

DRAFT FOR ENDORSEMENT – March 7, 2014

OPEN LETTER TO THE GOVERNMENT OF CANADA

Hon. John Baird
Minister of Foreign Affairs
Office of the Minister
Foreign Affairs, Trade and Development Canada
125 Sussex Drive
Ottawa, Ontario
CANADA K1A 0G2

Dear Minister Baird:

Re: Urgent action to prevent further human rights violations against LGBT people and end hate laws

In recent months, we have witnessed an escalation of assaults on basic human rights of lesbian, gay, bisexual and transgender (LGBT) people in various countries. Often, these developments form part of a broader pattern of scapegoating particular communities and suppressing civil society freedoms for political purposes, and reflect a broader culture of corruption and impunity for human rights violations.

These assaults include new explicitly anti-LGBT laws in countries such as Russia, Nigeria, and Uganda, which strike at the core of freedom of expression to even discuss or defend the human rights of LGBT people, and in some cases, even penalize consensual sex between adults with imprisonment for years, or even life. Such new laws, along with developments such as the recent and widely-condemned decision by India's Supreme Court to re-instate the penal code's prohibition on homosexuality, have led to an increase in the number of countries around the world where LGBT people's very identities, expressions, and even existence are criminalized. This is now the precarious situation for LGBT people in more than 80 countries worldwide. In some countries, consensual sex between adults of the same sex remains punishable by death.

We have also witnessed increasingly vitriolic statements from various political and religious leaders, including explicit declarations that LGBT people are threats to children or, in the recent words of the president of Gambia, "vermin" who should be eradicated. In Zimbabwe, the president has repeatedly declared that gays and lesbians are "worse than dogs and pigs" and has called for them to be beheaded.

That rhetoric has often been amplified by media in many settings, including media outlets actively encouraging prosecution, imprisonment and even murderous violence against LGBT people. For example, in the wake of the passage of Uganda's new *Anti-Homosexuality Act*, tabloids have (again) published the names and photographs of alleged LGBT people they urge be targeted. Not surprisingly, we have seen numerous instances of hate crimes and mob violence, including horrific assaults, torture, "corrective rape" and murder of LGBT people – which included human rights defenders who have dared to speak publicly – from Cameroun to Russia, from Jamaica to Nigeria, to name just a few examples.

The international community has witnessed such a phenomenon before, on numerous occasions. We know where such a gathering storm of hate and violence, encouraged by political leaders, wrapped in the rhetoric of religion (including, by extremists from Western countries) and authorized by law, can lead if it goes effectively unchallenged, and if world leaders do not pay heed to the warning signs. We already have far too many reports of violence and death, and the risk to many LGBT people is mounting steadily in some countries as the

international community watches. Meanwhile, fanning the flames of discrimination and persecution based on sexual orientation and gender identity undermines efforts to achieve the globally-agreed goal of universal access to HIV prevention and treatment.

We welcome your public statements as Canada's Minister of Foreign Affairs condemning the adoption of anti-LGBT laws in Russia, Nigeria and Uganda. We note that the UN Secretary General, the UN High Commissioner for Human Rights and the Executive Director of UNAIDS have also condemned such violations of basic human rights and have called on countries to desist from such persecution and instead decriminalize homosexuality.

However, such statements are not enough.

Without a more concerted, ongoing response to legislated discrimination and public hatemongering, the message to political and religious leaders adopting and advocating such laws and such violence is that they can continue to do so with impunity. The predictable result is the further spread of such persecution and more human rights abuses that destroy lives, families, and communities.

We therefore call upon the Government of Canada to act, individually and in concert with other like-minded governments, to defend the fundamental human rights of LGBT people. In particular, we call upon Canada to take the following steps:

1. **Continue to speak out** publicly and privately against the adoption of anti-LGBT laws and against violence and other hate crimes targeting LGBT people, and call for the repeal of such laws. **Work with respected jurists and faith leaders, as well as other human rights defenders and community leaders** – both in Canada and internationally in countries where LGBT people face criminalization and violence – to mobilize their respective constituencies in speaking out against anti-LGBT laws and violence.
2. **Recall Canada's ambassadors** temporarily from countries that have recently adopted anti-LGBT laws for consultations on how best to press these states to suspend and repeal such legislation so as to comply with international and regional human rights standards.
3. **Deny visas** to people who propagate hate or incite or commit violence against LGBT people – including legislators sponsoring or supporting laws criminalizing LGBT people, those who engage in or publish hate speech inciting violence against people based on sexual orientation or gender identity, or those who knowingly do business with or provide financial support to those promoting or participating in such violations of human rights of LGBT people.
4. **Review current official development assistance** to government institutions and non-governmental organizations that promote or support legislation criminalizing LGBT people or encouraging hatred or violence against LGBT people. While preserving essential health or social services, examine options for redirecting any such funding within a country, so as to support service providers that are inclusive of and address the needs of LGBT people and to support community advocacy efforts to protect human rights of LGBT people. Clearly and publicly define a commitment to LGBT rights in Canada's broader foreign policy, including with respect to international development.
5. **Investigate and freeze the financial holdings or investments** in Canada of legislators or others inciting hatred and violence against LGBT people, including those who knowingly do business with or provide financial support to those promoting or participating in such violations of human rights of LGBT people. Freeze those assets until such time as those responsible have repealed such legislation, publicly

condemned anti-LGBT violence or cease such business or support, as the case may be. Through legislative or other means, pressure Canadian corporations that support businesses promoting the criminalization of LGBT people or anti-LGBT violence – such as through advertising in media promoting such persecution – to withdraw such support.

6. **Use all available diplomatic channels** to pressure countries to repeal anti-LGBT laws and to discourage other countries from adopting similar legislation. This should include both bilateral engagement and the use of regional, UN and other international fora and mechanisms. Introduce an inter-departmental task force to advance this Ministerial priority and provide specific tools and additional resources to support the work of Canadian diplomats in advancing LGBT rights as a clear foreign policy objective.
7. **Support the work of international and regional human rights mechanisms** to document and respond to human rights abuses against LGBT people. Mobilize other states to oppose anti-LGBT measures or statements being brought forward in international fora (e.g., Russia’s “traditional values” resolution at the UN Human Rights Council). **Convene an international meeting** to set an agenda for defending and promoting LGBT rights as part and parcel of a broader culture of defending human rights.
8. Invite leaders and legislators of states with laws criminalizing LGBT people to immediately suspend such laws and **engage in a dialogue** with countries such as Canada that have abolished such legislation about the benefits they have realized from moving beyond such persecution and fostering more inclusive societies on the principle that fundamental human rights are indeed to be universally enjoyed.
9. Contribute political, physical, financial and technical **support to human rights defenders** working to protect the health, safety and rights of LGBT people, including through Canadian missions abroad, by: (a) providing support for security measures needed LGBT rights defenders; (b) speaking out when LGBT people are charged under discriminatory laws criminalizing them or their defense of human rights; (c) intervening when human rights defenders are detained, including by having diplomatic personnel raise objections and monitor trials of human rights defenders and others targeted under anti-LGBT laws; (d) strengthening the capacity of both LGBT and non-LGBT human rights organizations to defend basic human rights; (e) providing support for challenging discriminatory anti-LGBT legislation in courts; and (f) more generally providing support for building the capacity of lawyers and the judicial system to defend human rights, including the rights of LGBT people.
10. **Facilitate asylum** in Canada for LGBT people fleeing persecution because of their sexual orientation or gender identity, in the case of both those seeking asylum from within Canada and those seeking assistance abroad. This should include: (a) expanding the government’s earlier initiative to support LGBT refugees in need of protection; (b) recognizing the need for priority processing of LGBT people “at risk” or in need of protection under the “Urgent Protection Program;” and (c) offering asylum to LGBT human rights defenders and other LGBT people unwillingly “outed” by media outlets or political leaders in countries where LGBT people are criminalized or where such outing is intended, or can reasonably be expected, to incite violence, criminal prosecution or other persecution against them.

Such actions enjoy widespread support from Canadian civil society and reflect appeals for support from LGBT advocates around the world facing hostility, criminalization and hate crimes. We look forward to your response and to a strong, sustained response from the Government of Canada in defence of fundamental human rights.

Sincerely, the undersigned:

[List is in formation. To add your organization’s endorsement, please email comms@aidslaw.ca.]

Canadian HIV/AIDS Legal Network
AIDS ACTION NOW!
Egale Canada
#ENDhatelaws Coalition
Jer's Vision
Rainbow Railroad
Rainbow Refugee Committee
#TOwithRussia Coalition