

March 24, 2023

The Honorable Christopher Coons
Chair
Senate Subcommittee on State, Foreign
Operations, and Related Programs
218 Russell Senate Office Building
Washington, DC 20510

The Honorable Barbara Lee
Ranking Member
House Subcommittee on State, Foreign
Operations, and Related Programs
2470 Rayburn House Office Building
Washington, DC 20510

Chairman Coons and Ranking Member Lee:

We, the undersigned 111 organizations, write to respectfully urge you to protect the investments provided to promote the rights of LGBTQI+ people around the world and increase funding for the State Department's Global Equality Fund (GEF) to \$40 million and USAID's Inclusive Development Hub's Protection of LGBTQI+ Persons to \$30 million in the Fiscal Year 2024 (FY 2024) State, Foreign Operations, and Related Programs Appropriations bill, alongside the inclusion of LGBTQI+ rights-based language in the report.

We are grateful to you for your dedication to global LGBTQI+ rights programs over the last five fiscal years, including the additional \$25 million increase to these programs within the Fiscal Year 2023 Consolidated Appropriations Act. These investments have provided flexibility to the State Department and USAID to scale already existing programs and develop new mechanisms to quickly deploy funding to LGBTQI+ organizations across the globe.

Even with these increases, the State Department and USAID continue to face significant funding gaps to address the needs of LGBTQI+ communities impacted by COVID-19, rising authoritarianism, and humanitarian crises. U.S. leadership - from President Biden's commitments as laid out in the *Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World* ("Memorandum") to the work of the Special Envoy for the Human Rights of LGBTQI+ Persons - will not be fully effective unless the U.S. aligns its political and financial commitments at this unique moment in history for the LGBTQI+ rights movement.

Though several countries have made great strides in promoting LGBTQI+ rights – including striking down criminalization statutes across several Caribbean countries in 2022, Chile's legalization of same-sex marriage in 2021, and Spain's passage of a self-identification law for transgender people in 2023 – sixty-seven countries continue to criminalize consensual same-sex sexual acts. Eleven of these countries have jurisdictions in which same-sex relations are punishable by death.¹ Many more countries continue to be dangerous, and even deadly, for LGBTQI+ people even after the implementation of protective laws.

Amidst the backdrop of closing civic space, opponents of LGBTQI+ rights have been emboldened, threatening the safety and security of LGBTQI+ communities and human rights defenders. In Uganda, advocates are facing a crackdown as the government seeks to curtail the work of LGBTQI+ organizations at the same time that a new anti-homosexuality bill is under consideration that would dramatically expand the criminalization of LGBTQI+ identities. The bill is reminiscent of a bill passed in 2013 that led to

¹ Human Dignity Trust. <https://www.humandignitytrust.org/>

increased arrests, unemployment, and evictions, as well as forced many LGBTQI+ Ugandans to flee the country. In Russia, President Putin signed into law an expansion of its so-called LGBTQ+ propaganda law, which now prohibits the sharing of positive or neutral information about LGBTQ+ individuals or publicly displaying non-heterosexual orientations, each violation resulting in heavy penalties. Meanwhile, the practice of forced anal examinations, especially in Uzbekistan and Egypt, continues to be used against those in the LGBTQI+ community for criminal prosecutions. These attacks - and others like it in countries around the globe - have forced LGBTQI+ rights advocates to conduct emergency response campaigns while navigating everyday barriers to basic services, including formal employment, health care, housing, and education.

Unfortunately, the funding available to LGBTQI+ organizations is limited to confront these challenges. Between 2017 to 2018, global LGBTQI+ funding from donor governments made up less than 4 cents out of every \$100 of international development efforts and assistance. For many LGBTQI+ organizations, no funding was available within their own country, including many countries where same-sex relations remain illegal.

For LBQ, trans, and intersex organizations, the funding landscape is even more challenging. Roughly 47% of all LBQ-led organizations operate on less than \$10,000 per year. This number jumps to 56% for trans groups and an astonishing rate of 81% for intersex organizations.² LBQ, trans, and intersex organizations receive only a small percentage of the total funding focused on their populations, or 35%, 41%, and 40% respectively. As a result, LBQ, trans, and intersex organizations often work in survival mode and are unable to implement their full strategies to address harmful gender norms, legal barriers, and other community-led responses to violence, stigma, and discrimination.

The limited funding available for global equality and inclusion initiatives undermines our broader development goals. For example, in just two sectors in India, LGBTQI+ exclusion accounted for an estimated \$30 billion in lost GDP.³ Conversely, a strong correlation has been found between the inclusion and enactment of rights for LGBTQI+ people and growth in GDP.⁴ A 2018 study from the Williams Institute found that one enacted law in support of LGBTQI+ people is associated with \$2,065 more in GDP per capita,⁵ as well as a higher value in human development, as measured by the Human Development Index.

Funding Requests

The United States has a long path ahead of it to truly champion LGBTQI+ rights. For the United States to be on par with leading government donors in this sector, the U.S. would need to contribute 0.3% of our

² “Diving Deeper Series: Under the Surface of LGBTI Funding Data.” Global Philanthropy Project, Global Philanthropy Project, Feb. 2021, <https://globalphilanthropyproject.org/2021/02/02/diving-deeper/#lbgti>.

³ Badgett, M. V. Lee. The Economic Cost of Stigma and the Exclusion of LGBT People: A Case Study of India. World Bank Group; Nordic Trust Fund, 2014, <https://documents1.worldbank.org/curated/en/527261468035379692/pdf/940400WP0Box380usion0of0LGBT0People.pdf>.

⁴ <https://www.americanprogress.org/issues/lgbtq-rights/reports/2020/11/16/492936/transforming-u-s-foreign-policy-ensure-dignity-rights-lgbti-people/>

⁵ Badgett, M.V. Lee, et al. “Links Between Economic Development and New Measures of LGBT Inclusion.” The Williams Institute, The Williams Institute, Mar. 2018, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Global-Economy-and-LGBT-Inclusion-Mar-2018.pdf>.

ODA, which would considerably increase funding for LGBTQI+ rights programs to over \$100 million annually.⁶

Considering the above, investments in LGBTQI+ focused U.S. foreign assistance programs are essential to advancing global LGBTQI+ rights and inclusive development efforts. Increased investment in these programs should not come at the expense of any other funding streams that promote human rights, gender equality, global health, or the rights of other marginalized populations. We encourage you to include the following funding allocations in the FY 2024 appropriations bill:

1. State Department's Global Equality Fund (GEF): At least \$40 million

Located at the State Department and run through the Bureau for Democracy, Human Rights, and Labor (DRL), the GEF is a leading public-private partnership of like-minded governments and private sector entities dedicated to protecting and defending the human rights and fundamental freedom of LGBTQI+ persons around the world. The GEF leverages pooled investments across entities, providing over \$100 million to LGBTQI+ organizations in 100 countries in its 10 years of operation. GEF funding has provided leadership and capacity training to LGBTQI+ organizations to build more sustainable movements, as well as safety and security funds to protect LGBTQI+ human rights defenders worldwide.

Through the GEF's funding, over 1,400 human rights defenders and 200 civil society organizations have received emergency assistance, with 99% of beneficiaries reporting that this assistance improved their safety and security. In FY 2020 alone, GEF funding trained nearly 2,500 human rights defenders, provided legal aid or assistance to 1,000 individuals from low-income or marginalized communities, and developed more than 500 digital written tools for human rights defense and advocacy. Today, the GEF funds approximately 179 LGBTQI+ organizations around the world.

Congressional support for the GEF has been instrumental in upholding LGBTQI+ rights around the world. Since FY 2019, Congress has quintupled the funding available to the GEF, most recently enacting a U.S. contribution of \$25 million to the GEF in the FY 2023 appropriations bill. The increases have opened up new opportunities for the State Department to bolster the movement for global equality. This includes expanding funding to medium-sized LGBTQI+ organizations, creating a designated fund for transgender rights, investing in queer women's movements, and strengthening regional efforts to respond to emergencies. As a part of the Summit for Democracy, the GEF also launched the Global LGBTQI+ Inclusive Democracy and Empowerment (GLIDE) Fund, a mechanism elevating the participation of LGBTQI+ individuals in political institutions, processes, and governance to bolster democratic movements around the world.

Even with these increases, LGBTQI+ funding demands significantly exceed funds available to GEF. In its 2020-2021 global solicitation, the GEF received roughly \$50 million in global funding requests

⁶ For the U.S. to be on par with the Netherlands, Norway or Sweden in terms of average percentage of our ODA dedicated to LGBTQI+ funding, the U.S. would need to grow to at least \$105 million annually according to the Global Philanthropy Project's Global Resource Report. "2017-2018 Global Resources Report: Government & Philanthropic Support for LGBTI Communities." Global Philanthropy Project, Global Philanthropy Project, 12 Oct. 2021, <https://globalresourcesreport.org/>.

yet lacked the funds to respond to the considerable need from the LGBTQI+ community. The GEF was able to meet 6% of the funding requests it received. With the additional support from Congress in the FY 2023 appropriations bill, the GEF will be able to exceed this response, with the last estimation of approximately 15% of the funding requests it receives. Though this is an increase, the GEF also might experience a drop in the number of funding requests due to a funding floor of \$750,000, reducing the number of organizations able to take on this amount of funding.

Additional investments in the GEF would enable the State Department to strengthen the capacity of LGBTQI+ organizations, both through administrative and operational means; build networks of intermediary funders to sustain regional and global LGBTQI+ movements; and attend to the increasing security threats facing LGBTQI+ organizations and human rights defenders.

2. USAID Inclusive Development Hub's Protection of LGBTQI+ Persons: At least \$30 million

USAID LGBTQI+ programs focus on anti-LGBTQI+ violence, discrimination, stigma, and criminalization. In addition to USAID's Human Rights Grants Program, which responds to urgent or unanticipated human rights threats to LGBTQI+ individuals, USAID hosts the LGBTI Global Human Rights Initiative (GHRI), a public-private funding mechanism to which other governments and entities also contribute. USAID's programs have supported Bangladeshi civil society advocates in securing a third gender option in the country's 2021 National Census, anti-LGBTQI+ stigma and discrimination workshops with Guatemalan government officials, and safety and security toolkits for at-risk human rights defenders in the Middle East and North Africa.⁷

Similar to the GEF, Congress has increased funding for USAID's LGBTQI+ programs since FY 2019. The additional funding has allowed USAID to build stronger partnerships through the GHRI, set up emergency mechanisms, and develop a series of programs focused on strategic communications and social behavior changes for LGBTQI+ rights in two regions of the world. Last year, USAID was also able to launch the Rainbow Fund, which enabled missions to apply directly for LGBTQI+ inclusive development programs.

Despite the increases, USAID's LGBTQI+ programs continue to face high demands for funding. In a July 2021 House Foreign Affairs Committee hearing, Administrator Power recognized that USAID's LGBTQI+ programs were only able to fund roughly one-sixth, or 16%, of the proposals USAID received from missions. For example, the Human Rights Grants Programs alone receives proposals estimated to total up to \$7.5 million. Of the 11 expressions of interest for the program in the last cycle, USAID was able to fund only 5 of the requests due to funding gaps within the program. This is similar to the Rainbow Fund's data, which received an estimated \$13 million in requests across 26 expressions of interest from 24 country missions. USAID was only able to fund 8 of the projects.

Further, funding gaps for USAID's LGBTQI+ programs limit the geographical reach of LGBTQI+ focused inclusive development programs. While USAID has been able to expand opportunities for LGBTQI+ funding to new countries over the last two fiscal years, they still only reach an estimated

⁷ Leonelli, Stephen. "5 Ways USAID Promotes LGBTQI+ Inclusion around the World." Medium, U.S. Agency for International Development, 5 Aug. 2021, <https://medium.com/usaid-2030/5-ways-usaid-promotes-lgbtqi-inclusion-around-the-world-dd665506c7ab>.

one-third of missions around the world. Compared to the number of countries in which USAID has programs and in which same-sex sexual relations are criminalized, the disparity of funding is alarming and limits engagement from U.S. missions looking to support LGBTQI+ civil society.

Additional funding would enable the agency to increase its investments in inclusive development programs, including those in education, economic livelihoods support, and health care. This will also include contributions to USAID's Sustainable Inclusive Development for Equity (SIDE) initiative, the Inclusive Development Hub's first intersectional, capacity building and rapid response small grants mechanism for those identifying across a broad range of marginalized populations. Investments in USAID's LGBTQI+ programs will also increase the availability of funding for studying best practices in this space and developing resources for mission staff.

Report Language

Report language that promotes the rights of LGBTQI+ individuals provides direction and oversight opportunities over the executive branch to Congress. We request that the Committee includes the following report language to promote LGBTQI+ rights:

1. **LGBTQI+ Human Rights Reporting:** *The Committee directs the Department of State to include in its annual country human rights reports descriptions of stigma, violence, and discrimination, including the prevalence of conversion therapy, against LGBTQI+ persons conducted by both state and non-state actors and consider discrimination by the government in assistance decisions.*

We are grateful to the Committee for including the above language in the draft FY 2023 State and Foreign Operations bills. Prior language used the term "official government discrimination," a holdover from the Trump administration that failed to recognize the ways in which LGBTQI+ individuals experience violence, stigma, and discrimination within various countries and contexts. For example, following the fall of Afghanistan to the Taliban in August 2021, OutRight Action International and Human Rights Watch documented instances of violence against LGBTQI+ individuals not only from members of the Taliban, but also from family and other community members.⁸

The expanded language to include "state and non-state actors" is in line with the Memorandum and provides a useful foundation for the State Department to pursue decriminalization efforts and advance the rights of those in the LGBTQI+ community. The strengthened reports also serve as an important tool for civil society actors engaging in multilateral and bilateral processes promoting human rights accountability.

2. **Key Populations:** *The Committee expects that key populations are a priority in PEPFAR's prevention and treatment strategies and that such a priority includes countering criminalization, stigma and discrimination of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. The Committee directs PEPFAR to increase its investments in structural interventions, including those that support the decriminalization of same-sex sexual relations.*

⁸ "Even if You Go To the Skies, We'll Find You: LGBT People in Afghanistan After the Taliban Takeover." Human Rights Watch and OutRight Action International, Jan. 2022, https://outrightinternational.org/sites/default/files/afghanistan_lgbt0122_web_0.pdf.

PEPFAR investments remain critical to upholding the health of those in the LGBTQI+ community, especially transgender women and gay and bisexual men and other men who have sex with men who are considered key populations. According to the 2022 Global UNAIDS report, transgender women are at 14 times greater risk of acquiring HIV than other adult women and gay, bisexual and other men who have sex with men (MSM) are at 28 times greater risk of acquiring HIV than heterosexual adult men. In 2021, key populations and their sexual partners accounted for 70% of HIV infections worldwide and 94% of new infections outside of sub-Saharan Africa.⁹ Despite this disparity, only 2% of all AIDS funding targets key populations even though key populations accounted for over half of all new infections.¹⁰

These statistics necessitate programming that reaches key populations, yet service delivery alone cannot mitigate the HIV epidemic among communities. Marginalization and criminalization of key populations continues to have a negative impact on HIV outcomes, and PEPFAR operates in several countries where criminalization of LGBTQI+ individuals remains in law. In fact, a new study published in *The Lancet* found that HIV prevalence among MSM was higher in criminalized settings, those with recent prosecutions, and those with legal barriers to registration or operations for LGBTQI+ civil society organizations. The study suggests that discriminatory policies, prosecutions, and associated legal barriers contribute to higher HIV prevalence among MSM.¹¹ This study mirrors another study of Georgetown University, which found that where same-sex sexual relationships were criminalized, levels of HIV status knowledge and viral suppression among people living with HIV were significantly lower than in countries without criminalization statutes.

Increasing investments in structural interventions beyond service delivery is key to achieving more equitable health outcomes for those in the LGBTQI+ community. PEPFAR must also direct funding to key population groups, including LGBTQI+-led organizations, which have long led these efforts and are trusted by their communities.

3. **Prohibition on Forced Anal Exams:** *Provided further that no funds provided in this act may be used to provide funding to any legal, medical, penal or other foreign entity that uses the forensically discredited practice of forced anal exams to try to prove same-sex sexual activity or otherwise to torture or intimidate detainees who are suspected of being lesbian, gay, bisexual, transgender or intersex.*

In anti-LGBTQI+ prosecutions, law enforcement officials, working in tandem with medical personnel, use long-discredited forced anal examinations to find “proof” of same-sex sexual conduct. In addition to the physical violation individuals subjected to these actions experience, some people may also experience continued and prolonged psychological trauma. Human Rights

⁹ “In Danger: UNAIDS Global AIDS Update 2022.” UNAIDS, UNAIDS, 2022, <https://www.unaids.org/en/resources/fact-sheet>.

¹⁰ “Fast Track or Off Track: How Insufficient Funding for Key Populations Jeopardizes ending AIDS by 2030.” aidsfonds, Oct. 2020, https://aidsfonds.org/assets/resource/file/AF%20off-track%20report_A4_V2_I%20%289%29.pdf.

¹¹ “Associations between punitive policies and legal barriers to consensual same-sex sexual acts and HIV among gay men and other men who have sex with men in sub-Saharan Africa: a multicountry, respondent-driven sampling survey.” Lyons, Carrie et al, 2023, [https://www.thelancet.com/journals/lanhiv/article/PIIS2352-3018\(22\)00336-8/fulltext](https://www.thelancet.com/journals/lanhiv/article/PIIS2352-3018(22)00336-8/fulltext).

Watch has documented several cases in which forced anal examinations have been used to sentence individuals for same-sex sexual conduct, including in Uzbekistan and Egypt.¹²

These procedures run contrary to international human rights standards and violate the Convention against Torture and the International Covenant on Civil and Political Rights. U.S. foreign assistance programs should ensure that partners are in line with international human rights standards to reduce violations against LGBTQI+ individuals.

4. **Conversion Therapy:** *The Committee is deeply concerned by reports indicating the provision of conversion therapy at clinics receiving foreign assistance funds. Conversion therapy is a dangerous and discredited practice that seeks to change an individual's sexual orientation or gender identity to heterosexual or cisgender. The Committee directs the USAID Administrator to develop a mechanism, in consultation with representatives from affected civil society, to investigate and respond to any provision of conversion therapy at U.S.-funded entities. Provided further that no funds provided in this act may be used by any legal, medical or other foreign entity for the purposes of conversion therapy.*

Conversion therapy, which constitutes a wide-range of practices and methods, is predicated on the wrongful idea that a person's sexual orientation or gender identity can and should be changed when they do not ascribe to the desirable norm within a specific context.¹³ Often, for those in the LGBTQI+ community, this means conversion therapy is focused on effecting a change from non-heterosexual to heterosexual and trans or gender diverse to cisgender. These practices can have significant impacts on LGBTQI+ people's psychological health, as well as broader well-being, including suicidal thoughts or attempts, depression, anxiety, shame, self-hatred, and a loss of faith.¹⁴

Unfortunately, a six-month special investigation in Kenya, Tanzania, and Uganda found that hospitals and clinics - including those funded by USAID - were offering or providing LGBTQI+ people referrals for so-called conversion therapy.¹⁵ While some of the clinics took steps to address these findings, there must be a concerted effort by governments to ensure that funded health care providers are not undermining human rights.

U.S. foreign assistance dollars must not be used in a way that promotes harmful practices or discriminates against those in the LGBTQI+ community. This includes the provision of conversion therapy. Report language that prohibits this practice with U.S. foreign assistance dollars will provide further protection to LGBTQI+ beneficiaries of our global health programs.

As you consider the FY 2024 appropriations bill, we hope you will make these crucial investments in LGBTQI+ human rights. Supporting the movement for global equality helps to make our world safer and

¹² "Uzbekistan: Forced Anal Testing in Homosexuality Prosecutions." Human Rights Watch, Human Rights Watch, 6 Aug. 2021, <https://www.hrw.org/news/2021/08/05/uzbekistan-forced-anal-testing-homosexuality-prosecutions>.

¹³ "Practices of so-called 'conversion therapy.'" Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Human Rights Council, Jul. 2020, <https://digitallibrary.un.org/record/3870697?ln=en#record-files-collapse-header>.

¹⁴ Ibid.

¹⁵ "Hospitals across East Africa offer controversial anti-gay counselling." Namubiru, Lydia et al, OpenDemocracy, 2 Jul. 2021, <https://www.opendemocracy.net/en/5050/hospitals-east-africa-controversial-anti-gay-counselling/>.

more secure for all its citizens, no matter who they are or whom they love. We welcome your commitments to global LGBTQI+ rights and look forward to advancing this work together.

Sincerely,

1. Human Rights Campaign
2. Council for Global Equality
3. Advocates for Youth
4. ALEPH: Alliance for Jewish Renewal
5. Ameinu
6. American Academy of HIV Medicine
7. American Atheists
8. American Jewish World Service
9. American Society for Reproductive Medicine
10. amfAR
11. Amnesty International USA
12. Association of LGBTQ+ Corporate Directors
13. AVAC
14. Better World Campaign
15. CA LGBTQ Health and Human Services Network
16. Campus Pride
17. Catholics for Choice
18. Center for Disability Rights
19. Center for LGBTQ Economic Advancement & Research (CLEAR)
20. Center for Reproductive Rights
21. Center for Values in International Development
22. CenterLink: The Community of LGBT Centers
23. Church World Service
24. Coastal Roots Farm
25. Equality California
26. Equality Federation
27. Equipundo: Center for Masculinities and Social Justice
28. Fenway Health
29. Foreign Policy for America
30. FORGE, Inc.
31. Fòs Feminista
32. Foundation Earth
33. Friends Committee on National Legislation
34. Gender Action
35. GLAAD
36. GLMA: Health Professionals Advancing LGBTQ+ Equality
37. Global Justice Center
38. Guttmacher Institute
39. Health GAP (Global Access Project)
40. Heartland Alliance International

41. HIV Medicine Association
42. Housing Works, Inc.
43. Human Rights First
44. Immigration Equality
45. InReach
46. interACT: Advocates for Intersex Youth
47. International Center for Research on Women
48. International Institute on Race, Equality and Human rights
49. International Planned Parenthood Federation (IPPF)
50. International Refugee Assistance Project (IRAP)
51. Ipas
52. Jewish Council for Public Affairs
53. Jewish Women International
54. JSI
55. Lawyers for Good Government (L4GG)
56. LGBT Technology Partnership & Institute
57. LGBTQ+ Victory Institute
58. Los Angeles LGBT Center
59. MADRE
60. Moving Traditions
61. MPact Global Action
62. MSI Reproductive Choices
63. NARAL Pro-Choice America
64. NASTAD
65. National Center for Lesbian Rights
66. National Center for Transgender Equality
67. National Coalition for LGBTQ Health
68. National Council of Jewish Women
69. National Organization for Women
70. National Queer Asian Pacific Islander Alliance
71. NGLCC
72. NMAC
73. Oasis Legal Services
74. ORAM - Organization for Refuge, Asylum, and Migration
75. Outright International
76. PAI
77. Pathfinder International
78. PFLAG National
79. Planned Parenthood Federation of America
80. Population Connection Action Fund
81. Population Institute
82. Population Services International
83. Presbyterian Church (USA)
84. Prevention Access Campaign

85. Prism United
86. Rainbow Railroad
87. Reconstructing Judaism
88. Reconstructionist Rabbinical Association
89. Reframe Health and Justice
90. Robert F. Kennedy Human Rights
91. SIECUS: Sex Ed for Social Change
92. Silver State Equality - Nevada
93. Society for Humanistic Judaism
94. Synergia - Initiatives for Human Rights
95. The Fellowship of Affirming Ministries (TFAM) Global
96. The Global Justice Institute
97. The Shalom Center
98. The Translatin@ Coalition
99. The Trevor Project
100. The Williams Institute
101. The Workers Circle
102. Transgender Legal Defense and Education Fund
103. Treatment Action Group
104. T'ruah: The Rabbinic Call for Human Rights
105. Unitarian Universalist Service Committee (UUSC)
106. United Nations Association of the USA
107. U.S. People Living with HIV Caucus
108. Washington Office on Latin America
109. White Ribbon Alliance
110. Women's Refugee Commission
111. Woodhull Freedom Foundation

CC:

Chairwoman Patty Murray, Senate Committee on Appropriations
Ranking Member Rosa DeLauro, House Committee on Appropriations