



A new beginning: Policy recommendations to improve the lives of LGBT people and eliminate discrimination from federal policies

DEPARTMENT OF STATE

ISSUE: CREATE AN OFFICE OR FORMAL POSITION WITHIN THE STATE DEPARTMENT THAT HAS BOTH THE RESPONSIBILITY AND THE FUNDING TO RESPOND TO LGBT HUMAN RIGHTS AND EQUALITY ISSUES.

POLICY DESCRIPTION: The State Department is required by Congress to report annually on human rights conditions worldwide. Most of the thematic categories of human rights concerns that are covered in that annual report – including religious persecution, trafficking in persons, violence against women and discrimination or abuse against persons with disabilities or on the basis of HIV status – also have an institutional “home” within the State Department that provides the Department with an ongoing opportunity to monitor and respond to those abuses. That “home” may fall within the job responsibilities of a dedicated official in the Human Rights Bureau (DRL), the portfolio of an ambassador-at-large or the mandate of an independent office within the State Department that specifically monitors and responds to that particular pattern or category of abuse. With the exception of abuses directed against LGBT communities, the Department’s response to other common categories of human rights violation also includes funding to support additional human rights documentation, local civil society engagement and basic humanitarian relief. There is no office or individual dedicated to monitoring or responding to LGBT human rights concerns within the State Department, and there are no dedicated funding streams that would allow either the State Department or USAID to support LGBT civil society groups addressing LGBT abuses in hostile environments.

RECOMMENDATIONS FOR CHANGE: The Department should take the following five steps to respond to this gap in human rights protection and response.

Create a formal position in Washington to work with select US embassies and country teams to design and institute a new “protection agenda” that encourages consistent reporting and more constructive diplomatic responses to human rights abuses targeting LGBT communities.

“Mission Strategic Plans”—the planning documents that guide the programs and activities of each U.S. embassy or consulate abroad—often do not address discrimination against LGBT communities. Instruct embassies, as appropriate, to include in Mission Strategic



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Plans specific actions aimed at fighting LGBT discrimination, strengthening the capacity/focus of LGBT groups, and/or including those groups in civil society outreach.

US assistance programs aimed at strengthening democracy and civil society abroad should be inclusive of LGBT communities. Designate a substantial USAID and/or State Department funding set-aside for programs aimed at enhancing LGBT equality abroad, principally in the context of funding devoted to civil society, democracy, and the rule of law.

US legal advice is offered to a number of countries seeking to reform their legal systems. Instruct Department of Justice legal advisers in countries where warranted to advise host governments on legal protections of LGBT citizens.

USAID micro-credit funding—intended to strengthen the entrepreneurial and small-enterprise sectors of foreign economies—is offered in many developing countries. This aid has been targeted toward women, ethnic minorities, and individuals on the margins of society, but has not been directed toward LGBT communities. Ensure that USAID micro-credit funding, where part of Mission Strategic Plans, is advertised broadly within LGBT communities and considered as a tool to empower economically marginalized LGBT individuals.

PROCESS FOR MAKING CHANGES: Most of these changes would not require legislative action. These policies could be implanted immediately by executive order, or simply through the personal leadership of the next Secretary of State.

The Secretary of State has the authority to add additional responsibilities to the existing Human Rights Bureau (DRL) in the State Department. Longer-term efforts to create a high-level LGBT position within the State Department, such as an ambassador-at-large for LGBT rights or a stand-alone office that monitors and responds to LGBT human rights, would have budget implications and could require Congressional authorization and appropriation, and potentially also Senate confirmation. But more immediate steps should be taken to re-organize existing human rights responsibilities among current staff to ensure that an existing officer in the Human Rights Bureau (DRL) has formal responsibility for responding to LGBT human rights concerns.



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Similarly, large new funding pools or funding offices would likely require new Congressional authorization and appropriation. But more immediate steps should be taken to ensure that existing human rights funds that have already been appropriated by Congress with broad human rights mandates related to human rights monitoring, democracy promotion or civil society development are stretched to provide limited initial support for LGBT human rights defenders in countries where the State Department's own human rights reporting has documented a longstanding pattern of LGBT abuse.