

Center for American Progress



Transforming U.S. Foreign Policy To Ensure Dignity and Rights for LGBTI People

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Executive summary

Author's note: *In this report, the authors predominantly use the "LGBTI" acronym. Although there are a multiplicity of terms, identities, experiences, and characteristics that "LGBTI" might not necessarily convey, it is nonetheless in line with the U.S. State Department and USAID's nomenclature, as agreed to and advised by civil society in the 2014 global donor conference in Washington, D.C.*

Over the past four years, the world has grimaced as America has turned inward and receded from the global stage, backing away from anything not perceived to be the narrowly defined U.S. self-interest. Among the principles and aims that the current administration has largely abandoned has been support for universal human rights, unless those rights were seen to align with the administration's priorities. Those priorities, in turn, have shown little concern for the distinctive challenges faced by marginalized individuals and communities whose human dignity is routinely—and sometimes intentionally—assaulted. Among the most marginalized, vulnerable, and persecuted of these individuals and groups are those defined by their sexual orientation, gender identity and expression, and sex characteristics: lesbian, bisexual, gay, transgender, intersex (LGBTI) people and others within the larger queer and nonbinary community.

Living up to what should be America's commitment to human rights requires an affirmation that sexual and gender minorities are humans of equal dignity and value as every other human. It also requires genuine efforts to understand and address the day-to-day challenges that those minorities face. Prioritizing human rights and dignity will ultimately entail finding effective means for Americans to reinvigorate and recommit to the values and common ground that define us as a people. Returning to a human rights-based approach is not only in America's global interest, but it is also in line with the American values that will shape and guide the achievements of the next administration.¹

The authors of this report advocate for a substantive refocusing of U.S. policy and strategic priorities related to the rights of LGBTI people and human rights more broadly. The United States must quickly demonstrate to the world that it genuinely cares about and is committed to defending and promoting the dignity,

rights, and inclusion of LGBTI people at home and abroad. The United States must shift direction and adopt a more thoughtful foreign policy paradigm, manifesting its care and commitment in its public declarations, policy pronouncements, and funding priorities. The United States must also earn its way back to leadership by building upon strong and consistent moral principles and actions. The time for a new LGBTI global agenda is now.

What does such an LGBTI global agenda look like in practice? First, the United States must offer decisive leadership and action, advancing policy to make the world safer for all marginalized people, including those within the LGBTI community. Such leadership is predicated on swift and ambitious actions. Within the leading global and multilateral institutions, and at the earliest possible date, the United States needs to champion efforts that recognize that LGBTI people are extremely vulnerable to routine discrimination and violence as well as global threats such as the COVID-19 pandemic. Without safety, peace, and security, there can be no well-being, freedom, opportunity, or development for the LGBTI community and other marginalized groups.

As LGBTI communities around the world are increasingly accepted as a constituent and valued part of diversity, this status will need to be monitored, defended, and sustained through comprehensive investments in international relief and development as well as through appropriate diplomatic initiatives to overcome the legacy of generations of persecution and exclusion. Therefore, the United States must lead the world in a new era of inclusive development and in a closer, stronger, and explicitly principled linkage between diplomacy, defense, and international development.

This report puts forward an intentionally bold and transformative agenda in support of LGBTI people around the world. The authors advocate for leadership initiatives and the requisite follow-through to change the existing paradigm of persistent marginalization, insecurity, exclusion, abuse, and violence that defines the lives of so many LGBTI people worldwide. Among the changes the next administration should prioritize include:

1. Protecting and promoting the human rights and dignity of LGBTI people
2. Pursuing firm multilateral development agendas that elevate anti-poverty and inclusive economic growth strategies for LGBTI people
3. Adopting LGBTI-inclusive data-driven public health responses, particularly during the COVID-19 pandemic

4. Building a fair, humane, and workable immigration system that protects LGBTI immigrants and refugees
5. Using soft power and leading by example

Immediate action is also needed to reverse recent measures that have sought to redefine and limit the meaning and scope of human rights and which have prioritized freedom of religion over other human rights. Instead, a narrative must be advanced that affirms the universal nature of human dignity, building support for those whose life experiences show little evidence of such a reality. In this context, the dignity, rights, and security of LGBTI people everywhere and their full inclusion in social, economic, and democratic participation must be protected and promoted.²

In the same spirit and determination that drove the establishment and adoption of the Universal Declaration of Human Rights in 1948, the United States must invest the necessary political will to forge lasting solidarity and collaboration with governments and civil society around the world. America must reengage with international institutions designed to promote cooperation and hold all states, including the United States, accountable to their human rights commitments. And it should earn a credible leadership role as the world moves together toward a stronger, more robust, pragmatic, and measurable shared global commitment to respecting universal human dignity and human rights and the norms and standards that align with these principles, for all persons—without exceptions.

At the same time, the United States should elevate the role of international humanitarian relief and development so it becomes an integral part of the national discourse, foreign policy, and the nation's global engagement priorities. America should ensure that leading voices in international development have a seat at the table when decisions are made, are amply funded and prioritized in foreign policy, and are guided by human rights commitments. And the United States should build broad public support for the dedicated and effective efforts of development-focused organizations and ensure that America commits its energy and resources to support a robust global civil society to meet the needs of the most marginalized, including LGBTI people.

LGBTI issues are successfully being advanced through multilateral economic development institutions, particularly as an issue of inclusion within economic development and anti-poverty programming.³ But fully leveraging the institutional heft of the development community is still an ongoing process that can benefit tremendously by a firm LGBTI-inclusive U.S. development agenda. America

can once again become a global leader on economic development and advance the well-being of the most marginalized groups, but it must first reinvigorate its dedication to multilateralism through consistent policy engagement and investments.

In 2020 and amid the COVID-19 pandemic, the world is perhaps seeing the largest shock to health systems at all levels of society.⁴ For the United States to emerge from this public health catastrophe, which is partly of its own making, it must respect the role of data and science within strong national and international public health systems. In response to significant quantitative data gaps on LGBTI people, the United States must invest in inclusive qualitative and quantitative data collection. These data are critical to create evidence-based targeted interventions as well as inclusive and effective public health responses.

Furthermore, the next administration will need to restore and strengthen humanitarian protections and uphold accountability and due process in its enforcement of America's immigration laws. While the Trump administration displayed unprecedented levels of cruelty through its use—and often violation—of U.S. immigration laws, it has also exposed and exploited ways in which the laws themselves are inadequate and in need of significant reform. For LGBTI people in particular, it is imperative to build a fair, humane, and workable immigration system.⁵

Finally, the United States must regain credibility by supporting the dignity and rights of LGBTI people at home. The world has noticed the Trump administration's anti-LGBTI policies, which have left like-minded partners abandoned and authoritarian leaders emboldened. The world sees when the U.S. government fights against transgender service members, hinders transgender citizens' ability to access health care, argues against LGBTI people's right to work, and ignores an epidemic of violence and death mostly affecting Black and Latinx transgender women.

Protecting and promoting the human rights of LGBTI people

Under the Obama administration’s bilateral and multilateral diplomacy, the United States devoted funding, support, and political capital at the highest levels in efforts to recognize the human rights, dignity, and inclusion of LGBTI people around the world. Over the past four years, however, the United States has retreated from many of its international engagements, particularly at the United Nations; many of these retreats have put LGBTI people and other marginalized groups at heightened risk. Under the next administration, the United States must reengage with multilateral institutions and meaningfully commit itself to centering the defense and advancement of the human rights, dignity, and inclusion of all people in the ways described below. These principles should be prioritized—not politicized—no matter who is holding office.

The United States must rejoin human rights mechanisms.

In 2018, the United States gave up its seat on the U.N. Human Rights Council (UNHRC),⁶ abdicating its role and impairing its ability to advance the human rights, dignity, and inclusion of LGBTI people. The United States lost the opportunity, for example, to cast a vote to reauthorize the mandate of the United Nation’s top watchdog on the human rights of LGBTI people, the independent expert on protection against violence and discrimination based on sexual orientation and gender identity (IE-SOGI). In July 2020, the United States was absent when the IE-SOGI, Victor Madrigal-Borloz, delivered a major report to the council calling for a global ban on so-called conversion therapy.

The United States must stand in solidarity with international efforts for justice.

In 2019, the United States failed to sign on to a joint statement⁷ of the UNHRC of more than 30 countries that called for the “swift, thorough and impartial investigation into the alleged persecution, arrest and torture of LGBTI persons” in

Chechnya.⁸ America must not be silent where serious violations of human rights are alleged and should join in multilateral efforts to investigate and address violations against LGBTI people internationally.

Moreover, the United States has largely given up a leadership role on core human rights treaty bodies. This includes the U.N. Committee Against Torture and the U.N. Human Rights Committee, which act as lynchpins for setting global legal standards on the human rights of LGBTI people, including combating criminalization, conversion therapy, and state-sponsored discrimination.⁹ The United States should seek the appointment of Americans to full terms on U.N. mechanisms to ensure states adhere to and fulfill human rights obligations toward LGBTI persons.

The United States must stand with other states that are committed to the human dignity and rights of LGBTI people.

Over the past four years, U.S. engagement has significantly diminished in the U.N. LGBTI Core Group, a coalition of supportive states and civil society actors working together to advance LGBTI equality. Compared with the Obama administration, U.S. representation at major convenings of the U.N. LGBTI Core Group during the Trump administration has been conspicuously less senior, vocal, and supportive. According to one former diplomatic official at the United Nations, the United States is “not reversing tack on the issue wholesale but not actively participating in advancing the discussion. This is in front of a backdrop of hardening of positions on related human rights issues such as women’s health and gender equality.”¹⁰

The United States must revitalize its diplomatic tools to defend the human dignity and rights of LGBTI people abroad.

Under the Obama administration, the U.S. Department of State created the position¹¹ of the special envoy for the human rights of LGBTI people, which was well received by activists and in some cases replicated by other governments. Under the Trump administration, the position has gone unfilled. In the past, the United States also made visible many symbolic gestures of support for human rights, including in countries where support for LGBTI people was limited. The current administration has rejected requests from U.S. embassies to fly the rainbow flag¹² during Pride month, abandoning a practice used to signal support for LGBTI equality abroad. The next administration should fill the position of the special

envoy and dedicate resources to bolster efforts to listen to and support LGBTI communities around the world. The next administration should also create a comprehensive policy for relief and development investments and activities by the U.S. Agency for International Development (USAID) and all other federal agencies active in international development on behalf of the needs and aspirations of marginalized LGBTI people everywhere. It should also support the passage of the Greater Leadership Overseas for the Benefit of Equality (GLOBE) Act in Congress.¹³ The GLOBE Act would codify an institutional strategy for advancing the human rights of LGBTI people in U.S. foreign policy.

The United States must support LGBTI human rights defenders abroad.

Alongside bold policy proposals, the United States has often advanced LGBTI rights through long-standing relationships and investments in civil society organizations that work to promote and defend human dignity and rights around the world. America should continue to commit resources to programs such as the Global Equality Fund, the LGBTI Global Human Rights Initiative, and the Dignity for All program, which provide urgently needed material support to civil society organizations. The next administration should also deepen engagement with LGBTI activists in contexts where such recognition and support assists in enabling them to undertake safe and effective advocacy.

The United States must make genuine—not merely rhetorical—commitments to advancing the human dignity and rights of LGBTI people.

While the Trump administration has, on occasion, taken the opportunity to make public pronouncements on its intention to support global decriminalization of same-sex relationships, these are widely understood to be merely symbolic and not supported by meaningful action. In February 2019, for example, with then-U.S. Ambassador to Germany Richard Grenell at the helm, the Trump administration announced a global campaign to decriminalize same-sex relationships.¹⁴

The Council for Global Equality chair, Mark Bromley, noted that there has been little substantive visibility or clarity on the framework of the Trump administration's purported global campaign to decriminalize same-sex intimacy.¹⁵ It is also unclear whether the initiative has dedicated staffing or funding to pursue such stated goals

or to what extent it has engaged with other states. As critics have noted, the narrow focus of the Trump administration’s initiative also has neglected the human rights concerns of transgender and intersex people. To the extent that the United States is working to address human rights abuses against LGBTI people, it should commit resources to those efforts, consult with leaders on the ground, and ensure that it is not excluding populations or selectively targeting states for political gain.

The United States must support the full range of human rights that LGBTI people ought to enjoy under international law.

One of the most fundamental tenets of international human rights law is that human rights are “universal, indivisible and interdependent and interrelated.”¹⁶ The Trump administration has often pointed to its decriminalization initiative as evidence of its support for the human rights of LGBTI people. However, at the same time, the administration has actively undermined reproductive rights and shown little interest in the right of access to the highest attainable standard of health and freedom from discrimination. The administration has also tried to replace Obama-era USAID development policies on global development programming and on gender equality and equity with regressive policy approaches that turn the clock back on gender concerns.¹⁷

Moreover, the State Department further undermined the universality of human rights with the U.S. Commission on Unalienable Rights¹⁸—a body tasked with reassessing the United States’ human rights commitments to decide which are “entitled to gain respect.”¹⁹ The commission is stacked with commissioners who are hostile to LGBTI issues and reproductive rights, and Secretary of State Mike Pompeo has repeatedly criticized the “proliferation”²⁰ of rights to justify the body’s existence. While the State Department has maintained the commission will have no direct bearing on policy, top Trump administration officials have nonetheless repeatedly mentioned the organ’s mandate and work in policymaking and legal circles.

The commission jeopardizes the human rights framework by suggesting states can unilaterally decide what international human rights are valid or worth defending. Such an approach is likely to seriously harm LGBTI people and other marginalized groups around the world.

The United States must not pick and choose the human rights that it respects, protects, and fulfills. Rather, it should commit to upholding the full range of human rights and dignity to which all people—including LGBTI people—are entitled nationally and internationally.

The United States must not be complacent when states, including allies, express open hostility toward the human rights and dignity of LGBTI people.

President Donald Trump hosted Polish President Andrzej Duda at the White House during Pride Month in 2020, just weeks after Duda equated progress on LGBTI human rights in his country as worse than communism.²¹ Similarly, President Trump strengthened U.S. ties to President Jair Bolsonaro of Brazil, who regularly employs derisive and incitement-laden anti-gay and anti-trans language.

The Trump administration’s recent announcement that it would sanction Chechnya’s leadership for “gross violations of human rights”—²²including against LGBTI people—is a welcome step, although it should have done so much earlier. It should be noted that in 2017, then-Secretary of State Rex Tillerson acknowledged²³ that he had not raised the issue of human rights violations against LGBTI people in Chechnya to his counterpart in Russia. “Those are on our pending list ... We did not make our way through all of the issues in the meetings we had,” Secretary Tillerson said at the time.

While U.S. foreign policy necessitates strong relationships with a variety of states, the United States must be clear and unequivocal in its support of the human rights, dignity, and inclusion of LGBTI people in relationships, including among its trusted allies.

The United States must not provide a platform for groups that reject the notion that LGBTI people are equal in dignity and rights.

Over the past four years, the Trump administration has repeatedly provided a platform to those who are hostile to the human dignity and rights of LGBTI people. In September 2020, the Trump administration led a U.N. joint statement at the United Nations indirectly referencing the conclusions of the Commission on Unalienable Rights, joined not by core U.S. allies but a signatory list largely composed of habitual human rights violators and governments that criminalize-same-sex relations.²⁴ In 2018, a Trump administration Health and Human Services official appeared on a U.N. panel convened by the Group of the Friends of the Family, an assemblage of

countries with a stark record of socially retrogressive and overtly anti-LGBTI positioning and voting at the United Nations. The United States should ensure that its collaborations and public convenings at the United Nations reflect its commitment to the principle that LGBTI people are equal in dignity and rights.

The United States must be a strong supporter of sexual and reproductive health and rights more broadly.

U.S. opposition²⁵ to sexual and reproductive health and rights (SRHR) language has left it voting against its traditional allies and in strange company. (see Appendix Figures 10 and 11) For example, in October 2020, Secretary Pompeo and Secretary of Health and Human Services Alex Azar launched the Geneva Consensus Declaration, explicitly rejecting the right to abortion and advancing coded language on “the family” with a rogues’ gallery of human rights violators and countries that criminalize same-sex relations.²⁶ In 2018-2019, the Trump administration was relegated to an ultra-minority of countries, including Iran, Libya, Saudi Arabia, and Syria, seeking to delete SRHR language from draft resolutions in the U.N. General Assembly Third Committee. The United States has also sought to remove references to “gender”²⁷ in resolutions, opting for less inclusive language. These developments threaten decades of arduous diplomatic vote-wrangling, consensus building, and high-powered advocacy that have made international institutions constructive forums for advancing LGBTI equality rather than the opposite.

In its own foreign policy, the United States has reinstated and expanded the Global Gag Rule,²⁸ dramatically curtailed its coverage of reproductive rights violations²⁹ in its annual human rights reporting, and adopted executive orders that subordinate LGBTI equality to religious freedom claims. It has decoupled women’s rights from LGBTI rights, including in a draft USAID policy on gender equality that erases existing references to LGBTI people.³⁰ Therefore, if it is to be a credible voice on the rights of LGBTI people once again, it is imperative that in multilateral forums and in its foreign policy, the United States strengthen its commitment to women’s rights, reproductive rights, comprehensive sexuality education, the rights of sex workers, and other sexual rights.

Overall, the United States must actively champion the full spectrum of human rights not only to take due note of human rights abuses but also to energetically promote dignity and achieve well-being for all, ensuring that development programs have adequate funding to this end. International development should also be elevated to a central place in foreign policy, alongside diplomacy and defense.

Multilateral economic development: Anti-poverty and inclusive growth

As previously discussed, discrimination and violence against LGBTI people will always be a matter of human dignity and rights. Regardless of identities that might defy mainstream expectations of love and gender, all people are entitled to the same universal human dignity and rights. As duty bearers, governments are thus obligated to ensure the equal enjoyment of these rights, driven by the clear realization of the identity and dignity of all their people.

Concurrent to this rights-based approach, an emerging and important pathway for advancing the identity and dignity of LGBTI people is through a socioeconomic lens. Around the world—and by virtue of their position as perceived through the general population, or stigma, as well as through the state, such as through punitive laws—an environment has been created in which LGBTI people are vulnerable to discrimination, violence, social exclusion, oppression, and a general targeting through institutional and informal means. For many LGBTI people, and particularly for those who exist at the intersections of multiple marginalized identities, these challenges limit their equality of opportunity and have harsh effects on their socioeconomic status. When an individual or community is caught in a cycle that deprives or excludes the means to access education, health care, financial services, work, or legal remedy,³¹ this can create poverty traps.

On a larger scale, the socioeconomic exclusion or inclusion of LGBTI people also has an aggregate effect on macroeconomic growth. For example, when examining LGBTI exclusion in just two sectors in India,³² estimates find that as much as \$30 billion in GDP is lost. Inversely, a strong correlation exists between the inclusion and enactment of rights for LGBTI people and increasing GDP per capita as well as nonmonetary measures of well-being. Specifically, the Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy at the University of California, Los Angeles finds that just one right enacted in law for LGBTI people in a country is associated with \$2,065 more in GDP per capita,³³ as well as a higher value in human development,³⁴ as measured by the Human Development Index. The USAID Mission to India recently completed a comprehensive Inclusive

Development Assessment, which embraced LGBTI people and six other under-represented groups, providing critically needed data to guide development across many sectors.³⁵ This inclusive development assessment is a positive example for combating LGBTI exclusion and deserves replication around the world.

Following in the footsteps of bilateral aid agencies in the United States, Sweden, and more recently Canada, the World Bank has taken a concerted approach to LGBTI issues³⁶ in the countries to which it lends. As recently as 2014, the World Bank joined a small community of multilateral institutions, especially the U.N. Development Programme,³⁷ to weave LGBTI issues into their economic development strategies. But whereas many of the bilateral aid agencies and U.N. agencies advanced LGBTI concerns through human rights standards, the World Bank took a parallel approach by examining the challenges that LGBTI people face as an issue of social exclusion, thus framing the issues within its purview to promote inclusive economic growth. More recently, other economic development institutions—notably the regional multilateral development banks (MDBs) and the World Economic Forum—have to varying degrees started to join this effort, helping to structure a pathway that uses LGBTI inclusion within development programming to combat poverty and promote economic growth.

Fully leveraging the institutional heft of the economic development community is an ongoing process that can benefit tremendously from a firm LGBTI-inclusive U.S. development agenda.

With the support of civil society and internal supporters, the World Bank was able to launch an LGBTI-inclusive development agenda with significant leadership from the office of the U.S. executive director, as instructed by the 2011 presidential memorandum to advance LGBTI issues through international initiatives.³⁸ But advancing this agenda throughout myriad development institutions, particularly as the United States and some other key governments have receded, remains a significant challenge. Aside from the World Bank, there has been a delay on the part of regional development banks and other international financial institutions (IFIs) to advance LGBTI inclusion. Without leadership and support from larger donors, the inclusion of LGBTI issues and concerns into their analytics and programs will still be hampered by anti-LGBTI governmental voting blocs as well as a lack of funding.

To once again become a global leader on economic development, the United States must first reinvigorate its dedication to multilateralism through consistent policy engagement and investments.

Primarily, the United States must again believe in its unique role within many of these multilateral institutions and the corresponding responsibility to advance the inclusion of the most marginalized. Following the example of the 2011 presidential memorandum, as well as the aspirations of the GLOBE Act of 2019,³⁹ the United States should use its significant leverage in the various MDBs and IFIs to elevate LGBTI inclusion throughout their various processes, especially in analytics, policy dialogue, and programming. To combat the chronic underfunding⁴⁰ by governments and development banks that plagues LGBTI communities everywhere, significant targeted investments through multilateral institutions into data collection and inclusive programs can fill in knowledge gaps as well as cultivate their ability to benefit from larger sectoral programs.

COVID-19: An attack on public health and LGBTI vulnerability

Public health remains one of the most crucial sectors within the field of economic and social development, in addition to one of the highest priorities of governments and their people. In 2020 and amid the COVID-19 pandemic, the world is perhaps seeing the largest and most significant disruption to health systems at all levels of society. The staggering death toll is more than 1 million globally, with the United States leading on this count.⁴¹

In an unprecedented manner, the Trump administration has irrevocably mismanaged this public health crisis. By eradicating and ignoring early warning systems, belittling the recommendations of scientists and attacking the Centers for Disease Control and Prevention (CDC), and withdrawing from the World Health Organization (WHO),⁴² the Trump administration has flaunted an anti-science and nationalistic modus operandi. Because of this administration's transgressions, those paying the highest price are those Americans who are most vulnerable to COVID-19 transmission and death as well as an international system that historically relied on U.S. leadership during a crisis.

COVID-19 is certainly not only an LGBTI issue. It is also an issue of gender, age, race, ethnicity, migration, disability, class, and a host of other characteristics that contribute to the marginalization and vulnerability of some communities. Around the world, COVID-19 has especially affected groups⁴³ with a lower socioeconomic status; groups who were left out of censuses and other nationally representative diagnostics and thus excluded from public health strategies; and groups who were further scapegoated by their government under the false pretense of public health, culminating in police crackdowns and violence. Among these groups are LGBTI people, who in confronting COVID-19 must face not only significant challenges in accessing health care but also must deal with a loss of livelihoods⁴⁴ due to the economic downturn and increased stigma. On top of these barriers, LGBTI people must also endure a rise in abuse from hostile governments⁴⁵ and the police.⁴⁶

For the United States to emerge from this health and economic catastrophe, it must respect the role of data and science, which underpin strong national and international public health systems.

This means returning to a respect for the methods by which scientists understand emerging pandemics and epidemics and supporting the processes by which that knowledge informs public health messaging and protocols to keep people healthy. With regards to public health institutions, the United States should rejoin the WHO and contribute funding to national and international health systems, in addition to funding economic development programs that work with developing nations on inclusive and universal health coverage.

The United States must invest in data collection in order to create evidence-based targeted interventions and inclusive public health responses.

If the well-being and health outcomes of LGBTI people are to be brought on par with the rest of society, there must first be significant evidence to inform effective strategies and programs. During this pandemic—and in light of a vacuum of federal leadership—many LGBTI organizations led their own data collection efforts and dared to challenge their imposed invisibility. Organizations such as OutRight Action International and the Commonwealth Equality Network led rapid qualitative analyses, while a multidisciplinary group of researchers and technologists⁴⁷ created the COVID Disparities Working Group and launched one of the only quantitative surveys of LGBTI people globally. During the next administration, the United States must support initiatives that generate knowledge—especially those that are led by civil society, national health systems, or multilateral institutions—and use that evidence to create targeted interventions and inclusive public health responses that work.

Building a fair and humane immigration system

The United States has long been a leader in welcoming refugees and asylum-seekers, setting the tone for the rest of the world. However, over the past four years, the Trump administration has undermined America's reputation as a welcoming home for immigrants. For LGBTI people in particular, it is imperative that the United States builds a fair, humane, and workable immigration system.⁴⁸

The Trump administration introduced unprecedented levels of cruelty through its administration of U.S. immigration laws—and often in violation of those laws. It has also exposed and exploited ways in which the laws themselves are inadequate and in need of significant reform. The United States must restore and strengthen humanitarian protections and uphold accountability and due process in its enforcement of immigration laws.

The United States must restore and strengthen its refugee resettlement program to ensure it meets the needs of LGBTI refugees, including the need for protection.

Over the past four years, the Trump administration has on multiple occasions⁴⁹ entirely suspended refugee admissions. When the administration has permitted resettlement, it has cut the refugee resettlement ceiling every year, lowering the annual number of refugee resettlement slots from 110,000 when President Obama left office to just 15,000.⁵⁰ What's more, the administration has resettled even fewer individuals than the low ceiling allows. The decrease in resettlement spaces coincides with record-high numbers of refugees in need of resettlement. The need for resettlement is particularly acute for LGBTI refugees, who are frequently at heightened risk of violence in the camps and cities where they wait for months or years on end for resettlement.⁵¹

The United States must ensure LGBTI people fleeing persecution are able to meaningfully assert their right to seek asylum.

Policies such as the Migrant Protection Protocols,⁵² transit ban, asylum cooperative agreements, and rules establishing nearly insurmountable barriers to obtaining work authorization⁵³ and asylum⁵⁴ must be rescinded. Attorney general-certified opinions that are in opposition to years of precedent and the letter and spirit of U.S. immigration laws—such as *Matter of A-B-*,⁵⁵ which undermined asylum claims involving harm perpetrated by nonstate actors—must be overturned. The United States should collect data on the experiences of LGBTI people who are seeking asylum to assess disparities in access to these protections and also recognize a right to counsel in removal proceedings. The arbitrary one-year filing deadline, which research has shown disproportionately affects LGBTI asylum-seekers, should also be eliminated.⁵⁶

The United States must increase the use of community-based alternatives to detention.

Under the watch of the Trump administration, two transgender asylum-seekers living with HIV have died while in detention due to the neglect of U.S. Immigration and Customs Enforcement (ICE). Dozens more LGBTI immigrants have reported dangerous medical neglect and harassment while in detention.⁵⁷ ICE's own data show that LGBTI immigrants in detention are 97 times more likely⁵⁸ to report being sexually victimized than the general detainee population.

ICE has proven repeatedly that it is incapable of safely detaining LGBTI people and other vulnerable populations. The U.S. Department of Homeland Security (DHS) should restore and enforce its policy of not using detention resources on vulnerable populations, including LGBTI people and people with disabilities such as those living with HIV. Additionally, DHS should expand the use of community-based alternatives to detention, which have proven effective, and ensure the availability of programs that are culturally competent for assisting LGBTI people. This means partnering with nonprofit and social service organizations to provide comprehensive support—not contracting with private prison corporations.

The United States must provide a path to citizenship for undocumented LGBTI immigrants.

Hundreds of thousands⁵⁹ of LGBTI immigrants in the United States lack a path to citizenship. The United States must extend protection from deportation and grant work authorization for individuals who have had those protections jeopardized by the Trump administration and rescind the harmful “public charge” rule,⁶⁰ which disproportionately affects LGBTI immigrants. It must also enact legislation providing a path to citizenship for all undocumented immigrants. At the front of that list should be people eligible for Deferred Action for Childhood Arrival (DACA), Temporary Protected Status holders, as well as essential workers, who have helped to keep the country going during the pandemic and laid the foundation upon which the country’s economic recovery will be built.

Using soft power and leading by example to expand human rights protections

One of the most useful tools in the U.S. foreign policy toolbox is America's soft power. Many countries still look to the United States for leadership and embrace American culture. When the United States aspires to live up to its creed that "all are created equal" and does the necessary work to make that lofty goal a reality, it inspires countless other advocates, leaders, and countries to do the same. This year's killings of George Floyd, Breonna Taylor, and too many other Black people in the United States galvanized protests in support of Black lives and for racial justice that spread across the country and around the world. While the protests were mainly aimed against America's continued racism against African Americans, they have also made global protesters look inward and examine inequality in their own societies and work to bring more equality to their marginalized groups.

By abandoning the rights of LGBTI people at home, however, the Trump administration has failed to provide inspiration. According to ILGA World's 2019 "State-Sponsored Homophobia" report:

... in the years since the 2015 U.S. Supreme Court marriage equality ruling—and particularly since the installation of the Trump Administration in 2017—a wave of backlash has been growing that threatens to undermine progress towards LGBTQ equality.⁶¹

The Trump administration's anti-LGBTI policies have served as inspiration for authoritarian leaders and signaled to supporters of LGBTI equality globally that the U.S. government has abandoned them. The United States has abandoned pro-LGBTI equality advocates and political leaders from countries that were once close allies because of Trump administration policies.⁶² Global anti-LGBTI forces seemingly have a friend in the White House with domestic LGBTI policies that mirror theirs and that gives tacit approval in attacking LGBTI citizens.

The United States must regain its moral authority and then use it to speak out on abuses of LGBTI people around the world.

Over the past four years, Trump administration officials at the highest levels have too often failed to speak out against the human rights abuses affecting LGBTI people, including in Indonesia, Poland, and Uganda. However, speaking out, as Secretary Pompeo did when announcing⁶³ new U.S. sanctions against Chechnya's leadership in July 2020 for human rights abuses against LGBTI people, is most effective when those words do not contradict other administration policies.

The United States must regain credibility by supporting the dignity and rights of LGBTI people at home.

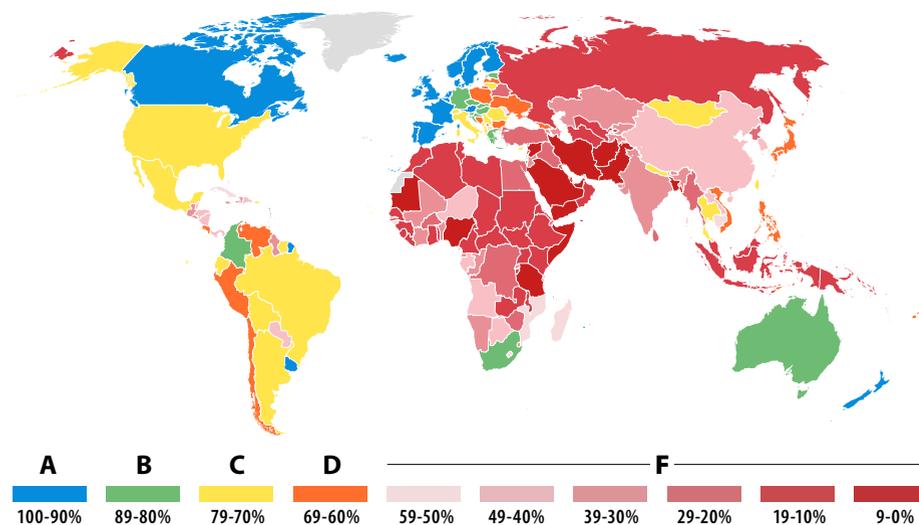
Ensuring domestic authorities are doing everything in their power to investigate and address violence against LGBTI people domestically gives U.S. diplomats the moral authority to argue for the protection of LGBTI people globally. Passing the Equality Act, for example, would give U.S. diplomats greater leverage when persuading other countries to pass laws expanding rights to their LGBTI citizens. As former U.S. Ambassador Dan Baer has observed:

The United States is most powerful as a force for universal values and human rights when we demonstrate through action that the obligations that attach to human rights apply to all governments, including our own. Respecting the dignity of Americans at home -- through progress on racial justice, rejecting misogyny, and advancing LGBTQ+ rights, among others -- is a source of legitimacy for our democracy at home and credibility for our country as a voice of values in the world.⁶⁴

As the most recent Franklin & Marshall Global Barometer of Gay Rights shows, the United States still has much work to do to protect the rights of LGB people after backsliding from a “tolerant” rating in 2016-17 to “resistant” in 2018. The United States’ results for transgender rights was even bleaker, resulting in a “persecution” rating.⁶⁵

FIGURE 1
2018 Global Barometer of Gay Rights (GBGR)

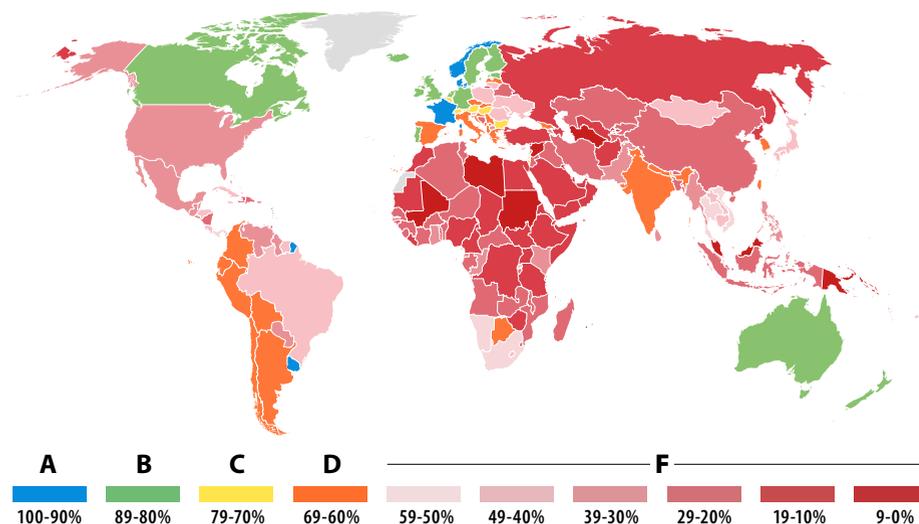
A quantification of the extent to which countries protect the human rights of or persecute sexual minorities



Note: The GBGR grades countries from 0 to 100, with a score of 100 representing full protection and a score of less than 60 representing active persecution.
 Source: F&M Global Barometer of Gay Rights, "2018 Results," available at <https://fandmgbgrstage.wpengine.com/results/> (last accessed October 2020).

FIGURE 2
2017 Global Barometer of Transgender Rights (GBTR)

A quantification of the extent to which countries protect the human rights of or persecute gender identity minorities



Note: The GBTR grades countries from 0 to 100, with a score of 100 representing full protection and a score of less than 60 representing active persecution.
 Source: F&M Global Barometer of Transgender Rights, "2017 Results," available at <https://fandmgbgrstage.wpengine.com/results/> (last accessed October 2020).

The United States must properly resource the global LGBTI movement as it works to support, model, and encourage other countries to do the same.

The U.S. government continues to support LGBTI movement work through resources from the State Department, USAID, and the Global Equality Fund (GEF). However, the United States must increase its funding and be more transparent about that work. According to the Global Philanthropy Project’s “2017-2018 Global Resources Report,”⁶⁶ the U.S. government reported awarding \$11.1 million in grants focused on LGBTI communities and \$7.6 million awarded through the GEF as of the period ending after 2014. While funding—in close consultation with in-country partners—has continued, U.S. attention to resourcing movement work and its importance to U.S. foreign policy has not. America cannot encourage other countries to support the dignity and rights of LGBTI people around the world if it is not modeling those same actions at home.

For the United States to properly promote the rights of LGBTI people globally, the administration must understand how domestic and foreign policies are intricately related. Equally important, the administration must aspire to expand the rights and humanity of LGBTI people at home and abroad.

Conclusion

As the United States has previously shown, it can be a global leader when it comes to promoting and protecting the human rights, dignity, and inclusion of LGBTI people by closely collaborating with like-minded allies. By holding governments accountable when they fall short, supporting civil society organizations and leaders, responsibly leading through multilateral institutions and global public health agencies, respecting a more humane immigration system, and leading by example at home, the United States can once again assume the mantle of global leadership.

The past four years have dealt a serious blow to U.S. credibility on these and many other issues, and the years ahead will show whether or not this is a temporary setback and if the international system can still look to the U.S. government for support and moral leadership. If the United States continues on this downward spiral, its current nationalistic, isolationist, and self-defeating policies will represent the nadir of U.S. engagement with the world. Instead, America must make a decisive break for a better path forward—one that prioritizes the human rights and inclusion of all people—and ultimately have the clarity of purpose to lead with humility and focus.

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