

RESEARCH THAT MATTERS

THE GLOBAL RESPECT ACT AND LGBTQI HUMAN RIGHTS

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INTRODUCTION

On June 13, 2023, a bipartisan coalition in the U.S. Congress reintroduced the Global Respect Act (GRA).¹ The GRA would empower the State Department to levy visa-blocking sanctions against foreign individuals who are credibly determined to have violated the human rights of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) persons. This brief provides an overview of the GRA and its enforcement mechanisms. It also highlights instances, by region, of human rights violations against LGBTQI individuals to illustrate cases where this legislation could be impactful.

THREATS TO LGBTQI HUMAN RIGHTS

LGBTQI persons around the globe face significant opposition to living freely and without persecution. More than 60 countries criminalize homosexuality, while 14 countries effectively criminalize transgender individuals through restrictions on gender identity or expression.² Seven countries currently maintain the death penalty as a punishment for consensual same-sex conduct.³ In countries that do not explicitly prohibit same-sex relations or criminalize forms of gender identity or expression, LGBTQI individuals often face other barriers to accessing fundamental rights, including marriage,⁴ legal gender recognition,⁵ or personal safety.⁶

Research has shown that the extent to which LGBTQI people are included in a country's laws and policies is strongly associated with their level of acceptance by society.⁷ Hostile laws and policies can increase stigma that engenders violence and discrimination on the basis of a person's actual or perceived sexual orientation, gender identity, gender expression, or sex characteristics. For example, following the May 2023 passage of anti-LGBTQI legislation in Uganda, the country experienced a marked increase in violence and harassment targeting sexual and gender minorities.⁸

¹ "The Global Respect Act," The Human Rights Campaign, accessed December 4, 2023, <https://www.hrc.org/resources/global-respect-act>

² "Map of Countries that Criminalise LGBT People," Human Dignity Trust, accessed December 4, 2023, https://www.human-dignitytrust.org/lgbt-the-law/map-of-criminalisation/?type_filter_submitted=&type_filter%5B%5D=crim_gender_exp

³ Amanda Clark, "Uganda's Anti-Homosexuality Act Isn't Just a Human Rights Crisis—It's a Public Health Crisis," The Wilson Center, May 3, 2023, <https://www.wilsoncenter.org/blog-post/ugandas-anti-homosexuality-act-public-health-crisis>; In May 2023, Uganda adopted the Anti-Homosexuality Act into law, which imposes the death penalty for so-called "aggravated homosexuality."

⁴ "Same-Sex Marriage Around the World," Pew Research Center, June 9, 2023, <https://www.pewresearch.org/religion/fact-sheet/gay-marriage-around-the-world/>

⁵ Zhan Chiam, Sandra Duffy, Matilda González Gil, Lara Goodwin, and Nigel Timothy Mpemba Patel, "Trans Legal Mapping Report 2019: Recognition before the law," ILGA World, 2020, https://ilga.org/downloads/ILGA_World_Trans_Legal_Mapping_Report_2019_EN.pdf

⁶ "Russia: Expanded 'Gay Propaganda' Ban Progresses Toward Law," Human Rights Watch, November 25, 2022, <https://www.hrw.org/news/2022/11/25/russia-expanded-gay-propaganda-ban-progresses-toward-law>

⁷ Andrew R. Flores and Andrew Park, "Examining the Relationship Between Social Acceptance of LGBT People and Legal Inclusion of Sexual Minorities" (Los Angeles: The Williams Institute, March 2018), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Acceptance-Legal-Inclusion-Mar-2018.pdf>

⁸ Emma Bubola, "Uganda Arrests Man on Antigay Charge Punishable by Death," New York Times, August 29, 2023, <https://www.nytimes.com/2023/08/29/world/africa/uganda-anti-lgbtq-law-charges.html>; "Eviction, threats and suicidal thoughts: Uganda's LGBT community endures trying year," Reuters, December 18, 2023, <https://www.reuters.com/>

Public officials increasingly weaponize anti-LGBTQI rhetoric and policies for political gains, whether as populist strategies to mobilize voters or to distract from domestic economic or social crises.⁹ These local actions are bolstered by a coordinated, well-resourced transnational movement against LGBTQI communities comprised of religious organizations, advocacy groups, governmental officials, and donors.¹⁰ Between 2008 and 2017, organizations in the United States spent more than \$1 billion to support groups associated with the global “anti-gender” movement.¹¹ This escalation of anti-LGBTQI activity has had an evident impact on the human rights of LGBTQI people. For instance, a recent report by ILGA-Europe shows that violence against LGBTQI individuals in Europe and Central Asia was at its highest in a decade, largely stemming from “rising and widespread hate speech from politicians, religious leaders, right-wing organizations and media pundits.”¹²

WHAT IS THE GLOBAL RESPECT ACT?

The Global Respect Act (H.R. 3485) directs the Department of State to penalize foreign actors for human rights violations against LGBTQI individuals. Sanctions could be imposed on any individual or their agent who, based on “credible information,” is deemed “responsible for or complicit in” the following violations based on a person’s actual or perceived sexual orientation, gender identity, or sex characteristics:

- Torture or cruel, inhuman, or degrading treatment;
- Prolonged detention of the individual without charges or trial;
- Causing the disappearance of the individual by the abduction and clandestine detention of the individual and
- Other flagrant denial of the right to life, liberty, or the security of the individual.¹³

The State Department would be obligated to track violations and submit a regularly updated list of persons added or removed from the sanctions list to Congress.¹⁴ A person could be removed from the list if it is determined through credible information that they did not engage in the activity for which they were added, that they were prosecuted for the activity, or that they have demonstrated “a significant change in behavior,” have paid “an appropriate consequence for the activity,” and have committed to not engage in the activity in the future. The bill also stipulates that the annual State Department Report on Human Rights would include a section on LGBTQI international human rights, as well as an annual report to Congress on the effectiveness of sanctions.

[world/africa/eviction-threats-suicidal-thoughts-ugandas-lgbt-community-endures-trying-year-2023-12-18/](https://www.williamsinstitute.law.ucla.edu/publications/dem-backsliding-gai/).

⁹ Andrew R. Flores, Miguel Fuentes Carreño, and Ari Shaw, “Democratic Backsliding and LGBTI Acceptance” (Los Angeles: The Williams Institute, September 2023), <https://williamsinstitute.law.ucla.edu/publications/dem-backsliding-gai/>

¹⁰ Ari Shaw, “The global assault on LGBTQ rights undermines democracy,” Chatham House, June 2, 2023, <https://www.chathamhouse.org/publications/the-world-today/2023-06/global-assault-lgbtq-rights-undermines-democracy>

¹¹ “Meet the Moment: A Call for Progressive Philanthropic Response to the Anti-Gender Movement,” Global Philanthropy Project, 2020, <https://globalphilanthropyproject.org/wp-content/uploads/2021/02/Meet-the-Moment-2020-English.pdf>

¹² “Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia,” ILGA Europe, February 2023, <https://www.ilga-europe.org/report/annual-review-2023/>

¹³ Global Respect Act, H.R. 3485, 118th Cong (2023), https://www.shaheen.senate.gov/imo/media/doc/global_respect_act.pdf

¹⁴ Global Respect Act, H.R. 3485

The GRA was first passed in the House of Representatives in February 2022 and sent to the Senate Committee on Foreign Relations, but it never moved beyond this stage.¹⁵ At that time, the Biden Administration released a Statement of Administration Policy officially supporting the passage of the GRA.¹⁶ On June 13, 2023, a bipartisan coalition of legislators, including Senators Shaheen (D-NH) and Murkowski (R-AK) and Representatives Jacobs (D-CA) and Fitzpatrick (R-PA), reintroduced this legislation in both chambers of Congress.¹⁷

EXISTING SANCTIONS LANDSCAPE AND POTENTIAL SCOPE OF THE GRA

While the GRA would be novel in creating a mechanism specifically targeting individuals who commit violations against LGBTQI persons, there is precedent for sanctioning individual human rights abusers. For one, Section 212 of the Immigration and Nationality Act enables visa bans if there are “reasonable grounds” to believe there would be “foreign policy consequences” if the person were admitted to the United States or if a person is determined to have “ordered, incited, assisted, or otherwise participated in genocide” or to have participated in torture or extrajudicial killing.¹⁸ Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act enables the sanctioning—including visa sanctions—of “officials of foreign governments and their immediate family members” if there is credible information of “significant corruption” or “a gross violation of human rights.”¹⁹ A number of other executive orders and proclamations enable sanctioning on similar grounds, and hundreds of individuals have been sanctioned using these mechanisms.²⁰

Notably, the 2016 Global Magnitsky Human Rights Accountability Act enables the use of both visa and property sanctions against foreign persons responsible for gross human rights violations.²¹ Sanctionable individuals include those “responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights,” which are defined in the Foreign Assistance Act (FAA) of 1961 as “torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of these persons, and other flagrant denial of the right to life, liberty, or the security of person.”²² In 2017, Executive Order 13818 was issued to implement the Act’s provisions

¹⁵ “H.R. 3485 – 117th Congress: Global Respect Act,” GovTrack, last updated February 9, 2022, <https://www.govtrack.us/congress/bills/117/hr3485>

¹⁶ Office of Management and Budget, *Statement of Administration Policy: H.R. 3485 – Global Respect Act*, February 1, 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/02/HR-3485-SAP.pdf>

¹⁷ A separate piece of legislation called The GLOBE Act, which has a similar purpose and enforcement structure to the GRA, but with additional data collection and funding stipulations, has also been introduced in Congress; “Congress Introduces GLOBE Act,” Council for Global Equality, accessed December 5, 2023, <https://www.hrc.org/resources/global-respect-act>

¹⁸ Benjamin Press, “How Congress Can Improve Visa Bans,” Just Security, October 1, 2021, <https://www.justsecurity.org/78382/how-congress-can-improve-visa-bans/>

¹⁹ *Targeting Foreign Corruption and Human Rights Violators in FY2019 Consolidated Appropriations*, CRS Report No. F10905 (Washington, DC: Congressional Research Service, June 25, 2019), <https://crsreports.congress.gov/product/pdf/IF/IF10905/5>

²⁰ Press 2021

²¹ “The US Global Magnitsky Act: Questions and Answers,” Human Rights Watch, September 13, 2017, <https://www.hrw.org/news/2017/09/13/us-global-magnitsky-act>

²² Michael A. Weber, *The Global Magnitsky Human Rights Accountability Act*, CRS Report R46981 (Washington, DC:

and expanded the scope of sanctionable targets to include those associated with perpetrators of abuses.²³ As of December 2022, 450 people have been sanctioned through these provisions.²⁴

The text of the GRA indicates that any “foreign person” responsible for violations of internationally recognized human rights against LGBTQI persons could be subjected to sanctions. This includes both government officials and private actors. Existing visa-blocking sanctions based on human rights abuses provide some insight into potential targets of the GRA. Previous examples of sanctioned persons include the following:

- **Government officials.** Sanctioned government officials include current and former Iranian officials who violently repressed peaceful protests²⁵ and the director of the Tibetan Public Security Bureau, who engaged in arbitrary arrests, religious and political persecution, and mass detentions in the Tibetan Autonomous Region.²⁶
- **Private citizens with government ties.** In Russia, human rights abuses during the war in Ukraine prompted the Biden Administration to impose visa-blocking sanctions against 19 Russian oligarchs and 47 of their family members and associates.²⁷
- **Military officials.** The State Department recently imposed sanctions on officials within Sudanese military forces currently locked in a conflict that has resulted in hundreds killed and extensive human rights violations.²⁸
- **Non-government actors.** Sanctions were placed on more than 500 Nicaraguan individuals and family members for their part in enabling “regime repression and corruption” by the Nicaraguan government.²⁹ Sanctions have also been imposed on Belarusian nationals in charge of state-owned factories and universities involved in the intimidation and harassment of pro-democracy strikers.³⁰

Congressional Research Service, December 3, 2023), <https://crsreports.congress.gov/product/pdf/R/R46981/1>

²³ U.S. State Department, “2022 Global Magnitsky Human Rights Accountability Act Annual Report,” Federal Register 88, no. 62 (March 31, 2023): 19344, <https://www.federalregister.gov/documents/2023/03/31/2023-06749/2022-global-magnitsky-human-rights-accountability-act-annual-report>

²⁴ Weber 2023

²⁵ “U.S. Sanctions for Human Rights Abuses,” The United States Institute of Peace, December 14, 2022, <https://iranprimer.usip.org/blog/2022/dec/14/us-sanctions-human-rights-abuses>

²⁶ “Treasury Sanctions Over 40 Individuals and Entities Across Nine Countries Connected to Corruption and Human Rights Abuse,” U.S. Embassy in Chile, December 9, 2022, <https://cl.usembassy.gov/treasury-sanctions-over-40-individuals-and-entities-across-nine-countries-connected-to-corruption-and-human-rights-abuse/>

²⁷ Andrew Restuccia and Courtney McBride, “U.S. to Impose Sanctions, Visa Restrictions on Russian Elites,” The Washington Post, March 3, 2022, <https://www.wsj.com/livecoverage/russia-ukraine-latest-news-2022-03-03/card/u-s-to-impose-sanctions-visa-restrictions-on-russian-elites-oPzxrAbf4LjYCTXByUQr>

²⁸ Jennifer Hansler, “Biden administration imposes sanctions and visa restrictions in response to ongoing Sudan violence,” CNN, June 1, 2023, <https://www.cnn.com/2023/06/01/politics/sudan-sanctions-biden-administration/index.html>

²⁹ U.S. Department of State, *Expanding U.S. Sanctions Authorities and Announcement of Visa Restrictions for Nicaraguan Officials*, October 24, 2022, <https://www.state.gov/expanding-u-s-sanctions-authorities-and-announcement-of-visa-restrictions-for-nicaraguan-officials/>

³⁰ “Promoting Accountability for Human Rights Abuses in Russia and Belarus and Taking Action Against Sanctions Evaders,” U.S. Embassy and Consulate in Russia, April 21, 2022, <https://ru.usembassy.gov/promoting-accountability-for-human-rights-abuses-in-russia-and-belarus-and-taking-action-against-sanctions-evaders/>

According to the text of the GRA, the range of human rights violations that could fall within the scope of the law is broad. Like the Global Magnitsky Act, the sanctionable violations enumerated in the GRA (Sec. 3(a)(1)) are crimes that constitute “gross violations of internationally recognized human rights” as defined by the Foreign Assistance Act.³¹ Existing obligations under international and domestic law provide some insight into the types of actions that constitute gross violations of international human rights:

- **Torture or cruel, inhuman, or degrading treatment or punishment.** Torture is among the more clearly specified violations. The Torture Act, which ratified the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), defines torture as “an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.”³² Severe mental pain or suffering consists of prolonged mental harm caused by or resulting from, among other things, the threat or infliction of severe physical pain or suffering or the threat of imminent death.³³ Cruel, inhuman, or degrading treatment has not been directly addressed by statute or case law. Article 16 of the CAT states that “each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.”³⁴
- **Prolonged detention of the individual without charges or trial.** The International Covenant on Civil and Political Rights (ICCPR) prohibits arbitrary or prolonged detention. According to the ICCPR, any person who is detained is entitled to challenge the lawfulness of detention before a court.³⁵
- **Causing the disappearance of the individual by the abduction and clandestine detention of the individual.** The International Convention for the Protection of All Persons from Enforced Disappearance prohibits enforced disappearance, defined as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”³⁶

³¹ 22 USC § 2304(d)(1). This definition is applied in other legislation pertaining to U.S. foreign policy vis-à-vis monitoring and accountability for gross human rights violations. For example, the “Leahy law” refers to two statutory provisions prohibiting the U.S. Government from using funds for assistance to units of foreign security forces where there is credible information implicating that unit in the commission of gross violations of human rights. One statutory provision applies to the State Department (22 U.S.C. 2378d) and the other applies to the Department of Defense (10 U.S.C. § 362).

³² 18 USC § 2340(1)

³³ *Ibid.*

³⁴ UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at: <https://www.refworld.org/docid/3ae6b3a94.html> [accessed 24 January 2024].

³⁵ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, at Article 9, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 24 January 2024]

³⁶ UN General Assembly, *International Convention for the Protection of All Persons from Enforced Disappearance*, 20

- **Other flagrant denial of the right to life, liberty, or the security of the individual.** The U.N. Human Rights Committee issued a General Comment on the Right to Liberty and Security of Person enshrined in Article 9 of the ICCPR. It underscores the grave implications of infringing on these rights because “the deprivation of liberty and security of person have historically been principal means for impairing the enjoyment of other rights.”³⁷ In addition to protection from physical detention, the right to security under the ICCPR “protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained.”³⁸ States party to the ICCPR have an obligation to “respond appropriately to patterns of violence against categories of victims...[including] violence against persons on the basis of their sexual orientation or gender identity.”³⁹

Taken together, these categories of rights violations encompass a range of official and non-official acts against LGBTQI persons that could warrant sanctions under the GRA.

EFFICACY OF TARGETED SANCTIONS

Studies on the efficacy of existing sanctions regimes highlight the importance of the GRA and provide evidence as to how it could be implemented effectively. Targeted sanctions such as visa bans have become increasingly prevalent in recent years. Compared to traditional comprehensive sanctions, which can harm citizens of a country rather than the officials perpetrating human rights abuses, targeted sanctions offer a more surgical approach to holding perpetrators accountable.⁴⁰ Studies have found that individuals subject to targeted sanctions can experience a loss in professional prestige, experience “political handicap[s]” because of their inability to travel,⁴¹ struggle to physically access bank accounts in countries from which they are banned, or experience social psychological harm among their peers.⁴² In many situations, visa bans have been used to effectively call attention to anti-democratic processes or human rights abuses, achieving their purpose by publicly designating and condemning their targets.⁴³

December 2006, at Article 2, available at: <https://www.refworld.org/docid/47fdfaeb0.html> [accessed 24 January 2024].

³⁷ UNHRC, *General Comment No. 35: Article 9 (Right to Liberty and Security of Persons)*, 112th Sess, adopted 7-31 October 2014, UN Doc CCPR/C/GC/35, online: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/244/51/PDF/G1424451.pdf?OpenElement>.

³⁸ *Ibid.*

³⁹ *Ibid.* at Sec. 1(9).

⁴⁰ Adam Gomes-Abreu, “Are Human Rights Violations Finally Bad for Business? The Impact of Magnitsky Sanctions on Policing Human Rights Violations,” *Journal of International Business and Law* 20, iss. 2 (2021), <https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1390&context=jibl>; Directorate General for External Policies, European Union, *Targeted sanctions against individuals on grounds of grave human rights violations – impact, trends and prospects at EU level*, April 2018, [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/603869/EXPO_STU\(2018\)603869_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/603869/EXPO_STU(2018)603869_EN.pdf)

⁴¹ Portela, Clara and Thijs Van Laer, “The Design and Impacts of Individual Sanctions: Evidence from Elites in Côte d’Ivoire and Zimbabwe,” *Politics and Governance* 10, no. 1 (2022): 26-35, <https://doi.org/10.17645/pag.v10i1.4745>

⁴² Peter Wallensteen, and Grusell Helena, “Targeting the Right Targets? The UN Use of Individual Sanctions,” *Global Governance: A Review of Multilateralism and International Organizations* 18, no. 2 (2012): 207–230, doi:10.1163/19426720-01802005

⁴³ Press 2021; Kevin D. Stringer, “The Visa Dimension of Diplomacy” (Wassenaar, Netherlands: Netherlands Institute of International Relations ‘Clingendael’), https://www.clingendael.org/sites/default/files/pdfs/20040300_cli_paper_dip_issue91.pdf

Visa-blocking sanctions have many limitations in their ability to force large-scale social or political changes, but they may be more effective in constraining and stigmatizing specific actions by a designee.⁴⁴ Research suggests that their success rate can be maximized by taking several key steps. For one, targets should be selected carefully; local intelligence is essential to determine individuals with decision-making power who directly caused specific harm.⁴⁵ Additionally, designees should be publicized to ensure their awareness of the sanction and to raise public consciousness of ongoing abuses.⁴⁶ This also ensures that designees have the opportunity to make changes to secure removal from sanctions lists.⁴⁷

The public listing of sanctions targets could have the added benefit of increasing the amount of available information on human rights abuses against LGBTQI persons to inform policymaking and other interventions. While some news outlets, international organizations, and human rights non-governmental organizations (NGOs) report on violations against LGBTQI individuals, the GRA offers an opportunity to leverage the resources and reach of the State Department to further expand the breadth and depth of information available.

⁴⁴ Biersteker Thomas et al. "The Effectiveness of United Nations Targeted Sanctions: Findings from the Targeted Sanctions Consortium (TSC)," *Watson Institute for International Studies*, November 2013

⁴⁵ Wallenstein and Helena 2012; Directorate General for External Policies, European Union 2018

⁴⁶ Clara Portela, "The EU's Use of 'Targeted' Sanctions: Evaluating Effectiveness," *CEPS Working Documents* 391 (March 2014), <https://ssrn.com/abstract=2410783>

⁴⁷ Portela, Clara and Thijs Van Laer

POTENTIAL IMPACT BY REGION

The following is an overview of documented human rights violations against LGBTQI persons across various countries and regions. Each section contains a brief summary of the context for LGBTQI persons in each country, followed by examples of gross violations of internationally recognized human rights that could be sanctionable under the GRA. These abuses vary by scope and severity, but each appears to fall within the set of sanctionable actions defined by the GRA. This list is far from comprehensive, and many countries and violations are not included. Rather, this brief is intended to provide illustrative cases that signal opportunities for impact of the GRA.

EUROPE

Belarus. While same-sex relations are legal in Belarus, same-sex marriage is not, and there are no legal protections for LGBTQI individuals.⁴⁸ There are reports that the Belarusian parliament plans to pass an “LGBT propaganda law” similar to the law in Russia.⁴⁹

- In 2017, police in Minsk raided several LGBTQI bars and nightclubs with no warrant or provocation, forcibly interrogating many patrons for hours, collecting their passport information, and arresting at least 13 people.⁵⁰ *Potential sanction targets under the GRA would be police officials who ordered such raids and prolonged detention.*
- A 2023 report detailed that LGBTQI people who have been detained by police experienced verbal, physical, and sexual harassment.⁵¹ *Sanctionable targets may include police or other officials who authorized and carried out such treatment, including prolonged detention.*

Russia. While same-sex relations or transgender individuals are not explicitly criminalized in Russia, LGBTQI people face severe repression. Same-sex marriage is prohibited, and in 2023, the legislature expanded existing laws prohibiting the depiction of “non-traditional” sexual relations as a symbolic gesture against “western” ideas.⁵² In 2023, a prohibition on gender-affirming care was signed into law,⁵³ and the Russian Supreme Court effectively banned LGBTQI activism by ruling that the international LGBTQI “movement” is an “extremist organization.”⁵⁴

⁴⁸ “Belarus,” UCL School of Slavonic and East European Studies, accessed December 7, 2023, <https://www.ucl.ac.uk/ssees/research/research-guides/lgbtq-eastern-europe/belarus>

⁴⁹ “The Belarusian parliament is preparing to adopt a law banning LGBT propaganda,” NewsHub, December 29, 2022, <https://newshub.ge/index.php/news/msoflio/belarusis-parlamenti-lgbt-propagandis-akrdzalvis-kanonis-mighebtvis-emzadeba>

⁵⁰ Michaela Morgan, “Police raid gay bars in Belarus, detain patrons,” SBS Voices, 27 October 2017, <https://www.sbs.com.au/voices/article/police-raid-gay-bars-in-belarus-detain-patrons/wv475h1jl>; “The Next Russia? Gay Bar in Belarus Closes Down Following Police Raids on LGBTQ Nightclubs,” Into, last updated on May 28, 2018, <https://www.intomore.com/impact/the-next-russia-gay-bar-in-belarus-closes-down-following-police-raids-on-lgbtq-nightclubs/>

⁵¹ “Torture of LGBTQ+ people and homophobic regime policies,” International Committee to Investigate Torture in Belarus, May 17, 2023, https://legin.info/uploads/20230517_6464c2bf1e37b.pdf

⁵² Graeme Reid, “Russia, Homophobia and the Battle for ‘Traditional Values,’” Human Rights Watch, May 17, 2023, <https://www.hrw.org/news/2023/05/17/russia-homophobia-and-battle-traditional-values>

⁵³ “Russian president signs legislation marking the final step outlawing gender-affirming procedures,” AP, July 24, 2023, <https://apnews.com/article/russia-lgbtq-transgender-procedures-banned-21b88f53b9a74a646400d63ce93bde6f>.

⁵⁴ Dasha Litvinova, “Russia’s Supreme Court effectively outlaws LGBTQ+ activism in a landmark ruling,” AP, November 30, 2023, <https://apnews.com/article/russia-lgbtq-crackdown-extremist-supreme-court-1b8f4cd8708d1c6cf3486c5f27fd7354>.

- Journalists and human rights organizations have documented a number of anti-gay purges in the Chechen Republic, including abductions, extrajudicial killings, and the creation of concentration camps for LGBTQI persons, in particular gay men.⁵⁵ From 2017 to 2020, more than 150 LGBTQI people were arrested in Chechnya and tortured, with at least three dying as a result.⁵⁶ Detainees were beaten, raped, given electroshocks, and ransomed to their families for release in what secret service insiders describe categorically as a “preventative cleansing.”⁵⁷ In one case, a teenage boy was abducted from his village, beaten to death, and had his bones returned in a bag.⁵⁸ More recent reports indicate that gay men who had fled the region were detained by police and forcibly returned.⁵⁹ Russian authorities have consistently refused to investigate the situation. *Potential sanctionable targets include Russian authorities who have been complicit in these raids, as well as officers or individuals who have ordered or carried out acts of torture and violations of rights to life and security.*

SUB-SAHARAN AFRICA

Uganda. In May 2023, Uganda enacted the Anti-Homosexuality Act (AHA), which makes some consensual same-sex activity—already illegal in Uganda—punishable by death.⁶⁰ It also outlawed the so-called promotion of homosexuality and created a duty to report any individual suspected of violating the AHA, including by health care providers and family members. In response, the Biden administration issued visa bans on current and former government officials “believed to be responsible for, or complicit in...actions aimed at repressing members of marginalized or vulnerable populations,” including LGBTQI persons. It also issued financial sanctions under the Global Magnitsky Act against the former head of the Uganda prison service.⁶¹

- In August 2023, two men were the first to be charged with “aggravated homosexuality” under the AHA.⁶²

⁵⁵ Daniel Reynolds, “Report: Chechnya Is Torturing Gay Men in Concentration Camps,” *The Advocate*, April 10, 2017, <https://www.advocate.com/world/2017/4/10/report-chechnya-torturing-gay-men-concentration-camps>;

Elena Milashina, “Honor killing: How the ambitions of a famous LGBT activist awakened a terrible ancient custom in Chechnya,” *Novaya Gazeta*, April 1, 2017, <https://novayagazeta.ru/articles/2017/04/01/71983-ubiystvo-chesti>

⁵⁶ “The brutal persecution of LGBTQ in Chechnya,” European Center for Constitutional and Human Rights, last accessed December 7, 2023, <https://www.ecchr.eu/en/case/persecution-lgbtq-chechnya/>; Milashina 2017; Associated Press, “Two killed, 40 detained in new gay purge in Chechnya,” *NBC News*, January 14, 2019, <https://www.nbcnews.com/feature/nbc-out/two-killed-40-detained-new-gay-purge-chechnya-n958366>

⁵⁷ Milashina 2017

⁵⁸ Reynolds 2017

⁵⁹ Colin Stewart, “Chechnya seizes gay men who fled 1,000 miles seeking safety,” *Erasing 76 Crimes*, February 10, 2021, <https://76crimes.com/2021/02/10/chechnya-seizes-gay-men-who-fled-1000-miles-seeking-safety/>

⁶⁰ “Gay activist says Uganda LGBTQ community ‘in shock’ at new law,” *Reuters*, March 22, 2023, <https://www.reuters.com/world/africa/gay-activist-says-uganda-lgbtq-community-in-shock-new-law-2023-03-22/>

⁶¹ The White House, “FACT SHEET: The United States Response to Uganda’s Anti-Homosexuality Act and Persistent Human Rights Abuses,” December 11, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/12/11/fact-sheet-the-united-states-response-to-ugandas-anti-homosexuality-act-and-persistent-human-rights-abuses/>.

⁶² Bubola 2023

- In June 2023, police arrested 44 people at an LGBTQI shelter for a “negligent act likely to spread infection of disease,” after which many were subjected to forced anal examinations, in a case the U.S. State Department has publicly condemned.⁶³ *In both of these cases, officials authorizing and carrying out such examinations, tantamount to torture, could be sanctioned.*
- In 2021, 44 people were arrested during a raid on an engagement party for an LGBTQI couple. Many community members were publicly outed after police deliberately filmed and leaked footage of the raid, and many were subjected to forced anal examinations while in police custody. A 2020 raid on an LGBTQI shelter by police saw footage of the local mayor beating LGBTQI people with a baton.⁶⁴ *Potential sanctions targets include the mayor who physically harmed LGBTQI persons, as well as officials authorizing anal examinations.*

Ghana. Same-sex relations are illegal in Ghana, and prosecution can result in up to three years in prison.⁶⁵ Under new legislation introduced in July 2023, gay or transgender expression would be illegal, as would same-sex marriage, adoption for same-sex couples, and advocating for LGBTQI rights—all of which could lead to a punishment of jail time or “conversion therapy.”⁶⁶ The legislation would also withdraw health services to LGBTQI people, including HIV medication.⁶⁷

- In 2021, 21 LGBTQI activists were detained and held for three weeks, during which they were tortured, kept in unsanitary cells, and denied medical care.⁶⁸ *Officials authorizing and implementing this treatment of LGBTQI detainees could be sanctioned.*
- In March 2023, armed forces stormed a birthday party of two LGBTQI individuals, injuring several people in their attack.⁶⁹ *Officers using unnecessary force, infringing on rights to liberty and security, could be sanctioned.*

Senegal. Same-sex relations are illegal, with penalties of up to five years in prison. Conservative activists in the country have advocated for harsher criminal penalties,⁷⁰ and LGBTQI people face violence and death threats from fellow citizens.⁷¹ LGBTQI activists report that they experience

⁶³ Michael K. Lavers, “Uganda police arrest 44 people at LGBTQ shelter,” Washington Blade, June 2, 2021, <https://www.washingtonblade.com/2021/06/02/uganda-police-arrest-44-people-at-lgbtq-shelter/>

⁶⁴ “Police arrest and ‘out’ dozens during an LGBT engagement party in Uganda,” The Observers, August 6, 2021, <https://observers.france24.com/en/africa/20210610-police-arrest-and-out-dozens-at-lgbt-engagement-party-uganda>

⁶⁵ Maxwell Akalaare Adombila and Christian Akorlie, “Ghana supreme court rejects bid to block anti-LGBTQ bill,” July 19, 2023, <https://www.reuters.com/world/africa/ghana-supreme-court-rejects-bid-block-anti-lgbtq-bill-2023-07-19/>

⁶⁶ Nimi Princewill, “Ghana’s president softens country’s stance on draconian anti-LGBTQ bill as Kamala Harris visits,” CNN, March 29, 2023, <https://www.cnn.com/2023/03/29/africa/ghana-softens-lgbtq-stance-intl/index.html>; Akalaare Adombila and Akorlie 2023

⁶⁷ Victoria Kendi Murumba, “Ghana Parliament unanimously passes extreme anti-gay bill,” Jurist, July 7, 2023, <https://www.jurist.org/news/2023/07/ghana-parliament-unanimously-passes-extreme-anti-gay-bill/>

⁶⁸ Rita Nketiah, “LGBTI Activists in Ghana Sue Over Abusive Arrest and Detention,” Human Rights Watch, June 22, 2022, <https://www.hrw.org/news/2022/06/22/lgbti-activists-ghana-sue-over-abusive-arrest-and-detention>

⁶⁹ “Military men storm and disrupt birthday party of alleged gay men at Osu,” GhanaWeb, March 6, 2023, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Military-men-storm-and-disrupt-birthday-party-of-alleged-gay-men-at-Osu-1725704>

⁷⁰ Annika Hammerschlag, “Protesters Demand Longer Prison Sentences for LGBTQ in Senegal,” VOA News, February 21, 2022, <https://www.voanews.com/a/protestors-demand-longer-prison-sentences-for-homosexuals-in-senegal-/6452057.html>

⁷¹ Corentin Bainier, “Terror sweeps Senegal’s gay community after a series of assaults,” The Observers, November 6,

discrimination when trying to access social services such as education or health care.⁷²

- In 2020, 25 men and four women were arrested after police broke up a “gay marriage,” and the men were sentenced to two years in prison. The police filmed the raid and posted it publicly, and during their imprisonment, the men were tortured to extract confessions in the hope of finding other gay people.⁷³ *Officials who ordered torture and police who carried out torture could both be potential sanctions targets.*

Tanzania. Homosexuality is illegal, punishable by up to a life sentence in prison. In 2016, the government initiated a large-scale crackdown on LGBTQI services and supports, followed by a ban in 2017 on the distribution of lubricant by community organizations and the mass arrests of many LGBTQI individuals and activists.⁷⁴

- Following police raids and arrests, LGBTQI Tanzanians have been forcibly subjected to genital examinations in an attempt to “prove” homosexual relations, considered a form of torture by international human rights bodies.⁷⁵ *Potential sanctions targets include officials who ordered and carried out these examinations.*

Nigeria. Same-sex relations are illegal and punishable with up to 14 years in prison, as are same-sex marriage, membership in LGBTQI rights groups, and providing services (including HIV treatment) to a person perceived to be gay.⁷⁶ A bill proposed in 2022 would punish cross-dressing with up to six months in prison.⁷⁷ In several northern states where Sharia courts apply Islamic law, homosexuality can be punishable by death.⁷⁸ Furthermore, LGBTQI people in Nigeria face discrimination in the workforce⁷⁹ and experience violence and harassment from fellow citizens.⁸⁰

2021, <https://observers.france24.com/en/africa/20210615-senegal-gay-community-homophobia-assaults>

⁷² U.S. Department of State, *2022 Country Reports on Human Rights Practices: Senegal, 2022*, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/senegal/>

⁷³ Moïse Manoël-Floris, “Senegal: Anti-gay zealots target 25 arrested men, 4 teenage girls,” *Erasing 76 Crimes*, October 27, 2020, <https://76crimes.com/2020/10/27/senegal-anti-gay-zealots-target-25-arrested-men-4-teenage-girls/>

⁷⁴ Neela Ghoshal, “Tanzania: Govt Should Change Its Tune on LGBTIQ Health and Rights,” *Human Rights Watch*, February 13, 2020, <https://www.hrw.org/news/2020/02/13/tanzania-govt-should-change-its-tune-lgbtiq-health-and-rights>

⁷⁵ “Tanzania Vows To Arrest Those ‘Protecting’ Gay Interests,” *Capital News*, June 26, 2017, <https://www.capitalfm.co.ke/news/2017/06/tanzania-vows-arrest-protecting-gay-interests/>

⁷⁶ “Nigeria’s president signs law imposing up to 14 years’ jail for gay relationships,” *The Guardian*, January 13, 2014, <https://www.theguardian.com/world/2014/jan/13/nigerian-president-signs-anti-gay-law>; “Nigeria anti-gay laws: Fears over new legislation,” *BBC*, January 14, 2014, <https://www.bbc.com/news/world-africa-25728845>

⁷⁷ Elvis Kachi, “Transgender Nigerians fear proposals to criminalise cross-dressing,” *Openly News*, September 26, 2022, <https://www.openlynews.com/i/?id=afcba859-9d54-48fe-98c5-75cde43b9656>

⁷⁸ Ardo Hazzad, “Nigerian Islamic court orders death by stoning for men convicted of homosexuality,” *Reuters*, July 2, 2022, <https://www.reuters.com/world/africa/nigerian-islamic-court-orders-death-by-stoning-men-convicted-homosexuality-2022-07-02/>

⁷⁹ Adaora Nwangwu, “LGBTQ+ Nigerians face debilitating workplace prejudice,” *LGBTQ Nation*, April 20, 2023, <https://www.lgbtqnation.com/2023/04/lgbtq-nigerians-face-debilitating-workplace-prejudice/>; Colin Stewart, “Intersex Nigeria calls for government to fight discrimination and stigma,” *Erasing 76 Crimes*, November 24, 2023, <https://76crimes.com/2022/11/24/intersex-nigeria-calls-for-government-to-fight-discrimination-and-stigma/>

⁸⁰ Kazeem Awojoodu, “Two Lesbians Escape Mob Lynch In Ibadan,” *Independent*, May 9, 2023, <https://independent.ng/two-lesbians-escape-mob-lynch-in-ibadan/>; Victoria Phillip, “Popular transgender Woman Activist Murdered By A Minor,”

- In 2022, three men were sentenced to death by stoning in a Sharia court based on charges of homosexuality.⁸¹ *Court officials who ordered these deaths in violation of the right to life and security could be sanctioned.*
- In 2022, 19 individuals were arrested by Islamic police in northern Nigeria for attending a “gay wedding” and subjected to “counseling,” which could entail so-called conversion therapy that is considered torture by some human rights authorities.⁸² *Officials ordering and carrying out such raids and mass arrests would be potential sanctions targets.*

SOUTHWEST ASIA AND NORTH AFRICA

Saudi Arabia. Restrictions based on Sharia law ban both same-sex relations and non-normative expressions of gender.⁸³ Citizens are regularly detained, arrested, and punished based on their perceived LGBTQI status.⁸⁴ The cultural taboo around LGBTQI persons is such that families may disown or even kill relatives. For example, in 2023, a transgender Saudi woman living in Washington, D.C. was trafficked back to Saudi Arabia and forcibly detransitioned by her family before dying by suicide.⁸⁵

- In 2019, five men were killed in a mass execution after coerced confessions to “homosexual acts”⁸⁶ *Potential sanctions targets include authorities who ordered and carried out the executions.*
- In 2017, Saudi police arrested attendees at a party of transgender Pakistanis, and one detainee died in custody after being beaten with clubs and pipes.⁸⁷ *Officers who killed this detainee and violated the right to life could be sanctioned.*

Top Naija, April 8, 2023, <https://topnaija.ng/popular-transgender-woman-activist-murdered-by-a-minor/>; Colin Stewart, “Trans man escapes violent attack, seeks help from Qtalk,” Erasing 76 Crimes, January 14, 2023, <https://76crimes.com/2023/01/14/trans-man-escapes-violent-attack-seeks-help-from-qtalk/>;

“Gay Men in Nigeria Targeted in Dating App Extortion Scheme,” The Advocate, May 16, 2023, <https://www.advocate.com/crime/gay-nigerians-blackmailed>

⁸¹ Timothy Obiezu, “Nigerian Activists Denounce Death Sentence in Homosexuality Conviction,” Voa News, July 8, 2022, <https://www.voanews.com/a/nigerian-activists-denounce-death-sentence-in-homosexuality-conviction-/6651116.html>

⁸² Colin Stewart, “Nigeria: Islamic police target ‘same-sex weddings’, Mohawk hair and mannequins,” Erasing 76 Crimes, December 29, 2022, <https://76crimes.com/2022/12/29/nigeria-islamic-police-target-same-sex-weddings-hair-styles-and-mannequins/>

⁸³ Hudhaifa Ebrahim, “Arab Gulf countries crack down on homosexuality,” The Jerusalem Post, December 16, 2022, <https://www.jpost.com/middle-east/article-725092>; Michael K. Lavers, “Three ‘effeminate’ men arrested at Saudi Arabia Starbucks,” Washington Blade, October 18, 2016, <https://www.washingtonblade.com/2016/10/18/three-effeminate-men-arrested-saudi-arabia-starbucks/>; “Saudi Arabia police arrest men over ‘gay wedding’ video,” BBC, January 9, 2018, <https://www.bbc.com/news/world-middle-east-42627742>

⁸⁴ Colin Stewart, “Saudi Arabia: 260 arrests for homosexuality in 1 year,” Erasing 76 Crimes, June 6, 2012, <https://76crimes.com/2012/06/06/saudi-arabia-260-arrests-for-homosexuality-in-1-year/>; Adam Crafton, “Risking death to tell the truth: Saudi Arabia’s LGBT+ community,” The Athletic, October 15, 2021, <https://theathletic.com/2891232/2021/10/16/risking-death-to-tell-the-truth-saudi-arabias-lgbt-community/>

⁸⁵ Samantha Reidel, “A Saudi Trans Woman Is Presumed Dead After Claiming She Was Forced to Detransition,” Them, March 17, 2023, <https://www.them.us/story/eden-knight-saudia-arabia-detransition>; Crafton 2021; “‘We have no place’: LGBTQ Saudis forced into exile,” The Daily Telegraph, April 20, 2023, <https://www.dailytelegraph.com.au/news/breaking-news/we-have-no-place-lgbtq-saudis-forced-into-exile/news-story/70f61345b46a1e470c858e7e1332184a>

⁸⁶ Mikelle Street, “Mass Execution in Saudi Arabia Kills 5 Linked to Homosexual Acts,” Out, April 29, 2019, <https://www.out.com/news/2019/4/29/saudi-arabia-kills-5-after-homosexual-acts-confession>

⁸⁷ M Ilyas Khan, “The transgender tailor who died in Saudi custody,” BBC, May 17, 2017, <https://www.bbc.com/news/world-asia-39881527>

Qatar. Qatar punishes same-sex relations with up to three years in prison, and the government broadly condemns and targets LGBTQI people.⁸⁸ Qatari officials regularly arrest LGBTQI individuals and subject them to physical and sexual abuse during detainment,⁸⁹ and LGBTQI people may be subjected to so-called conversion therapy.⁹⁰ LGBTQI individuals are often isolated from one another, as police forces regularly threaten arrested individuals with physical torture unless they out their “network,” creating a culture of fear within the community.⁹¹

- In 2022, a trans woman reported that authorities forced her to cut her hair and cut off breast tissue that had formed by taking hormones because she was “impersonating a woman.”⁹² *Authorities who authorized or carried out these violations of the right to liberty and security could be subject to sanctions.*
- In 2018, a man was gang raped in a hotel by six Qatari police officers, after which he was arrested and deported to the Philippines.⁹³ *Police officers who participated or were complicit in this rape could potentially be sanctioned.*

Iran. Same-sex relations are punishable by death, and “cross-dressing”—a charge regularly used to target transgender and gender nonconforming individuals—is punishable by lengthy prison terms.⁹⁴ Heavy restrictions censor LGBTQI persons online, while they are routinely denied health care and other services, experience abuses from police and other government officials, and may be forced to undergo so-called conversion therapy (which involves forms of torture, including electroshock therapy).⁹⁵ Families are often a primary source of anti-LGBTQI opposition—a 2020 survey of LGBT Iranians found that 62% report experiencing violence from their immediate family,⁹⁶ and there have been cases of family members murdering gay relatives as “honor” killings.⁹⁷

⁸⁸ Ellen Ioanes, “Qatar’s anti-LGBTQ policies, explained,” Vox, December 3, 2022, <https://www.vox.com/2022/12/3/23477966/qatar-anti-lgbtq-fifa-world-cup>

⁸⁹ “Qatar: Security Forces Arrest, Abuse LGBT People,” Human Rights Watch, October 24, 2022, <https://www.hrw.org/news/2022/10/24/qatar-security-forces-arrest-abuse-lgbt-people>

⁹⁰ Shannon Power, “Qatar’s Secret Gay Conversion Center Minutes From World Cup Final Stadium,” Newsweek, December 18, 2022, <https://www.newsweek.com/qatar-conversion-therapy-world-cup-football-lgbtq-1767971>

⁹¹ Sean Ingle, “Gay Qataris physically abused then recruited as agents, campaigner says,” The Guardian, November 15, 2022, <https://www.theguardian.com/football/2022/nov/15/gay-qataris-physically-abused-then-recruited-as-agents-campaigner-says>

⁹² Lauren Moss and Josh Parry, “World Cup 2022: ‘I am very afraid,’ says Qatari transgender woman,” BBC, December 1, 2022, <https://www.bbc.com/news/uk-63783327>

⁹³ Benjamin Weinthal, “Gay Filipino says he was gang raped by police in Qatar hotel in 2018,” Jerusalem Post, November 7, 2022, <https://www.jpost.com/middle-east/article-721719>

⁹⁴ “LGBTQ in Iran – hidden but numerous,” Center for Human Rights in Iran, August 2021, <https://iranhumanrights.org/wp-content/uploads/LGBTQ-Iran-Fact-Sheet.pdf>

⁹⁵ “Widespread use of conversion therapy as torture in Iran uncovered,” Iranian Lesbian and Transgender Network (6Rang), May 31, 2023, <https://6rang.org/english/3524/>; Shaya Goldoust, “LGBT Iranians Recount the Horrors of ‘Conversion Therapy,’” Iran Wire, February 18, 2021, <https://iranwire.com/en/features/68980/>; “Diagnosing Identities, Wounding Bodies: Medical Abuses and other Human Rights Violations Against Lesbian, Gay, and Transgender Individuals in Iran,” Justice for Iran (JFI) and Iranian Lesbian and Transgender Network (6Rang), August 2021, <http://6rang.org/english/wp-content/uploads/2016/02/Diagnosing-Identities-Paralyzing-Bodies.pdf>; U.S. State Department, *2022 Country Reports on Human Rights Practices: Iran*, 2022, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/iran/>

⁹⁶ “Diagnosing Identities, Wounding Bodies” 2021

⁹⁷ “Gay Man in Iran Reportedly Killed By His Own Family,” Radio Free Europe/Radio Liberty, May 10, 2021, <https://www.rferl.org/content/gay-man-in-iran-reportedly-killed-by-his-own-family/28242871.html>

- In 2021 and 2022, at least three LGBTQI individuals were executed, and at least four more were sentenced to death for charges relating to same-sex relations.⁹⁸ Between 4,000 and 6,000 gay and lesbian people have reportedly been executed since 1979.⁹⁹ *Officials ordering and carrying out the execution of LGBTQI persons could be sanctioned.*
- In 2017, a violent raid by police led to 30 men being arrested on charges of “sodomy” and subjected to forced anal examinations.¹⁰⁰ *Sanctionable parties include officers ordering examinations or those carrying them out.*
- There are reports that officials have attempted to combat same-sex relations by encouraging or even forcing gay and lesbian Iranians to undergo gender transition so that they will be “straight.”¹⁰¹ *Authorities forcing LGB persons to transition, tantamount to torture, could be sanctioned.*

Iraq. LGBTQI people in Iraq experience widespread discrimination and abuse by government officials, law enforcement, and private citizens.¹⁰² There has been documentation of private citizens and security forces raping, torturing, and killing LGBTQI individuals without intervention from government forces.¹⁰³ Additional reports indicate arrests by security forces without justification, as well as torture and abuse in detention settings, including denial of food, anal examinations, and sexual assault.¹⁰⁴

[rferl.org/a/iran-lgbt-murder/31247605.html](https://www.refr.org/a/iran-lgbt-murder/31247605.html)

⁹⁸ “Iran: UN experts demand stay of execution for two women, including LGBT activist,” United Nations Office of Human Rights, September 28, 2022, <https://www.ohchr.org/en/press-releases/2022/09/iran-un-experts-demand-stay-execution-two-women-including-lgbt-activist>; Daniel Villarreal, “Iran just executed a gay man – may be third this year,” Qnotes Carolinas, July 7, 2022, <https://qnotescarolinas.com/iran-just-executed-a-gay-man-may-be-third-this-year%E2%80%9C/>; “Iran executes 2 gay men over sodomy charges, rights group says,” NBC News, February 2, 2022, <https://www.nbcnews.com/nbc-out/out-news/iran-executes-2-gay-men-sodomy-charges-rights-group-says-rcna14540>; Benjamin Weinthal, “Iran executes a gay man under label of sodomy, says expert,” Jerusalem Post, Jun 30, 2022, <https://www.jpost.com/middle-east/iran-news/article-710848>; “Iran: Gay couple sentenced to death for adultery after family demanded execution,” Wion News, November 8, 2021, <https://www.wionews.com/world/iran-gay-couple-sentenced-to-death-for-adultery-after-family-demanded-execution-427557>

⁹⁹ Benjamin Weinthal, “Iran executes ‘high number’ of gays, says German intelligence,” Jerusalem Post, June 9, 2020, <https://www.jpost.com/middle-east/iran-executes-high-number-of-gays-says-german-intelligence-630751>

¹⁰⁰ Benjamin Weinthal, “Shots fired as Iran arrests over 30 gay men in violent raid,” Jerusalem Post, April 20, 2017, <https://www.jpost.com/middle-east/shots-fired-as-iran-arrests-over-30-gay-men-in-violent-raid-488419>

¹⁰¹ Stephan Kyriacou, “Thousands of gay people are being forced to undergo gender reassignment surgery in Iran for a vile reason,” Pink News, February 22, 2020, <https://www.thepinknews.com/2020/02/22/iran-gay-forced-gender-reassignment-surgery-the-sun/>; “Why Iran is a hub for sex-reassignment surgery,” The Economist, April 4, 2019, <https://www.economist.com/middle-east-and-africa/2019/04/04/why-iran-is-a-hub-for-sex-reassignment-surgery>; S.T., “How Iran Persecutes Some LGBTQ+ Members While Subsidizing Others,” LSE Blogs (Blog Post), <https://blogs.lse.ac.uk/humanrights/2021/04/12/how-iran-persecutes-some-lgbtq-members-while-subsidizing-others/>; “Diagnosing Identities, Wounding Bodies” 2021

¹⁰² <https://www.thepinknews.com/2023/07/04/iraq-homosexuality-bill-ban/>

¹⁰³ “‘Everyone Wants Me Dead’: Killings, Abductions, Torture, and Sexual Violence Against LGBT People by Armed Groups in Iraq,” Human Rights Watch, March 23, 2022, <https://www.hrw.org/report/2022/03/23/everyone-wants-me-dead/killings-abductions-torture-and-sexual-violence-against>

¹⁰⁴ “Everyone Wants Me Dead” 2022

- In 2021, a lesbian woman was detained for 21 days, tortured, and placed in solitary confinement.¹⁰⁵ In 2023, after being released on bail, she was later sentenced to death in Iran after attempting to cross the border into Turkey.¹⁰⁶ *Officials in Iraq who detained and tortured her, as well as officials in Iran who sentenced her to death, could be sanctioned.*
- In 2021, 15 juveniles were arrested on charges of homosexuality by Kurdish security forces, subjecting them to humiliation and abuse in detention.¹⁰⁷ *Security forces who directed or carried out abuse of these detainees could be sanctioned.*
- The Islamic State of Iraq and Syria (ISIS) is responsible for extrajudicial killings of LGBTQI persons, with dozens of gay and lesbian victims thrown from buildings and pelted with rocks.¹⁰⁸ *Those participating in such killings could be sanctioned.*

CENTRAL ASIA

Afghanistan. Since the Taliban regained power in Afghanistan, homosexuality has been brutally punished under Sharia law.¹⁰⁹ Beyond criminalizing same-sex relations, reports indicate that the Taliban is actively hunting LGBTQI persons and that private citizens and vigilante groups have attacked, raped, or killed those they suspect of being LGBTQI.¹¹⁰ While some LGBTQI people have managed to flee, it is estimated that less than 1% of the Afghan LGBTQI population has been able to seek refuge in another country.¹¹¹

- In 2022, a gay man was shot in the head by the Taliban, who sent a video of the execution to his family.¹¹² Another gay man reported in 2022 that the Taliban had attempted to shoot him

¹⁰⁵ Shaya Goldoust, "Revolutionary Guards Arrest Gay Woman on Turkish Border," Iran Wire, December 11, 2021, <https://iranwire.com/en/iran/70940/>

¹⁰⁶ Quentin Martinez, "Iran: release on bail of two lesbian activists sentenced to death," Tetu, March 22, 2023, <https://tetu.com/2023/03/22/justice-iran-liberation-militantes-lesbiennes-condamnees-mort-droits-lgbt-news/>

¹⁰⁷ Dana Taib Menmy, "Iraq: Arrests among LGBTQ+ community in Kurdish city sparks fierce debate," Middle East Eye, April 7, 2021, <https://www.middleeasteye.net/news/iraq-lgbtq-kurdish-city-arrests-spark-debate>

¹⁰⁸ Nick Duffy, "Mosul building used by ISIS to execute gay people demolished," Pink News, January 15, 2019, <https://www.thepinknews.com/2019/01/15/isis-news-mosul-gay-executions/>

¹⁰⁹ Rhuaridh Marr, "Taliban plans to crush gay men in Afghanistan to death by toppling walls onto them," Metro Weekly, July 13, 2021, or <https://www.metroweekly.com/2021/07/taliban-plans-to-crush-gay-men-in-afghanistan-to-death-by-toppling-walls-onto-them/>; Julie Moreau, "A virtual death sentence': Gay Afghans brace for uncertain future under Taliban," NBC News, August 29, 2021, <https://www.nbcnews.com/nbc-out/out-news/-virtual-death-sentence-gay-afghans-brace-uncertain-future-taliban-rcna1779>

¹¹⁰ Ben Westcott, "Angry and afraid, Afghanistan's LGBTQ community say they're being hunted down after Taliban takeover," CNN, September 18, 2021, <https://www.cnn.com/2021/09/17/middleeast/afghanistan-lgbtq-evacuation-intl-hnk-dst/index.html>

¹¹¹ "LGBTQ genocide is happening now in Afghanistan," Los Angeles Blade, February 23, 2023, <https://www.losangelesblade.com/2023/02/23/lgbtq-genocide-is-happening-now-in-afghanistan/>; Oliver Murphy, "Stories of terror – and hope – from the Afghanistan LGBTQ+ community," Metro UK, June 4, 2023, <https://metro.co.uk/2023/06/04/stories-of-terror-and-hope-from-the-afghanistan-lgbtq-community-18879462/>; Daniel Villarreal, "LGBTQ+ Afghans risk safety by protesting U.S. government & publications that 'left us behind,'" LGBTQ Nation, February 2, 2023, <https://www.lgbtqnation.com/2023/02/lgbtq-afghans-risk-safety-by-protesting-u-s-government-publications-that-left-us-behind/>

¹¹² Donald Padgett, "Taliban Execute Gay Man, Send Video of Killing to Victim's Family," The Advocate, October 17, 2022, <https://www.advocate.com/news/2022/10/17/taliban-execute-gay-man-send-video-killing-victims-family>

before he was able to flee to the United Kingdom.¹¹³ *Taliban officials who deprived these men of rights to life and security could be sanctionable targets.*

- Between 2022 and 2023, dozens of reports document cases of flogging as punishment for engaging in same-sex relations.¹¹⁴ *Authorities who ordered or carried out these punishments could be sanctionable targets.*

SOUTH AND CENTRAL AMERICA

Venezuela. While consensual same-sex acts are not criminalized in Venezuela, same-sex marriage remains illegal. According to a 2022 human rights report from the U.S. State Department, the Maduro regime has systemically denied transgender, nonbinary, and intersex Venezuelans legal recognition of their gender on identity documents, “which are required for access to education, employment, housing, health care, and other services.”¹¹⁵ According to a recent survey, 38.9% of LGBTQI individuals reported that they receive no form of medical attention, and 69% of transgender women reported that they spend their entire budget on food.¹¹⁶ A significant number of LGBTQI persons have fled Venezuela in recent years due to discrimination and poor conditions.¹¹⁷

- A 2022 report from the U.N. Human Rights Council documented specific instances of homophobic violence towards LGBTQI detainees, including electric shock torture, beatings, threats of rape, and extensive verbal harassment.¹¹⁸ *Authorities responsible for the torture of these detainees could be sanctioned.*

¹¹³ Mohammad Forogh, “As a gay psychologist, the Taliban shot at me before I fled Afghanistan,” Metro UK, September 14, 2022, <https://metro.co.uk/2022/09/13/as-a-gay-psychologist-the-taliban-shot-at-me-while-i-fled-afghanistan-17311063/>

¹¹⁴ Chantelle Billson, “Taliban lashes and flogs Afghans in crowded football stadiums for ‘adultery and gay sex,’” Pink News, November 27, 2022, <https://www.thepinknews.com/2022/11/27/taliban-brings-back-public-floggings-for-gay-sex/>; “Six people publicly flogged in Afghanistan for crimes of sodomy and kidnapping,” Europe Press, May 24, 2023, <https://www.europapress.es/internacional/noticia-flageladas-publicamente-seis-personas-afganistan-delitos-sodomia-secuestro-20230524134128.html>; Ayaz Gul, “Afghan Taliban Announce New Round of Public Floggings,” VOA News, December 19, 2022, <https://www.voanews.com/a/afghan-taliban-announce-new-round-of-public-floggings-in-defiance-of-un-outcry-/6882697.html>; Ahmad Mukhtar, “U.N. calls on Taliban to halt executions as Afghanistan’s rulers say 175 people sentenced to death since 2021,” CBS News, May 8, 2023, <https://www.cbsnews.com/news/afghanistan-taliban-executions-un-calls-for-death-penalty-moratorium/>

¹¹⁵ U.S. Department of State, *Venezuela 2022 Human Rights Report*, 2022, https://uploads.mwp.mprod.getusinfo.com/uploads/sites/11/2023/04/415610_VENEZUELA-2022-HUMAN-RIGHTS-REPORT.pdf

¹¹⁶ “Being LGBT in Venezuela: Information and data for the humanitarian action, development and peace nexus,” Unión Afirmativa de Venezuela, October 7, 2022, <https://www.unionafirmativa.org.ve/informes/ser-lgbt-en-venezuela-informacion-y-datos-para-el-nexo-accion-humanitaria-desarrollo-y-paz/>

¹¹⁷ Laura Vásquez Roa, “Between invisibility and discrimination: Venezuelan LGBTIQ+ refugees in Colombia and Peru,” Amnesty International, June 14, 2022, <https://www.amnesty.org/en/latest/news/2022/06/venezuelan-LGBTIQ-refugees-colombia-peru/>

¹¹⁸ “Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela,” United Nations Human Rights Council, September 20, 2022, <https://www.ohchr.org/en/hr-bodies/hrc/ffmv/index>; Gabriel Bastidas, “LGBT people and crimes against humanity in Venezuela: what does the UN say about sexual torture carried out by the Maduro dictatorship?,” Infobae, <https://www.infobae.com/america/venezuela/2022/09/24/las-personas-lgbt-y-los-crimenes-de-lesa-humanidad-en-venezuela-que-dice-la-onu-sobre-la-tortura-sexual-ejercida-por-la-dictadura-de-maduro/>

- The State Department human rights report states that local police have “allegedly prevented LGBTQI persons from entering malls, public parks, and recreational areas.”¹¹⁹ Reports by media and civil society organizations also describe instances of police harassment and violence against LGBTQI persons.¹²⁰ *Any local officials responsible for the harassing or enforced disappearance of LGBTQI persons could be targeted with sanctions.*

El Salvador. Despite formal legal protections from discrimination based on sexual orientation and gender identity in housing, employment, and access to government services, LGBTQI persons in El Salvador face persistent discrimination. Gay marriage remains illegal, transgender persons have difficulty obtaining accurate government identification, and the Bukele government has been reluctant to intervene against an increasing amount of violence against LGBTQI communities.¹²¹ There have been over 600 LGBTQI individuals murdered since 1993, and between 2015 and 2019, the government reported 692 cases of violence against LGBTQI people.¹²²

- Following the March 2022 declaration of a “state of exception” to ostensibly crack down on excessive gang activity, unchecked power and pervasive homophobia within law enforcement have led to police raids and arbitrary arrests of LGBTQI persons.¹²³ At least 58 LGBTQI persons have been arbitrarily arrested and detained under these conditions.¹²⁴ *Authorities using the “state of exception” to detain LGBTQI persons without cause could be sanctionable targets.*
- In a 2017 study of 50 LGBTQI Salvadorans, nearly every participant reported experiencing harassment or abuse from law enforcement, including being “raped, beaten, stalked, arbitrarily searched, arbitrarily detained, extorted, intimidated, and threatened.”¹²⁵ *Law enforcement responsible for these gross violations could be sanctioned.*

EAST ASIA

Myanmar. Same-sex relations are currently illegal in Myanmar under Section 377 of its Penal Code, punishable by up to 10 years in prison. LGBTQI people in Myanmar regularly experience harassment and violence by both private citizens and law enforcement, who use their authority to enforce

¹¹⁹ *Venezuela 2022 Human Rights Report 2022*

¹²⁰ “Venezuelan activists say there is little to celebrate this Pride month,” Reuters, June 29, 2021, <https://www.reuters.com/world/americas/venezuelan-activists-say-there-is-little-celebrate-this-pride-month-2021-06-29/>; Vásquez Roa 2022

¹²¹ Oscar Lopez, “Pressure mounts for El Salvador to investigate wave of LGBT+ killings,” Reuters, November 21, 2019, <https://www.reuters.com/article/us-el-salvador-lgbt-murder-trfn/pressure-mounts-for-el-salvador-to-investigate-wave-of-lgbt-killings-idUSKBN1XW01G>

¹²² El Salvador: Events of 2020, Human Rights Watch, 2021, <https://www.hrw.org/world-report/2021/country-chapters/el-salvador>

¹²³ Edgardo Ayala, “Arbitrary Arrests in El Salvador Hit the LGBTI Community,” Global Issues, November 21, 2022, <https://www.globalissues.org/news/2022/11/21/32474>

¹²⁴ “Bukele’s repression has new victims: LGTBI people,” Acento, May 30, 2023, <https://acento.com.do/internacional/represion-de-bukele-tiene-nuevas-victimas-personas-lgtbi-9204582.html>

¹²⁵ “Uniformed Injustice: State Violence Against LGBT People in El Salvador,” Georgetown Law Human Rights Institute, April 21, 2017, <https://www.law.georgetown.edu/human-rights-institute/wp-content/uploads/sites/7/2017/07/2017-HRI-Report-Uniformed-Injustice.pdf>

prolonged detentions, degrading treatment, and physical assault.¹²⁶ According to a 2021 survey of LGBTQI people in Myanmar, fully half of respondents have thought about committing suicide.¹²⁷

- At least 12 LGBTQI individuals were killed and 73 arrested or charged by the National Unity Government in 2021.¹²⁸ *Officials responsible for ordering or carrying out these killings could be sanctioned.*
- At least 45 LGBTQI individuals were arrested during a protest of the 2021 military coup in Myanmar, facing verbal and physical abuse during detainment.¹²⁹ *Police and other officials responsible for this abusive treatment in detention could be potential sanction targets.*

Indonesia. An update to the criminal code in 2022 makes sex outside of marriage a criminal offense, effectively criminalizing same-sex activity, given that same-sex marriages are banned.¹³⁰ In Aceh province, LGBTQI individuals have been punished under Sharia law for “sodomy” or “homosexual acts” in the form of detention or public beatings.¹³¹ Since 2016, anti-LGBTQI rhetoric from politicians has increased negative public sentiment, leading to high levels of harassment by police that set up a special task force to investigate “homosexual activity.”¹³²

- LGBTQI individuals face arbitrary arrest. In 2020, a raid on a party led to dozens detained and nine arrested on pornography charges. In 2017, more than 140 gay men were arrested at a party in Jakarta under similar charges.¹³³ *Police officials responsible for these raids and arrests could be potential sanction targets.*
- In 2021, two men accused of same-sex activity in Aceh province were publicly flogged 77 times.¹³⁴ A separate incident was publicized in 2017, with a punishment of 80 lashes.¹³⁵ *Authorities issuing and executing these punishments could be sanctioned.*

¹²⁶ “In the shadows: Systemic injustice based on sexual orientation and gender identity /expression in Myanmar,” Denmark-Myanmar Programme on Rule of Law and Human Rights, 2019, <https://www.icj.org/wp-content/uploads/2019/11/Myanmar-In-The-Shadows-Advocacy-Report-2019-ENG.pdf>

¹²⁷ “Mental Health & Psychosocial Needs Assessment of Myanmar’s LGBTQI Community,” &Proud and UNFPA Myanmar, May 2021, https://myanmar.unfpa.org/sites/default/files/pub-pdf/mental_health_psychosocial_needs_assessment_of_myanmars_lgbtqi_community.pdf

¹²⁸ “Myanmar’s LGBTIQ Community Faces Death and Torture From Junta,” The Irrawaddy, July 1, 2021, <https://www.irrawaddy.com/news/burma/myanmars-LGBTQIQ-community-faces-death-and-torture-from-junta.html>

¹²⁹ “Myanmar’s LGBT Community Members Beaten, Insulted During Protest Arrests,” Radio Free Asia, June 29, 2021, <https://www.rfa.org/english/news/myanmar/lgbt-06292021173038.html>

¹³⁰ “Indonesia: New Criminal Code Disastrous for Rights,” Human Rights Watch, December 8, 2022, <https://www.hrw.org/news/2022/12/08/indonesia-new-criminal-code-disastrous-rights>

¹³¹ Kate Lamb, “Indonesian police arrest more than 140 men at alleged gay sauna party,” The Guardian, May 22, 2017, <https://www.theguardian.com/world/2017/may/22/indonesian-police-arrest-more-than-140-men-at-alleged-gay-sauna-party>

¹³² “1 step forward, 2 steps back for LGBT rights in Asia,” Associated Press, May 25, 2017, <https://apnews.com/article/25544ccb1b6840a2bcf6de467c2cfd66>; “These Political Games Ruin Our Lives: Indonesia’s LGBT Community Under Threat,” Human Rights Watch, August 10, 2016, <https://www.hrw.org/report/2016/08/11/these-political-games-ruin-our-lives/indonesias-lgbt-community-under-threat>

¹³³ Lamb 2017

¹³⁴ Kyle Knight, “77 Lashes for a Gay Couple in Indonesia,” Human Rights Watch, January 28, 2021, <https://www.hrw.org/news/2021/01/28/77-lashes-gay-couple-indonesia>

¹³⁵ “Two men face 80 lashes in Indonesia after being accused of having gay sex,” The Guardian, May 10, 2017, <https://www.theguardian.com/world/2017/may/11/two-men-prosecuted-for-gay-sex-face-80-lashes-in-indonesia>

Sri Lanka. Same-sex relations are criminalized by Penal Code Section 365, and laws against “acts of gross indecency” are frequently used to prosecute LGBTQI persons. Section 399 of the Penal Code, prohibiting cheating by impersonation, is used to target transgender persons.¹³⁶ Sri Lankan government officials and police publicly label same-sex relations as a “vice,” and at least 48 people were prosecuted for homosexuality from 2016 to 2018 following regular raids on private spaces.¹³⁷

- In 2022, two women were arrested for supposed homosexual conduct and subsequently sent to a hospital to undergo forced psychiatric evaluation.¹³⁸ *Officials responsible for these forced evaluations could be sanctioned.*
- Since 2017, at least seven people have been forced by authorities to undergo anal and/or vaginal examinations to find proof of homosexual conduct. Of these individuals, three report being forced to test for HIV, while others report additional physical abuses such as being whipped with wires.¹³⁹ *Authorities who order such abuses are potential sanctions targets.*

CONCLUSION

LGBTQI people face violence and persecution in every region of the world. Through visa sanctions and reporting, the Global Respect Act would empower the United States government to take steps to hold perpetrators accountable for gross human rights violations against LGBTQI persons. This brief has examined various uses of targeted sanctions to advance U.S. human rights policies, as well as documented cases of human rights violations against individuals on the basis of their real or perceived LGBTQI identity, with an eye toward anticipating the scope and potential impact of the GRA.

¹³⁶ Shihara Maduwage, “Arrests and Harassment of LGBTIQ Persons,” Ground Views, October 22, 2020, <https://groundviews.org/2020/10/22/arrests-and-harassment-of-LGBTIQ-persons/>

¹³⁷ “Performance Report 2018,” Sri Lanka Police, <https://www.parliament.lk/uploads/documents/paperspresented/performance-report-srilanka-police-2018.pdf>

¹³⁸ “Sri Lankan police arrest homosexual couple in Amparai,” Tamil Guardian, June 27, 2022, <https://www.tamilguardian.com/content/sri-lankan-police-arrest-homosexual-couple-amparai>

¹³⁹ “Sri Lanka: Forced Anal Exams in Homosexuality Prosecutions,” Human Rights Watch, October 20, 2020, <https://www.hrw.org/news/2020/10/20/sri-lanka-forced-anal-exams-homosexuality-prosecutions>

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