



**The Foreign Service Institute
Leadership and Management School
Policy Leadership Division**

**and the
Bureau of Western Hemisphere Affairs (WHA)
U.S. Department of State**

**LGBT Rights in the Western Hemisphere:
Challenges and Opportunities for U.S. Policy**

Summary Report

March 2011

Foreign Service Institute

FSI's Policy Leadership Division (PLD) organizes conferences to engage nongovernmental specialists and to facilitate exchanges between government officials, external actors, and other branches of government. This report aims to synthesize key points from the presentations and discussions, but it does not necessarily reflect consensus achieved by participants or represent the views of FSI or the Department of State.

Executive Summary

The Foreign Service Institute's Policy Leadership Division co-hosted an interagency roundtable with the Bureau for Western Hemisphere Affairs (WHA), and in collaboration with the Bureau of Democracy, Human Rights and Labor (DRL), on "LGBT Rights in the Western Hemisphere: Challenges and Opportunities for U.S. Policy" on March 2, 2011. This event brought together nearly 70 participants from 15 different bureaus within the Department, seven other federal agencies, and from NGOs, multilateral organizations, and the scholarly community. The primary objectives of this event were to (1) raise awareness among U.S. foreign affairs agencies and personnel about lesbian, gay, bisexual and transgender (LGBT) issues in the Western Hemisphere and (2) develop and promote ideas on how to help protect human rights of LGBT individuals in the region. Senior leadership from the State Department's regional and functional bureaus, USAID, and experts from outside government, helped to identify key challenges facing LGBT individuals in the region and explored opportunities for the U.S. government to help protect the rights of persons from these vulnerable groups.

This gathering was one of the most significant policy discussions the U.S. government has hosted to date with the participation of non-governmental experts, multilateral institutions, and other federal agencies specifically on the topic of respect for the human rights of LGBT individuals across the Western Hemisphere and U.S. policy challenges and opportunities. The discussions helped generate a shared understanding of the issues in general, the challenges in the region, lessons learned from other organizations and other regions of the world, and what types of actions can be pursued by the U.S. to most effectively address human rights of LGBT individuals in the region and beyond. This summary report highlights key issues that arose over the course of the day and is broadly organized into the following sections: (1) background and objectives, (2) state of affairs in the region, and (3) recommendations and opportunities.

Background and Objectives

Respect for, and protection of, the human rights of LGBT persons is a new priority on the U.S. foreign policy agenda. Human rights in general have been a core part of U.S. foreign policy for several decades, but LGBT individuals received little attention until 2009-2010 when President Obama and Secretary of State Clinton elevated the issue through public statements and internal policy guidance. As noted by one academic, "the administration is taking steps to establish the first pro-gay foreign policy in the history of the United States."¹

In a June 2010 speech, Secretary Clinton declared that "the State Department...will continue to advance a comprehensive human rights agenda that includes the elimination of violence and discrimination based

Box 1. Secretary Clinton on Human Rights of LGBT individuals

I'm very proud that the United States, and particularly the State Department, is taking the lead to confront the circumstances that LGBT people faceMen and women are harassed, beaten, subjected to sexual violence, even killed, because of who they are and whom they love...In some places, violence against the LGBT community is permitted by law and inflamed by public calls to violence; in others, it persists insidiously behind closed doors.

These dangers are not "gay" issues. This is a human rights issue....let me say today that human rights are gay rights and gay rights are human rights, once and for all.

¹ Javier Corrales, "The Sudden Rise of a Pro-Gay Foreign Policy in the United States" (2011): http://www.huffingtonpost.com/javier-corrales/the-sudden-rise-of-a-prog_b_821179.html

on sexual orientation and gender identity. We are elevating our human rights dialogues with other governments and conducting public diplomacy to protect the rights of lesbian, gay, bisexual, and transgender persons.” See more from Clinton’s speech in Box 1.² Secretary Clinton has taken significant steps beyond making these types of public statements, instructing the State Department and all embassies to make this issue a priority, to identify the challenges faced by LGBT individuals in different countries, and to begin exploring how the U.S. can address human rights abuses facing members of this vulnerable population.

The March 2 interagency roundtable held at the Foreign Service Institute is part of this broader effort to not only identify and learn more about the problems, but also to engage with non-governmental experts to explore how to most effectively address those challenges. All discussions were conducted under a policy of non-attribution. The formal objectives of this event were to (1) raise awareness among U.S. foreign affairs agencies and personnel about LGBT issues in the Western Hemisphere and (2) develop and promote ideas on how to help protect human rights of LGBT individuals in the region.

These are two important, but very distinct objectives. For some, working on human rights of LGBT individuals issues is familiar territory, but for others in the State Department and USAID and elsewhere, these issues are new, unfamiliar, and even awkward in many cases. Simply raising awareness about who is considered LGBT and what types of abuses or discriminations they face is a key first step in helping to advance the broader foreign policy aims of protecting the rights of these vulnerable communities. This roundtable sought to raise awareness not only about persons who make up the LGBT populations and the types of discrimination they face, but also how prevalent the problems are across the region and how they differ from one country to another.

The second objective of developing and promoting ideas on how U.S. foreign affairs agencies can help strengthen protect for human rights of LGBT persons is a topic that must be discussed not only within specific agencies and offices, but also across agencies, offices, and regions. The U.S. government has already initiated a wide variety of steps aimed at working across agencies, across regions, and with a highly diverse set of non-governmental actors around the world. However, these actions are still in their very early stages and the road ahead is a long one. Through this roundtable and similar efforts over the past few years, greater coordination is taking place, and government agencies are learning from each others’ experiences and from other entities working on these issues in the Western Hemisphere as well as in other regions. The next section provides a general overview of LGBT issues in the region and highlights some of the unique sets of characteristics that make the Western Hemisphere particularly challenging and full of opportunities for change.

State of Affairs in the Western Hemisphere

The Western Hemisphere³ is described as being notably distinct from other regions in the world in some key respects. First, the region has made major strides in terms of legal recognition for human rights of LGBT individuals (outside of the English speaking Caribbean), but homophobia, transphobia, and related discrimination and even violence against the LGBT community is still widespread. Second, LGBT issues are handled through transnational legal institutions to a much greater extent than is found in other

² Secretary Clinton’s remarks on June 22, 2010, available online at <http://www.state.gov/secretary/rm/2010/06/143517.htm>

³ *Western Hemisphere* was the term loosely used in the discussions, although the primary focus was Latin America and the Caribbean more specifically (with little discussion of the U.S. and Canada).

parts of the world. Third, religion acts as a powerful force, both as an opponent and proponent of human rights of LGBT individuals in the region. Fourth, the number and strength of LGBT civil society groups in the region are generally greater than what one finds in other regions. Each of these four characteristics is discussed in further detail below. Before turning to these distinct characteristics, a brief regional overview is provided.

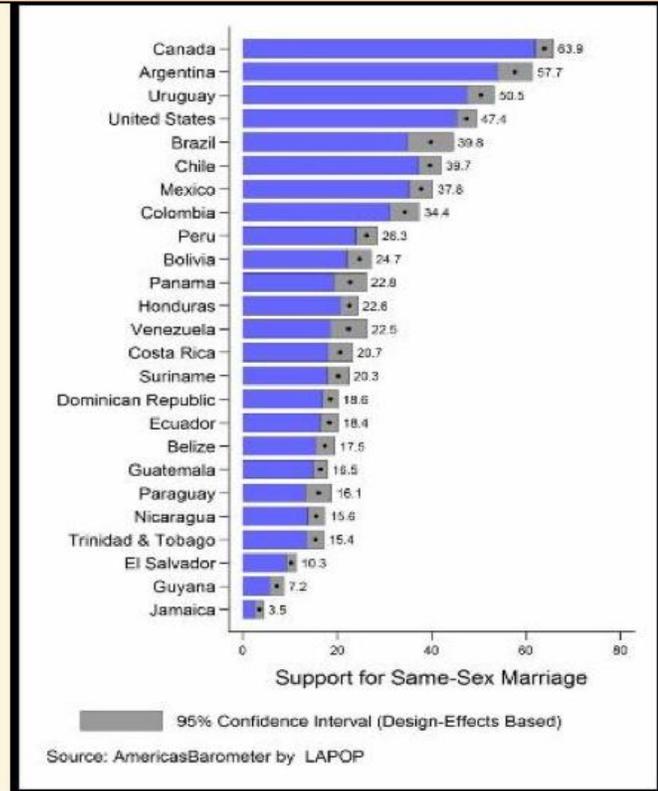
Regional Overview

Unfortunately, there is a general lack of data on LGBT populations, rights abuses, public opinion polls, and related details across the region to provide an accurate landscape view on the state of affairs in the Western Hemisphere. Some of the best sets of data – at least in terms of public opinion – come from Vanderbilt University’s Latin American Public Opinion Project (LAPOP). Box 2 on the attitudes across Latin America about same-sex marriage (SSM) serves as one barometer for the broader sets of attitudes toward LGBT individuals in the region and, to a lesser extent, the likelihood of human rights abuses. Two countries – Argentina and Uruguay – show even higher support for SSM than is found in the U.S.

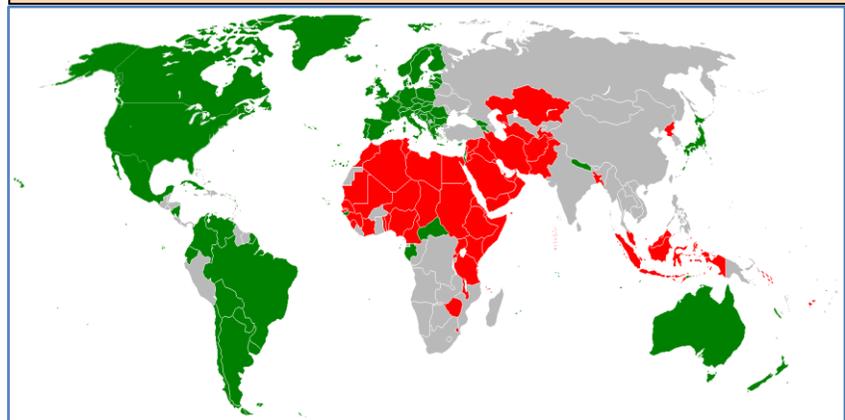
Similar opinion polls from LAPOP showed that the percentage of the population in Latin American countries who would support a homosexual candidate for public office range from lows of 9% (Haiti) and 19% (Honduras) to highs of 54% (Brazil) and 66% (Uruguay). These compare with 70% and 76% for the U.S. and Canada respectively.

The map shown in Box 3 provides another regional illustration of the level of support for human rights of LGBT individuals – at least as

Box 2. Support for Same-Sex Marriage in the Americas, 2010



Box 3. Signatories (in green) and Opposition to the 2008 UN Declaration on Sexual Orientation and Gender Identity



they have been articulated in the UN Declaration on Sexual Orientation and Gender Identity.⁴ A large majority of countries in the Western Hemisphere, with some predictable exceptions, have endorsed the UN Declaration, while a good portion of African and Middle Eastern countries sponsored opposing language (shown in red on the map).

One can draw broad generalizations from these and similar sets of data. That is, high-income South American countries are typically more LGBT-friendly than lower income countries in region. The least LGBT-friendly countries are found mostly in the Caribbean and in a small number of other lower income countries. Of course, drawing such conclusions can be misleading and inaccurate in many cases and does not truly reflect specific types of rights abuses and discriminations. For example, there may be far greater levels of violence against LGBT individuals in some countries despite the fact that a significant portion of the population supports same-sex marriage (e.g., Honduras, with 20% support for SSM), while there may be far less LGBT violence in other countries where SSM has almost no support (e.g., Guyana, where only 7% support SSM).

In assessing discrimination and violence based on sexual orientation and gender identity across a region, how does one account for, or measure, rights issues given the vastly different nature of different sets of indicators? How does one aggregate hate crimes in the form of murders, rapes, and police brutality against LGBT individuals on one hand with same-sex marriage or same-sex adoption rights on the other? How can one develop better data for violent hate crimes that often simply go unreported? These are just some of the challenges in trying to capture a regional overview or even national level baselines that are needed in order to develop effective responses to the regional- and national-level issues. These are among the many preliminary challenges that the State Department, USAID and other foreign affairs agencies are addressing.

LGBT and Legal Systems in the Americas

As noted earlier, one of the four characteristics that set Latin America and the Caribbean apart from most other low- to middle-income regions of the world is the extent to which the legal systems have recognized and called for the protection of human rights of LGBT individuals in most countries.⁵ Sodomy was decriminalized long ago in most of region, including many countries with progressive legislation dating back to the 1800s. However, most of the other changes in the legal arena regarding discrimination and violence based on sexual orientation and gender identity have taken place over the past two to three decades, largely coinciding with the democratization trends across the region during this same time period. The advances in legal protections in recent years were described by one expert as “revolutionary.” Human rights of LGBT individuals and protections come in many forms, including:

- Sodomy or same-sex sexual activity laws
- Anti-discrimination laws based on sexual orientation
- Anti-discrimination laws based on gender identity/expression
- Same-sex marriages, civil unions, adoption rights
- Allowing gays to serve openly in the military
- Signatories to UN and OAS resolutions on human rights of LGBT individuals

Some recent examples of progressive human rights of LGBT individuals in the area of SSM and civil unions include the following:

- Argentina – same sex marriage permitted

⁴ Last updated in March 2009.

⁵ Excluding the English-speaking Caribbean.

- Colombia – civil unions permitted
- Ecuador – new language in Constitution (2007) against discrimination based on sexual orientation or gender identity
- Mexico City – same sex marriage permitted
- Uruguay – civil unions permitted and extensive anti-discrimination legislation

These are among many examples that were mentioned in the expert briefings over the course of the day. While there was acknowledgement and even praise for the progress that has been made among the legal systems across the region, experts agreed that the realities of life for LGBT individuals on the ground and the daily discriminations they typically face in the region are far worse than what is reflected in the progressive legal protections. See further discussion on the types and extent of discriminations faced in section on Honduras below.

Much of the English speaking Caribbean stands out in the region as being particularly less protective – and often outright hostile – to human rights of LGBT individuals in their legal systems. Eleven countries in the Caribbean criminalize same sex conduct (Guyana and Barbados have life in prison penalties), and some countries have immigration bans against LGBT individuals. While some observers place blame on the colonial laws against LGBT individuals left over from British rule, others place more blame on the influence of religious forces (the evangelical movement in particular). As one expert noted, in 7 of 11 Caribbean countries the laws have been modified to be harsher since 1986, through penalties or broadening of definitions, on LGBT individuals. One area that has shown some inroads in this particularly challenging sub-region is the work being done through public health ministries and other organizations devoted to health issues and HIV/AIDs in particular. This can be a key approach in countries such as Jamaica where there is a 32% prevalence rate of HIV/AIDS among men who have sex with men.

Apart from notable exceptions in the Caribbean and a small number of other countries, the Western Hemisphere is described as being far more protective of human rights of LGBT individuals than most other regions of the world. The strength of the regional legal institutional framework in the hemisphere deserves at least some of the credit for the domestic legal protections that are currently in place.

Regional Inter-American Institutions

The domestic legal protections that have recently been introduced in the region are supported by particularly active and progressive transnational legal institutions – the second of four key characteristics that set the hemisphere apart from other regions in the world. The Organization of American States (OAS) General Assembly, for example, adopted the “Resolution on Human Rights, Sexual Orientation, and Gender Identity” in 2008 with support from 34 countries. The resolution takes note of the importance of the adoption of the “Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity.”

The Inter-American Commission on Human Rights (IACHR) is one of two bodies in the inter-American system set up for the promotion and protection of human rights and has played an exceptionally important role in protecting human rights of LGBT individuals in recent years. The other human rights body is the Inter-American Court of Human Rights, which may take cases that are referred to it by the IACHR. Both institutions operate under the auspices of the OAS. The IACHR, established in 1960, has the capacity to receive individual petitions claiming violations to human rights that are addressed among the multiple global and regional conventions and declarations on human rights.

LGBT issues have become a key part of the Commission’s work over the past ten years, during which time it has been receiving and gathering information from throughout the region. Thematic hearings also highlight specific situations and conditions in the region. This is one of the best mechanisms to receive information and helps to remind the Commission of priorities and inform recommendations. LGBT issues are now a very important set of issues for the Commission. Overall, the IACHR plays a key role in collecting information, documenting specific abuses, analyzing information, evaluating broader regional trends, and even issuing public condemnations of human rights abuses from the LGBT community (e.g., Jamaica, Colombia and Honduras). The Commission has even more ambitious plans regarding its efforts to fight discrimination and violence based on sexual orientation and gender identity in the future with the expected launch of a two-year plan of action for engaging LGBT communities from the various countries. The effort is happening in relation to developments on human rights and other regional protection systems (e.g., EU action). The end goal will be a hemispheric study on discrimination and protection of the LGBT communities across the Americas.

Religion and LGBT Issues

Religion is another particularly unique piece of the overall LGBT and human rights puzzle in Latin America and the Caribbean. For much of the region, religion remains a powerful cultural force that shapes fundamental beliefs and deeply entrenched attitudes that relate to LGBT issues. On the surface, one might assume most religious groups in the region would be opposed to the various rights that LGBT communities seek. However, in some respects all religious groups, churches, or followers are at least potential allies of LGBT groups and human rights issues, especially when violence and brutality are of concern. The diversity of beliefs and tenets across religions and even within any given religion makes each category a potential ally or foe in the efforts to protect or advance human rights of LGBT individuals (see Box 4). However, each group may hold diverse beliefs on what defines a family, whether homosexuality or transgender status is accepted by God, or how to include or exclude openly or closet LGBT individuals.

Liberal churches or liberal leaders within more conservative churches can be found across most religions in Latin America and the Caribbean (LAC). However, one need not only target the liberal groups as potential partners since even the more socially conservative agents can be important partners in protecting LGBT individuals from violence and playing important roles in promoting basic human rights. The Catholic Church is a particularly important institution in the LAC region, especially with respect to historically strong ties with the political elite, but statistics show large numbers leaving the Catholic faith and very large increases in evangelical protestant churches – many of which originated and have been supported by groups in the United States – in Central America

Box 4. Types of Challenges among Religious Categories			
	<u>NATURAL LAW</u>	<u>BIBLICAL LITERALISM</u>	<u>TRADITIONAL VALUE MATRIX</u>
CATHOLICS:			
-Traditional	HIGH	LOW	HIGH
-Liberal	LOW	--	LOW
-Charismatic/ Evangelical	MEDIUM	MEDIUM	MEDIUM
-Cultural	LOW	--	LOW→HIGH
-Popular Folk	LOW	LOW	MED—HIGH
PROTESTANTS:			
HISTORICAL			
-Traditional	LOW	LOW	LOW→HIGH
-Liberal	--	--	LOW
-Charismatic/ Evangelical	LOW	HIGH	MED—HIGH
EVANGELICAL			
-Pentecostal/ Independent	LOW	HIGH	HIGH
-Evangelical/ Structured	LOW	HIGH	MED-HIGH
RED: High Challenge YELLOW: Moderate Challenge GREEN: Likely Allies			

in particular. This trend might be tilting some populations that are joining fundamentalist evangelical churches toward more conservative (less LGBT-friendly) positions since many of the grassroots leaders in the Catholic Church have been more actively involved in the protection of human rights than condemning homosexuality, trans-gender status, or fighting same-sex marriage. The final section of this report identifies some strategies for reframing LGBT issues among religious groups in order to more effectively engage these influential forces in support of improved rights and protections.

LGBT Civil Society Groups

The number and influence of civil society groups that work on LGBT issues is the fourth of the major characteristics that help define the Western Hemisphere and its potential for safeguarding human rights of LGBT individuals. The average number of LGBT organizations per capita in LAC is nearly double that of what one finds in most of the rest of the world – 49 organizations per 1 million population compared to 25 per 1 million in the rest of the world.⁶ As is the case with other LGBT regional or country comparisons, the data and statistics on the role and influence of civil society groups is quite limited and not easily reproduced in quantitative or graphical terms, but experts agreed that the accumulated evidence of experience reveals that most LAC countries have more established and influential LGBT groups than found in most other (low- to middle-income) regions of the world. The complexity of movements, however, is a challenge for understanding the community and their issues. In some countries, the LGBT community is closer to the political and economic elite, but empowerment and engagement varies. The region is characterized by a large number of gays in comfortable “closet living.” This is particularly true of those among the more elite segments of society. Homophobia begins at home and young demographics in Latin America indicate many youth live at home. Relatively few youth are openly gay due to these home pressures.

It can be especially difficult for outside actors to understand the power dynamics that exist within the LGBT community of any given country and how those dynamics affect the visibility (especially among transgender community). A lot of progress made to date has related primarily to gay and lesbian issues. Often the most vulnerable and most exposed activists are not part of larger dialogue and are often left out of the broader civil society activities.

Transgender individuals, for example, are often the least understood segment of the LGBT community, and those in the “T” category are described as being among the world’s most vulnerable and least understood populations who typically experience social and economic exclusion, humiliation, and violence (see Box 5 for definitions). In approaching a transgender population, it is important to recognize the type of *life of survival*. For large numbers of transgender individuals, the extent of discrimination is greater, employment opportunities are more limited, their identity as transgender is typically more difficult to hide than someone who is gay, and sex work is a common source of income since other forms of employment are even more difficult to attain for transgender people. Furthermore, policymakers and diplomats are simply less likely to be personally

Box 5. Transgender and Transsexual

Transgender is an “umbrella term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth. ***Transsexual*** is a person who alters or wishes to alter his or her body through hormones and/or surgery in order to align with their gender identity.

⁶ This excludes high income countries where the ratio is typically much larger.

familiar with transgender persons and the challenges they face – and are more likely to feel awkward in dealing with transgender persons and issues.

Case of Honduras

Honduras received more attention than most countries in the region during the day’s presentations for a number of reasons and is discussed briefly in this report to give a more detailed look at a particular country context. One reason Honduras has received more attention than most countries is in part due to the high number of reported hate crimes against LGBT persons in particular since the June 2009 coup as well as the international response due to the general high level of societal violence in that country, with Honduras, Guatemala and El Salvador having among the highest violent crime rates in the world. Furthermore, there was a spike in the number of reported murders and other forms of violence against the LGBT population following the June 2009 coup in Honduras.

Firsthand accounts made it clear that in addition to widely publicized murders, police brutality and random acts of violence, LGBT individuals face very basic challenges and humiliations in their daily routines. There are extensive reports of arrests for violations with vague definitions for immodesty and other minor infractions, which make it difficult for officials and judges to monitor police power. Many reports describe excessive police harassment and brutality, demanding bribes, sexual acts, detention, and ticketing for no reason/minor infractions. Sex workers and “trans women” are the most vulnerable. Most of the crimes go unpunished, unreported, or reported as “crimes of passion” or blaming the victim for robbery. As noted in a detailed report by Human Rights Watch:

When cases are not properly investigated and perpetrators are not adequately punished, the government sends a message to society that it condones violence. It also sends a message to victims that initiating complaints will not result in convictions and redress.⁷

In Honduras, this was all taking place while the government was signing on to international agreements – including the 2008 OAS Resolution on Human Rights, Sexual Orientation, and Gender Identity – denouncing such problems and promising to take steps to protect these vulnerable groups.

Honduran LGBT and human rights NGOs have lacked civic engagement with public officials until very recently. The U.S. Embassy in Honduras began working in cooperation with non-governmental organizations to address these problems and publicly called for the Honduran government to “vigorously investigate these crimes, bring to justice the perpetrators, and take all necessary steps to protect LGBT persons.” By reaching out directly to civil society groups and hosting public discussions on these issues, the U.S. embassy and its partners helped to shed light on the situation and broke down some longstanding barriers to dialog.

Previously, civil society groups simply could not even begin a conversation with government officials or even with new outlets, related in part to “machismo” and religious views in the culture. Now, with some external pressure and by reframing some of the issues (see more on this in the recommendations section below), the Honduran government has begun to address this problem head on, including recent meetings between the Minister of State Security and the Minister of Justice and Human Rights and the Office of the Special Prosecutor for Human Rights with members of the LGBT community. The Secretariat of Security recently created a police unit dedicated to investigate human rights abuses,

⁷ Human Rights Watch, “Not Worth a Penny: Human Rights Abuses against Transgender People in Honduras,” 2009.

which would include crimes against members of the LGBTI community.⁸ Furthermore, in a significant breakthrough, one of the best known news programs in the country not only welcomed some of the rights movement's leaders onto the program, but devoted an hour and half to the plight of LGBT individuals and specific cases in the courts.

The case of Honduras illustrates that even where the challenges and problems are extensive, deeply rooted, and taking place in a particularly poor country with highly vulnerable and under-resourced groups, progress can be made with a relatively modest investment of resources by the U.S. Embassy in partnership with local NGOs and other actors (including the U.S. Department of Justice in this case).

Recommendations and Opportunities

The preceding sections of this report provided a broad regional overview of human rights and LGBT issues and distinct challenges and characteristics that largely shape the outlook of these issues in the Western Hemisphere. The relatively strong domestic and regional rights systems, combined with the powerful influence of religions on one hand and the strength of civil society groups on the other, make the Western Hemisphere both challenging yet promising for greater human rights of LGBT individuals and protections.

The second key objective of the one-day gathering of experts and practitioners was to develop and promote ideas on how to help protect human rights of LGBT individuals in the region. In fact, Secretary Clinton recently asked Department staff to do so:

So, here at the State Department, we will continue to advance a comprehensive human rights agenda that includes the elimination of violence and discrimination based on sexual orientation and gender identity. We are elevating our human rights dialogues with other governments and conducting public diplomacy **to protect the rights of lesbian, gay, bisexual, and transgender persons....I'm asking every regional bureau to make this issue a priority.**⁹

Event participants were not asked to develop a comprehensive list or come up with a consensus set of policy recommendations during the discussions, but they were encouraged to engage with each other to explore ideas and practices that have potential given the region's unique characteristics and what has worked in particular countries or settings elsewhere. Recommendations and examples of effective programs for advancing human rights of LGBT individuals came from a wide variety sources, including:

- the European Union and its member countries (see Box 6 below)
- the State Department's Africa bureau and other regional and functional bureaus
- programs pursued by other U.S. agencies (USAID, HHS, DHS, Justice, etc.)
- approaches pursued by non-governmental organizations
- programs pursued by multilateral organizations, including PAHO and the IACHR
- recommendations from scholarly experts

⁸ LGBTI is expanded category that includes lesbian, gay, bisexual, transgender, and intersex. *Intersex* refers to individuals one having both male and female sexual characteristics and organs.

⁹ Secretary Clinton's public remarks celebrating LGBT Month, June 22, 2010.

Box 6. EU Toolkit to Promote Human Rights of LGBT

One particularly useful set of guidelines EU member countries recently developed is the 2010 “Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People.” The EU Toolkit presented broad policy guidance as well as more specific “operational tools.” Under the broad policy guidelines, three major areas were identified:

- (1) **decriminalization**, particularly where same-sex relations are categorized as criminal offenses and where death penalty or other severe forms of punishment are prescribed and enforced
- (2) **equality and non-discrimination**, by encouraging states to promote through legal mechanisms, in work place legislation, and through education
- (3) **support and protection for human rights defenders**, including journalists, lawyers, activists, etc. particularly in countries that ban public discussion on sexual orientation and gender identity

The discussants were asked to primarily focus on recommendations for the State Department and the U.S. government more broadly. The recommendations that surfaced over the course of the day can be organized into one of the following categories: bilateral diplomacy, assessment and monitoring, civil society engagement/support, multilateral diplomacy, assistance and training programs, religious engagement, public diplomacy, and other areas. These categories and associated sets of recommendations are presented below.

Bilateral Diplomacy

- **Do no harm.** Experience has show that while highly proactive and public actions, such as a strongly worded condemnation of new laws criminalizing same-sex relations, can be effective in some contexts, these types of strong or public responses can backfire and yield an even greater backlash against LGBT issues and organizations.
- **Speak out forcefully and quickly.** Taking into consideration guidance to “do no harm” and to assess the specific contexts, most agreed that quick and strong U.S. condemnation of new cases of abuse or anti-LGBT legislation can be one of the most simple and effective tools.
- **Begin with humility.** U.S. diplomatic credibility and effectiveness stem from acknowledgement that we have faced many similar issues (hate crimes, bullying, discrimination, etc.) in the past and still face many challenges today. Come to the issue as a partner not as a foreign moralist.
- **Continue the quiet diplomacy.** Successful quiet diplomacy can help resolve cases before they reach the point where the forceful public condemnation is necessary.
- **Encourage partner countries to adopt and implement domestic legislation** as well as international instruments that support human rights of LGBT individuals.
- **Encourage exchange of information of good practices with partner countries** that have demonstrated success in fighting discrimination and violence based on sexual orientation and gender identity.
- **In an embassy, establish an office or position to serve as the LGBT focal point.** A staff position designated to cover and respond to LGBT needs (e.g., Dutch example) – may be part of a broader portfolio on human rights, citizen outreach, etc.

Assessment and Monitoring

- **Assess the regional, national and sub-national contexts.** It is important to assess the conditions on the ground, the historical context, cultural and religious norms, etc. before implementing new programs and strategies. All embassies can be tasked to collect data, systematize content, and conduct ongoing monitoring and reporting on rights situation, abuses, changes in legislation, new opportunities, etc.

- **Learn from past successes and failures.** Reviewing and learning from what other countries are doing (e.g. Dutch, Swedes, and other EU member countries) and what the U.S. has achieved in the past will provide insights for future efforts. Learning from mistakes of the past likewise can help.
- **Develop a common analytical checklist for monitoring discrimination and violence based on sexual orientation and gender identity.** The EU Toolkit established a specific checklist of categories, issues, indicators, and sources of information that can be used as a model. The State Department's Bureau of African Affairs developed its own survey set.
- **Create fact sheets on the situation of LGBT human right violations** and issues for different countries.

Civil Society Engagement/Support

- **Support civil society organizations.** Most experts agreed that local groups should take the lead in being the face/voice for change, but that most of these local organizations can benefit greatly from different types of USG support (e.g., financial, access to media and government officials, technical training, etc.). Allowing local NGOs to take the lead also helps avoid accusation or perception that human rights of LGBT individuals is a foreign import.
- **Link U.S.-based domestic NGOs with LGBT groups in host country.** This has been successfully put into practice by a small number of U.S. embassies, USAID missions, and European embassies.
- **In contexts where LGBT discrimination is highest or LGBT groups are hard to locate, engage through other groups.** In some countries, LGBT groups are difficult to locate or keep active due to government and society pressures against them. In these situations, the right networks and groups can often be located via gender-focused NGOs or health or human rights NGOs.
- **Serve as a broker between LGBT and other civil society groups.** In some countries, human rights NGOs and other civil society actors do not work closely with LGBT groups. Embassy can help sponsor events that break down barriers and initiate dialog on common themes.
- **Set up meetings with parent groups.** Include parents of LGBT children concerned about economic rights issues of their children who cannot work or help support the family.

Multilateral Diplomacy

- **Work through multilateral fora.** As is already being done, the U.S. should continue to pursue LGBT and human rights protections in general through the UN system, inter-American system, and affiliated multilateral organizations and conventions.
- **The OAS and the IAHR** have proven to be particularly effective mechanisms/organizations.
- **Support the Pan America Health Organization (PAHO)** and explore areas where LGBT and health initiatives overlap within PAHO's areas of work.
- **Continue efforts to include LGBT issues in UN Human Rights Council.**
- **Advocate for further increase in number of LGBT NGOs** with consultative status at the UN.

Assistance and Training Programs

- **Build human rights and LGBT issues into existing assistance programs.** While there is benefit to specifically addressing LGBT issues head on, often times the best way to make progress is indirectly through various assistance programs (e.g., through **police and law enforcement training**, through **microcredit and other poverty reduction** programs that can help empower vulnerable individuals, through **health programs** that include issues and mechanisms specifically tailored to benefit the more vulnerable LGBT population).

- **Use HIV/AIDS programs as an entry point** to build and promote human rights for LGBT. There is already a lot of important work in public health and in human rights, but often these efforts are disconnected from each other and from LGBT human rights issues.
- **Provide refugee assistance and support.** Need for support mechanisms for those expelled from homes, communities, countries.
- **Justice Department training.** U.S. Department of Justice has provided some assistance to justice systems in Honduras and other countries and should continue to expand those programs elsewhere.
- **Partner with U.S. law schools.** U.S. law schools have helped with actual cases in LAC and can also be used to partner with host country law schools on training programs.

Religious Engagement

- **Know your target groups and engage them accordingly.** See Box 4 on different religious categories and identify key interests and reservations that each denomination or church might have. Identify groups where human rights or fighting poverty, for example, are their priorities and seek engagement on those issues to initiate dialog
- **Identify “cultural brokers” within a church or group.** While formal doctrine may hold LGBT people in disregard, certain individuals are amenable to discussing LGBT issues and can assist in connecting with the broader community on issues.
- **Help organize or promote festivals that bring together faith-based groups with rights groups with LGBT groups around common themed cultural celebrations.**
- **Engage on issues common to all families and to non-LGBT communities.** Include faith-based, civic, and LGBT groups working together on common issues facing families: relationships, child-rearing, adoption, single parents, extended family, elder care, etc.

Public Diplomacy

- **Have U.S. diplomats attend court hearings or otherwise show visible support** for cases involving LGBT human rights violations.
- **Sponsor cultural programs through the embassy.** Events that might have non-LGBT issues as the primary focus but with some inclusion of LGBT issues through film festivals, theater, dance, literature, etc.
- **Sponsor or support gay and trans pride events and other LGBT-specific public events.**
- **Use other messengers.** Where bias against LGBT individuals is very strong among the general public, incorporate the use of other messengers, such as family members of LGBT individuals, to convey the message to the public or to government agencies. This seems to have worked in Honduras among other countries in the past.

Other Recommendations

- **Lead by example.** Appoint qualified lesbian, gay, bisexual and transgender persons in senior positions in the State Department, U.S. embassies, and other foreign affairs agencies.
- **Reframe the issues.** LGBT human rights issues can be reframed as general human rights issues, citizen security issues, health and education programs, etc.
- **U.S. immigration enforcement.** Enforce the bars to immigration benefits/relief and non-immigration travel for anyone who has engaged in persecution of LGBT individuals. See <http://www.ice.gov/human-rights-violators/>

Concluding Remarks

Lesbian, Gay, Bisexual, and Transgender rights are clearly on the U.S. foreign policy agenda. Regional bureaus, embassies, and USAID missions across the world have been instructed to prioritize these issues, identify the challenges, and engage with a wide range of actors and approaches to help protect the rights of LGBT individuals. The State Department, USAID and other executive agencies are working together to identify tools and priority areas of interagency cooperation on human rights of LGBT individuals issues around the world.

The Western Hemisphere has some advantages over other regions in the world given the greater number and strength of LGBT civil society organizations, the more progressive domestic legal protections, and the generally less hostile public opinion toward LGBT individuals compared to Africa, the Middle East and other regions of the world. However, the challenges in the hemisphere are still immense, particularly in much of the Caribbean and a small number of other countries where fierce hostility, criminalization, and physical violence are part of the everyday realities of LGBT persons.

The recommendations identified above can help the U.S. government and its partners become more effective, agile, and strategic in its pursuit to help protect against discrimination and violence based on sexual orientation and gender identity. Fortunately, the great majority of the recommendations that surfaced require relatively modest additional financial resources. They also provide a highly diverse range of options that can be applied to just about any local context, whether the situations involve an extremely hostile environment or a fairly welcoming environment for LGBTs or somewhere in between. Finally, these sets of recommendations can also serve as a starting point for the State Department, USAID, and other agencies in their outreach efforts with a broad range of potential partners.