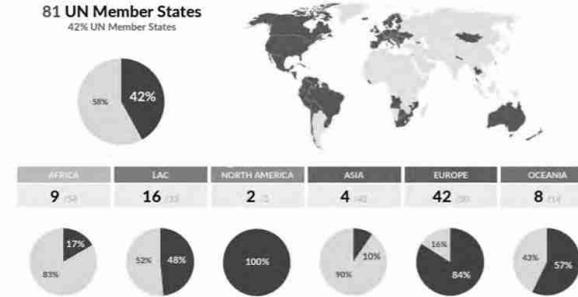
Broad protection against discrimination based on sexual orientation

Highlights



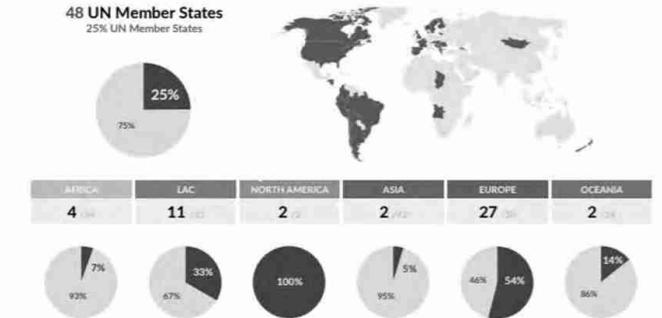
Protection against discrimination based on sexual orientation in employment

Highlights



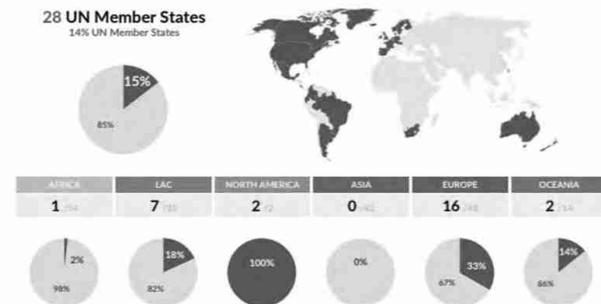
Criminal liability for offences committed on the basis of sexual orientation

Highlights



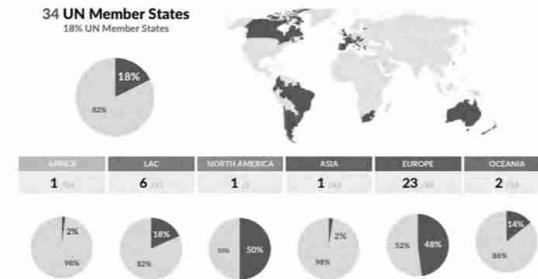
Same-sex marriage

Highlights



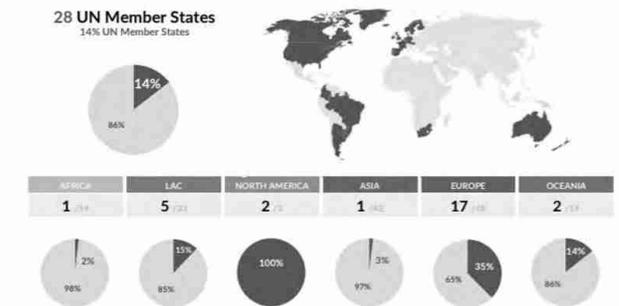
Partnership recognition for same-sex couples

Highlights



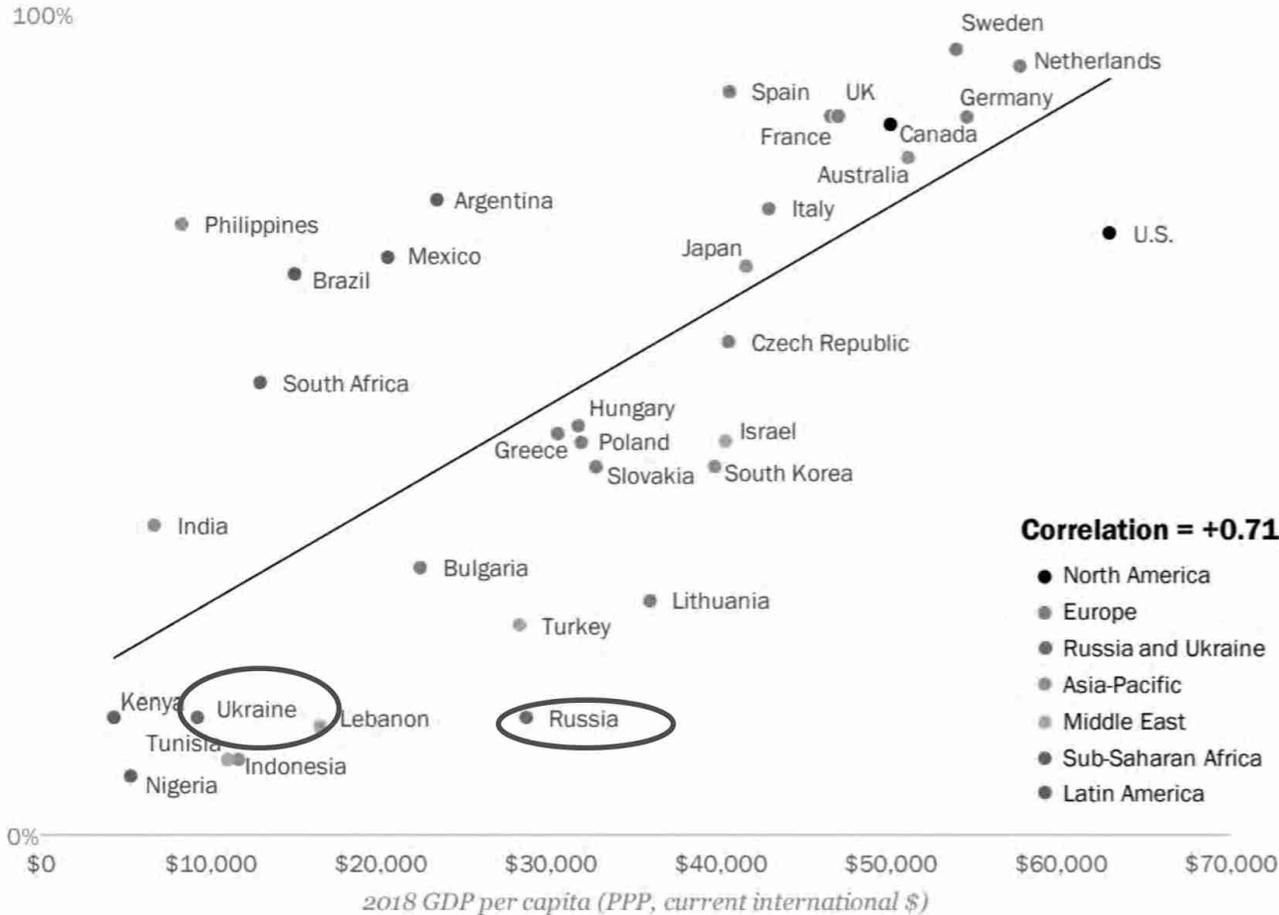
Joint adoption by same-sex couples

Highlights



Wealthier countries tend to be more accepting of homosexuality

% who say homosexuality should be accepted by society



Where there are no legal protections or recognition people (family members, educators, law enforcement, employers, judges, etc.) are free to act on their own biases. Contexts of political homophobia intensify these biases.





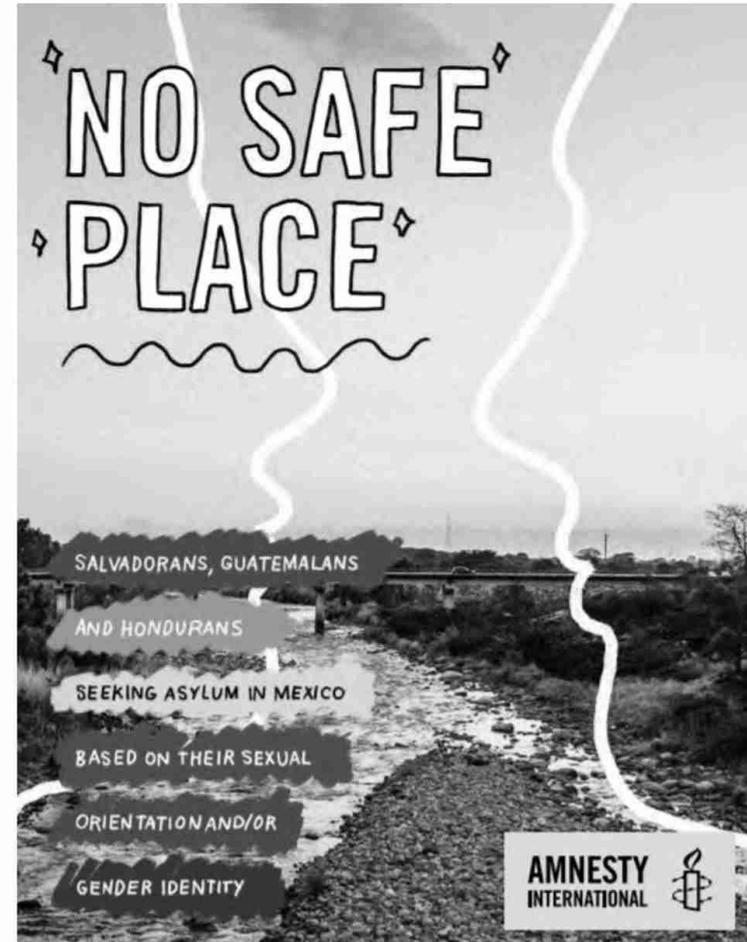
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Everywhere: Discrimination

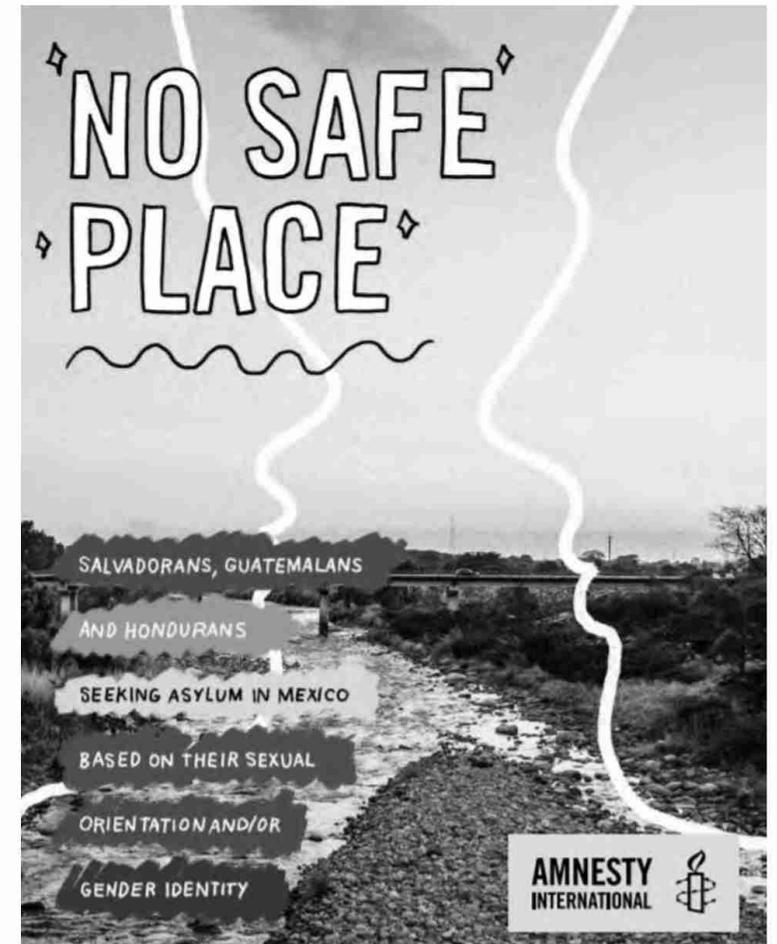
- Rejection by families
- Discrimination in school /job training
- Discrimination in hiring/ workplace
- Employment in sex work, informal sectors; susceptibility to trafficking
- Discrimination in housing
- Discrimination in social services
- Discrimination by medical doctors
- Discrimination by religious or other voluntary groups
- Discrimination in public accommodation
- Problems magnified by COVID
- Problems obtaining appropriate ID

- Often only acceptance comes from LGBTI organizations/ community



Everywhere: (Sexual) Violence

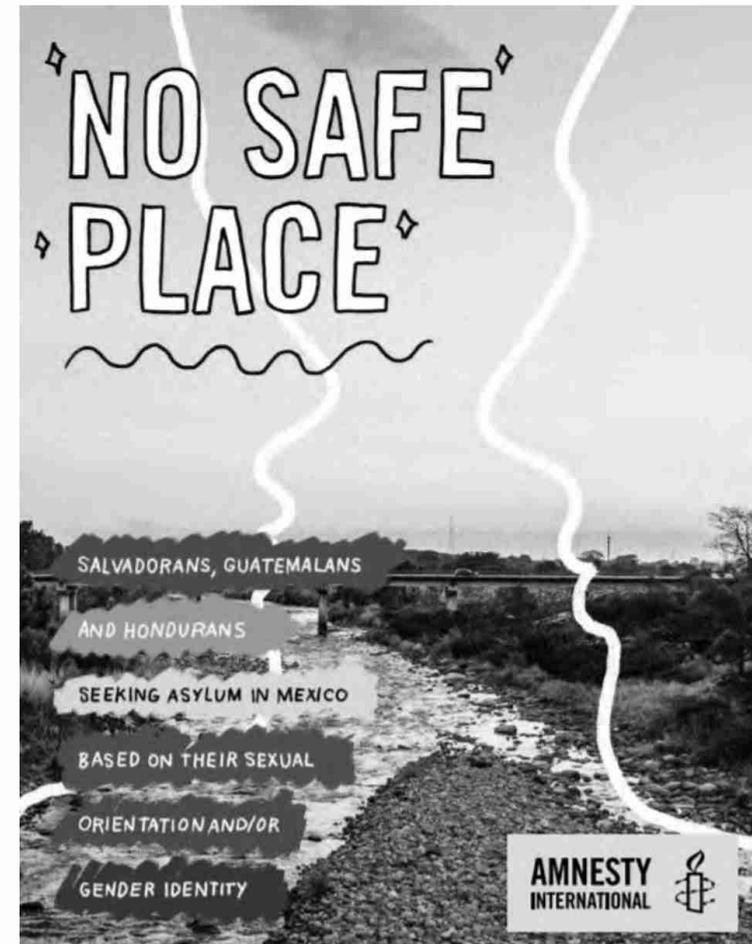
- From family
 - In FIU study 15% of hate crimes against LGBT immigrants in Miami were committed by family members
- From peers, fellow refugees
- In employment
 - In FIU study, 30% of hate crimes against LGBT immigrants in Miami were committed by friends, acquaintances, or coworkers
- In public spaces
 - In FIU study, 40% of hate crimes against LGBT immigrants occurred on the street
- From law enforcement
- In shelters, prisons, or other public institutions including US detention leading to “voluntary” repatriation



Everywhere: Issues with the Medical Establishment

- Intersex People:
 - Involuntary surgeries, “corrections”
- Trans People:
 - Denial of appropriate medical care
 - Forced into unwanted care to change sex
- LGB People:
 - Conversion “therapy”
 - Lack of information/ access to PrEP to prevent HIV

- Also: Forced Marriages



Regional Issues: Northern Triangle

- Northern Triangle represents 3 of top 10 sending countries of LGBTI asylum seekers to the US
- UN reports 88% of LGBTI asylum seekers from this region have been victims of sexual violence in their home country
 - Another 2/3 experience such violence outside of home country
- Transrespect/Transphobia NGO ranks Northern Triangle as one of world's most dangerous regions for trans women
 - 40 murdered in Guatemala in 2016
 - 33 murders a year in Honduras (2009 – 2017)

Regional Issues: Northern Triangle

- LGBTI people caught between gangs, law enforcement, and blackmailers
 - Mara threaten violence or extortion
 - Victims cannot get help from law enforcement:
 - 2014 study shows 67% of police interviewed in El Salvador believe LGBT have fewer rights than others
 - Guatemala actively debating a law that would allow the “right” to discriminate against LGBTI
 - Law enforcement may not take issue seriously, or may threaten (or commit) violence against those reporting problems
 - In Miami 85% of LGBTI immigrants don’t report hate crimes to police
 - Between 2008 – 2015 there were 225 violent deaths of LGBTI people in Honduras; only 13 result in conviction
 - Blackmailers may threaten to out LGBTI people to gangs and/or police

Trends do not look promising:

Guatemala

- Proposed Law for the Protection of Life and Family in 2017
 - Includes “right” not to accept “sexual diversity and gender ideology”
 - Prohibits teaching about sexual orientation

El Salvador new President Bukele closes Office for Sexual Diversity and the Secretariat of Social Inclusion, reverses previous course (in summer 2020 3 police officers found guilty of killing trans woman)



Uzbekistan:

- Same-sex relations for men punishable by 3 years imprisonment; human rights activists don't stand up for LGBTI people
 - In 2013 over 500 men jailed under this provision
 - Arrested people beaten and tortured
- Country accepts 200+ UN suggestions to improve human rights situations; rejects the 11 suggestions to improve LGBTI rights
- Sodomy laws open up people to blackmail, often by law enforcement
- In 2019 man comes out on Instagram and was killed as a result. Murder met with approval.



Turkmenistan:

- Same-sex relations for men punishable by 2 years imprisonment
- Attempt to “disappear” openly gay man; limits on travel outside the country
- Honor killings or forced marriages by families to avoid “problem”
- Overall lack of data

Turkmenistan: Gay Man Missing After Coming Out Online



MORE READING



September 10, 2019 | Dispatches

Release Ill Prisoner in Turkmenistan for Medical Treatment



August 12, 2019 | Dispatches

Prove Who's Alive in Turkmenistan?

Tajikstan, Moldova, Georgia, and Armenia don't outlaw homosexuality but similar problems with societal violence and police blackmail

- One study finds 97% of Armenians believe homosexuality should not be accepted by society
- Tajik LGBT blogger killed



Russia:

- Putin has led global efforts to oppose LGBTI rights on grounds of national tradition, moral values, hurting youth
- 2013 law protecting minors from “gay propaganda” in press, radio, TV, internet/ social media or anywhere children are involved (school, mental health provision)
 - Fines and detention for violation: examples include artists and musicians
 - Led to the fracturing of human rights community
 - Teachers told to monitor students’ social media for evidence
- Law has been used to deny registration to groups providing LGBTI services



In Chechnya (perceived) LGBT people have been rounded up by police en masse in 2017 and again in 2019, held in concentration camp conditions, tortured, and at least 5 killed; others released to family members who pursue “honor killings”

- Individual incidents continue; Chechen security forces reported to have tracked down people in safe houses in Russia and returned to region
- Officials never punished; journalists investigating have been beaten/harassed

LGBT gatherings broken up by police, participants arrested across Russia



EU Ranks Azerbaijan worst place in Europe to be LGBTI in 2020

- In 2017 similar mass roundup of over 80 LGBT people for “ignoring police orders” or to test for HIV/ STDs; last March similar crackdown for “sex work” involving forced medical exams
 - Official spokesperson states there were complaints about gay men in Baku “People complain that such people walk around us, walk in our streets, and sit in our cafés. ‘These are people who do not fit our nation, our state, our mentality, please take action against them.’”
- Evidence that government hacked into LGBT organization databases for names
- Imprisoned people forced to pay bribes to secure release
- Death threats against couple for posting Valentine’s Day picture; stabbings of several trans people

Azerbaijan: Anti-Gay Crackdown

Gay Men, Transgender Women Tortured to Extort Money, Intelligence



MORE READING

September
Disputes
Familiar #
Anti-gay
Azerbaija

May 22, 2019
Azerbaija
Release F
Political

Ukraine

- Many rights on paper look good; trans people can now change names
- History of right-wing violence around pride parades; October in Odessa Neo-Nazis attack people with pepper spray; community center in one town attacked 20 times last year
 - Police often do not offer protection; tacitly support
 - Encourage cancellation



Poland

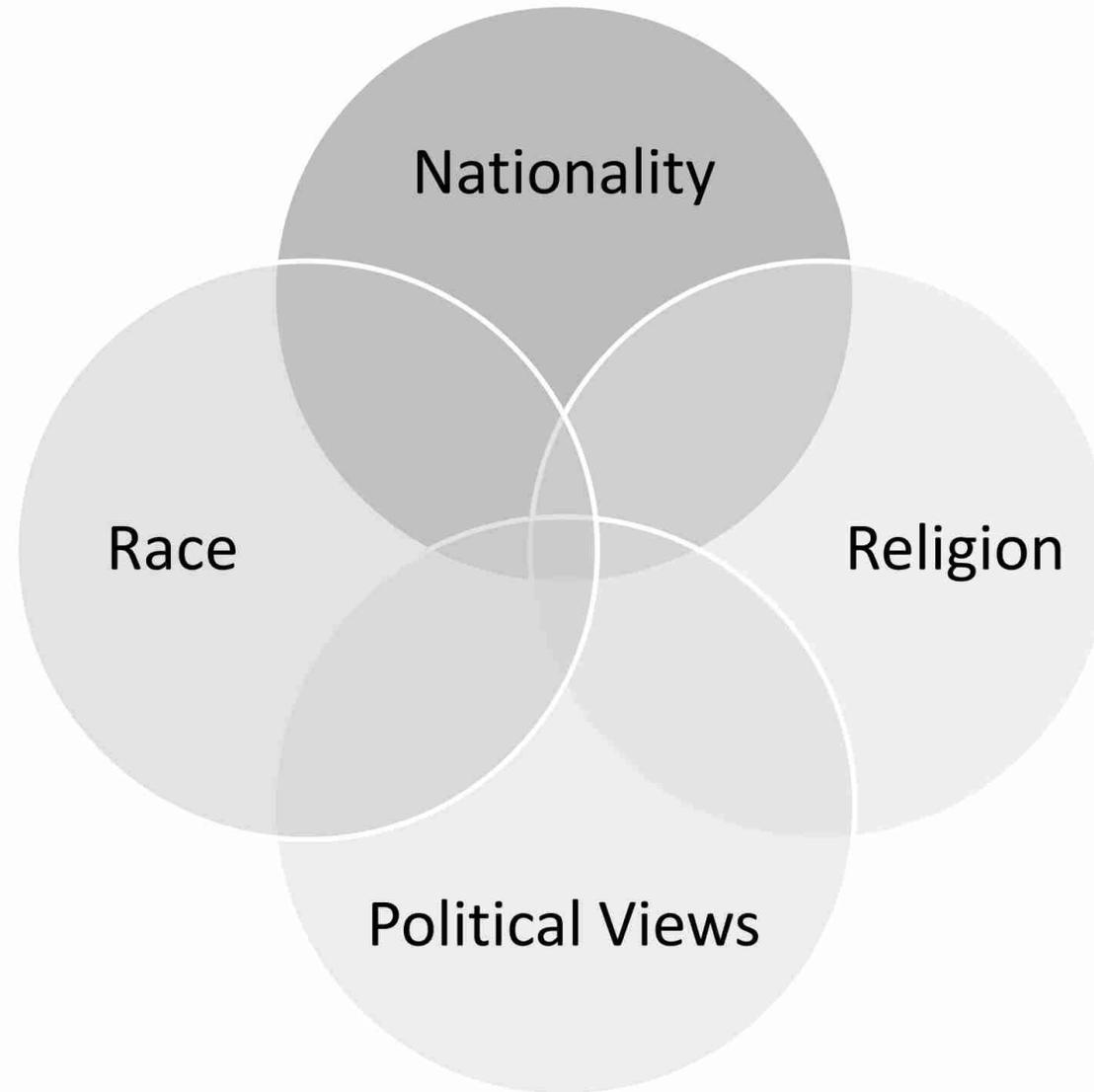
- Some good rights on paper as a result of joining EU
- Right-wing Law and Justice Party President re-elected for a 5 year term. Has worried that “the LGBT Ideology” threatens children
- Archbishop refers to “rainbow plague”
- 94 localities (1/3 of Poland) have declared themselves LGBT Free Zones
- Trucks drive around with signs associating homosexuality and pedophilia. Declared “informative”
- Pending bill to ban Pride parades



Hungary

- Many rights on paper look good as they are EU members
- President Viktor Orbán states LGBT people threaten children
- In 2020 parliament abolishes Equal Treatment Authority; now same-sex couples, parents not treated equally (ex: child support)
- Parliament passes law assigning people “right” to keep birth sex on all documents
- Controversy over children’s book







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**Thanks for
listening!**