

106TH CONGRESS
2D SESSION

H. CON. RES. 259

Expressing the concern of Congress regarding human rights violations against lesbians, gay men, bisexuals, and transgendered individuals around the world.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2000

Mr. LANTOS (for himself, Mr. ABERCROMBIE, Ms. BALWIN, Mr. CAMPBELL, Mr. CONDIT, Mr. CONYERS, Mr. DELAHUNT, Mr. ENGEL, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. KOLBE, Ms. LEE, Ms. LOFGREN, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. NADLER, Ms. PELOSI, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Mr. WAXMAN, Mr. WEINER, Ms. WOOLSEY, Mr. KUCINICH, and Mr. PASTOR) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the concern of Congress regarding human rights violations against lesbians, gay men, bisexuals, and transgendered individuals around the world.

Whereas treaties, conventions, and declarations to which the United States are a party address government obligations to combat human rights violations, and the overall goals and standards of these treaties, conventions, and declarations in promoting human rights of all individuals have been found to be consistent with, and in support of, the aspirations of the United States at home and globally, as

well as consistent with the Constitution of the United States;

Whereas articles 3 and 5 of the 1948 Universal Declaration of Human Rights, articles 6 and 7 of the 1966 International Covenant on Civil and Political Rights, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, guarantee all individuals the right to life, liberty, and security of person, and guarantee that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;

Whereas the fundamental human right not to be arbitrarily deprived of life is violated when those convicted of homosexual acts in Afghanistan are sentenced to be executed and are crushed by having walls toppled over them, and there remain a number of other countries around the world that call for the possible execution of those convicted of homosexual acts, including Saudi Arabia, Yemen, Kuwait, Mauritania, and Iran;

Whereas the fundamental right not to be subjected to torture or other cruel, inhuman, or degrading treatment is violated when gay men, lesbians, bisexuals and transgendered individuals are subjected to severe beatings while in police custody in Turkey and Albania, and individuals in these groups are also routinely the victims of human rights abuses, such as extortion, entrapment, physical assaults, and rape, committed by the police in Mexico, Argentina, and Russia, among other countries;

Whereas a number of lesbians, gay men, bisexuals, and transgendered individuals are targeted and tortured or killed by paramilitary groups in Colombia and El Sal-

vador, which operate in collusion with the military, police, and other government officials;

Whereas articles 2 and 7 of the Universal Declaration of Human Rights and articles 2, 14, and 26 of the International Covenant on Civil and Political Rights guarantee all individuals freedom from arbitrary discrimination and equal protection before the law;

Whereas in many countries arbitrary detention or cruel, inhuman, or degrading treatment or conditions in detention directly result from the application of penal laws criminalizing same sex behavior between consenting adults, such as a 5-year sentence for private same sex behavior between consenting adults in Romania, and some of those individuals who have been convicted in Romania report torture, including rape, in prison, and all are unable to seek redress for abuses in detention;

Whereas in Pakistan and Saudi Arabia the sentence for same sex behavior between consenting adults includes “flogging” and in Singapore and Uganda the sentence for same sex behavior between consenting adults can extend to life in prison;

Whereas many governments, on the basis of vague laws, may target and persecute lesbians, gay men, bisexuals, and transgendered individuals: in the People’s Republic of China individuals in these groups are imprisoned under laws against “hooliganism”, in Argentina, individuals in these groups are imprisoned under the laws against “vagrants and crooks”, and the vagueness of these laws makes it difficult to monitor governmental persecution;

Whereas articles 19 and 20 of the Universal Declaration of Human Rights and articles 19 and 22 of the Inter-

national Covenant on Civil and Political Rights guarantee all individuals freedom of expression and freedom of association;

Whereas the fundamental rights of freedom of expression and association are violated when governments deny the right of lesbians, gay men, bisexuals, and transgendered individuals to form organizations or advocate for rights, such as in Zimbabwe where members of Gays and Lesbians of Zimbabwe (GALZ) have been threatened and brutally assaulted;

Whereas in some countries agents of the government are directing or are complicitous in abuses committed on the basis of sexual orientation and gender identity and investigations and prosecution of those agents for violations often do not occur;

Whereas due to failure by governments to investigate and prosecute human rights violations based on sexual orientation and gender identity, private individuals feel encouraged to violently attack lesbians, gay men, bisexuals, and transgendered individuals with impunity, contributing to the atmosphere of fear and intimidation;

Whereas lesbians and bisexual women who suffer human rights violations are often abused because of their sexual orientation while their gender often incites, compounds, and aggravates this abuse, and, moreover, since their gender is not recognized as a factor, their abuse often goes unrecorded;

Whereas violations of internationally recognized human rights norms are to be considered crimes regardless of the status of the victims and are to be punished without discrimination;

Whereas fundamental access to legal protection from violations of internationally recognized human rights norms is often unavailable to the victims;

Whereas lesbians and bisexual women face additional obstacles in these countries when seeking assistance from police, judges, and other officials due to pervasive gender bias;

Whereas the preceding clauses constitute only a few examples of the violations suffered by lesbians, gay men, bisexuals and transgendered individuals, the full range and extent of such violations are not known because governments create an atmosphere of immunity for those perpetrating such human rights violations and prevent victims from seeking effective protection and just redress and thus their suffering remains undocumented and unremedied; and

Whereas many nongovernmental human rights organizations, including Amnesty International, Human Rights Watch, and the International Gay and Lesbian Human Rights Commission, as well as the United States Department of State and the United Nations, have documented, and are continuing to document, the ongoing violations of the human rights of lesbians, gay men, bisexuals, and transgendered individuals: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring), That Congress—*

3 (1) condemns all violations of internationally
 4 recognized human rights norms based on the real or
 5 perceived sexual orientation or gender identity of an
 6 individual, and commends nongovernmental human

1 rights organizations, including Amnesty Inter-
2 national, Human Rights Watch, and the Inter-
3 national Gay and Lesbian Human Rights Commis-
4 sion, as well as the United States Department of
5 State and the United Nations, for documenting the
6 ongoing abuse of human rights on the basis of sex-
7 ual orientation and gender identity; and

8 (2)(A) recognizes that human rights violations
9 abroad based on sexual orientation and gender iden-
10 tity should be equally punished without discrimina-
11 tion and equally classified as crimes, regardless of
12 the status of the victims and that such violations
13 should be given the same consideration and concern
14 as human rights violations based on other grounds
15 in the formulation of policies to protect and promote
16 human rights globally; and

17 (B) further recognizes that the protection of
18 sexual orientation and gender identity is not a spe-
19 cial category of human rights, but it is fully embed-
20 ded in the overall human rights norms defined in
21 international conventions.

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