

LEGISLATIVE *Analysis*

Center for Family and Human Rights

The Global Respect Act: At Best, Duplicative; At Worst, Dangerous

The Global Respect Act, as currently written in H.R.3485, purports to be a bill to protect the human rights of individuals who identify as LGBTQI+. In reality, it is duplicative and unnecessary. The bill seeks to apply the penalties foreseen under the Magnitsky Act for serious human rights abuses to political and religious opponents of the LGBTQI+ agenda. It is designed to deter free speech and religious freedom around the world, and not to protect the human rights of individuals who identify as LGBTQI+, as its proponents claim. Moreover, the bill would permanently create burdensome and costly bureaucratic requirements for the State Department with the apparent purpose of imposing new and internationally contentious human rights categories based on sexual conduct and preferences.

- **The Global Respect Act has a chilling effect on free speech and freedom of religion worldwide.** This bill sends the message to civic leaders across the world that the United States demands conformity to its radical LGBTQI+ policies, and that any opponents will be treated as human rights violators by the U.S. State Department.

Sections 3(a)(1 and) 3(a)(3) of the bill imposes penalties on any foreigner who is “*complicit in*” or “*complicit in inciting* a foreign person” in the conduct outlined in Section (3)(a)(1). However, the bill does not define key terms, like “*complicit*” and “*incitement*,” allowing for the liberal interpretation of these terms and wide application of the bill’s sanctions. In addition to the egregious conduct already addressed by the Magnitsky Act (see below), Section (3)(a)(1) includes the catchall “Other flagrant denial of the right to life, liberty, or the security of the individual.”

The over broad and ambiguous provisions of this bill would impose penalties on any foreigner who publicly expresses disapproval of homosexual conduct or transgender ideology on any basis whatsoever, including moral, religious, philosophical, or scientific grounds. It’s provisions can easily be applied to both political speech and religious speech against any aspect of the LGBTQI+ agenda, including transgender treatments for children or homosexual marriage. Activists, UN human rights bodies, and UN staff already accuse religious believers of hate speech, incitement to violence, and even complicity in violence when they express public disapproval of homosexual conduct and transgender ideology.

- **The Global Respect Act is unnecessary and duplicative.** This bill would not prevent new extrajudicial killings, cruel, inhuman, and degrading treatment, or other similarly egregious violations of human rights by state agents or private individuals that can already be penalized through the Global Magnitsky Human Rights Accountability Act (Pub. L. 114-328, Title XII, Subtitle F). This includes human rights violations against individuals who identify as LGBT. The bill is duplicative of the Magnitsky Act, which already prescribes *more detailed and robust sanctions for the same human rights violations*.

In addition, the Magnitsky Act is more comprehensive in scope than the Global Respect Act because it addresses all egregious human rights violations against any person—not just individuals who identify as LGBTQI+. The Magnitsky Act was always intended to cover all egregious human rights abuses, including those against individuals who identify as LGBT, as reported by the Human Rights Campaign.¹ It has already been used to impose sanctions for egregious human rights violations against individuals who identify as LGBT, according to Reuters.²

- **The Global Respect Act does not accurately represent international human rights law.** The bill would impose sanctions for human rights abuses “based on the actual or perceived sexual orientation, gender identity, or sex characteristics of the individual.” The full title of the House version of the Global Respect Act refers to violations of “internationally recognized” human rights. In fact, international law does not protect sexual autonomy, conduct, and preferences outside of the context of the right to freely marry and found a family. Further, the bill would enshrine into law the category of “lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals,” even though such a category does not possess a widely accepted legal or scientific meaning either here in the United States or internationally. It is more accurate to say that international law protects individuals by virtue of their inherent human dignity, and not based on their “sexual orientation or gender identity.”

Other Notes

- There is every reason to believe the Biden administration is willing to label anyone who opposes any aspect of the LGBTQI+ agenda as a human rights abuser. The GLIDE Fund, a new \$2.5 million fund of the U.S. State Department Bureau of Democracy, Human Rights, and Labor will require programs to label opposition to the LGBTQI+ agenda as “anti-democratic” and characterize their opponents’ messaging as “disinformation.”³
- Not all persons who engage in same-sex sexual behavior or do not conform to traditional gender presentation and/or stereotypes identify as part of the LGBT community. This is particularly true in some of the regions where same-sex sexual behavior is highly stigmatized and/or criminalized.⁴ This bill does not clearly differentiate between behaviors and self-declared identities, which greatly expands the scope of what could potentially be characterized as a violation. Rather than the phrase “LGBT individuals,” it is, therefore, more accurate to say that some individuals *identify as* LGBT.
- The data-gathering requirement is too vague to avoid abuse. It would not be feasible to isolate SOGI crimes from other aspects of those crimes, be they related to drugs, inherent risks of LGBT lifestyle, or other confounding factors.
- The Human Rights Report requirement in section 4(b) is redundant, since the annual country HR reports already include violations of human rights against individuals who identify as LGBT, as well as others.
- This bill is ultimately about shifting the frame of reference away from victims of human rights violations, some of whom identify as LGBT, and toward LGBT-identified persons as *potential* victims of human rights violations, and threatening anyone who does not accept this ideological framing.

Endnotes

- 1 <https://www.hrc.org/blog/hrc-applauds-lawmakers-for-ensuring-magnitsky-act-includes-lgbtq-people>
- 2 <https://www.reuters.com/article/us-usa-russia-sanctions/us-places-sanctions-on-chechen-group-russians-suspected-of-human-rights-abuses-idUSKCN1SM295>
- 3 <https://www.state.gov/statements-of-interest-requests-for-proposals-and-notices-of-funding-opportunity/drl-fy2021-global-lgbtqi-inclusive-democracy-and-empowerment-glide-fund/>
- 4 The “LGBT” acronym is a matter of political organizing, not a distinct category in and of itself. For example, laws that criminalize same-sex sexual behavior affect different people than laws relating to legal sex and/or gender.



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