

115TH CONGRESS 2D SESSION

H. R. 6033

To establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTI Peoples, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 7, 2018

Mr. Lowenthal (for himself, Mr. Beyer, Mr. Blumenauer, Mr. Brady of Pennsylvania, Mr. Cartwright, Mr. Cicilline, Ms. Clark of Massachusetts, Ms. Clarke of New York, Mr. Cohen, Mrs. Watson Cole-MAN, Mr. CONNOLLY, Mr. CRIST, Ms. JUDY CHU of California, Ms. DEGETTE, Ms. DELBENE, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DIN-GELL, Mr. ENGEL, Mr. ESPAILLAT, Ms. ESTY of Connecticut, Mr. GALLEGO, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr. HASTINGS, Mr. HECK, Mr. Higgins of New York, Mr. Himes, Ms. Norton, Ms. Jackson Lee, Ms. Jayapal, Mr. Johnson of Georgia, Mr. Khanna, Mr. Kilmer, Ms. LEE, Ms. LOFGREN, Mr. SEAN PATRICK MALONEY of New York, Ms. Matsui, Ms. McCollum, Mr. McGovern, Mr. Moulton, Mr. Nadler, Mr. Pallone, Mr. Panetta, Mr. Payne, Mr. Peters, Mr. Pocan, Mr. RASKIN, Miss RICE of New York, Mr. Rush, Ms. Schakowsky, Mr. SCHIFF, Ms. Wasserman Schultz, Ms. Shea-Porter, Mr. Sherman, Ms. Sinema, Mr. Smith of Washington, Mr. Scott of Virginia, Mr. SOTO, Ms. SPEIER, Mr. TAKANO, Ms. TITUS, Mr. TONKO, Ms. TSONGAS, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTI Peoples, and for other purposes.

1	Be it enacted by the Senate and House of Representa-
2	tives of the United States of America in Congress assembled,
3	SECTION 1. SHORT TITLE.
4	This Act may be cited as the "International Human
5	Rights Defense Act of 2018".
6	SEC. 2. DEFINITIONS.
7	In this Act:
8	(1) Appropriate congressional commit-
9	TEES.—The term "appropriate congressional com-
10	mittees" means—
11	(A) the Committee on Foreign Relations
12	and the Committee on Appropriations of the
13	Senate; and
14	(B) the Committee on Foreign Affairs and
15	the Committee on Appropriations of the House
16	of Representatives.
17	(2) Gender identity.—The term "gender
18	identity" means the gender-related identity, appear-
19	ance, or mannerisms or other gender-related charac-
20	teristics of an individual, regardless of the individ-
21	ual's designated sex at birth.
22	(3) LGBTI.—The term "LGBTI" means les-
23	bian, gay, bisexual, transgender, or intersex.

1	(4) Sexual orientation.—The term "sexual
2	orientation" means actual or perceived homosex-
3	uality, heterosexuality, or bisexuality.
4	(5) Intersex.—The term "intersex" means in
5	dividuals born with sex characteristics (including
6	genitals, gonads, or chromosome patterns) that vary
7	from typical binary notions of male or female bodies
8	and is an umbrella term used to describe a wide
9	range of natural bodily variations.
10	(6) SEX CHARACTERISTICS.—The term "sex
11	characteristics" means the chromosomal, gonadal, or
12	anatomical features of a person, including—
13	(A) primary characteristics, such as repro-
14	ductive organs and genitalia, chromosoma
15	structures, or hormones; and
16	(B) secondary characteristics, such as
17	muscle mass, hair distribution, breasts, or
18	structure.
19	SEC. 3. FINDINGS.
20	Congress makes the following findings:
21	(1) Around the world, LGBTI people face vio-
22	lence, discrimination, hatred, and bigotry.
23	(2) Seventy-five countries criminalize same-sex
24	relations or prohibit the public support of the

- LGBTI community. That is equal to nearly 40 per cent of United Nations member states.
 - (3) In several countries, homosexuality is a crime that is punishable by death.
 - (4) Intersex people experience prejudice and discrimination because their bodies do not conform to other people's expectations about sex and gender, including the common performance of medically unnecessary surgeries without the consent or approval of intersex individuals.
 - orientation and gender identity are documented in the Department of State's annual Human Rights Report to Congress. The 2016 report continues to show a clear pattern of human rights violations in every region of the world based on sexual orientation and gender identity. These violations include murder, rape, torture, death threats, extortion, and imprisonment, as well as loss of employment, housing, access to health care, and other forms of societal stigma and discrimination. The report further documents LGBTI-specific restrictions on basic freedoms of assembly, press, and speech in every region of the world.

- (6) In Jamaica and other countries, discrimination against LGBTI people, including "corrective rape" of lesbian women, occurs all too frequently and with relative impunity.
 - (7) In 2013, the Russian Duma passed a law banning so-called "homosexual propaganda", which effectively makes it a crime to publicly support LGBTI equality or even discuss homosexuality. This pernicious law is the basis for similar so-called "antipropaganda" legislation in countries across Eastern Europe and Central Asia, including in Moldova, Kyrgyzstan, and Belarus.
 - (8) In December 2013, the Government of Nigeria adopted a law that further criminalized samesex relations and support for LGBTI people, endangering neighbors, friends, doctors, and landlords of LGBTI people.
 - (9) Several countries in South Asia continue to have draconian laws that criminalize homosexual acts which place LGBTI people in danger and undermines their ability to live free from persecution.
 - (10) In April 2014, the Supreme Court of India recognized transgender people as a third gender, improving the legal rights of transgender people in that country. Though an important step, the decision

- does not grant full legal rights to transgender people.
 - Uganda adopted a law making "aggravated homosexuality" a crime punishable with life imprisonment and concurrently, the Government of Uganda also passed laws severely limiting the basic freedoms of speech and assembly for LGBTI citizens. While the Constitutional Court overturned the Anti-Homosexuality Act on a technicality in August 2014, LGBTI Ugandans continue to be subjected to discrimination and violence, and their government has in recent years forcibly shut down even private Pride celebrations in Kampala.
 - (12) On April 1, 2017, the Russian newspaper Novaya Gazeta reported that the government of the autonomous republic of Chechnya had been arresting, detaining, and torturing gay and bisexual men in secret prisons since early 2017. International human rights groups and Russian LGBTI rights activists estimate that as many as 20 people may have been murdered thus far and potentially over 200 people were detained during the purge.
 - (13) On May 23, 2017, two gay men were publicly caned in the Indonesian province of Aceh, while

- 1 thousands of spectators snapped pictures outside a
- 2 mosque as the brutal punishment was meted out.
- 3 Several times in 2017, Indonesian police have ar-
- 4 rested men at private parties, sometimes releasing
- 5 their photographs to the news media, endangering
- 6 their lives.
- 7 (14) In September 2017, reports emerged from 8 Azerbaijan that authorities had begun a crackdown
- 9 on gay men and transgender women, arresting more
- than 60 and subjecting them to beatings, harass-
- 11 ment, torture, and blackmail.
- 12 (15) In September 2017, Egyptian authorities
- arrested seven people for the "crime" of raising a
- rainbow flag at a concert in Cairo in September
- 15 2017, leading to a wider crackdown on LGBTI
- 16 Egyptians.
- 17 (16) From September 2017 until the end of the
- year, over 70 LGBTI Egyptians were arrested, with
- dozens receiving prison sentences of up to 6 years.
- In late 2017, Egyptian authorities instructed local
- 21 media to delete any positive references to LGBTI
- people, and lawmakers proposed a bill that would
- criminalize LGBTI people and their allies.
- 24 (17) Anti-LGBTI laws not only endanger all
- 25 LGBTI individuals, but also pose serious risks for

- 1 those associated with or caring for LGBTI people.
- 2 Studies have shown that when LGBTI people, espe-
- 3 cially LGBTI youth, face discrimination, they are
- 4 less likely to seek HIV testing, prevention, and
- 5 treatment services.
- 6 (18) According to the Trans Murder Monitoring 7 Project, which monitors homicides of transgender in-
- 8 dividuals, 2,343 transgender and gender-diverse peo-
- 9 ple were murdered between 2008 and 2016, in 69
- 10 countries. Violence against transgender individuals is
- particularly alarming in Brazil, where 938
- transgender individuals were murdered during this
- time span.
- 14 (19) According to the International Guidelines
- on HIV/AIDS and Human Rights, as published by
- the United Nations High Commissioner for Human
- 17 Rights, and according to the July 2017 report of the
- 18 Independent Expert on protection against violence
- and discrimination based on sexual orientation and
- 20 gender identity, countries should review and reform
- criminal laws and correctional systems to ensure
- that they are consistent with international human
- rights obligations and are not misused or targeted
- against vulnerable groups.

- 1 (20) Removing institutionalized discrimination 2 and targeted persecution against LGBTI people 3 around the world is a critical step in the promotion 4 of human rights and global health internationally.
 - (21) Anti-LGBTI laws and discrimination pose significant risks for LGBTI youth who come out to their family or community and often face rejection, homelessness, and limited educational and economic opportunities. These factors contribute to increased risks of substance abuse, suicide, and HIV infection among LGBTI youth.
 - (22) On December 6, 2011, President Barack Obama released the Presidential Memorandum—International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons. The memorandum directed all Federal agencies engaged abroad to ensure that United States diplomacy and foreign assistance promote and protect the human rights of LGBTI persons.
 - (23) On February 23, 2015, Secretary of State John Kerry appointed senior diplomat Randy Berry as the State Department's first-ever Special Envoy for the Human Rights of LGBTI Persons.
- 24 (24) On June 30, 2016, the United Nations 25 Human Rights Council passed a resolution cospon-

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- sored by the United States that established an independent expert on violence and discrimination based on sexual orientation and gender identity to help monitor and track discrimination and violence experienced by LGBTI persons around the world.
- 6 (25) In November 2016, Tanzania placed a ban on all HIV and AIDS outreach projects aimed at 7 8 gay men, including those funded by the President's 9 Emergency Plan for AIDS Relief. This forced the 10 closure of United States-funded programs providing 11 testing, condoms, and care to gay men, exacerbating 12 the health needs of gay men in Tanzania, about 30 13 percent of whom are HIV positive.
 - (26) In February 2017, three transgender women were murdered in El Salvador with impunity, leading the United Nations to call for an investigation into crimes against sexual and gender minorities in that country. A 2016 report noted that transgender women in El Salvador have an average life expectancy of less than 35 years due to violence, discrimination, and femicide.

22 SEC. 4. STATEMENT OF POLICY.

- 23 It is the policy of the United States—
- 24 (1) to take effective action to prevent and re-25 spond to discrimination and violence against all peo-

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- ple on any basis internationally, including sexual orientation, gender identity, and sex characteristics, and that human rights policy includes attention to criminalization, hate crimes, and other discrimination against LGBTI people;
 - (2) to systematically integrate and coordinate into United States foreign policy efforts to prevent and respond to criminalization, discrimination, and violence against LGBTI people internationally;
 - (3) to support and build local capacity in countries around the world, including of governments at all levels and nongovernmental organizations, to prevent and respond to criminalization, discrimination, and violence against LGBTI people internationally;
 - (4) to consult, cooperate, coordinate, and collaborate with a wide variety of nongovernmental partners, including faith-based organizations and LGBTI-led organizations, with demonstrated experience in preventing and responding to criminalization, discrimination, and violence against LGBTI people internationally;
 - (5) to employ a multisectoral approach to preventing and responding to criminalization, discrimination, and violence against LGBTI people inter-

- nationally, including activities in the economic, education, health, nutrition, legal, and judicial sectors;
 - (6) to work at all levels, from the individual to the family, community, local, national, and international levels, to prevent and respond to criminalization, discrimination, and violence against LGBTI people internationally;
 - (7) to enhance training by United States personnel of professional foreign military and police forces and judicial officials to include appropriate and thorough LGBTI-specific instruction on preventing and responding to criminalization, discrimination, and violence based on sexual orientation and gender identity;
 - (8) to engage non-LGBTI people as allies and partners, as an essential element of making sustained reductions in criminalization, discrimination, and violence against LGBTI people internationally;
 - (9) to require that all Federal contractors and grant recipients in the United States Government's international programs establish appropriate policies and take effective measures to ensure the protection and safety of their staff and workplace, including from discrimination and violence directed against

- 1 LGBTI people and those who provide services to 2 them;
 - (10) to exert sustained international leadership, including in bilateral and multilateral fora, to prevent and respond to criminalization, discrimination, and violence against LGBTI people internationally;
 - (11) to fully implement and expand upon the policies outlined in the Presidential Memorandum—International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons;
 - (12) to ensure that international efforts to combat HIV/AIDS take all appropriate measures to support at-risk communities, including LGBTI people, and to create enabling legal environments for these communities;
 - (13) to work with governments and nongovernmental partners around the world to develop and implement regional strategies to decriminalize homosexuality and to counteract the prohibition of public support of LGBTI people; and
 - (14) to ensure that those who have a well-founded fear of persecution on account of being LGBTI or supporting LGBTI rights have the opportunity to seek protection in the United States.

SEC. 5. SPECIAL ENVOY FOR THE HUMAN RIGHTS OF LGBTI 2 PEOPLE. 3 (a) Establishment.—The Secretary of State shall establish in the Bureau of Democracy, Human Rights, 4 5 and Labor (DRL) of the Department of State a permanent Special Envoy for the Human Rights of LGBTI Peoples (in this section referred to as the "Special Envoy"), who shall be appointed by the President. The Special Envoy shall report directly to the Assistant Secretary for 10 DRL. 11 (b) Purpose.—In addition to the duties described in subsection (c) and those duties determined by the Sec-12 13 retary of State, the Special Envoy shall direct efforts of the United States Government relating to United States foreign policy, as directed by the Secretary, regarding human rights abuses against LGBTI people and communities internationally and the advancement of human 17 18 rights for LGBTI people, and shall represent the United 19 States internationally in bilateral and multilateral engage-20 ment on such matters. 21 (c) Duties.— 22 (1) IN GENERAL.—The Special Envoy— 23 (A) shall serve as the principal advisor to 24 the Secretary of State regarding human rights

for LGBTI people internationally;

- 1 (B) shall, notwithstanding any other provi-2 sion of law, direct activities, policies, programs, and funding relating to the human rights of 3 4 LGBTI people and the advancement of LGBTI equality initiatives internationally, for all bu-6 reaus and offices of the Department of State 7 and shall lead the coordination of relevant 8 international programs for all other Federal 9 agencies relating to such matters;
 - (C) shall represent the United States in diplomatic matters relevant to the human rights of LGBTI people, including criminalization, discrimination, and violence against LGBTI people internationally;
 - (D) shall direct, as appropriate, United States Government resources to respond to needs for protection, integration, resettlement, and empowerment of LGBTI people in United States Government policies and international programs, including to prevent and respond to criminalization, discrimination, and violence against LGBTI people internationally;
 - (E) shall design, support, and implement activities regarding support, education, resettlement, and empowerment of LGBTI people

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- internationally, including for the prevention and response to criminalization, discrimination, and violence against LGBTI people internationally;
 - (F) shall lead interagency coordination between the foreign policy priorities related to the human rights of LGBTI people and the development assistance priorities of the LGBTI Coordinator of the United States Agency for International Development;
 - (G) shall conduct regular consultation with nongovernmental organizations working to prevent and respond to criminalization, discrimination, and violence against LGBTI people internationally;
 - (H) shall ensure that programs, projects, and activities of the Department of State and the United States Agency for International Development designed to prevent and respond to criminalization, discrimination, and violence against LGBTI people internationally are subject to rigorous monitoring and evaluation, and that there is a uniform set of indicators and standards for such monitoring and evaluation that is used across international programs in Federal agencies; and

1	(I) is authorized to represent the United
2	States in bilateral and multilateral fora on mat-
3	ters relevant to the human rights of LGBTI
4	people internationally, including criminalization,
5	discrimination, and violence against LGBTI
6	people internationally.
7	(2) Data repository.—The Bureau of De-
8	mocracy, Human Rights, and Labor shall—
9	(A) be the central repository of data on all
10	United States programs, projects, and activities
11	that relate to prevention and response to crim-
12	inalization, discrimination, and violence against
13	LGBTI people internationally; and
14	(B) produce—
15	(i) a full accounting of United States
16	Government spending on such programs,
17	projects, and activities; and
18	(ii) evaluations of the effectiveness of
19	such programs, projects, and activities.
20	(d) Briefings and Assessments.—Not later than
21	180 days after the date of the enactment of this Act and
22	annually thereafter, the Special Envoy shall—
23	(1) brief the appropriate congressional commit-
24	tees on the status of the human rights of LGBTI
25	people internationally, as well as on the status of

- 1 programs and response strategies to address crim-
- 2 inalization, discrimination, and violence against
- 3 LGBTI people internationally; and
- 4 (2) submit to the appropriate congressional
- 5 committees an assessment of human and financial
- 6 resources necessary to fulfill the purposes and duties
- 7 of this Act.
- 8 (e) United States Policy To Prevent and Re-
- 9 SPOND TO CRIMINALIZATION, DISCRIMINATION, AND VIO-
- 10 LENCE AGAINST LGBTI PEOPLE GLOBALLY.—
- 11 (1) GLOBAL STRATEGY REQUIREMENT.—Not
- later than 180 days after the date of the enactment
- of this Act and annually thereafter for each of the
- following five years, the Special Envoy shall develop
- or update, as the case may be, a United States glob-
- al strategy to prevent and respond to criminaliza-
- tion, discrimination, and violence against LGBTI
- people internationally. The Special Envoy shall sub-
- mit to the appropriate congressional committees
- such global strategy and, if practicable, made such
- 21 global strategy available to the public.
- 22 (2) Collaboration and coordination.—In
- developing the global strategy described in para-
- graph (1), the Special Envoy shall consult with—

1	(A) mid- and high-level officials of relevant
2	Federal agencies; and
3	(B) representatives of nongovernmental or-
4	ganizations with demonstrated experience in ad-
5	dressing criminalization, discrimination, and vi-
6	olence against LGBTI people internationally or
7	promoting equal rights for LGBTI people inter-
8	nationally.
9	(f) Monitoring the United States Strategy To
10	PREVENT AND RESPOND TO CRIMINALIZATION, DISCRIMI-
11	NATION, AND VIOLENCE AGAINST THE LGBTI PEOPLE
12	AND COMMUNITIES INTERNATIONALLY.—
13	(1) In general.—In each global strategy sub-
14	mitted under subsection (e), the Special Envoy shall
15	include an analysis of best practices for preventing
16	and addressing criminalization, discrimination, and
17	violence against LGBTI people and communities
18	internationally, including—
19	(A) a description of successful efforts by
20	foreign governments and nongovernmental or-
21	ganizations to prevent and respond to criminal-
22	ization, discrimination, and violence against
23	LGBTI people and communities internationally;
24	(B) recommendations related to best prac-
25	tices, effective strategies, and improvements to

1	enhance the impact of such prevention and re-
2	sponse efforts; and
3	(C) the impact of activities funded by such
4	global strategy in preventing and reducing
5	criminalization, discrimination, and violence
6	against LGBTI people and communities inter-
7	nationally.
8	(2) Information required to be included
9	IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
10	PRACTICES.—
11	(A) Section 116.—Subsection (d) of sec-
12	tion 116 of the Foreign Assistance Act of 1961
13	(22 U.S.C. 2151n) is amended—
14	(i) in paragraph (11)(C), by striking
15	"and" after the semicolon at the end;
16	(ii) in paragraph (12)(C)(ii), by strik-
17	ing the period at the end and inserting ";
18	and"; and
19	(iii) by adding at the end the fol-
20	lowing new paragraph:
21	"(13) wherever applicable, the nature and ex-
22	tent of criminalization, discrimination, and violence
23	based on sexual orientation and gender identity, in-
24	cluding an identification of those countries that have
25	adopted laws or constitutional provisions that crim-

1	inalize or discriminate based on sexual orientation or
2	gender identity (as such terms are defined in section
3	2 of the International Human Rights Defense Act of
4	2018), including detailed descriptions of such laws
5	and provisions.".
6	(B) Section 502B.—Section 502B of the
7	Foreign Assistance Act of 1961 (22 U.S.C.
8	2304) is amended—
9	(i) by redesignating the second sub-
10	section (i) (relating to child marriage sta-
11	tus) as subsection (j); and
12	(ii) by adding at the end the following
13	new subsection:
14	"(k) SEXUAL ORIENTATION AND GENDER IDEN-
15	TITY.—The report required under subsection (b) shall in-
16	clude, wherever applicable, the nature and extent of crim-
17	inalization, discrimination, and violence based on sexual
18	orientation and gender identity, including an identification
19	of those countries that have adopted laws or constitutional
20	provisions that criminalize or discriminate based on sexual
21	orientation or gender identity (as such terms are defined
22	in section 2 of the International Human Rights Defense
23	Act of 2018), including detailed descriptions of such laws
24	and provisions.".

1	SEC. 6. IMPLEMENTATION OF THE UNITED STATES STRAT-
2	EGY TO PREVENT AND RESPOND TO CRIM-
3	INALIZATION, DISCRIMINATION, AND VIO-
4	LENCE AGAINST LGBTI PEOPLE AND COMMU-
5	NITIES INTERNATIONALLY.
6	The Secretary of State and the Administrator of the
7	United States Agency for International Development are
8	authorized to provide assistance to prevent and respond
9	to criminalization, discrimination, and violence against
10	LGBTI people internationally. Such assistance may in-
11	clude the following activities:
12	(1) Development and implementation of pro-
13	grams, such as the Global Equality Fund of the De-
14	partment of State, that respond to human rights
15	abuses and economic exclusion of LGBTI people in
16	the workplace and in public.
17	(2) Development and enforcement of civil and
18	criminal legal and judicial sanctions, protection,
19	training, and capacity.
20	(3) Enhancement of health sector capacity to
21	detect, prevent, and respond to violence against
22	LGBTI people and communities internationally, and
23	to combat HIV/AIDS in the LGBTI community
24	internationally, in close coordination with the Office
25	of the Global AIDS Coordinator and Health Diplo-
26	macy of the Department of State.

1	(4) Development of a leadership program for
2	international LGBTI activists that will foster col-
3	laboration and knowledge sharing across the world.

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