LESBIAN, GAY, BISEXUAL
AND TRANSGENDER RIGHTS:
A CALL FOR CANADIAN LEADERSHIP
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The McLeod Group 

Introduction

In October 2012, the Speaker of the Ugandan Parliament, Rebecca Kadaga, took Canadian Foreign Affairs Minister John Baird to task at an international summit of parliamentarians in Quebec City for his remarks about her country. Baird had criticized Uganda for violating gay rights and oppressing homosexuals. Kadaga accused him of a “colonial attitude” towards Africa and interfering in her country’s internal affairs.¹

In November, after returning to Uganda, Kadaga announced that she supported and would help pass a proposed Anti-Homosexuality Bill, which would toughen already severe punishment for homosexual relations, possibly including the death penalty, as a “Christmas gift” to Ugandans. It is known in Uganda as the “Kill the Gays Bill”.²

In too many parts of the world today, not just Uganda, the rights and security of those whose sexual orientation or gender identity differs from the majority are under fierce and perpetual attack. Lesbian, gay, bisexual and transgendered (LGBT) persons face violence, discrimination, torture, arbitrary arrest and detention, extrajudicial and state-sanctioned executions, extortion and the denial of a range of economic, social and cultural rights, usually without penalty by the perpetrators.

The McLeod Group believes that Canada can and should play a leading role in fighting for LGBT rights around the world. Using the twin instruments of foreign policy and foreign aid, and working in concert with other countries and organizations, Canada can make a real difference on this issue—rapidly and at a low investment cost.

The Current Context: A Confluence of Factors

The Ugandan parliament has shelved the Anti-Homosexual Bill, but it may very well be reintroduced.³ Internationally, however, there is a confluence of factors in play that offer new opportunities for promoting the rights of LGBT people around the world. In the past decade, many countries, principally in Europe and North and South America, and notably South Africa, have taken important steps to prevent discrimination at home, recognize same-sex partnerships and, moreover, promote similar measures abroad. International organizations such as the United Nations are increasingly recognizing LGBT rights as an integral part of human right. In recent years, leaders such as Ban Ki-moon and Hillary Clinton have made powerful and unprecedented statements of support (see boxes below).
In Canada, Foreign Minister John Baird is a strong advocate for LGBT rights and a resolute opponent of institutionalized homophobia. He has publicly criticized the Ugandan anti-gay bill. He has also been a vocal supporter, as has Immigration Minister Jason Kenney, of protecting gays, lesbians, bisexual and transgender people from discrimination and attacks in other countries, and even of granting them asylum in Canada. Until now, this type of direct, visible political leadership on LGBT rights abroad has seldom—if ever—been provided by Canadian cabinet ministers.

The government’s position signals an opportunity for cross-party collaboration, an increasingly rare phenomenon in the hyper-partisan environment of today’s House of Commons. LGBT rights could actually serve as a focal point for cooperation between the government and all opposition parties: the New Democrats, the Liberals, the Bloc Québécois and the Greens. While all parties have caucus and party members who are to some degree socially conservative, most of their MPs and their official policies, together with their current and prospective leaders, are broadly supportive of LGBT rights.

The fact is that Canada can and should become a world leader in advancing LGBT rights and security. With ministerial leadership and cross-party

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**IT IS A VIOLATION OF HUMAN RIGHTS**

It is violation of human rights when people are beaten or killed because of their sexual orientation, or because they do not conform to cultural norms about how men and women should look or behave. It is a violation of human rights when governments declare it illegal to be gay, or allow those who harm gay people to go unpunished. It is a violation of human rights when lesbian or transgendered women are subjected to so-called corrective rape, or forcibly subjected to hormone treatments, or when people are murdered after public calls for violence toward gays, or when they are forced to flee their nations and seek asylum in other lands to save their lives. And it is a violation of human rights when life-saving care is withheld from people because they are gay, or equal access to justice is denied to people because they are gay, or public spaces are out of bounds to people because they are gay. No matter what we look like, where we come from, or who we are, we are all equally entitled to our human rights and dignity...

Being gay is not a Western invention; it is a human reality. And protecting the human rights of all people, gay or straight, is not something that only Western governments do. South Africa’s constitution, written in the aftermath of Apartheid, protects the equality of all citizens, including gay people. In Colombia and Argentina, the rights of gays are also legally protected. In Nepal, the supreme court has ruled that equal rights apply to LGBT citizens. The Government of Mongolia has committed to pursue new legislation that will tackle anti-gay discrimination...

Perhaps [the] most challenging, issue arises when people cite religious or cultural values as a reason to violate or not to protect the human rights of LGBT citizens. This is not unlike the justification offered for violent practices towards women like honor killings, widow burning, or female genital mutilation. Some people still defend those practices as part of a cultural tradition. But violence toward women isn’t cultural; it’s criminal. Likewise with slavery, what was once justified as sanctioned by God is now properly reviled as an unconscionable violation of human rights....

support, there is an opportunity now to play this role, vigorously and effectively, on the world stage.

Uganda: Not Alone

In January 2011, during a time of heated debate in the local and international media about the Ugandan bill, David Kato, a prominent Ugandan gay activist, was murdered. Local authorities first characterized it as a simple robbery and later said it was a “crime of passion”. But the killing took place soon after he and two other gay activists won a lawsuit against a local newspaper that had published the names, photographs and addresses of 100 alleged gays and lesbians under the headline “Hang Them”. He had also spoken publicly at a United Nations-sponsored seminar on the Ugandan bill, where he had been openly mocked by the bill’s supporters.

The criminalization of homosexuality and the associated violence are not confined to Uganda. A Sierra Leonean activist, FannyAnn Eddy, told the UN Human Rights Commission in Geneva that “Homophobic attacks go unpunished by authorities, further encouraging their discriminatory and violent treatment of lesbian, gay, bisexual and transgender people.” Eddy was the founder of the Sierra Leone Lesbian and Gay Association, and she travelled widely, speaking out on LGBT rights. On the night of September 29, 2004, several men broke into her office in Freetown, gang-raped her in front of her ten-year old son, stabbed her and then broke her neck.

In fact, an alarming number of countries—76 in all, mostly clustered in Africa, Asia, the Middle East and the Caribbean—have laws on their books that make private same-sex relations between two consenting adults a crime. In

SECRETARY-GENERAL BAN Ki-MOON

The very first article of the Universal Declaration of Human Rights proclaims that, “All human beings are born free and equal in dignity and rights.” All human beings—not some, not most, but all.

Around the world, lesbian, gay, bisexual and transgender people are targeted, assaulted and sometimes killed. Children and teens are taunted by their peers, beaten and bullied, pushed out of school, disowned by their own families, forced into marriage... and, in the worst cases, driven to suicide... More than 76 countries still criminalize homosexuality....

Let me say this loud and clear: lesbian, gay, bisexual and transgender people are entitled to the same rights as everyone else. They, too, are born free and equal. I stand shoulder-to-shoulder with them in their struggle for human rights....

It is an outrage that in our modern world, so many countries continue to criminalize people simply for loving another human being of the same sex... These laws must go. We must replace them with laws that provide adequate protection against discrimination, including on the basis of sexual orientation and gender identity. This is not optional. It is a State obligation, based on the principle of non-discrimination—a fundamental tenet of international human rights law.

Cameroun, the penalty is five years in prison. Penalties elsewhere are even more draconian: in South Sudan and Papua New Guinea, up to 10 years in jail; in Gambia, Kenya and Malawi, up to 14 years; in Malaysia, up to 20 years; and the death penalty remains on the books for homosexual behaviour in Sudan, Mauritania, parts of Nigeria and Iran.

Disturbingly, most of the Canadian International Development Agency’s (CIDA) major aid recipients are on the list of countries that criminalize homosexuality, namely Ethiopia, Ghana, Mozambique, Senegal, Sudan, Tanzania, Afghanistan, Bangladesh, Indonesia, Pakistan and nearly a dozen Caribbean Islands.  

The countries that are not on the list are notable, too. In addition to North America and almost all of Europe, no countries in Latin America (with the exception of Belize) criminalize homosexuality. Neither do the new economic powers of China, Brazil, India and South Korea. South Africa doesn’t either, nor do Egypt and Thailand. The patterns suggest that this issue is not about neo-colonialism or the imposition of “Western values”; instead, it is about domestic politics, national self-identity, representations of culture and (in)tolerance.

Nevertheless, even though some countries do not officially criminalize same-sex relations, they can still be rife with homophobia, transphobia, discrimination and violence—occurrences not unknown in Canada, despite having among the most progressive laws in the world on LGBT rights. The age-old phenomenon of religious and political leaders spreading hatred of “the other” in order to gain popularity and to disguise their own failings is very much at work in the anti-homosexual fever being whipped up in so many countries.

**AMERICAN EVANGELICALS**

The pervasive influence of American evangelicals in Africa is detailed in a new report by the US think-tank Political Research Associates. *Colonizing African Values: How the U.S. Christian Right is Transforming Politics in Africa* , shows that “U.S. Christian Right groups continue to build organizational strength in their efforts to instill homophobia and anti-abortion politics into the constitutions and laws of African countries.”

The report investigates the American Center for Law and Justice (founded by Pat Robertson), Family Watch International (a Mormon-led body), and the Roman Catholic Human Life International. It also examines a network of organizations known as the New Apostolic Reformation. Among others, the report details ACLJ’s efforts “to influence the constitution-writing process in Zimbabwe and Kenya, and the anti-LGBT and anti-reproductive justice activities of the other groups in such countries as Uganda, Malawi and Zambia.”


**Words Matter: International Statements and Resolutions**

Voice is one of the main tools of foreign policy. And although Canada is not a large country, our Department of Foreign Affairs and International Trade (DFAIT) can make Canada’s voice heard
at international gatherings and in the media, as well as through private diplomatic channels. Over the past five years, through DFAIT’s efforts, Canada has actively supported and co-sponsored several joint statements and resolutions at the United Nations, the G8 and the Organization for Security and Co-operation in Europe (OSCE) calling for respect for the rights and security of LGBT persons and organizations.

For instance, in December 2008, Canada was a signatory to the Statement on Human Rights, Sexual Orientation and Gender Identity addressed to the President of the UN General Assembly. Endorsed by nearly 70 countries, the statement condemned “human rights violations based on sexual orientation or gender identity, and in particular the use of the death penalty on this ground.” It called upon “all States and relevant international human rights mechanisms to commit to promote and protect the human rights of all persons, regardless of sexual orientation or gender identity.” In March 2011, Canada joined with lead country Colombia and more than 80 other nations to present to the United Nations Human Rights Council a Joint Statement on Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity. And in June 2012, Canada signed on to a resolution of the Organization of American States on “Human Rights, Sexual Orientation and Gender Identity,” calling on member states to introduce measures against discrimination and human rights violations.

Those and other measures by countries including Canada have resulted in concrete gains at the multilateral level for LGBT rights and security. Clearly, the United States, together with European and Latin American countries, are our core allies in such initiatives. The challenge, and the opportunity, is to build broader support among the new economic powers as well as among other larger and medium-sized nations.

GOOD NEWS

For the past dozen years, the UN General Assembly has been presented with a resolution condemning extrajudicial, summary and arbitrary executions, and for as many years, African, Caribbean and Islamic states have voted to strip out any reference to “sexual orientation”. In November 2012, for the first time, they failed: The UNGA passed resolution A/C.3/67/L.36, which expands on its commitment to the universality of human rights by including “gender identity” for the first time in the resolution’s history.

The resolution was introduced by the Government of Sweden and co-sponsored by 34 states from around the world. It urged governments “to investigate promptly and thoroughly all killings, including... all killings committed for any discriminatory reason, including sexual orientation.” In 2012, the term “gender identity” was added to the list of categories vulnerable to extrajudicial killings and it passed with 109 votes in favour, 65 abstentions, 18 absent, with Iran casting the single negative vote.
While such collective international efforts are important—indeed, they are essential—it is also possible for Canada to take concrete measures on its own to support LGBT rights.

From Words to Deeds: Re-Tooling Canadian Foreign Policy to Advance LGBT Rights

In many ways, the Canadian government has yet to translate its words into deeds. Toronto-based rights advocate Akim Larcher argues that while Canada says many of the right things, “it keeps showing up at the table with an empty wallet” and with no “clear direction in terms of what it wants to achieve.” He says that the “empty-pocket approach of our foreign affairs minister is unsustainable and could be a recipe for disaster. Without a plan, without a vision, there could be an unintended effect of abuse being meted out against LGBT people in reaction to the foreign minister’s actions.”

It is clear that Canada can and should take concrete action in order to promote LGBT rights more fully and effectively around the world. The issues are complex and dynamic and they require a coherent whole-of-government approach. Our objectives must be underpinned by clear foreign policy objectives, housed in Canada’s longstanding commitment to international human rights. They must be backed by adequate resources for the training of Canadian officials at home and abroad, and for programs that actively promote the policy—inside government, and with Canada’s partner organizations, domestic and international, including local LGBT groups in developing countries.

Three Foreign Policy-Related Recommendations

1. **Establish an Inter-Departmental LGBT Working Group led by DFAIT and CIDA:** This policy-level working group would ensure a coordinated and strategic approach among all government departments to advancing LGBT rights internationally. *Inter alia,* the Group should monitor government policies on freedom from harassment and discrimination, recognition of same-sex unions, and provisions for employees who are part of same-sex couples to be assigned to field offices. This group should be tasked to produce an LGBT strategy for Canada’s international relations within a specific time frame—say, 12 months.

2. **Appoint a full-time LGBT Advisor with professional expertise:** This full-time position will guide foreign policy efforts to mainstream LGBT issues. The Advisor should be supported by an adequately funded independent LGBT Advisory Group with a focus on LGBT rights internationally.

3. **Coordinate the development of new DFAIT initiatives with CIDA:** CIDA’s programming expertise along with DFAIT’s human rights experience should work hand in hand to
promote innovative LGBT initiatives. Using embassies’ Canada Fund for Local Initiatives, DFAIT has the ability to support small strategic projects with local partners that advance LGBT human rights along with other foreign policy priorities.

4. **Prepare guidance for use by Canadian embassies and high commissions** in allocating support from the Canada Fund for Local Initiatives for LGBT activities. This guidance should be available for use by the start of the 2014-15 fiscal year.

CIDA

A key to making a real and lasting difference internationally is the foreign aid program. The Canadian International Development Agency can and should be retooled to become a leader in advancing LGBT rights around the world. In our view, this can be achieved quickly and at low cost.

With an annual budget of more than $3.5 billion, CIDA is responsible for managing most of Canada’s overseas assistance. It describes its mandate as leading “Canada’s international effort to help people living in poverty.” Many, and probably most, LGBT persons in developing countries live in poverty. They are generally among the most vulnerable, excluded from the economy and society, and are subject to intimidation and violence. The challenges they face fall directly within CIDA’s mandate.

Broadly put, the core task for CIDA is to mainstream LGBT issues throughout its structure, policies and programs. Three bilateral development organizations that have been especially innovative in this area have been the Swedish International Development Cooperation Agency (SIDA), the UK’s Department for International Development (DFID) and the United States Agency for International Development (USAID). These agencies can be important allies in this work around the world. The ways in which they have embedded LGBT rights in their policies and programs provide models from which CIDA can learn.

SIDA is at the forefront of work on sexual orientation and gender identity in the aid sector. SIDA first adopted an action plan in 2006 “to enable LGBT persons to improve their living conditions, legally and de facto, in countries where Sweden is engaged in development cooperation.” It has also mainstreamed LGBT rights within the broader framework of sexual rights, often paired with reproductive health and rights.

Since 2010, DFID’s provision of direct budget support to developing-country governments requires a commitment from recipient governments to respect human rights, including those of LGBT minorities. DFID also highlights the links between poverty, development and sexuality, recognizing that: “Discrimination on the basis of sexuality can make people poorer and can impede their ability to ask for and get choice and control over services.”
For its part, USAID has made it a priority to mainstream LGBT issues into its key policy documents, such as its guidance for country strategies, and policies on climate change, health and gender diversity. It also recognizes the specific needs of LGBT persons in disaster-affected areas. It organizes panels and other learning events on LGBT issues in priority countries for its senior country officials. It has also integrated LGBT rights into its procurement policies: USAID partners are not permitted to discriminate on the basis of sexual orientation. Finally, USAID has made a contribution toward the State Department’s $3-million Global Equality Fund for supporting LGBT and other initiatives.¹

**Five Recommendations for CIDA**

1. **Establish an international contact group with other major donor countries to strategize and coordinate the funding of LGBT initiatives.** The UK, US, France, Netherlands, Sweden and other states have prioritized LGBT rights within their development and foreign policy work. International coordination among the major donor states can enhance the effectiveness of interventions while identifying areas where efforts have the greatest likelihood of success. A start could be made by joining Norway with a contribution to the U.S. State Department’s Global Equality Fund.²

2. **Integrate LGBT rights and issues into major policy and priority statements:** From aid effectiveness to food security, children and youth, sustainable economic growth, and other programming, LGBT rights and issues should be integrated into major policies that guide the work of officers in the field and in Ottawa/Gatineau.

3. **Integrate LGBT rights and issues into CIDA grant and contract decisions:** Organizations that receive grants from CIDA—governments, multilateral institutions and non-governmental organizations—should be obliged to respect LGBT rights in their own offices and in their programs and projects. Organizations that are contracted by CIDA to provide goods and services should be likewise obliged to respect such rights. Revising the criteria for grant competitions and requests for proposals and for procedures for disbursing and accounting for funds are all key tasks in this regard.

   The recent public outcry against CIDA’s continued funding of an anti-LGBT evangelical Christian NGO’s work in Uganda illustrates the urgent need for such a policy.⁴

4. **Place a priority on funding Canadian and foreign NGOs that promote the rights of LGBT minorities in developing countries:** A specific initiative should be established across all CIDA branches that will allocate and channel funds to qualified non-governmental organizations in Canada and overseas that work to promote, protect and extend LGBT rights. Funding should also be provided for South-South linkages between

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¹ Details on the Global Equality Fund can be found at [http://www.state.gov/globalequality/about/index.htm](http://www.state.gov/globalequality/about/index.htm).
LGBT groups in developing countries, as well as seed money for emerging grassroots organizations in developing countries.

5. **Launch a global investment fund** to enable rights-seeking groups to start and grow their own businesses, focused on both for-profit and non-profit enterprises. Using both debt (loans, guarantees) and equity (share ownership) investment instruments, this fund should be managed in CIDA partner-countries by Canadian NGOs, local NGOs and/or local investment companies that carry out due diligence, provide advice and training, and monitor investment progress.

There is also a case to be made for the establishment of LGBT rights as an explicit component of an overall human rights perspective that must be respected by recipients of Canada’s bilateral aid. Pressure needs to be applied in this area, as in all other aspects of human rights, but decisions should be made on a case-by-case basis in consultation with local activists in order to ensure that it complements local strategies and doesn’t make things worse for them.

**A Recommendation for Canadian NGOs**

Canadian development NGOs working internationally have been noticeably silent, if not dormant, where LGBT issues are concerned. LGBT rights are human rights just as much as any other. And as noted above, LGBT issues are development issues as well. The time for a serious Canadian NGO discussion on these issues is long overdue. Canadian NGOs should form their own working group on this issue aimed at promoting better internal and cross-sectoral understanding of the issues, setting programming norms and standards based on the 2006 Yogyakarta Principles, and formulating strategies in support of government programming and positions on LGBT issues. They should also increase support to reputable local organizations that promote LGBT rights.

**What Next?**

This is an ambitious agenda, but it is feasible. Canada’s foreign minister is already a strong champion of LGBT rights. Numerous Canadian diplomats on the ground are advocating for the decriminalization of homosexuality and are working to strengthen the efforts of civil society. Cross-party cooperation on the issue is feasible. Support from government employees and NGOs is highly probable. And CIDA’s organizational and programmatic platforms are amenable to the efficient integration of LGBT issues.

The Minister and Deputy Minister of Foreign Affairs, the Minister of International Cooperation and the CIDA President should now meet to discuss how Canada can become a leader in advancing LGBT rights. They should look closely at the experiences of the British, American, Swedish and other governments. They should consult with CIDA and DFAIT officials, scholars,
human rights experts and NGOs working in the field of LGBT rights. They should consider how our proposals here, and others, can be fast-tracked and implemented.

Canada has an opportunity to lead on this issue. The cause is important, and the conditions are right. It is time to act.

NOTES

1 A good account of the exchange in Quebec City between John Baird and Rebecca Kadaga is found in Justin Ling, “Baird battles Ugandan politician over gay rights,” X-tra!, October 26, 2012 (http://www.xtra.ca/public/National/Baird_battles_Ugandan_politician_over_gay_rights-12713.aspx).
2 Over the past three years, Uganda’s anti-homosexual bill has been reported on widely in the western secular and religious media, as well as in the Ugandan and other African media. A useful overview of the legislation’s purposes, provisions, proponents and opponents is found in Wikipedia (http://en.wikipedia.org/wiki/Uganda_Anti-Homosexuality_Bill). The role of the American Christian right in supporting the key leaders of the anti-homosexuality bill in Uganda is well documented in the US media. See, for example, James Peron, “Who’s Helping Finance Uganda’s ‘Kill the Gays’ Bill? You Are,” Huffington Post, December 3, 2012 (http://www.huffingtonpost.com/james-peron/whos-helping-finance-ugandas-kill-the-gays-bill-you-are_b_2229509.html). For the chilling effect of the bill and associated events, see Henry Wasswa, “Uganda’s ‘Kill the Gays’ Bill Spreads Fear,” Inter Press Service, December 6, 2012 (http://www.ipsnews.net/2012/12/ugandas-kill-the-gays-bill-spreads-fear). Moreover, strong levels of support for the bill exist within Ugandan society. There appear to be four main factors that explain the high levels of disapproval for homosexuality in Uganda: the use of this bill to advance political aspirations and to divert attention from serious economic and political issues; the increasing influence and capital of American evangelical groups in the region, the perceived threat to patterns of inheritance and kinship bonds often embodied in the exchange of bride wealth and material goods during a marriage; and a broader discourse of national self-identity that rejects Western moral categories including those being advanced by LGBT activists. See Francis Kiromera, “Anti-Homosexuality Bill in Uganda: Addressing the need for targeted, culturally sensitive interventions”, unpublished paper in fulfillment of the requirements for the course “Global Social Policy”, Carleton University, Ottawa, 2012.
3 As of mid-December 2012, the Montreal Gazette carried a news release from All Out, a major international LGBT equality movement, reporting that the Ugandan anti-homosexuality bill had stalled in Parliament. All Out had gathered 240,000 signatures for a petition opposing the bill, and had encouraged more than 1,000 of its members to call their diplomats to tell them that all diplomatic means should be used to stop the act from becoming law (see http://blogs.montrealgazette.com/2012/12/14/ugandas-anti-gay-bill-stalls-report/).
4 A full list is available from the non-governmental organization Council for Global Equality. It includes 37 countries and regions in Africa, 22 in Asia, two in Europe, 15 in the Middle East and 11 Caribbean islands (http://www.globalequality.org/component/content/article/166).
5 While homophobia refers to an irrational fear of gay men and lesbians, transphobia can be defined as an aversion to individuals who do not conform to gender norms, independently of sexual orientation, or whose gender identity does not correspond to their biological sex at birth, also known as transgender people.
7 Among European nations, Russia is a notable laggard, recently introducing punitive legislation to criminalize “homosexual propaganda”. It is a leading opponent of LGBT rights.
8 Akim Adé Larcher, “Canada’s gay rights defence is all hot air,” Embassy, Feb. 3, 2012
9 For more on CIDA’s mandate, priorities, structure and programs, see its website: http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/eng/NIC-5493749-HZK.


xiii Department for International Development, “How we decide where aid is spent,” No Date, [http://www.dfid.gov.uk/what-we-do/how-uk-aid-is-spent/how-we-decide-where-aid-is-spent/]. The UK government’s policy toward direct provision of budget support to developing country governments was strengthened when the 2010 coalition government came to power. The four partnership principles of the revised policy to which recipient governments were obliged to adhere were committing to poverty reduction, human rights (including LGBT rights), good governance and transparency, and accountability.


xv The Yogyakarta Principles are a set of international principles relating to sexual orientation and gender identity, based on international human rights standards—see [http://www.yogyakartaprinicples.org/index.html](http://www.yogyakartapриницples.org/index.html).