

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. CON. RES. 173

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2001

Mr. LANTOS (for himself, Mrs. MORELLA, Mr. SHAYS, Mr. WEXLER, Mr. MCGOVERN, Ms. LEE, Mr. SANDERS, Ms. BALDWIN, Mr. ALLEN, Mr. ENGEL, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. WYNN, Ms. RIVERS, Mr. WEINER, Mr. CROWLEY, Mr. MCNULTY, Mr. GONZALEZ, Mr. FRANK, Mr. LEWIS of Georgia, Mr. PALLONE, Ms. PELOSI, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. JEFFERSON, Mr. STARK, and Ms. WOOLSEY) submitted the following concurrent resolution; which was referred to the Committee on International Relations

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## CONCURRENT RESOLUTION

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

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

3        **SECTION 1. SHORT TITLE.**

4        This concurrent resolution may be cited as the  
5        “International Human Rights Equality Resolution”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Treaties, conventions, and declarations to  
4 which the United States is a party address govern-  
5 ment obligations to combat human rights violations,  
6 and the overall goals and standards of these treaties,  
7 conventions, and declarations in promoting human  
8 rights of all individuals have been found to be con-  
9 sistent with, and in support of, the aspirations of the  
10 United States at home and globally, as well as con-  
11 sistent with the Constitution of the United States.

12 (2) Articles 3 and 5 of the 1948 Universal Dec-  
13 laration of Human Rights and Articles 6, 7, and 9  
14 of the 1966 International Covenant on Civil and Po-  
15 litical Rights guarantee all individuals the right to  
16 life, liberty, and security of person, and guarantee  
17 that no one shall be subjected to torture or to cruel,  
18 inhuman, or degrading treatment or punishment,  
19 and the 1984 Convention against Torture and Other  
20 Cruel, Inhuman or Degrading Treatment or Punish-  
21 ment reinforces the commitment of countries to pre-  
22 vent torture within their jurisdictions.

23 (3) The fundamental human right not to be ar-  
24 bitrarily deprived of life is violated when those con-  
25 victed of homosexual acts in Afghanistan are sen-  
26 tenced to be executed and are crushed by having

1 walls toppled over them, and there remain a number  
2 of other countries around the world that call for the  
3 possible execution of those convicted of homosexual  
4 acts, including Saudi Arabia, Yemen, Kuwait, Mau-  
5 ritania, and Iran.

6 (4) The fundamental right not to be subjected  
7 to torture or other cruel, inhuman, or degrading  
8 treatment is violated when, because of their real or  
9 perceived sexual identity, gay men, lesbians,  
10 bisexuals, and transgendered individuals (hereafter  
11 referred to as “LGBT individuals”) are subjected to  
12 severe beatings while in police custody in Argentina  
13 and Uganda, and individuals in these groups are  
14 also routinely the victims of human rights abuses,  
15 such as extortion, entrapment, physical assaults, and  
16 rape, committed by the police in Mexico and Ecua-  
17 dor, among other countries.

18 (5) A number of LGBT individuals are targeted  
19 and tortured or killed because of their real or per-  
20 ceived sexual identity by paramilitary groups in Gua-  
21 temala and El Salvador, which collude with the mili-  
22 tary, police, and other government officials in those  
23 countries.

24 (6) Articles 2 and 7 of the Universal Declara-  
25 tion of Human Rights and Articles 2, 14, and 26 of

1 the International Covenant on Civil and Political  
2 Rights guarantee all individuals freedom from arbitrary  
3 discrimination and equal protection before the  
4 law.

5 (7) Individuals in many countries, such as Romania,  
6 are convicted pursuant to penal laws which  
7 criminalize sexual conduct between same-sex partners,  
8 and these individuals are subjected to torture,  
9 including rape, in prison, for which they have no  
10 legal recourse for redress.

11 (8) In Pakistan and Saudi Arabia the sentence  
12 for sexual conduct between same-sex partners who  
13 are consenting adults includes flogging, and in  
14 Singapore and Uganda the sentence for sexual conduct  
15 between same-sex partners who are consenting  
16 adults can extend to life in prison.

17 (9) Many governments, on the basis of vague  
18 laws, may target and persecute LGBT individuals  
19 because of their real or perceived sexual identity, including  
20 in Egypt where individuals in these groups  
21 may be imprisoned under laws that penalize offenses  
22 against public morals, and in Venezuela where individuals  
23 in these groups are imprisoned under the  
24 laws against vagrants and crooks, and the vagueness

1 of these laws makes it difficult to monitor govern-  
2 mental persecution.

3 (10) Articles 19 and 20 of the Universal Dec-  
4 laration of Human Rights and Articles 19 and 22 of  
5 the International Covenant on Civil and Political  
6 Rights guarantee all individuals freedom of expres-  
7 sion and freedom of association.

8 (11) The fundamental rights of freedom of ex-  
9 pression and association are violated when govern-  
10 ments deny the right of LGBT individuals to form  
11 organizations or advocate for rights under inter-  
12 national humanitarian laws, such as in Zimbabwe  
13 where members of Gays and Lesbians of Zimbabwe  
14 (GALZ) have been threatened and brutally assaulted  
15 for mobilizing around issues of concern to LGBT in-  
16 dividuals.

17 (12) In some countries, agents of the govern-  
18 ment are directing or are complicitous in abuses  
19 committed on the basis of sexual orientation and  
20 gender identity, and investigation and prosecution of  
21 those agents for these violations of international law  
22 often do not occur.

23 (13) Due to the failure by governments to in-  
24 vestigate and prosecute human rights violations  
25 based on sexual orientation and gender identity, pri-

1 vate individuals feel encouraged to attack violently  
2 LGBT individuals with impunity, contributing to an  
3 atmosphere of fear and intimidation for LGBT indi-  
4 viduals.

5 (14) The human rights violations that lesbian  
6 and bisexual women suffer because of their real or  
7 perceived sexual identity are particularly vitriolic be-  
8 cause of their gender, and, moreover, the aggravated  
9 abuse of these women often goes unreported because  
10 of their gender.

11 (15) Violations of internationally recognized  
12 human rights norms are to be considered crimes re-  
13 gardless of the real or perceived sexual identity of  
14 the victims and are to be punished without discrimi-  
15 nation.

16 (16) Fundamental access to legal protection  
17 from violations of internationally recognized human  
18 rights norms is often unavailable to the victims.

19 (17) Lesbians and bisexual women face addi-  
20 tional obstacles in these countries when seeking as-  
21 sistance from police, judges, and other officials due  
22 to pervasive gender bias.

23 (18) The preceding clauses constitute only a  
24 few examples of the violations suffered by LGBT in-  
25 dividuals because of their real or perceived sexual

1 identity, the full range and extent of such violations  
2 are not known because governments create  
3 atmospheres of immunity for those perpetrating  
4 such human rights violations and prevent victims  
5 from seeking effective protection and just redress,  
6 and, thus, their suffering remains undocumented  
7 and unremedied.

8 (19) Many nongovernmental human rights or-  
9 ganizations, including Amnesty International,  
10 Human Rights Watch, and the International Gay  
11 and Lesbian Human Rights Commission, as well as  
12 the United States Department of State and the  
13 United Nations, have documented, and are con-  
14 tinuing to document, the ongoing violations of the  
15 human rights of LGBT individuals.

16 **SEC. 3. DECLARATION OF POLICY.**

17 Congress—

18 (1) condemns all violations of internationally  
19 recognized human rights norms based on the real or  
20 perceived sexual orientation or gender identity of an  
21 individual;

22 (2)(A) recognizes that human rights violations  
23 abroad based on sexual orientation and gender iden-  
24 tity should be punished without discrimination be-  
25 tween these and other crimes, regardless of the real

1 or perceived sexual identity of the victims, and that  
2 such violations should be given the same consider-  
3 ation and concern as human rights violations based  
4 on other grounds in the formulation of policies to  
5 protect and promote human rights globally; and

6 (B) further recognizes that the protection from  
7 human rights abuses, such as torture and other  
8 cruel, inhuman, or degrading treatment or punish-  
9 ment, is fully embedded in international humani-  
10 tarian law, regardless of the sexual orientation and  
11 gender identity of the victim; and

12 (3) commends nongovernmental human rights  
13 organizations, including Amnesty International,  
14 Human Rights Watch, and the International Gay  
15 and Lesbian Human Rights Commission, as well as  
16 the United States Department of State and the  
17 United Nations, for documenting the ongoing abuse  
18 of human rights on the basis of sexual orientation  
19 and gender identity.

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