

SOME FREE AND PARTLY EQUAL

**A Comparative Study of United Nations Security Council Member
States Foreign Policies Related to the Protection of Rights in
Sexual Orientation and Gender Identity**

By
Joseph Henley

A thesis submitted to the School of Liberal Arts of Webster University in
partial fulfillment of the requirements for the degree of
Global Master of Arts in International Relations

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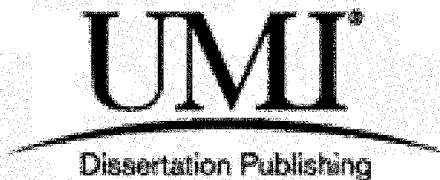
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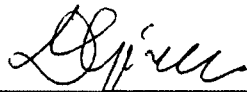
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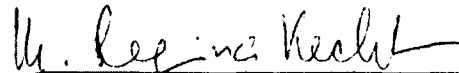
Committee Member (Second Reader)

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Site Director/Department Chair

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Academic Dean

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Robert P. Baring

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ABSTRACT

SOME FREE AND PARTLY EQUAL:

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This study sets out to review a comparison of membership within the United Nations Security Council and the Human Rights Council and how sexual orientation and gender (SOGI) rights are protected or promoted within a state's foreign policy. These states were selected due to the need of having a set within the 193 UN member states and by choosing the UNSC there is elimination of selection bias. Multilateralism carries many difficulties, and chief amongst this is the concept of human rights. Human rights in general are often contentious, and especially in the area of SOGI. Because SOGI rights are not explicitly guaranteed within the Universal Declaration of Human Rights or any of the major Human Rights Conventions many states contend that they cannot be recognized as they are new rights. However, advocates for SOGI rights call for the principle of equality pointing out that these are not new rights, simply recognizing the importance of equal rights for all.

There is little work done already to emphasize how foreign policy engages with sexual orientation. Instead there is plenty of research supporting the marginalization and discrimination against people because of their SOGI. Most studies deal with domestic situations. This study as an interdisciplinary approach blends quantitative, qualitative and legal focuses within expressed foreign policy and attempts to determine if there is any relationship between states that are involved within the United Nations Security Council, the Human Rights Council, and SOGI foreign policy. After a thorough review of the backgrounds related to SOGI of each selected state, each state is then measured across 2 indices each comprised of 4 factors to attempt to begin a valuation of the two subjects. The results appear to reflect that those states that are more involved within the UNSC and the Human Rights Council do tend to have a better record on SOGI within their foreign policy. However, these results can only be preliminary as more research is needed to fully understand how these two variables can interact with each other.

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Acknowledgements

*This study was admittedly ambitious and decidedly fascinating. While only a tip of the iceberg in regards to what was originally anticipated, the results are tantalizing enough to wish to study this in greater detail. Hopefully, the groundwork is laid for future research. I first must thank the thesis team in Webster University, Vienna for their support and feedback. **Dr. Franco Algieri**, thank you for your belief in me to write this and acceptance to be my sponsor. **Dr. Dorota Gierycz**, thank you for your intimate knowledge of the UN and of International law. **Dr. Elina Brutschin**, thank you for your methods assistance in formulating my data analysis. In Saint Louis, thank you **Dr. Amanda Rosen** and **Hannah Verity** for your support in choosing to do a thesis in the first place. Thank you to Cohort 2 for the ultimate encouragement in completing this task, most especially **Molly Uxa** for walking through the thesis journey with me day by day, and **Megan Hall** and **David Wing** for agreeing to be additional coders. Thanks to **Nikolay Abadjiev** for hosting me while in Vienna. A heartfelt thanks to **Sarah Sinno** for translation assistance. Thanks goes to the brilliant **Jamie Thompson** for helping me with my charts and graphs. Thank you to those who contributed to this study's success invaluablely: **Andre du Plessis** of the International Lesbian and Gay Association, and **Leila Lohman** of the Organization for Refuge, Asylum, and Migration, and **ARC International** for the ongoing information and knowledge share available through the SOGI Email Forums. Thanks to **Lori, Spencer** and all my friends and family who have believed in me and supported me through this journey. I am deeply grateful. Notably, thank you to those politicians, world leaders, and diplomats who have boldly proclaimed the importance of 'Gay Rights as Human Rights'.*

Lastly, this study is dedicated to the honor of people the world over who are marginalized, discriminated against and have their rights violated on condition of their sexual orientation or their gender identity. Some have paid the ultimate price, and this study is dedicated to their memory, your sacrifice is not forgotten.

I hope to follow in your footsteps so that I may honorably and consistently and tirelessly fight for equal rights for all.

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1. Introduction¹

1.1 Overview of SOGI Relevance Internationally

It is not difficult to understand that there are different views on any given topic amongst the nations of the world. The vast diversity that is represented in the world today demonstrates the difficulty of finding common ground and unity in a diversity of topics. Looking at modern conflict, international crises such as Syria, the Democratic Republic of Congo or Ukraine, or the threats of the so called 'Islamic State' crisis in Iraq, each point to the difficult realities of unity across vastly different state mechanisms. Bringing together economies and trade laws also are a dimension facing the diverse world today. The harmony of international law and domestic law is yet another difficulty facing states. Common ground is rare in many instances and an aura of consensus if not compromise rather than true agreement hangs over international relations as often as not.

Agreement in the space of human rights worldwide is a central debate and often inspires heated exchanges through diplomatic relations and multilateral forums. The most prominent space that this debate is highlighted is in the unprecedented advent and application of the United Nations System as a world order. This assembly of sovereign states brings together and directly spotlights the complexities of cooperation in the world today. Through debates in the General Assembly, to gridlock within the Security Council, to contentious resolutions in the Human Rights Council, all aspects of the United Nations System feel the strains of building agreement in the current international system.

¹ This study works within current events related to human rights. In dealing with multilateral forums and the foreign policies of sovereign states it is impossible to stay completely current. Therefore, the discussions and data in this study are current as of September 29, 2014.

Amongst all the debates central today is the subject of applying human rights to various degrees and definitions. The clash of cultures, religious beliefs, and traditional values seem to come most to the forefront in human rights and with especial vigor within the discussion on rights afforded based on people's Sexual Orientation or Gender Identity (SOGI). This topic more than others galvanizes passionate opinion from both sides of the debate bringing a decisive voice of culture clash within the debate. The culture clash seems to divide nations in blocs not too far removed from the former colonial boundaries of colonizers and colonized. Later in this study, this phenomenon will be covered in greater detail.

The United Nations creates a sense of a paradox in reference to human rights, especially present when considering SOGI rights. The UN, especially through the work of the Human Rights Council (HRC), has created a forum where SOGI rights are promoted through word and speeches. Through the HRC's launch of the Free and Equal Campaign in summer 2013, there has been a clear and consistent message of equality and nondiscrimination towards SOGI rights streaming from all the upper levels of the UN System. Many high-ranking officials in the UN have given their support to recognizing SOGI rights. This new advancement, however, is not mirrored within many individual states that still criminalize same sex behavior, and creates a division within UN Member States.

This divide is apparent when reviewing maps such as the annual report produced from the International Lesbian Gay Trans and Intersex Association (ILGA), entitled The State Sponsored Homophobia Report (See Appendix A) depicting rights given to people based on their sexual orientation or gender identity. This brings a level of emotion into the argument and the passion with which people oppose equality for lesbian, gay, bisexual, and transgendered (LGBT) peoples. The debate is often seen as values being pushed onto countries in similar fashion to previous imperialistic rule. The so called decadent west with cultural norms vastly different from the

countries that used to be its colonies, imposes its way of life through soft power influences of media, and the world wide web, and other societal debates.

This debate is currently given teeth due to the difficult path to take under international law for any legal norm of gay rights. Although many important leaders in the international system and the United Nations itself through leaders and sub plenary bodies affirm the rights of LGBT people, it is not enshrined in international law. This is because in order for it to be considered legally whole it would have to be codified in binding nature, or at least become a customary law through universal practice. However, to date the only levels of international recognition come from non-binding soft law forums. This also does not look promising to change within the foreseeable future, so SOGI protection as equal rights will continue to exist in its current status of not definitely binding, nor altogether able to be removed from human rights discussions. It is important to this study, however, to note that the work accomplished through soft law sources and the power of influence worldwide have merit and lasting effect.

In this increasingly connected world, this debate is not merely of a linear dimension. Instead there are multiple interactions in different areas of globalized politics regarding this issue. Although there are different international components within the UN such as the World Trade Organization, World Health Organization, or the Human Rights Council, each with varying stances or non-stances on this issue, the purpose of this paper will be to examine just a few UN Bodies by taking a case study of the fifteen countries currently composing the United Nations Security Council (UNSC) and further examining each state's level of involvement in the Human Rights Council.

The reason for the selection of the UNSC for this study stems from the limitation of being able to choose all member states for such research. The time effort would be preventative and is outside the purposes and constraints of this study. Instead, a selection of countries representing a

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cross-section of the whole allows for a smaller picture of the world. This is not a fully accurate portrayal of the world by any means. The makeup of the council, with its 5 permanent members (China, France, Russia, United Kingdom and the United States, known as the P5) skews the council's worldwide representation in several ways.

The first skew that shows up is that the world's areas are woefully misrepresented within the makeup of the council. The continents of Africa, Australia, and South America have no permanent presence with the world's most populous continent, Asia, being represented by only one country. In same fashion, with three members, Europe is over represented. In addition to the geographical skew, the Council is skewed with the undemocratic process of the veto power granted to the P5 countries. However, with these known discrepancies the Security Council in its current makeup is still a good selection for this study due to the division of members amongst the remaining ten seats. The remaining countries of the 2014 UNSC are comprised of the non-permanent members (Nigeria, Rwanda, Chad, Luxembourg, Lithuania, Chile, Argentina, Australia, Jordan, and the Republic of Korea). These allow for a diverse approach to the selected UN bodies involvement and recognition of SOGI rights, the two key factors of this study. The selection of the UNSC gives 15 member states to review who might otherwise have nothing in common.

In addition to the UNSC, this study will place special emphasis on the Human Rights Council. The reason for the Human Rights Council focus comes from the complexity that is enshrined within this particular body. It is here that the divides between East and West, North and South are centralized. The varying amounts of rights granted to any given type of people group within this arena showcases the difficulties and delicacies of negotiating consensus within the group of nation states represented within the Council. As with the Security Council allowing visitor states, in the HRC each UN Member state is granted observer status even if not on the 46

member council during the current rotation, so there is a unique opportunity to highlight the gaps and differences among the member states amongst the discussions that resolutions create.

Also, the Human Rights Council highlights the most central point of debate regarding SOGI issues within the entire UN System. It is within this multilateral forum that the rights of all people worldwide are at the forefront and topics concerning gay rights are no exception. The process of the Universal Periodic Review, the work with Special Rapporteurs and the close linkage with the Office of the High Commissioner on Human Rights cause this place to highlight most frequently LGBT rights and violations through discrimination and violence from states across the globe.

It is here that the first UN resolution (UNHRC 17/19, 2011) regarding the rights of Lesbians Gays Bisexuals and Transgendered persons was successfully passed in 2011 albeit with great controversy.²The resolution's voting record demonstrate the challenges faced in the coming years and also highlight the gap mentioned earlier of former colonies being in opposition to former colonizers. The 23 countries in favor came from South America (*Argentina, Brazil, Chile, Ecuador, and Uruguay*) North/Central America (*Cuba, Guatemala, Mexico and the USA*) Europe (*Belgium, France, Hungary, Norway, Poland, Slovakia, Spain, Switzerland, Ukraine and the United Kingdom*) with a single island state (*Mauritius*) and several Asian states (*Japan, South*

² After the compilation of data for this study was complete, there was a landmark vote in the HRC that followed up on this original resolution, and set up a request to share best practices in combatting discrimination based off SOGI. Originally intended to create a biannual report, the resolution was revised to make it more palatable to hostile states. The Resolution was sponsored by Brazil, Chile, Columbia, and Uruguay, and had more than 40 cosponsors. The Order of Islamic States submitted 6 amendments aimed at removing all references to SOGI from the document. In a historic vote, the voting members of the HRC successfully defeated all amendments and passed the resolution in its revised format. This is certain to promote equal rights and will be vastly interesting to observe its impact in the future. The information for this resolution can be accessed online at the Human Rights Council website in their archives. In a fascinating and temptingly more progressive interchange, the votes this time were divided as follows: 25 in favor, 7 abstentions, and 14 no's. The url to access the resolution and voting record is; <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/27thSession/Pages/Resolutions.aspx>

Korea, and Thailand). The three abstentions were *China, Burkina Faso and Zambia* while the 19 dissenting states were African (*Angola, Cameroon, Djibouti, Gabon, Ghana, Mauritania, Nigeria, Senegal and Uganda*) Middle Eastern (*Bahrain, Jordan, Qatar, and Saudi Arabia*) with the additions of an island state (*Maldives*) and several Asian Countries (*Malaysia, Pakistan, and Bangladesh*) with *Russia and Moldova* as the only European countries voting no.

This evidence of disparate views from states is best illustrated and categorized through the groundbreaking work of the International Lesbian and Gay Association's (ILGA) annual report on State Sponsored Homophobia (see Appendix A). This publication highlights via a mapping tool the state of human rights recognition for SOGI issues. The range of States recognition of rights spreads from those countries with criminalization of same sex behavior, some actually employ the death penalty for being homosexual, to those with varying prison terms from a few years to life in prison. The other side is also documented through states that have domestic legislation regarding the protection from discrimination of LGBT people, and those states that further their rights to fully equal in pursuit of areas such as age of consent laws, service in military, marriage or equal status and adoption rights.

This seminal work is obviously highly relied upon in this study. However, the focus of this study is to build on this work to examine the relationship of members of selected United Nations Bodies (through the case study of the UNSC states) and what level of recognition they offer to SOGI issues. This contradiction seems to be most difficult to work with as many of these same nations treat their UN membership quite seriously. The collective security that comes from being a part of such a system is of obvious importance to small or developing states. However, despite a sense of need of belonging there is an often growing gap in the recognition of gay rights as human rights as championed by the UN and that of its member states.

1.2 Statement of Expectations

The study should highlight a gap in international relations regarding the status of SOGI related rights under international law. In addition, the study should also bring attention to a comparative analysis of study of UN member states. Though undertaking only a sample of cases, the relation of involvement within the selected UN bodies and the expression of LGBT rights in foreign policy should be demonstrated through this study. By evaluating the relationship between involvement within the selected UN bodies and human rights, there is the possibility of bringing a success story to a small sample of the UN system as a whole and renewed faith in its abilities to promote positive change throughout the world.

In understanding the expectations of this study, it should be clear that there are also several things this study is not doing. Due to the limit on time and resources available to this study it must be made clear that there is no expectation to create a normative, generalization of SOGI foreign policy. It is simply not possible to ascertain accurately a sure formula of what constitutes a 'good' or 'bad' foreign policy in relation to SOGI. This study also is not intending to create a blanket observation of UN states foreign policy. Instead, this study attempts to better understand the relationship between how the selected states interact with the selected UN Bodies and several elements of each unique State's SOGI foreign policy. This study is also only partial in scope, by studying only the United Nations Security Council states it is clear that this can only be a slice, a picture of some states, and certainly not a review of the whole. Lastly, this study does not attempt to create debate into the domestic policies of each state regarding SOGI. This has been done in great detail elsewhere, and this study will focus on selected elements of foreign policy instead.

2. Literature Review

2.1 SOGI Foreign Policy within the existing literature

In reviewing literature surrounding this topic there is a decided dearth of information regarding how SOGI plays out in foreign policy. The chief concerns tend to be discussions on former or current foreign policy advisors who happen to themselves be gay (Camia, 2012), or a few scattered references to US presidents and their stance on gay rights issues (Thorson, 2008, Pflanz, 2011). There are only vague references to foreign policy and SOGI specifically, and no mention of comparing UN actions of individual states to SOGI issues. Therefore, this study will work in the gap to instead demonstrate the importance of SOGI within the literature by first demonstrating the importance of SOGI in international affairs, give a brief overview of the international law framework, then a brief overview of SOGI rights being called “Neo-Imperialism” and then finally by demonstrating SOGI rights status in each of the selected states.

Human rights recognizing SOGI rights is just emerging within the literature, and is often very specialized in nature. This gap is highlighted in a study by Kolman and Waites which focuses on the level of differences within countries and the frustrations of consensus (2009). Encarnacion agrees that there is a decided gap in states recognition of SOGI rights and argues that rule of law and democracy are essential to understanding the level of acceptance of gay rights in a society (2014). Samar (2001) takes a bare bones approach in attempting to define gay rights as human rights and then employing a theory of political morality to link them.

There may be no topic or issue as difficult to define as is the topic of LGBT rights. There are many varying definitions in multiple forms to be sure. Many of these would not even define or recognize SOGI as reality. For example, in response to the UNHRC 17/19 referenced above, the Order of Islamic Countries (OIC) in the Joint Statement argued in 2011 against SOGI stating: “The notion of orientation spans a wide range of personal choices that expand way beyond the
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individual's sexual interest in copulatory behavior with normal consenting adult human beings, thereby ushering in the social normalization, and possibly legitimization of many deplorable acts including pedophilia (Waites, 2009).”

In contrast, other intra-governmental organizations, such as the European Union, take care and time to painstakingly define different terms within the SOGI heading. In the European Union Foreign Affairs Meeting of 2013 in Luxembourg it states the following:

A Lesbian is a woman whose enduring physical, romantic and/or emotional attraction is to other women. Gay is often used to describe a man whose physical, romantic and/or emotional attraction is to other men, although the term can be used describe both gay men and lesbians. Bisexual describes an individual who is physically, romantically and/or emotionally attracted to both men and women. Transgender describes people whose gender identity and/or gender expression differs from the sex they were assigned at birth. The term Intersex covers bodily variations in regard to culturally established standards of maleness and femaleness, including variations at the level of chromosomes, gonads and genitals. (European Union, 2013).

Instead, this discussion seems to bring a more religious tone to it (causing cultural clashes) and, thus, parallels more closely the struggle for equality for women. This correlation “between discrimination against sexual minorities and societal attitudes towards women is one of the most distinctive patterns emerging from contemporary legal evidence” (Willis, 2010). In fact, SOGI issues encompass a large amount of other marginalized groups because they represent a wide and diverse array of people, who fit other groups. Poor, disabled, elderly, children, migrants, refugees, and countless other people groups include LGBT individuals within their ranks (Donnelly, 2001, 533)

States interacting with each other through means of Foreign Policy and diplomatic relations carries a great deal of influence in SOGI areas. The United States has recently become a worldwide advocate under President Obama to stress the importance of recognition of human rights for all, regardless of SOGI. This has created tension in those countries that oppose equal rights, most notably within African nations. John Nageda, a senior advisor to Ugandan President

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Yoweri Museveni stated "Homosexuality here is taboo, it's something anathema to Africans, and I can say that this idea of Clinton's, of Obama's, is something that will be seen as abhorrent in every country on the continent that I can think of" (Phanz, 2011). In similar manner, President Robert Mugabe of Zimbabwe, notorious for his dislike of gay rights, stated that gays "have no rights at all and should be handed over to the police to be thrown into jail" (Ungar, 2000).

The concern with gay rights on the African Continent seems to only be growing in momentum. The US push to further human rights work with LGBT people is an example of diplomatic strains caused through differing views. Threats not being backed up for not protecting human rights comes at an embarrassing failure to US leaders. In Uganda, a recent anti-gay bill passed and was celebrated within the country as a direct response to the imposition of western views. At the festive celebration thrown for the passing of the law the Ugandan President Yoweri Museveni is quoted as saying "there is a fundamental misunderstanding between us and the liberal west" (Hodes, 2014). This impasse of difference in thought towards LGBT Rights is referenced with US and Ugandan relations specifically but also in African diplomacy in general by writer Joshua Meservey who states: "US influence with a number of our African allies has eroded recently, exacerbated too frequently by fumbling diplomacy" (2014).

Individual nations are not the only source of mistrust when it comes to countries feeling pressured to adopt values not in alignment with national sentiments. Ban ki Moon, the UN Secretary General has also come under fire for his progressive embrace of LGBT rights as equal rights under international law. He was referred to as a "Devil" and "The Antichrist" by Zambian people who felt their religious values threatened. This highlighted a deep rooted frustration that the religious values of countries, particularly African countries is disregarded by the UN (van Klinken, 2013).

Religious and cultural values often create the space of debate in this topic. (Garvey, 2010), This is recognized through efforts from international NGO's and UN Human Rights officials who place importance in the influence of religious leaders to impart support for LGBT peoples. The message of acceptance and tolerance from religious leaders have powerful impacts on faith based communities. This religious sensitivity highlights the sensitivity that this ongoing debate brings as it really boils down to a changing of hearts and minds. Theorist Chris Mayo states "Laws denying rights to gay people very often rest on nothing other than animus" (2006).

The existing system of patchwork protection across the UN member states creates a sense of real danger for individuals living in a country that does not provide protection for discrimination on SOGI basis. The asylum process is escalated as people attempt to flee persecution and violence, even state sponsored violence, and often states reject asylum claims, especially those in reference to SOGI claims. These difficulties are expressed through asylum seekers having to begin their quest for asylum within the very places of discrimination they are attempting to escape. The scene is painted of shouting through a glass window "I am seeking asylum because I am a homosexual!" while native countrymen wait in line nearby as a picture of the self-defeating process asylum seekers often face in beginning the asylum process (Jordan, 2013).

Although countries vary state by state through their encoded statutes regarding SOGI issues, what is left to be determined is what is expressed through their foreign policies in this area. From an aggregate sense, various studies have been completed to assist in understanding rights under international law for issues related to SOGI due to this disparate system. One in particular highlights the UN System opportunities for individuals seeking legal respite from oppressive country laws (Madson & Odegard 2013). Another was completed outlining the gaps between the progressive stances taken in the European Union and those within the UN (Swiebel,

2009). The fact that these studies exist demonstrate the lack of LGBT space in the international system and further the difficulty of comparing states foreign policies in this topic.

The advent of Human Rights within the United Nations framework of discussion broadens the debate by bringing many voices into the argument. There are many new actors, with watchdog groups, NGO's, Research Think-tanks, and Individuals all joining traditional State Actors. This influx of opinions, perspectives, and value judgments creates no small burden on governments and furthers a sense of polarization. This polarization is sometimes divided according to lines of democracy, and rule of law (Encarnacion, 2014), or, as reviewed in this study, through colonizers or colonized. There seems there is no issue or policy that is not observed, dissected and roundly criticized or praised in reference to how it relates to human rights. This creates pressure, often causing governments to retaliate and further abuse human rights within their territories.

It is these perceived infringements of cherished state sovereignty that cause states angst, and ultimately can create more hostile environments for marginalized groups, including discrimination for SOGI reasons. It is the case that "international human rights initiatives are almost always subordinated to [national] security interests, and usually subordinated to economic interests as well" (Donnelly, 2000). To combat this, often it is necessary to compromise in human rights resolutions, ordinances and requests, to gain a small amount rather than lose on the whole issue. "Integrating Human Rights into Foreign Policy brings to the surface the interplay of competing values, tradeoffs, and consistency problems. Typically, politics involves concessions and therefor a human rights foreign policy may at times be compromised" (Merke and Pauselli, 2013).

With the era of compromise on human rights and the pressures generated from many voices and new actors, there is much to be gained by the state working in cooperation with

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NGO's and special interest groups through civil society partnerships. This will further government accountability and action (Robinson, 2007). Human rights policies, don't have to be in opposition to state governments, as it is proven that those countries that have higher human rights policies can be more reliable as peaceful partners with other states (Cook, 2002)

2.2: Review of International Human Rights Law related to SOGI rights

Within international human rights law, there remain many difficulties in making change in individual states, and especially within SOGI issues. However, United Nations mechanisms such as the Human Rights Council are designed to work within this gap. "Although UN Human Rights institutions cannot force a change in conduct by a state, they can potentially impact interests of that state. States deal with each other in a multiplicity of bilateral and multilateral relationships. This raises the level of discomfort of the state concerned and increases the psychological and political price it must pay if it chooses to continue its conduct" (Flood, 2000, 371). This allows greater exposition of rights that formerly might have only made the national agenda of a few states (Casese, 2005, 397).

SOGI issues are among the newest manifestations of human rights and have created a plethora of issues in defining rights, and in State differences in Human Rights priorities. Human Rights Lawyer Jack Donnelly states that: "Human Rights are held by all beings, regardless of who or where they are. Thus authoritative international documents characteristically use formulations such as 'Everyone has the right' and 'no one shall be'. To identify with human rights is to identify with all human beings regardless of nationality (or other status)" (315). This is also understood through the principle of equality. Through the advocacy of rights for all, in recognition to the fact every person is guaranteed their rights it is important to distinguish that the

push for recognition of SOGI rights is not a question of creating ‘new rights’ as some states claim, but instead a process of ensuring that equal rights are maintained for all.

This difficulty in conceptualizing human rights under the Principle of Equality demonstrates the complexity of consensus across the international spectrum. The Universal Declaration of Human Rights states:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. (1948, emphasis added).

Though the Universal Declaration of Human Rights does not specifically mention any protected status of Sexual Orientation or Gender Identity, the position taken by the Office of the High Commissioner for Human Rights (OHCHR) is that it is implied through the provision of the statement “or other status” (1948). The Office of the High Commissioner for Human Rights creates the mandate that that there is no need to create new terms or new laws, but rather that “All people, irrespective of sex, sexual orientation or gender identity, are entitled to enjoy the protections provided for by international human rights law, including in respect of rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly.” (OHCHR, 2014)

To best understand what is meant by the principle of equality, it is important to place rights for same sex couples on par with opposite sex couples. For homosexuality to be treated as truly equal, and not ‘creating new rights’ there must be a parity with how heterosexuality is viewed within each individual state. This bears credence to the cultural sensitivity debate that is framed from countries, including those within the OIS; while at the same time acknowledging the

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statements of UN Secretary General Ban ki Moon who is on record as saying: “Where there is division between culture and human rights, human rights must carry the day” (Moon, 2010).

The Principle of Equality is further enhanced by the International Covenant on Civil and Political Rights. Each of the below articles within this Covenant has definite weight and bearing on the issues LGBT individuals face every day, and provide clarification to the Principle of Equality. LGBT people deserve the same rights guaranteed to all people within these and other International Human Rights Treaties.

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 21

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- 1. The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*

SOGI issues going hand in hand with human rights is further justified through a systematic comparison of all guaranteed rights, (Life, health, property, expression, etc.). It can be reasoned how each unique right is relatable to SOGI rights and why they should be recognized as such (Hayden, 2001). The case is made through a scale of understanding what exactly equal rights look like for SOGI minorities. The writer Kees Waaldijk states: “the basic logic is one on gradual inclusion, beginning with decriminalization and moving through increasingly active measures of nondiscrimination in a wide range of areas of public activity” (2001). This scale can be used in many measures, including those that ILGA uses in its State Sponsored Homophobia Report and Map, with generally the highest levels of inclusion shared in equal rights for marriage and adoption. (A status held, notably, by current UNSC members Argentina, France and Luxembourg).

Therefore, SOGI issues fit neatly within the understood realm of human rights framework, and require a logical, practical strategy of inclusion. In order to get SOGI rights on the international agenda, there is cooperation in many regional and international organizations in addition to the UN such as the EU, the OSCE and the Council of Europe or NGO’s such as Amnesty International, the Human Rights Campaign, or Human Rights Watch (Sanders, 1996). This is further illustrated through a study marking the importance of cooperation with NGO’s and the state government (Cook, 2002).

The implications of this new dimension of awareness are best explained by legal expert Antonin Cassesse in his book International Law: He states:

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The arrival of human rights on the international scene is, indeed, a remarkable event because it is a subversive theory destined to foster tension and conflict among States. Essentially it is meant to tear aside the veil that in the past protected sovereignty and gave each state the appearance of a fully armored titanic structure, perceived by other States only 'as a whole', the inner mechanisms of which could not be tampered with. Today the human rights doctrine forces states to give account of how they treat their nationals, administer justice, run prisons and so on. Potentially, therefore it can subvert their domestic order and, consequently, the traditional configuration of the international community as well (375).

The expression of rights for LGBT persons under international law has not come as easily as other groups that were not explicitly mentioned in the Universal Declaration of Human Rights such as children, women, or people with disabilities, all representative of statuses bound into treaty format in years following the Universal Declaration. Instead, SOGI seems to be stuck in a conversation about clash of values and imposition of Western Ideals onto other countries. This leads to the often decried concept of 'Neo Imperialism'.

2.3 Human Rights related to SOGI as 'Neo Imperialism'

The debate comes harshly into focus within any forum where multilateralism exists and, as mentioned before, a unique peculiarity shows up in the division of nations that advocate equality, and those that question whether SOGI issues are even considered as rights at all; a division strongly reminiscent of former colonial delineations. All of the former Colonizers, (United Kingdom, France, Spain, Portugal, Belgium, Denmark, the Netherlands, and to lesser extents, Germany and the United States, depending on the chosen definition of colonizing) have encoded SOGI rights into their domestic agendas and are now champions of SOGI rights within international forums. However, the formerly colonized states, chiefly within Africa, Asia, the Middle East, the Pacific and the Caribbean are almost universally heavily opposed to equal rights for SOGI issues and adamantly oppose their inclusion in any UN documents.

These states that comprise a bloc of nations opposed to granting any form of equal rights based on SOGI status bristle at the ongoing imposition of the new wave of forcing their agendas from the former colonizers. This 'neo-imperialism' is associated with decadent Western values and threatens values, norms and life processes deemed vital to national identity, culture and policy. It is seen as an imposition and is roundly decried and firmly opposed. However, the office of the UN High Commissioner for Human Rights campaign to support SOGI Freedoms, Free and Equal, argues that States should embrace equal rights because this gap between countries is the legacy of post-colonial nation laws that still remain on the books. It attempts to break free of the discussion of imposition of western values by decrying discriminatory laws as the results of colonization, urging states to consider equality before the law instead (Free and Equal, 2013).

Though the Free and Equal Campaign highlights discrimination as an undesirable element in domestic legislation, there are consequences for international pressure. One study into this aspect of Human Rights as represented through SOGI rights focused on the African continent as a whole. Using Uganda as a primary case study, it was revealed the tremendous negative effects of heightened international scrutiny regarding antigay state behavior. The study employed terms such as "anti-homophobia and anti-homophobic to outline the difficulties faced on the ground in reference to international pressure. The frustration comes from a sense of the enlightened West helping out the backwards developing world and leads to a mentality wanting other nations to "Stay out of Africa" (Gunkel, 2013).

This is not only the case in Africa, but also resonates in south Asia, where, in like kind to many former colonies, the laws that exist on the books are remnants of colonization. An interesting legacy of the colonization demarcation of restriction of SOGI rights follows the mapping of British versus French colonial interests. By simply comparing maps of colonization of the two great powers it is easy to see the French influence of tolerance better exemplified in its

former colonies, than its British counterparts. This can be explained by the repeal of the criminalization of homosexuality in Britain and France. France repealed this in the mid-18th century, and the UK did not do so until the 1960's (Economist, 2013).

In support of the influence of the former colonizers and their lasting impact on the colonized territories, Sanders says:

There are a number of former colonies where Western anti-homosexual criminal laws survive, though the same laws have been repealed in the country of origin. The laws are defended by local elites who may still be reacting against Western stereotypes of sexually permissive natives. Lesbian and gay organizations in India and Indonesia base some of their arguments for acceptance on indigenous homoerotic traditions, traditions they say were suppressed by colonialism (1996).

It should also be noted that within topics of colonization, there is contentious emotions on both sides of the debate. Though it can be perhaps argued that there were benefits to some human rights brought through colonization in reference to democracy, and self-determination, it is also frustrating that two primary human rights issues, the rights of women, and those related to SOGI are both almost universally lagging in countries which were formerly colonized, regardless of who the colonizers were. This is often credited to the intersection of faith and traditional values, both often cited by states as justification for opposition to SOGI rights.

2.4: Review of SOGI issues by each UNSC Country

Within this study, an important aspect of the literature review is a presentation of SOGI issues within each reviewed state. The fifteen states comprising the current UNSC offer a diverse perspective on SOGI issues across a wide spectrum of realities for rights for sexual minorities. One of the benefits of choosing the UNSC to study is that these states might otherwise have no common shared aspects outside of simply being members together in this Council. This means that the available information for each state also varies in wide degree from the other states that it

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is compared to. For example, the available information for the United States is considerably more available than the information from the smaller states such as Chad or Luxembourg. In addition, one of the limitations of this study mentioned earlier is the disparate amounts of information available for each state in comparison to the other states. Therefore this study acknowledges that the information available to get a sense of SOGI background within each state is often disproportionately represented.

The level of information from each state allows again, a glimpse of why the UNSC was chosen for this study. Though each state is currently a member the selection for SOGI reasoning is otherwise random. There is no planned correlation between these states, instead, there is a selection based off the criteria of membership in the UNSC. Though this is only 15 states within the United Nations, it is still a spread of cases that otherwise would be impossible to select. Choosing 15 states was more feasible for this study then to choose all 193 member states.

Argentina SOGI Policy

Argentina currently maintains a high standard of support and recognition for SOGI rights. Allowing same sex marriage in 2013, it joins 14 other current states that have universal recognition of this right amongst its citizenry. This, along with equal adoption rights and the ability for individuals to change their official gender identification without requiring forced sterilization or forced divorce for already married individuals allows Argentina to enjoy the highest possible rating through ILGA's domestic State Sponsored Homophobia Report. (See Appendix A). This guarantee of rights comes through a dedicated effort from the state to lead within human rights promotion and protection within the world. Argentina is hailed as a "gay rights trailblazer" and through the influence of many other countries has emerged in the lead of

progressive state stances on SOGI issues. The role and entwining of many states policies and goals is referred to by one writer as a 'global queering' (Encarnacion, 2013).

However, this has not always been the case, and Argentina's current leading position came through the scars of national troubles and human rights oppression. Argentina was under military rule for many years, and under this regime the state became the subject of international scrutiny in reference to the constant problem of disappearing persons. This negative spotlight led to the creation of the UN Human Rights Treaties regarding the forced disappearance of persons, including the rumors of several homosexuals (Miller, 1993). Through international pressure and genuine cooperation from the Argentinian state it was able to move from the "worst offender in human rights in Latin America" into the realization that Military rule was not beneficial and the way out was in favorable human rights policy. The newly democratic government "Thought that a firm international stand in favor of democracy, pluralism, human dignity, and human rights achieved through political negotiations was the best way to use foreign policy as a tool in their quest to strengthen civilian control over the military" (Eguizabul, 2000).

This realization, coupled with the dramatic gaps and losses that Argentina stood to lose positionally within the international community led to change. During the 1980's and the 1990's, Argentina learned that "the combination of pressures from the United States and other Western Governments, the United Nations, OAS, Amnesty International, other non-governmental organizations and the Vatican eventually made the regime understand that human rights was a serious priority of the international community and that until abuses halted, they would affect Argentina's external relationships" (Flood, 2000) and this began the ascent towards human rights leadership worldwide.

Though the official framework for liberal policies regarding human rights was initiated with these changes, the cultural attitudes towards SOGI still took time to change, with a dramatic

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influence of the Roman Catholic faith carrying a socio-cultural value system disallowing a welcoming and affirming society for sexual minorities. These difficulties were initially foundational for discrimination and prejudice within society as a whole, regardless of the open mindedness of the government. (Foster, 1993). These difficulties were highlighted within the struggle for openness and visibility of the lesbian movement within Argentina. Marginalized to the extreme, lesbians strove to overcome negative perceptions and promote healthy, normal proud visible evidence of lesbians place within society as productive, normal members of society. The church, through the work of a bishop worked to deliberately silence radio and TV interviews with lesbian activists. (Fuskova-Komreich & Argov, 1993)

Visiting within this timeframe, a writer observed the gay culture as not underground but still lacking a sense of vitality and vibrancy that was to come within the following decades. Fear of discovery or arrest made the gay community distant and closed, driving the culture into an underground mode when at times public opinion rose against gay rights closing bars and meeting houses (Miller, 1993). However, though there still persists public vestiges of discrimination or open homophobia, there has been a lot of work done domestically through policy and cultural emphasis. Though at times there is a slight disconnect between the positivist foreign policy toward SOGI rights and domestic actualities, there is still much to be said for the overall protection and promotion of SOGI rights in Argentina as a whole.

Australia SOGI Policy

Australia has a history of promoting human rights since the founding of the United Nations. At the beginning, during the debates surrounding the role of the United Nations and its approach to international human rights, Australia, along with Chile, was on record for wanting to have the most liberalist approach possible requiring member obligations to respect human rights, Some Free, Partly Equal. Henley

an approach that lost out ultimately due to the compromise of the moderate forces led by the United States and the ‘hands off’ approach spearheaded by the Soviet Union. (Cassese, 2005, 379). This basic foundation of progressive Human Rights standards internationally has kept Australia within the top tiers of SOGI rights since their inception. Decriminalization happened early, with Tasmania being the last state to decriminalize homosexuality in 1997, and vibrant, thriving, open Gay and Lesbian communities began to flourish in all the major cities. (Hurley, 2000).

This thriving culture is perhaps best personified by the promotion of Sydney’s Mardi Gras parade, a gay themed event resembling gay pride events held in many cities worldwide. The Sydney annual pride parade draws hundreds of thousands of spectators and is a huge tourist destination, allowing a space for gays and lesbians within the social community. One writer puts it as: “the growth of Marti Gras as a popular cultural event has mirrored an increasing Australian acceptance of gays and lesbians as political players, and perhaps, even more so, as consumers” (Reynolds, 2000)

One of the major draws to Australia in light of its progressive domestic laws regarding SOGI issues and its continuing voice internationally in the protection of human rights for all, is that since the 1980’s there has been a presence within the government allowing specific focus on immigration issues facing same sex couples. This allows an early presence within the country for many same sex couples and a foot in the door, so to speak when it comes to preserving rights throughout domestic legislation (Hart, 1993). Like many other progressive nations, the debate that is most current within Australia today comes from the fight for equal rights to marriage. The recently ousted Prime Minister, Kevin Rudd came out strongly in favor for same sex marriage and, when praised for his remarks ruefully noted that “it didn’t get me the election”. (Rudd, Personal Communication, March 20, 2014)

Though there is much positive press now within Australia's protections of SOGI rights, it, like all places has a history that is less than rosy. During the time before decriminalization, punitive action was taken often for "carnal knowledge against the order of nature" and many people were incarcerated for the crime of being gay. In one story recounted from the 1990's, a couple was questioned by the police for a routine matter. When the police observed only one bed they asked why, and the couple naively told them that they were gay, when asked what was done in that same bed, the couple again naively told them. At this point they were arrested. This and many similar stories spoke of police harassment, socio-cultural prejudice and discrimination faced by sexual minorities within this time, enhanced with varying laws and statues in the differing states creating a patchwork systems of protection. (Miller, 1992, 232)

The progress that Australia has taken domestically allows it to take the lead internationally in several areas regarding SOGI rights, and was instrumental early on in working to get gay rights on the UN agenda. (Sanders, 1996) This has continued in the ascent of Australia to all of the positive statements regarding SOGI rights that are included within this study in addition to many others that were not due to not being in completed format or rejected before voting. Australia is currently also domestically advancing to give full recognition to same sex couples with some states already fully equal and others in court battles to challenge inequality. With these changes, Australia has a firm place of support for SOGI issues internationally.

Chad SOGI Policy

Though there is not much available in the realm of learning of on the ground SOGI rights within Chad, it is among only a few African States to have what may seem to be a progressive stance of rights protection, with not having same sex behavior listed as a punitive crime. Some African states such as South Africa, Cape Verde or Guinea Bissau, have enacted positive reforms

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within their domestic legislative codes decriminalizing homosexuality. However, Chad joins a slightly larger group of nations that demonstrate that the legality of same sex relations is not due to proactive legislative reform but instead stems from the fact that either “there has never been any regulation in the relevant area or no information could be found about the year the law took effect” (ILGA, 2014)

The status of SOGI rights within Chad are by far the most hidden and invisible from any other UNSC state under review in this study. There is no listed organization within Chad regarding SOGI issues as a member of ILGA Africa as of a 2007 roster. This absence of groups was confirmed more recently within a report from the United States Department of State report released in 2013. The report goes on further to note that “No specific laws apply to LGBT persons. There were few reports of violence or discrimination against LGBT persons, in large part because most individuals were discreet about their sexual orientation due to social and cultural strictures against homosexuality” (Stewart, C. 2013).

In a concerning twist, and in an ongoing symbol of the realities of this struggle, Chad has only recently begun to make the news with a considered bill of criminalizing same-sex behavior. Though the current penal code does not list it as a punishable offense, it is apparent that this is not due to the granting of equal rights before the law as is the case in Chile, for example, which has removed it from its penal code and has since passed specific legislation prohibiting discrimination on the basis of sexual orientation. This debated amendment to the Chad Penal code was analyzed by Amnesty International which says: “The vagueness of the proposed provision is also deeply worrying - people could be investigated and prosecuted based on homosexuality, on a denunciation or rumor alone. People who are perceived to be gay or don’t conform to traditional gender stereotypes will not be able to live their lives with equality and dignity” (Amnesty 2014, B).

Chile SOGI Policy

Though more progressive than many other states, within the culture of Chile, there is a large division of gender identity and prescribed roles that often conflict with the acceptance of SOGI norms. One of the overall factors contributing to this is a deep rooted sense of patriarchy and the Latin American concept of 'Machismo'. This leads to a sense of gender roles that are violated through same sex behavior. "Same-sex relations are threatening to a male dominated culture in which traditional gender role distinctions serve to rationalize patriarchy. Therefore it seems to follow that the rigidity of gender identity should be even more pronounced in traditionally patriarchal societies, (e.g. Latin American countries)" (Nierman, et al, 2007)

Chile languished for many years in creating a legal protection for citizens based on SOGI reasons. For more than 7 years the proposed legislation was stalled within the Legislature. The main opposition came from the conservative factions within the state. The fact that the nation was behind some of its other peer states came with Argentina being a frontrunner within the gay rights on the South American Continent. However, a violent crime against a gay man in a park in Santiago changed everything. With this act of appalling violence resulting in his death, the country was motivated to pass the legislation and joined many other states in creating protections against discrimination for SOGI reasons (Bodzin, S. 2012).

Chile is very recently creating a positivist foreign policy in SOGI rights, by cosponsoring a resolution at the current UNHRC session. Partnering with Brazil, Columbia, and Uruguay, Chile hopes to build on the 2011 successful resolution that was the first ever successfully UN resolution passed referencing the specific dangers and risks presented along SOGI lines. This follow up resolution attempts to bring into focus the very real situations faced worldwide along SOGI issues. The Chilean Ambassador to the UN stated: "Finally, Chile will continue to pay particular attention to violence and discrimination that affects different categories of persons.

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Together with Colombia and Uruguay, we will present for the consideration of this Council a resolution on sexual orientation and gender identity, similar to that adopted in 2011 on the same issue" (Barros, C. 2014).

China SOGI Policy

Within the Chinese culture, SOGI issues are not attached to the same level of moral degradation that most Western nations exhibited. Homosexuality in China is not characterized as a 'sin' but more along a societal frowning for indecent behavior. This leads to a fairly recognizable omission of homophobia within the culture overall. When reviewing Chinese ancient history, as in most other cultures, there is well documented cases of same sex love and behavior, with one historian stating that "for 150 years, bisexual or exclusively homosexual emperors ruled China"(Hinsch, B, 2000). However this presence in history is not widespread, rather it is mostly among the higher classes and not common amongst the general public.

Though there is a lack of homophobia, this does not always equate to a healthy robust culture for gays, lesbians bisexuals and transgendered populations. Rather, there has been historically a sense of complete isolationism, of deep closeted behavior with no public gathering places for these sexual minorities. The deep level of silence led to a feeling within the late twentieth century that there really were no homosexuals in China. The officials would often deny that the country had any within the country at all. A prominent lawyer in 1985 stated that although homosexuality "exists in different cultures, with some minor exceptions, [it] is considered abnormal and disdained. It disrupts social order, invades personal privacy and rights, and leads to criminal behavior. As a result, same-sex lovers are more likely to be penalized administratively and criminally" (Bullough, V. & Ruan, F. 1993).

One of the largest impediments to gays and lesbians among other sexual minorities to live openly is related to the deep sense of family culture that is prominent in Chinese culture. By announcing that one is gay, the family line is immediately at risk of being cut off and reflexively Chinese parents and family members are quick to pass judgment or prejudice due to the perceived insult to the family honor. In addition, when one comes out publicly, it is often at the risk of being shamed as airing publicly matters that should be privately maintained within strict family circles. (Lu, R. 2008)

According to the ILGA, China has had same sex activity decriminalized since 1997 when an obscure term of ‘hooliganism’ was removed from the penal code. Though not explicitly regarding same sex prosecutions, it was often times used in reference to same sex behavior involving minors. (ILGA, 2014) With decriminalization, China is officially in the same heading as the United States in that there is no specific nationwide legislation regulating, protecting or prohibiting same sex relations or marriages, but the situation culturally is certainly very different from that of the United States.

With today’s gay and lesbian communities, there seems to be a slight hearkening back to the ancient practices of homosexuality only being practiced by the elite. In this case, it is the new and rising middle class, the product of the (fading) Socialist presence as China continues to ‘peacefully develop’ into its global position of influence. One writer puts it thus:

Queer culture in China today is predominantly urban, middle-class, cosmopolitan, and closely linked to transnational queer popular culture and consumerism. It effectively excludes people from the countryside and from undeveloped regions, people who are open in sex and relationships, people with different expressions of gender, and people who engage in commercial sex. Moreover, the rhetoric of suzhi (quality) in queer community serves the nation state’s neoliberal governmentality and reinforces social hierarchy in China today (Hongwei, B, 2011).

This marked class delineation continues in many ways due to the reluctance of the government to intervene at all within the realm of providing social protections for any minorities.

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With no legal prevention of being fired for being gay, or prohibition of discrimination based on being gay, Chinese gays continue to live marginalized lives on the fringe of society.

Organizations still face major uphill climbs to official legitimacy and sanction, and still face harassment and roadblocks from the authorities (Kathy, C, & Calum, M. n.d.).

France SOGI Policy

France as an original member of the United Nations has had a long history of action within human rights internationally. With a vocal presence within the international system supporting SOGI rights and a progressive domestic legislative code regarding SOGI rights it puts this country within the top tiers of countries advocating and supporting equal rights for all. However, everything is not perfect within this state, and recent issues especially can highlight societal rifts when it comes to debating the right guarantees related to SOGI issues. This is understood with an emphasis on France's history and past and present affiliation with the Roman Catholic Church.

Although often noted as the first "European nation to decriminalize homosexuality" (Schalater, 2000) this does not mean that France has a long history of embracing sexual minority rights. The history of the French support and recognition of SOGI rights domestically has had a long trajectory beginning with oppression, silencing and public shaming associating anything 'gay' as morally wrong and associated with vice and shady society in general. With initial little recognition or support from the Socialist government, during the late 20th century, Paris, as the nation's capital and largest (46%) amount of homosexual population, did not live up to reputations of other European cities such as Berlin or Amsterdam in regards to its gay life and culture. The underground feel given to the gay communities during this time is highlighted with arrests for public indecency, cries of reprobation and vile, shameful behavior between men

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indicated strong societal distaste and disapproval of anything related to homosexuality. A gay activist in the 1980's described it as "We don't have a gay community, in France, that is, we have a gay movement-with several organizations actively working for political rights, -as in all Western countries, but people do not feel a part of a community" (Sibalis, 1999).

This background shows that France's current vocal stance of advocacy for equal rights for all in reference to SOGI issues has triumphed over a long history that started with discrimination and prejudice. Coming from a government that silenced and shamed its LGBT populations, it is refreshing to see that France provided early support for SOGI concerns at the UN. Accordingly, France was instrumental in the first initial discussion of SOGI issues to be voted on a resolution within the Human Rights Commission.

On 13 August 1993, Mr. Louis Joinet, the French member of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, proposed that the mandate of a study on new forms of racism and xenophobia be expanded to include consideration of discrimination on the basis of sexual orientation. The proposal was not accepted. On 24 August 1995, he proposed an amendment to a resolution condemning discrimination on the basis of HIV status or AIDS. The resolution mentioned nine examples of groups 'suffering from disadvantaged economic, social or legal status' who were, as a result of that marginalization, more vulnerable to the risk of HIV infection. The list did not include male homosexuals, an obvious category for any such list. Mr. Joinet moved for the addition of that category... After a somewhat heated exchange and an accusation of homophobia, the amendment was passed with ten affirmative votes, five negative votes, and six abstentions. This appears to be the first resolution of the Commission or Sub-Commission to refer expressly to homosexuals (Sanders, 1996).

As one of the three members of the current Security Council with full marriage equality (joining Argentina, and in June, 2014, Luxembourg; along with most of the UK, and parts of the US and Australia); France is currently dealing with the latest stages of equality for all. The change came with a great amount of civil protest and disruption, causing heated and passionate debates regarding those in favor and those opposed, in particular towards the issue of same sex couples being granted the rights to equal adoption and parenting privileges. The passing of the law highlighted civil gaps within the legislative code in regards to the new ramifications of

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divorce in particular. It was commonly lamented that the problems encountered in France with its passing of same sex marriage as equal rights to opposite sex marriage highlight the difficulties of lack of international consensus regarding this policy (Rention, 2013).

Jordan SOGI Policy

The cultural reservations and beliefs attached to the subject of homosexuality in the Middle East in general resonate with many other regions around the world. With the cradle of civilization and the birthplace of three of the world's major religions (Judaism, Christianity and Islam), all three of which can be interpreted as anti-gay, the Middle East in general can create a stifling atmosphere for LGBT populations. Within this climate, family is essential, and high emphasis is placed on respecting familial positions and beliefs. It is considered to be a shame to be gay, and in many cases honor killings are justified by families. For most Middle Eastern countries, the only solutions presented to LGBT people are an occasional 'cover marriage' with another member of the opposite sex who is also gay, or rarely, emigration, and sadly for many, suicide (Abraham, A.J. 2008).

Sexuality in general within the Middle East is vastly different from Western ideals and even terminology. It is very apparent to see that classifications such as 'gay' 'lesbian' or 'queer' do not translate into this cultural norm for several reasons, one of which being the sheer underground nature of the LGBT community, and second for the difference within cultural norms of identification. Sexual activity is in general not an open discussion, and homosexual behavior is even more taboo, or 'haram'. Though present in great amounts, and without attached guilt or shame, it is simply not discussed, instead, making it public is the shame. It is clear that in order to better understand lesbian and gays who are present that one must be weaned from western labels

and prescriptions. Sexuality in Middle Eastern culture can be much more fluid, and though same sex behavior is not uncommon, there is not an accompanying label (Miller, N. 1992)

Jordan, however though part of the larger culture does stand alone with Bahrain within the Arab Middle East of having fully decriminalized homosexuality all the way back in 1951. (ILGA, 2014) This distinction does allow for some more visible lesbian and gay social life, but the societal norms and values still create much difficulty for those LGBT populations living in Jordan. These difficulties are made up of continued harassment from the police and authorities, negative pressure against groups that are forming or attempting to form, and a simple difficulty in arranging meeting places. The community that does exist is forced to work in almost total exclusion, without any open societal presence (Levy, 2014).

The exclusion of gays and lesbians from the society at large, despite the good news of not officially being criminalized, contributes to an overall sense of exclusion and silencing from the legal sphere. One official puts it as: “There are no laws in Jordan to deal with homosexuality cases” (Alarabia news, 2014) and in addition, decriminalization is only the first step towards a fully equal rights perspective for a country’s SOGI guarantees of rights. For instance, though it is not illegal to be gay in Jordan, it is definitely still legal to discriminate against someone for SOGI reasons (Senize, T. 2014)

Lithuania SOGI Policy

Lithuania, as other Baltic States, is heavily influenced through the realm and power of Russia. This has had direct impact on SOGI issues within Lithuania, which, though it has decriminalized homosexuality has recently adopted new legislation limiting SOGI rights. This legislation comes in similar fashion to Russia, with a categorization under the Law on the

Protection of Minors against the Detrimental Effect of Public Information. It levies harsh fines against participants in public demonstrations violating 'family values' This is at odds with its otherwise positive record, including a prohibition of discrimination in employment, and a statute prohibiting 'incitement to hatred based on sexual orientation' (ILGA, 2014). This prohibition continues to propagate discrimination and prejudice towards gays and lesbians, and is targeted towards audiences such as schools and other places where young people may have access to it (Penn, D. 2011).

The evidence of the opinion of lawmakers is especially insightful into the role that human rights for sexual minorities will be playing in the future. One organization, the Lithuanian Gay League has organized the responses of the Lithuanian MP's in regards to homosexuality specifically referencing a statement from the Lithuanian Catholic Church stating that 'homosexuality is a perversion'. Each MP submitted their response (In favor, 88, against, 15, or abstained, 24). This compilation of remarks ranged with significant overtones of homophobia such as the stance of MP Petras Grazulis "I support the position of the Church, there is no doubt about it. These people are sick and perverted. They pose a threat to society because they molest children" to the slightly progressive of MP Vilija Aleknaite-Abramikiene: "I am tolerant and do not want to comment" all the way to the fully supportive of MP Roma Zakaitiene: "I support Human Rights and Freedoms. I think that even the hierarchy of the church should not be allowed to voice such strict and categorical statements about sexual orientation..." (LGL, 2014)

The mentality of the general public is well represented by the opinions of the Parliament. The best example of this lies within the planning, and subsequent last minute blocking of the first Baltic Pride parade, scheduled in 2010. This had received tremendous positive press across Europe, but was blocked by authorities just a mere two days before it was scheduled to commence. The cited reason for preventing the parade was "that the threat from counter

demonstrators was too great and allowing the march to go ahead would be a threat to public order” a commonly used reason for blocking gay themed events. However, this particular blockage did not ultimately survive, as the parade was allowed to continue by an overturn of the decision by the Lithuanian Supreme Court (Amnesty, 2014, B).

Luxembourg SOGI Policy

Luxembourg has the distinction in Europe of being among the oldest states to have a standing official policy decriminalizing homosexuality, since 1795 (ILGA, 2014). Recent history within Luxembourg creates a very favorable picture for gay rights within this small European country. By passing the recent same sex marriage law, gay and lesbian couples are able to wed equally and adoption has been made available. This legislation passed through their Chamber of Deputies with an overwhelming vote of 56-4 and “is said to be part of the most fundamental rewrite of Luxembourg’s laws on marriage since 1804” (Huffpost 2014). This legislation adoption, taking place in about 6 months, makes Luxembourg be on the forefront of open acceptance within society and domestic legislation.

In addition to the same sex marriage and equal adoption rights, Luxembourg also has anti-discrimination laws in place making it illegal to discriminate on basis of sexual orientation or gender identity. This places it in a grouping within the current UNSC of the countries worldwide that have the highest possible ranking with ILGA, (at most recent count 13 states) that is comprised of France, Argentina and Luxembourg. This is not to say that the entire country is open in acceptance and harmony. A petition was begun to have the government drop the Same Sex Marriage bill sponsored by a barrister named Jean-Jaques Lorang that gathered over 50 signatures. The petition resonated with some fear incitement common in antigay activists, stating

that “if marriage is nothing more than the recognition of love, it would “logically lead to other marital claims (polygamy, incestuous marriage and group marriage)” (Luremberger Wort, 2014).

The current Prime Minister of Luxembourg, Xavier Bettel, is openly gay and has been in a civil partnership with his partner, Gauthier Destenay, and plans on taking advantage of the new legislation soon. He is in a small grouping of only 3 gay people in the world who have ever risen to the highest office in the state, with former Prime Minister of Iceland, Johanna Sigurdardottir (the world’s first openly gay elected head of state) and current Prime Minister of Belgium, Elio DI Rupo. This denotes a level of acceptance within Luxembourg often envisioned by advocates of equality worldwide. With citizens of Luxembourg shrugging the sexuality of their Prime Minister off as irrelevant to his campaign and time in office thus far, it is an encouraging sign of progress and acceptance. And, as an aside, the Deputy Prime Minister of Luxembourg, the ‘#2 man’, Etienne Schneider is also openly gay! (Chu, H. 2014).

Nigeria SOGI Policy

Among the current states that comprise the current UNSC, there is perhaps no other state that has received so much public attention to its negative SOGI policies as has Nigeria. Much of the recent press reported in international news that is dealing with Nigeria has centered around either the recently enacted legislation regarding SOGI issues within Nigeria, or the rapid turmoil and chaos accompanying the rapid rise of power of Islamist extremists in the north in the form of the Boko Haram group. Both of these news issues seize the international headlines to create a grim picture that is often misrepresentative of the whole of Nigeria.

As in many developing countries, international aid and support is often mischaracterized and misappropriated in Nigeria, and SOGI related aid is no exception. The opinions of

international activists, though well meaning, and often the rhetoric of political leaders, worsens the human rights situation for those who are actually on the ground fighting for equal rights. There is often a disconnect between international fervor and on the ground activists, and the recent debate about aid cutting and restructuring that is in light of anti-gay policies results in loss of funding for vital aid projects (Gunkel, 2013). It also paints a picture currently that is at odds with a sense of optimism present in the early 2000's as noted in an issue of Contemporary Sexuality urging gay people to tell their parents they are gay so that their parents can then inform their churches so that societal change can be made (2006).

There is no doubt that SOGI issues in Nigeria are a dangerous subject matter. In the northern states, where Sharia Law is in effect, the death penalty is allowable for any homosexual activity. This intersection of the two primary news topics these days gives parts of Nigeria the lowest possible rating from ILGA for its domestic SOGI policies (see Appendix A). This is the part of the country where Boko Haram has been terrorizing locals and running largely unchecked by the state government. Those areas of the country not under control of the Islamist extremists, or not ascribing to Sharia Law still have strict penalties for aiding or supporting anything remotely related to an endorsement of homosexuality, with prison sentences from 14 years to life, the penalties are indeed severe.

The current President of Nigeria, Goodluck Jonathon, signed the Same Sex Marriage Prohibition Law into law, and the international outcry has been swift and unreserved in its condemnation. Outgoing High Commissioner for Human Rights, Navi Pillay, stated: "This draconian new law makes an already-bad situation much worse, it purports to ban same-sex marriage ceremonies but in reality does much more, Rarely have I seen a piece of legislation that in so few paragraphs directly violates so many basic, universal human rights" (Nossiter, 2014). Amnesty International states: "The deeply repressive Same Sex Marriage (Prohibition) Act must

be withdrawn without delay. With the stroke of a pen, President Goodluck Jonathan has essentially turned Nigeria into one of the world's least tolerant societies" (Bosch, 2014).

The condemnation of the law has come not only internationally, but also from within the country itself. One activist claimed that it was unconstitutional due to the "equal status clause of the Nigerian Constitution. "The new law that criminalizes homosexuality is popular among Nigerians. But it shows a failure of our democracy, because the mark of a true democracy is not in the rule of its majority but in the protection of its minority – otherwise mob justice would be considered democratic. The law is also unconstitutional, ambiguous, and a strange priority in a country with so many real problems. Above all else, however, it is unjust" (Adiche, 2014). This is echoed by an op-ed writer for BBC from Nigeria who laments that instead of acting on a long delayed bill banning discrimination for peoples with HIV, the opposite has instead occurred (Mankanjoula, 2014).

However, the Nigerian foreign ministry is adamantly outspoken about its anger at the western governments and the US in particular condemning the law. The Foreign Minister, Viola Onwuliri stated: "What happened in Nigeria is democracy in action and it will really be unfortunate that people who are talking about democracy when they now see democracy work, they want us to go against democracy, Is democracy for pick and choose? When it suites them they want us to do good governance and democracy, but when it does not suit them they want us to go against the democracy that has been put in place" (Premium Times, 2014).

This legal environment of criminalization of not only homosexual behavior but also of any support of it has created a vastly difficult life for on the ground activists and LGBT populations. Even before the 2013 enactment of the new penal code, the cultural mood was very unreceptive and created many obstacles for pro-LGBT people and actions, with death being a very real prospect for anyone interested in forming a sexual rights NGO. A local activist

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lamented: “There is absolutely no possibility of obtaining assistance from any organization here, for no one would want to be seen as encouraging homosexuality and lesbianism, which would definitely place them in bad faith with the government and the society. We are completely on our own to accomplish this by any other means possible. The only means possible is to seek assistance overseas from people and organizations that are not bound by the dictates and preferences of our government and society“(Nigeria, 2005).

Nigeria has fought hard to democratize, it has had several military coups in its background, and the not so distant era of colonization weighs over Nigerian politics even today. This represents a journey that is still ongoing, and in the words of former US Secretary of State Madeline Albright,

Nigeria is important to the... world because you have the potential to be an economic powerhouse for Africa and global markets, because you are already a leader for peace, and because, ever since your struggle for independence, you have been a signpost for others in search of freedom...the steps still to come include the repeal of the last repressive laws...these are the long-term changes which will ensure that this time, democracy has come to Nigeria to stay (Albright, 1999).

Within Nigeria, as in much of Western Africa, the value system stands much in the way of an open and thriving gay and lesbian community. Family is vitally important to one’s position within society, and without familial support, it is often impossible to maintain an independent position. This support is not only emotional and spiritual in nature, but is also heavily economic. In addition, children are expected to marry and have children, and any departure from this norm is viewed as severely taboo or ill advised. This prohibits same sex relationships and makes it difficult for sexual minorities to live openly, and leads to ‘covers’ of marriages and families. Same sex behavior is often and easily distanced from terms such as sexual orientation, which also leads to difficulties in identifying or understanding same sex relationships in general (Potman, G. & Ruijgrok, H. 1993).

Russia SOGI Policy

Within world politics today the geopolitical pressures coming from and directed towards Russia are in an immense surge. The world at large is watching as a newly empowered Russia with a bombastic foreign policy occupy media headlines and dominate current events. The increasing pressures between the West (the EU and the United States) have icily reached levels unseen since the Cold War. It seems here cannot be a news event that involves world politics without having the Russian influence and opinion expressed. This leads to a predominance of attention in world media to the Russian economy, domestic policy and public opinion. The area of SOGI rights is no exception to this attention in especial focus on the 'Anti Propaganda Act' officially Federal Law #135-FZ, which deliberately discriminates and enables public prejudice towards sexual minorities.

It is worth noting the exact text of the law here to better understand the concerns of the international community, activists, and the sexual minorities within Russia. The law states:

Propaganda of non-traditional sexual relations among minors, manifested in the distribution of information aimed at forming non-traditional sexual orientations, the attraction of non-traditional sexual relations, distorted conceptions of the social equality of traditional and non-traditional sexual relations among minors, or imposing information on non-traditional sexual relations which evoke interest in these kinds of relations – if these actions are not punishable under criminal law – will be subject to administrative fines (Decker, 2013).

The Act which is housed under the pretense of shielding and protecting children was passed in the Duma unanimously and still has enormous domestic legislative support even though internationally there have been numerous rejections and condemnations from other states, NGO's, and even the United Nations itself. The Act creates domestic policy allowing for the public and officially sanctioned discrimination of Russia's LGBT citizens. It prohibits any public display of tolerance or acceptance for 'Nontraditional Sexual Relations' which is used in

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concordance with homosexuality, making even public affection illegal, or simple signage such as the rainbow flag or other symbols of tolerance as it may be considered as propaganda towards minors.

In an additional step to demonstrate that Russia is concerned with protecting minors from any exposure to homosexuality in any form, the Russian Federation has very far reaching bans in place preventing adoption of Russian Children by gay couples. In July 2013 Russia passed a law prohibiting any same-sex couples from adopting, and has been amended in February 2014 to further prevent any single people (gay or straight) who live within a country where gay marriage is legal to adopt children from Russia. (Dockterman, 2014). It serves to really demonstrate a decided Russian bias against gay rights. This ban seems to show a decided lack of genuine love and care for children being saved from at times appalling orphanage circumstances to move into loving homes.

The new scene of pressure and animosity has not always been the case in Russia. In fact in earlier centuries, Russia was noticed to be far more liberal and accepting of homosexuality. This is observed by Haggerty, who states: "Foreign Visitors to Muscovite Russia in the sixteenth and seventeenth centuries repeatedly express their amazement at the open displays of homosexual affection among men of every class" (Moss, 2000) With the advent of the new law, much of recent press, especially that of Western Media, has ignored some realities and facts associated with the law and the realities of on the ground daily living for the sexual minorities communities. These facts are pointed out by Brian Heiss who points out a detailed and involved report on the law itself and especially its representation in western media. (Heiss, 2014)

Though the law creates perceived and real difficulties and discrimination for LGBT people, the status of the country still has higher domestic privileges than several of the other case study states in the UNSC. Homosexuality is still decriminalized, coming into effect in 1993,

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(Healey, 1999) a full decade earlier than the United States; allowing basic freedom from fear of incarceration or punishment for mere orientation sake. There is protective legislation preventing discrimination in employment and also protecting against hate crimes. These status indicators amongst others caused IGLA to give Russia an overall fair rating in its domestic state sponsored homophobia report, though it is outlined as a separate category with the Anti-Propaganda law. However, many significant domestic challenges remain, with high levels of homophobic violence reported.

Within foreign policy, Russia has experience significant backlash from the West in response to the recently enacted propaganda legislation, and it has inspired a series of similar measures proposed in former Soviet Republics. [Kyrgyzstan has proposed legislation banning even "a positive attitude to unconventional sexual orientation" (St. Amand, 2014); and Kazakhstan has proposed legislation to "virtually outlaw all forms of public expression related to homosexuality" (Kucherov, 2014); and Lithuania, where though thankfully defeated, it was originally "proposed to outlaw LGBT Pride in Lithuania; ban speaking in public in support of LGBT rights; prohibit all gay rights campaign materials and audio-visual materials; and impose fines for any public display defying 'traditional family values'"(Workers Liberty, 2014).] This recent outbreak of homophobic legislation and policy is at odds with the fact that Russia fought hard to gain ILGA's initial presence in ECOSOC in 1993. Without the vocal and fervent support and force to a vote of Russia ILGA might not have landed the first gay rights position within the UN System. This support has obviously waned significantly in recent policy decisions and domestic legislation.

The change in Russia's move to embracing conservative, orthodox principles fuels this new focus. This is explained by Chugrov, within the context of the impacts of embracing freedom of speech. He states: "From the standpoint of the average Russian, freedom of speech led to

pornography, and the propagation of violence and freedom of conscience threatened to turn into the importation of pathological sects. Thus those who lost out during the reform period view liberal values mostly as involving moral decay, excessive luxury, and above all, the ‘mafiazation of Russia’ (Chugrov, 2000). This means that gay rights, in harmony with the perceived liberal values, are now the opposite direction the Russian policymakers and leadership are striving to move into. As a result, there has now been a rash of measures in the Human Rights Council sponsored or supported by Russia in support of “traditional family” tones. “Traditional family” statements are usually aimed at avoiding or silencing any references to SOGI. These measures are similar in light to the domestic Anti Propaganda Law in that they base their legitimacy on preserving family values, and in particular, children. This current emphasis on traditional values in Russia’s foreign Policy in SOGI terms creates an unhealthy overall rating for Russia in their SOGI support through their State Foreign Policy.

Rwanda SOGI Policy

In similar fashion to Chad, Rwanda does not have a specific action related to their decriminalization of same sex relations. However, it is positive that domestically under the Penal Code of 1980 there is no specific penal code restricting sexual minority’s access to equal rights. (ILGA, 2014) This domestic legal situation was further strengthened by an attempt in 2009 to criminalize homosexuality. This attempt was thwarted by local activists and the Rwandan government retreated from their proposed amendment to the penal code. This is highlighted as a positive step forward and causes Rwanda to be set higher than Chad in their decriminalization of homosexuality. In addition, Rwanda is a signatory to the 2011 Ending Acts of Violence and Related Human Rights Violations based on Sexual Orientation and Gender Identity Joint

statement that is included within this study in Index 2, one of only 5 other African nations to sign (Archer, 2014).

However, despite these positive legal environments, legal rights for Rwandan LGBT communities don't translate into positive socio-cultural accommodation and equality. Police still discriminate against homosexuals under 'public morality' excuses, and according to a local activist, "arbitrary arrests of LGBTI citizens and gay activists are increasing. Numerous cases of arrests and abuse of the LGBTI people have gone unnoticed even when we had just concluded a successful national Campaign that decriminalized homosexuality" (Ruzindana, 2011). This demonstrates that though the government is taking positive strides, the situation on the ground continues to be of concern.

South Korea SOGI Policy

The Republic of South Korea is in a unique position geopolitically. With a rapid democratization, and considered among the more developed nations in the world, it shares many norms with the Western world, with strong ties to the United States and to Europe. The economy and impact of the growth of Korean influence continues to grow, along with the ever-present threat and difficulty of living next door to North Korea. There is a distinct blend of shared values and goals with the western world as expressed through common heritages of Christian influence, along with the effects of capitalism. However, along with this commonality, South Korea maintains many different priorities and SOGI rights figure prominently in how these priorities are demonstrated.

South Korea shares many so called 'Eastern Values' in common with China, in relation to the importance of family and ancestry. With roots in Confucianism, the continuation of the

family line is paramount, and even basic adoption is discouraged as a result. With this reality, coming out as gay can be doubly difficult for Koreans in relation to telling their families. By acknowledging their sexuality, they are not only distancing themselves from the established sexual norms of their society and culture, but seemingly directly affronting their ancestry and duty to carry on the family line. Such was the case of a popular TV actor who was the first celebrity to come out. Amidst much national discussion and homophobia, he stated that: "Everyone back home keeps asking my parents, 'Is it true? But what will happen? He will have no son and no one to carry on the family line'" (Prusser, I. R. 2001).

Though homosexuality is perceived to be in opposition to family values, the Korean society does not have blatant homophobia present, a distinction shared with China, and certainly different from Western countries. One activist is on record as stating: "In Korea, the homosexual movement was very weak. But more importantly, so has oppression of homosexuals, which created an interesting situation: Oppression is real and ubiquitous, yet invisible and weak enough to make calls for advocating homosexuals' rights look "excessive" or "privileging." This statement brings into perspective the reality that the debate about SOGI issues is a fairly recent topic within South Korean politics and culture. Very few books or discussions existed during the 1990's and just a scattering of groups with high levels of disorganization and a fairly universal silencing within legal, popular culture and academia within the last few decades of the 20th century (Bong, Y.D. 2008).

One tactic that many South Korean LGBT people choose is to engage within a 'contract marriage', a practice designed to allow for the societal pressures to conform to expectations and values while allowing an arrangement to pursue a lesbian or gay lifestyle concordantly. There are even websites devoted to helping lesbians and gays to find each other. These contract marriages negotiate every circumstance of living life, and are often extremely elaborate and well thought

out, allowing flexibility and convenience while shifting out of scrutiny from society. Living separate lives, within the same house, a gay man and a lesbian woman are married, often with excuses as to infertility of one or the other to explain the lack of children. Arrangements vary, with some allowing full weekends to live with their same sex partners, and others refusing even a night away from the marital house (Cho, J. 2009).

This same writer goes on to describe these contract marriage complexities in the following terms of trust demonstrated in the following statements:

As Min Ho, a long-time member of the Korean gay community, observed, contract marriages involve deception on a wide scale. They typically involve deceiving anywhere from one to two hundred people—starting, of course, with one's own parents. They also involve attending obligatory family events such as weddings, funeral rites, and holidays, which easily amount to more than ten events per year. "Think about it," said Min Ho. "The funeral rites for the grandparents on both sides of the family already make it four times a year. Then you have the holidays including Thanksgiving and New Year's, plus all the birthdays..." In order to navigate what Min Ho called the "spider web" of familial and kinship obligations in South Korea, contract marriages require a high level of trust (Cho, J. 2009).

Attitudes today are optimistic though still there remains much ground to enact positive change based off of SOGI rights. South Korean public opinion polls have shown a rise in support of homosexuals being granted equal rights. Though there is still not majority support, the numbers are dramatically rising within the most recent years, and a very public 'wedding' with no legal value between two public male figures serves to demonstrate a marked change in public tolerance and acceptance (Boroweic, S. 2014).

United Kingdom SOGI policy

Within Europe the United Kingdom stands strong within their support for rights for all and SOGI rights are no exception. With recent laws in place to ensure full equality within same sex marriage guarantees within England, Scotland, and Wales, and receiving the highest possible rating from the ILGA ranking system, the United Kingdom presents a staunch ally for SOGI issues. The United Kingdom takes leadership within its peers to develop and maintain networks of equality across multilateral forums especially within the United Nations.

Historically, Great Britain as one of the victors of World War 2, sought with the United States especially amongst the other P5 countries to build a world order accommodating to British interests and desires. For the foundational years these desires included a driving commitment to its colonized interests so within the UN there was a firm resistance to the notion of self-determination. In similar style to the United States, the overall opinions of the United Kingdom towards the use and placement of the United Nations as a system were cautious and at times halting. They wrote in a pamphlet in the early 1990's "UN Mechanisms are inevitably slow and cumbersome, but the cumulative effect of the criticism at the United Nations can bring considerable pressure on governments" (Morphett, 2000).

One of the recent expressions of the foremost controversy regarding SOGI involvement of the United Kingdom's Foreign Policy was the announcement that Foreign Direct Aid would be considered under how a recipient government recognizes SOGI rights. While the reasons for cutting the aid are admirable in recognizing the rights of SOGI issues for individuals, there was outcry from not only former aid recipient state governments, but also from activists. With criticism for Prime Minister Cameron's approach activists decried a sense of neo-colonialism couched under being progressive for LGBT rights. The concerns are that "Under a policy of aid conditionality, leaders such as Mugabe and Mutharika can legitimately point to LGBTI rights as a

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reason that the United Kingdom is withdrawing aid. This gives them the opportunity to scapegoat LGBT persons as the cause of the nation's failing infrastructure. In suggesting that the Commonwealth nations need British Help, the Prime Minister evokes memories of the old colonization justification of saving the savage native from himself-a kind of 21st century 'White-Man's Burden' (Dunne, P. 2012).

This problem of finding a favorable foreign policy in granting aid to nations that are progressive towards SOGI issues, or denying to those who are not is a particular problem for the United Kingdom and France as former colonizers. By championing these issues there seems to be a very clear delineation between those nations that support SOGI protection and equal rights and those that oppose them in a way that is very similar to most previous maps of colonizers and their colonies.

United States SOGI Policy

The United States carries a long record in its involvement in human rights domestically and abroad. This record has certainly a mixed values approach when considering many different topics, of which SOGI is certainly prominent. For example, the historical approach of the United States within the modern international system stems from the idealist swing of Woodrow Wilson and the League of Nations concept ultimately rejected by US Congress, to the isolationist policies of the interwar period, into the creation of a new world order through the United Nations founding. This new world order was framed over domestic ideals of Human Rights, Governance and Democracy conceptualized within the Universal Declaration of Human Rights spearheaded by Eleanor Roosevelt.

Since its founding, the United Nations has begun worldwide campaigns for the promotion and protection of human rights internationally of which the United States has been a somewhat willing partner often leading the way though sometimes disengaging and on occasion deliberately blocking progression of Human Rights. The signing and lack of ratification of the major human rights treaties is a key sign of this reluctance –none signed under President Eisenhower, only a few under Kennedy, none under Carter, and one each under Reagan and Bush Sr, both with heavy concessions and so many asterisks that it left doubtful the overall effectiveness of the treaties. The UN System has also been used to promote US values, through the UNSC especially, even sometimes couching these changes within the language of human rights. (Forsythe, 2000(A))

SOGI rights within the US were historic in growth and spread throughout the 20th century. The US saw the birth of the modern gay rights movement at bar named Stonewall in New York City, where activists clashed with policeman. Though this began the push for equal rights, there were previously many decades of the beginnings of this movement. Government was in no way sympathetic to the cause, and in the 1950's released reports on the "employment of homosexuals and other sexual deviants in government work" which indicates by its very title the overall opinion of the state towards gay rights. They found that "employment was inappropriate because 'first they are generally unsuitable, and second, they constitute security risks' (Hayden, 2001). Homosexuals and communists were linked (Bloodsworth-Lugo & Lugo-Lugo, 2005) and public rhetoric was negatively representative of its portrayals of anyone considered gay.

This new movement came with a lingering reluctance to get involved internationally in the promotion of human rights. It is especially evident in the ignoring of SOGI issues under Presidents Reagan, Bush Sr., and Bush Jr. Because of the weight of the US in human rights issues in general, not having the US strategic support for SOGI issues allowed homophobia within many other states to prosper (Sengupta, 2003). These presidential administrations and most notably that

of President Bush worked hard to eliminate the presence of SOGI related language in resolutions within the various assemblies and organizations including the former Human Rights Commission and current Human Rights Council. The efforts of President Bush to remove SOGI references often required the partnership with states such as Iran, Sudan, Zimbabwe, Pakistan, Russian Federation, Senegal, Cameroon, China, and Cuba as in the effort to deny Observer Status at UN for ILGA (New Internationalist, 2006).

This ignoring and suppression of SOGI abroad was also in effect domestically for many years, with President Reagan refusing to take any action whatsoever in the AIDS epidemic for the first 5 years of the crisis due to the association of the disease with the gay population in the states. President Bush Sr. and President Bush Jr. both actively worked to suppress equal rights for their population's sexual minorities, expressed most dramatically in the US President's Emergency Plan for of AIDS Relief (PEPFAR). This kept the US in a constant affront to positions held internationally by those other states devoted to progressive stances on Human Rights. At this time it was observed: "Nowhere does United States constitutional law diverge more sharply from international standards than in matters of privacy for homosexuals" (Cassel, 1991).

Under President Obama, however, the US began to take a newly-arrived role within the world of reinserting the American voice for the proclamation and protection of rights based off SOGI worldwide. This began through many domestic reforms and restructuring of a political system that had largely been used to discriminate and ignore the demands for equal access for all. The most notable of these events were the ending of "Don't Ask Don't Tell" the military policy prohibiting the open service of gays in the military and the cessation of the US Government's defense of the Defense of Marriage Act (DOMA) enacted under President Clinton. These amongst other domestic accomplishments began a momentum in equal rights for SOGI that has

brought the United States into a much more equitable position worldwide with the other more traditionally progressive states.

With the domestic efforts made by President Obama enacted, the attention shifted to overseas engagement and policies regarding SOGI issues. In late 2011 President Obama issued a Presidential Memorandum to all US Agencies abroad requiring them all to “ensure that US diplomacy and foreign assistance promote and protect the human rights of LGBT persons” which was a game-changer in the US involvement worldwide in SOGI (Obama, 2011). This allowed the US embassies to often embrace and promote issues that are not promoted by their host countries, partnering in Pride Events such as in Bratislava, Slovakia, or in Secretary of State Hillary Rodham Clinton proclaiming at the UN in Geneva that “Human Rights are Gay Rights and Gay Rights are Human Rights” (Clinton, 2011).

Under President Obama’s progressive approach to SOGI issues worldwide the conversation has changed in many ways with many other states. The impact of US approval and support for SOGI has been tremendous, and is certainly in contrast to the negative impacts of not being involved earlier. President Obama speaks out in multiple forums with other heads of state in favor of promoting equal rights, while his administration worldwide seeks daily to ensure the American stamp of approval is given to SOGI concerns in forums large and small worldwide.

In recent years, within the UN Bodies of research, particularly in the HRC, the US is quick to promote SOGI rights. When Observer Status was granted to the International Gay and Lesbian Human Rights Commission (ILGHRC), President Obama stated: “I welcome this important step forward for human rights as the International Lesbian and Gay Human Rights Commission (ILGHRC) will take its rightful seat at the table of the United Nations. The UN was founded on the premise that only through mutual respect, diversity, and dialog can the international community effectively pursue justice and equality. Today, with the more full

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inclusion of the International Lesbian and Gay Human Rights Commission, the United Nations is closer to the ideals on which it was founded and to values of inclusion and equality to which the United States is deeply committed” (Obama, 2010).

Even though there is much progress under President Obama, concerns are still prevalent, such as the legacies of PEPFAR in the provisioning against women’s reproductive rights and SOGI groups that were deliberately excluded from aid and relief for HIV/AIDS. Today, the US still gives large amounts of aid and strategic support and alliances with states that are vastly homophobic or transphobic in their behavior. In addition often US support comes with a cost to local activists who don’t appreciate the superpower thrust of the US within policies and activities they feel best kept local (Gunkel, 2013).

In addition to concerns with the overall foreign policy allowing the advancing of SOGI rights internationally, domestically there is still much work to be done. The US Congress languishes on completing a Nondiscrimination in Employment act, and same sex marriage is nothing better than a patchwork of provisions across the 50 states with 19 currently allowing same sex marriage, and court battles continuing to the Supreme Court awaiting a ruling to allow same sex marriage as an equal right for all Americans. Though the international work is progressing, the domestic legal and societal acceptance is still ongoing.

The conclusion of the Literature Review leaves no question of the importance of recognizing the implications of SOGI while also demonstrating the woeful lack of discussion surrounding SOGI within foreign policy. States right now are resorting to bilateral and unilateral action as multilateral consensus does not currently exist for SOGI rights. Human rights in foreign policy are arguably just vain words, having no real effect on populations, but at the same time this study will seek to better understand how SOGI can be a part of a State’s foreign policy. There is

certainly still room for hope that people can be granted their rights domestically as well as through a state's foreign policy. That is the aim of this study.

3: Research Questions, Hypotheses & Definitions

Therefore, concerning the relationship between a state's level of involvement within the UN System, and its SOGI rights promoted through foreign policy, it is the goal of this study to understand this relationship and to see if there is any intersection between these areas. The first research question could be surmised as follows: **Amongst States what relationship exists between any given State's level of involvement in the United Nations Security Council and the Human Rights Council and its protection of LGBT rights under domestic law?**

However, this domestic work is largely represented within the already completed and carefully updated work of ILGA. Therefore, the second question is leading to foreign policy. It is:

Amongst States what relationship exists between any given state's involvement with the United Nations Security Council and the Human Rights Council and their Foreign Policy regarding LGBT rights? These research questions are demonstrated below with the hypotheses and accompanying null hypotheses.

- A.) H1: As a state increases its UN membership presence through membership in the United Nations Security Council and the Human Rights Council, it increases its recognition of SOGI rights Null: There is no correlation between UN presence in the selected organs and bodies and recognition of SOGI rights*
- B.) H2: As a state increases its signatory status in International human rights treaties it will increase its recognition of SOGI rights Null: There is no correlation between signatory status in International Human Rights Treaties and recognition of SOGI rights*

3.2: Definitions

For the purpose of this study, it is important to define the primary terms that will be consistently used. Each of the following definitions are unique to this study. There is no agreed

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consensus of some of these terms within the UN as a whole, though certainly individuals and reports on occasion define these, most rely on intraregional definitions, or those provided through NGO's.

➤ SOGI

Within this study, this term will be used extensively to provide a comprehensive understanding and exhaustive inclusion of all topics related to its full length meaning, sexual orientation and gender identity. This term was chosen in context for this study based off the recognition that using the term 'SOGI' is indicative of the rights of all people, and not merely a 'special status' for some. Whereas campaigning for the rights of gays and lesbians has merit and solid value, it can be argued that this effectively isolates these people groups as separate from the rest of the population equating a 'favored' perspective. Instead, using 'SOGI' is all inclusive, as all people in the world, regardless of any other demographic possess uniquely, a sexual orientation, or a gender identity. This allows full inclusion and therefore was chosen as predominant in this study versus the also used LGBT designation defined below.³

➤ LGBT

For the purposes of this study it is understood that LGBT will be considered all inclusive. Though technically standing for Lesbian, Gay, Bisexual, and Transgendered, it is often amended to add Q, Q, and I. The additional letters stand for Queer, Questioning, and Intersex, recognizing that sexual orientation is much more fluid than having only one meaning. Instead of using each letter, the more familiar LGBT is used within this study as all-encompassing of each expressed identity.

³ For a detailed analysis of the term 'SOGI' please refer to ARC international at their UN SOGI Panel Backgrounder accessible at: <http://arc-international.net/global-advocacy/human-rights-council/hrc19/sogi-panel-backgrounder>
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➤ **Sexual Minorities**

This term is used within this study to demonstrate a very real aspect of marginalization faced by LGBT people worldwide. By incorporating the term sexual minorities, this study aims to reinforce the reality of need faced by the smaller groups of people that are non-majority group members based off their own sexual orientation or gender identities.

➤ **Gay**

Though primarily the term Gay is in reference to a sexual orientation where a man is attracted to a man, in this study as in common vernacular, this term can also be used as an umbrella term, such as in the statement “Gay Rights are Human Rights” where Gay means all LGBT people.

➤ **Lesbian**

For the purpose of this study, the term Lesbian will be employed to reference women whose sexual attraction is oriented towards other women.

➤ **Bisexual**

For the purpose of this study, the term Bisexual will be employed to reference men and women who are sexually attracted to both men and women.

➤ **Transgendered**

For the purpose of this study, the term Transgendered will refer to people who identify as a separate gender from the one assigned to them at birth.

➤ **Human Rights**

When referencing human rights throughout this study, it is the clear intent that human rights should be referenced as universal, as granted to all human beings through the Universal Declaration of Human Rights. Regardless of any other determinant, human rights belong to anyone who is a human. This study shares the belief that “social

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attitudes, no matter how widespread or deeply felt, [do not] justify continued exclusion of sexual orientation from the list of prohibited grounds for discrimination” (Donnelly, 2001) and that “Human Rights are the closest thing we have to a shared values system for the world” (Robinson, 2007). Within that shared value system it is imperative that every individual member is granted their human rights.

➤ **Foreign Policy**

Within this study, Foreign Policy is comprised of the messages that are communicated from the official representation of the Foreign Ministry of a given state. These messages are enshrined in media, press, and through the speeches and statements of diplomats entrusted with delivering the policy standings and values of their government. They communicate the values, intents and purposes of the state in its conduct amongst peers in the multilateral and multidimensional system. The audience intended for foreign policy is diverse and includes both domestic stakeholders as well as international actors in bilateral and multilateral arenas representing individuals, organizations, corporations and governments.

4: Methodology used to test the Hypothesis and the Null Hypothesis

4.1 Indices Creation

This study will be gathering data in multiple sources to compile an understanding of the research topics. As mentioned in the setup of the study, the limitations of time and resources prevented this study from examining the entirety of the UN members against this criteria, so the decision was made to study only the current 15 states that comprise the UNSC. This allows for a much more manageable subset, while not compromising on the diversity reflected within the various states, and avoiding selection bias as much as possible.

4.2 Index 1: Selected UN Body Involvement

The first index of this study will review the involvement within the selected United Nations bodies of each member state. This will help to determine if there is greater indicator of LGBT rights through their foreign policies with their actual participation within these UN bodies. The indicators chosen for this entail the relationship of the UNSC states within the UN System. Though there are many dimensions that could determine this, for the purpose of this study the designations selected are intended to represent the overall aim of the paper asking if Human Rights are improved the more involved a State is within the UN System.

The selected criteria for the first Index created thus reflect this goal. The selected factors to determine a State's involvement in the UN System are outlined next. The first dimension was membership within the UN System. This varies from founding members (Argentina, Australia, Chile, China, France, Luxembourg, the Russian Federation, the United Kingdom, and the United States) to the post-colonial surge of additions, (Chad, Jordan, Rwanda, and Nigeria) all the way to the most recent members, joining in 1991 (The Republic of Korea, and Lithuania).

In addition to membership, the second dimension is the signatory status of each State to the major Human Rights Covenants and Treaties. It makes sense to determine a state's involvement by their ascension in signing and subsequent ratification of treaties. This study outlined these as the following covenants:

- International Covenant on Civil and Political Rights
- 2nd Optional Protocol to the ICCPR (Abolition of the Death Penalty)
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment
- Convention on the Rights of the Child

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- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention on the Rights of Persons with Disabilities
- International Convention for the Protection of All Persons from Enforced Disappearance
- Convention Relating to the Status of Refugees

The next factor considered as involvement within this study was the interaction of a state within the UNSC itself. Although all included states in this study are a part of the 2014 UNSC, they each have different histories in relation to partnership with this elite ruling council. In the most obvious cases, the Permanent Five (P5) countries have been members since its formation. Other current states are joining for the first time this year, such as Luxembourg, and others are rejoining after another term or multiple terms, such as South Korea or Argentina.

The next factor that was included within the formation of Index 1 is the involvement of each state within the Human Rights Council. The Human Rights Commission membership listings are not maintained by the UN and thus were excluded from this study. It is assumed that by putting forth a nomination of ascension to the HRC within the General Assembly the states are representing their state interests and goals of not only involvement within the UN System but of Human Rights in general. It is the goal of this study to then trace the research question asking if the level of involvement within the UN affects the output of SOGI issues as human rights in a given state's foreign policy.

4.3 Index 2: Foreign Policy Promotion of SOGI Rights

The second overall purpose of this study is to determine the SOGI Foreign Policy of each UNSC state. The first primary sources used are from the ILGA State Sponsored Homophobia Report (See Appendix A). This will outline the country's domestic laws or lack of laws

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regarding whether they protect or discriminate in SOGI issues. However, while this outlines the domestic situations, nothing is included in here of the foreign policies in this area. It is the assessment of this study however, that this is still vitally important in providing clues into the overall direction and aim of a State's Foreign Policy. By understanding the views and domestic situation of SOGI rights within a state it can be reasonably assumed to have a somewhat similar foreign policy structure.

Many states use SOGI legislation as an expression of their foreign policy, such as the recent restructure of aid to Uganda from Norway, Denmark, and Sweden based on their new anti-gay law enacted (Reuters, 2014). Or, in an expression of soft power, several international heads of state including the US, Germany, and the UK publicly declined to attend the Sochi Olympics and also sent delegations including openly gay athletes or ministers in protest of the restrictive anti-gay propaganda law passed and enacted in Russia (Walker, 2014). However, this type of data, though tantalizing in the formation of this study was ultimately rejected on the basis that it would truly be impossible to monitor and document each such 'soft power' recognition or support of SOGI rights.

In order to tangibly review the foreign policies related to SOGI there were several dimensions considered and four ultimately included. After the first factor of the ILGA ranking, the second for each was the official state department or foreign ministry website for each State. In actuality this was a huge variety of sources and difficulties. The Index takes note if there is any mention of SOGI rights as part of their foreign policy, and recognized the level of space that is devoted to each. This is accomplished through a thorough review and categorization of each states foreign ministry websites, detailed in length in the data analysis section below.

An additional source of Foreign Policy material relevant to the Second Index that this study reviews is the presence and participation of the selected states to several international or multilateral statements or resolutions within international bodies. These statements were included in their final format, and were not considered if only in draft format or if it never reached final presentation status. That narrowed the field in a great way allowing the inclusion of 5 positive statements of affirmation and one in opposition. The statements (with their designation and point of origination in parenthesis) selected for the Index inclusion are the following:

- Human Rights, Sexual Orientation and Gender Identity (HRC/RES/17/19)
- Ending Acts of Violence and Related Human Rights Violations based on Sexual Orientation and Gender Identity (March, 2011, Joint Statement, HRC)
- Human Rights Violations based on Sexual Orientation and Gender Identity (December, 2006, Joint Statement, HRC)
- Sexual Orientation and Human Rights (2005, Commission on Human Rights)
- Human Rights Sexual Orientation and Gender Identity (December, 2008, General Assembly)
- Joint Statement (December 2008, General Assembly)

The last component of the index will be comprised of the levels of asylum granting that each state engages in in reference to SOGI reasons. This poses immediate challenges with organizing, as the United Nations does not tabulate reasons for asylum granting, instead documenting countries of origin and host countries. Furthermore, even if the UN were to document reason of asylum granting, the overall heading of what would be used does not automatically preclude SOGI reasoning. Also, the published list could provide information that would be detrimental to states and to the asylum seekers, so it is understood why no such list exists. Instead, the index will simplify this category by only designating if a state has been known to host asylum seekers on SOGI reasons. These are the components that will be used to complete the index.

5: Data Analysis

In order to confirm the relationships under study the format selected was a series of Indices each with several factors. This study, as reminder, is only focused on the 15 states comprising the 2014 United Nations Security Council for purposes related to the relative ease of studying 15 states versus 193. For each Index, 4 factors were evaluated for all selected states. It was determined to have each factor weighted on a scale of 1-10 with a minimum of 3 levels, and a maximum of 5 levels. If a factor only had 4 levels, the range was 2.5, 5, 7.5, and 10. If a factor only had 3 levels, the range was 2.5, 5, and 7.5. A score of 10 on a 5 or 4 level factor, and 7.5 on a 3 level factor, is determined to be the greatest possible representation of the factor. A score of 7.5 on a 5 or 4 level factor, recognized that the state achieved most of the elements of the factor, but not all. A score of 5 generally placed the state in the middle of the spectrum, and 2.5 illustrated that the state had little to none of the factor while a score of 0 simply recognized the state's status of possessing none of the factor whatsoever.

This simplistic formula with assigned values then allowed a comparison amongst states. Though the indices are far from exhaustive and there is certainly room for the expansion of the study, and it can be argued that the scores assigned are arbitrary, there is still interesting insights to be gained with determining a state's involvement in the selected UN bodies as compared to its SOGI foreign policy. Thus, the first index was titled, Selected UN Body Involvement, and the second index was SOGI Foreign Policy.

In order to ensure the highest quality of data representation, every care was made to ensure reliability of the coding process. This was demonstrated through three independent coders working with the same data and then compiling the averages of each coder into a final numerical value ranging from 1-10 for each state on each index. These results are compared below in the

explanation of the results, but first, there is a specific outline of each factor and how it was scored for each selected state.

5.1 Index 1 (Selected UN Body Involvement) Review

Table 1: Index 1 Individual Coders

	Coder 1 Average Score for Index 1	Coder 2 Average Score for Index 1	Coder 3 Average Score for Index 1	Index 1 Total
Argentina	8.1	8.1	8.1	8.1
Australia	6.3	6.1	6.3	6.3
Chad	3.1	3.1	3.1	3.1
Chile	7.5	8.1	7.5	7.7
China	6.9	6.9	6.3	6.7
France	8.1	8.0	8.1	8.1
Jordan	4.4	4.4	5.0	4.6
Lithuania	2.5	2.5	2.5	2.5
Luxembourg	4.4	4.4	4.4	4.4
Nigeria	6.3	6.1	6.3	6.2
Republic of Korea	4.4	4.4	5.0	4.6
Russian Federation	6.9	6.9	6.9	6.9
Rwanda	5.0	4.9	5.0	5.0
United Kingdom	7.5	7.5	7.5	7.5
United States	6.3	6.3	6.3	6.3
			Total	59

In the creation of the UN Involvement Index, the membership within the United Nations carries significant weight. Obviously, the length of time a member state has been involved will affect its overall involvement and depth of engagement within the UN System as a whole. Therefore, with that consideration, the length of membership was determined to be the first factor in the UN Involvement Index. With the current UNSC states there was a clear delineation of three categories. Original Membership groups joining in 1949 were given the highest rating of 7.5.

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These states are: Argentina, Australia, Chile, China, France, Luxembourg, the Russian Federation, the United Kingdom, and the United States. The second group is the Midlevel joiners, these were given a rank of 5. This group is comprised of: Chad, Jordan, Nigeria, and Rwanda. The final group is the Late Joiners, given a ranking of 2.5 and they are Lithuania and South Korea.

The second factor in the first index is the level of ascension to the key human rights treaties. In this study the reviewed treaties are spelled out above and number 10 Conventions and 1 additional Protocol. This designation was determined to be along the lines of 4 levels. These Levels are determined as the highest ranking, having signed and ratified all considered treaties, and these states are given a ranking of 10. They are; Argentina and Chile. The second level is the group of states that have signed and ratified all but one treaty, and are given a ranking of 7.5, this group includes Australia, France, Nigeria, and Rwanda. The third level is the grouping of states that have signed and ratified all but two of the treaties, and are given a ranking of 5. These states are: Luxembourg, the Republic of Korea, and the United Kingdom. The last level is the group of states who have not signed/ratified 3 or more of the considered treaties. These states are given a rating of 2.5 and are: Chad, China, Jordan, Lithuania, the Russian Federation, and the United States.⁴

The third factor in the first index is the membership within the UNSC. Though all states in this study are currently members of the 2014 UNSC, consideration was given to how many times before the state has been selected to membership of this elite council.⁵ This varies within each state. The highest ranking, a 10, was given of course to the P5 (China, France, Russian

⁴ For determining the level of state ascension to the various treaties, the study referred to the archives of the United Nation Office of the High Commissioner for Human Rights which stores these in listed format. The website is: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

⁵ The listing of all members of UNSC, past and present is found online at: <http://www.un.org/en/sc/members/elected.asp>

Federation, UK and the US). The second highest was for states who have joined the UNSC ≥ 5 times. These states were ranked 7.5 and are Argentina, Australia, Chile, and Nigeria. The third group is ranked 5 and is states that have been members of the UNSC >1 but < 5 times. These states are: Jordan, the Republic of Korea and Rwanda. The final group is for states that have only joined the UNSC 1 time, and are ranked 2.5. These states are Chad, Lithuania, and Luxembourg.

The final factor in the first index is the membership within the Human Rights Council. With the changeover in 2006, there was no consideration in this study for involvement in the previous Human Rights Commission. However, since 2006, there have been different nations ascending each year to the HRC, and the factor was designed to include all levels of groups of states. This resulted in 3 levels, never a member, a member once, or a member at least twice. The designations were granted based off the Human Rights Council Membership archives, understanding that a term is for 3 years. The first level, Never a Member was granted the lowest level of 2.5 and is comprised of: Australia, Chad, Lithuania, Luxembourg, and Rwanda. The mid-level, Member for 1 term is given a rating of 5 and is comprised of: Chile, China, Jordan, Nigeria, the Russian Federation, and the United States. The highest level, serving for at least 2 terms, is given a rating of 7.5 and is comprised of: Argentina, France, Republic of Korea, and the United Kingdom.

5.2 Index 2 (SOGI Foreign Policy) Review

Table 2: Index 2 Individual Coder Scores

	Coder 1 Average Score for Index 2	Coder 2 Average Score for Index 2
Argentina	10.0	10.0
Australia	6.3	6.3
Chad	3.1	3.1
Chile	7.5	7.5
China	3.8	3.8
France	10.0	10.0
Jordan	3.1	3.1
Lithuania	5.6	5.6
Luxembourg	6.3	6.3
Nigeria	1.3	1.3
Republic of Korea	6.3	6.3
Russian Federation	1.9	2.5
Rwanda	3.8	4.4
United Kingdom	9.4	9.4
United States	7.5	7.5

The first considered factor in the creation of the SOGI Foreign Policy Index was the domestic status of legislation according to ILGA. The ILGA index is thorough and updated annually, so there is reasonable confidence in these measures. Though ILGA measures countries across 10 dimensions, this study combined several categories to allow for a 5 level scale in consistency with the rest of the study. Therefore, states were divided from the lowest ranking of 0, if some or all of the state allows the death penalty for SOGI. The sole state in this category is Nigeria. The second level is ranked 2.5 and includes states with either criminalization or severe restrictions on homosexuality, and includes the Russian Federation. The third level has either no criminalization or unclear/neutral in regards to SOGI issues. This group is ranked 5 and is

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comprised of Chad, Chile, China, Jordan, Lithuania, and the Republic of Korea. The fourth group is ranked 7.5 and is states that either have at least parts of the state allowing full equality. These states are: Australia, the United Kingdom, and the United States. The final category has full equality, receiving the highest ILGA award and is afforded the ranking of 10. These states are: Argentina, France, and Luxembourg.

The second primary source of information for Index 2 was derived through a careful analysis of the official websites of each member state. These sites are the official gateway of information to the outside world outlining in varying amounts of detail the work of the foreign ministry and the role that they wish to play within the international system. It is invaluable to note the desired aims and values that are detailed and presented in the format approved and sponsored by these individual states. With each additional insight and concept detailed, there is an understanding that this is as clear a message of the state's desired intent as can be made available. Due to the unique contribution of these elements to this study, the detail is given significant space below.

Each website chosen varied tremendously from the others reviewed. Some are developed in great detail, with carefully designed web design allowing multiple menus and functions, with departmental roles in hierarchal conciseness, or policy headings denoting multiple levels of analysis to issues important to the foreign policy of the state. Some are intentionally made readable, conversational or interactive. In these websites it was easy to be drawn into the messages of the site, although it was more difficult to gain a succinct and well defined understanding of the purposes and overall views regarding pertinent issues.

Other sites are basic or simplistic in design and as such are lacking depth in discovering the foreign policy of the state, while Chad does not even have a foreign ministry website. In these cases it was difficult to understand any foreign policy intents or values. This vagueness in some,

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absence in others created an interesting scale of attention devoted towards the foreign ministry and foreign policy in general, one that another study might pursue asking if the level of foreign policy involvement could be determined from the level of development of their foreign ministry website. But I digress.

One important and distinguishing factor was the language that the site was available in. While most of the sites were in English, several (Luxembourg and Lithuania as examples) were in their state's native language with options to see the English Version easily available. Only Jordan of the 15 states was completely in Arabic with no translation into English available. This element gives credence to the purpose of the state's foreign policy audiences. Several sites contained a linkage to all other UN approved languages (such as Russia and France) for viewer preference or others simply had their site in English completely. The variation of language availability denoted a perspective on the intended audiences.

Another interesting dynamic that set the different sites apart from each other was the level of detail given to foreign policy as regarding human rights. Many of the sites were highly developed in the detail of the efforts being made by the state in the advancement and promotion of human rights internationally. The United States, France, Argentina and Chile each took great pains to provide great detail of their states chief aims at human rights in specific detail, both mentioning explicitly the promotion of rights for people under SOGI specifications. This however was not consistent in the other states reviewed. The United Kingdom, South Korea, Russia and Rwanda were vague and ambiguous or merely mentioned one or two human rights as policy goals in their outlining priorities and China and Chad were silent on the issue of Human rights, without even mentioning the term within their sites.

In reference to human rights, and the targeted human right for this study, that of rights related to SOGI issues, the websites were also spread on a wide array. As mentioned several were

explicit in their support and promotion of SOGI rights. The majority of countries, however, did not make specific mention to these rights though they mentioned others especially those protected under international treaties such as protection from discrimination based off race, gender and age or disability. Some more detailed websites included a search function, and in these there were varying results for SOGI issues, ranging from a few (Australia and the United Kingdom) to zero mentions (Russia).

Human rights was not the only interesting delineation available through the analysis of each site. What emerged soon was a spectrum of adherence to the UN System giving mention to the fact that they were participants within the international system and this was again highlighted in varying levels. The benefit of several, such as Lithuania and Australia, was a careful and precise listing of the UN roles that each has played and continues to support. These were varied in regard to the UN but were exemplified through peacekeeping missions involvement and signed and ratified international treaties. This was again in contrast to other states that merely glanced over their UN Involvement with no clear listing or detail given such as South Korea or not mentioned at all, as in the case of Nigeria.

The websites of the P5 countries would be assumed to each gave ample space and discussion to the United Nations and in particular their role within the UNSC. However, in practice this varied, with the US giving listings of speeches, videos and current affairs at the UNSC, very closely mirroring the space devoted to the same subject by France. Russia had lengthy explanations and definitions of their role within the UN system and their prominent position within the UNSC. But the United Kingdom in its attempts to make the site more readable did not devote ample space to its historical and important role amongst the P5; and China seemed to minimize their UN involvement overall with only glancing mentions of its participation within the system.

The difference within the sites was also present in the detail given to the foreign ministry affairs. Most had their own official website to reference, but Chad did not even have a specific foreign ministry website. In that case the government's official website was substituted to gain insight into the goals and priorities of the Chad government. The foreign policy came exclusively through the uploading of a single speech given by the newly elected prime minister to the parliament over six months ago. However, sparse as this content is in relation to other states foreign ministries, it is interesting to note that within this speech in Chad, the status of being on the UNSC is not overlooked and is leveraged as an intent of Chad to build its foreign policy objectives within the world's most powerful organization. This is intriguing to note as of the other 15 countries, four did not outline at all their involvement within the UNSC for this current session (Rwanda, China, the United Kingdom and Nigeria).

Although different in operation and design, each site gave valuable insight into the role, views, and missions of the different states foreign policies. News and current affairs were present in each site through links to current tweets, news stories or press releases. The fact that some sites are more developed than others details a great amount of importance placed on the topic by the varying state ministries. This detail is important in noting this study and takes into account one of the chief obstacles within the way of completion: each state is unique and sovereign so uniformity is not only impossible, it is prohibited by the very core concepts of the system. This remains true in the other areas of focus conducted to ascertain the foreign policies of each state.

Within the index, the decision was made to differentiate in several positions of states websites ranging from the lowest, ranked 2.5, (No mention of human rights on website) including Chad, China, and Nigeria, to the mid low, ranked 5, (Mentions Human Rights, but no mention of SOGI Rights) Including Australia, Chile, Jordan, Lithuania, Luxembourg, the Russian Federation, Rwanda, and South Korea; To mid-level, ranked 7.5, (Mentions SOGI rights specifically)

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comprised solely of the United Kingdom, to the highest level, ranked 10, (Explicitly endorses SOGI rights with demonstrated policies and activities supporting advancement and promotion) including Argentina, France, and the United States.

An example of the High Level is found within Argentina which states:

The Foreign Ministry, reflecting the advances mentioned above, [In regards to SOGI rights] maintains a constant activity to increase the participation of the Argentina in the major international discussions, in the fight against discrimination and in particular, is developing technical cooperation with other countries for the generation of anti-discrimination policies, taking advantage of Argentina's experience in the matter. (See Appendix B)

France is also a member of the High Level. Their website is explicit with its endorsement and support of the Human Rights System through multilateralism stating: “Combating human rights violations on the grounds of sexual orientation and gender identity is a key concern for France’s foreign policy on human rights” and “France is actively engaged both within international fora and in the field to promote the universal decriminalization of homosexuality and to combat the stigmatization and serious human rights violations that LGBT people are subjected to all over the world” (See Appendix B)

The final member of the High-Level group is the United States. The US State Department Website contains numerous graphics and articles highlighting work within SOGI contexts worldwide. The quotes contain UN Ambassador Samantha Powers: “Hope is about envisioning a world where promoting LGBT rights is a central part of our foreign policy. Change is about the President of the United States directing his entire government to do just that. And he has”; and Secretary of State John Kerry:

We know that our work is not complete when countries enact laws targeting LGBT persons and their supporters. We know that our work is not complete when LGBT persons and their allies are harassed, arrested, and even killed simply because of who they are and who they love. The United States condemns these senseless acts of violence

and discrimination. Human rights are universal, and LGBT persons and their allies must be free to exercise them without fear of intimidation or reprisal (See Appendix B).

The only member state within the Mid-Level is the United Kingdom. This comes from the fact that the UK Website is designed in simplistic format, allowing readability. However, this tends to oversimplify the policy statements and goals of the UK Foreign Ministry. Although Sexual Orientation and Gender Identity are included in a listing of 21 policy statements, the entirety of the policy is included in the following statement: “The UK works to support equality and non-discrimination for all people, including gender equality; upholding the rights of minority groups and lesbian, gay and transgender people; supporting the freedom of religion and belief” (See Appendix B), with no further outline of policy or precedent.

An example of the Mid-Low level is found within Australia and Chile and in Lithuania. The website of Lithuania endorses Human rights and their current position on the UNSC as coordinating their goals in human rights:

“Our seat on the Security Council gives us not only a unique opportunity to directly participate in global policy processes, but also opens up possibilities to aim to achieve more respect for human rights, democracy and the principle of equality of all countries in international relations. This is especially true for Lithuania and other small countries, which seek to protect their rights and interests in a global world and in their close neighborhood,” (See Appendix B)

Russia maintains a similar perspective, mentioning in great detail the ‘primacy of of international law, including first of all, the UN Charter’, and with a detailed human rights promotion with careful attention to “ethnic, cultural and historical characteristics of each state;” and no specific marginalized groups mentioned, although xenophobia, racism, aggressive nationalism, anti-Semitism, Neo-Nazism, are each denounced. No mention of gender or gender expression or sexual orientation included in document. (See Appendix B).

South Korea has a firm commitment to Human Rights visible on its website, where it states:

As a state party to seven core international human rights conventions, including the "UN Covenant on Civil and Political Rights" and "International Covenant on Economic, Social and Cultural Rights," Korea is earnestly striving to implement the provisions of the relevant conventions at the national level through collaborative partnerships with various stakeholders. In particular, with the special attention to the rights of the vulnerable such as women, children, and the disabled, Korea has achieved substantial improvements in the equal and effective enjoyment of human rights (See Appendix B)

An example of the Low-Level is found within Chad. There is not only no specific mention of SOGI rights, or Human Rights in general, but there is actually no direct Foreign Ministry website. China also figures into this category, with no mention of human rights within their website. Nigeria, with a terse and at times poorly developed website regarding no specific foreign policy and no mention of human rights, demonstrates an example of this low-level by the following minimalist statement: "We are also committed to repositioning Nigeria in the International Community, with enhanced visibility and prestige. To protect the interests of Nigerians living or travelling abroad, and also bring succor to those in distressed situations abroad" (See Appendix B)

The third and fourth factors are comprised of the status of states that have signed the existing joint statements and sole UN resolution regarding SOGI⁶. In the case of the third factor, the sole UN resolution passed within the UN Human Rights Council in 2011, there were four levels of consideration. The highest ranking was ranked 10 and is for the states who voted yes, Argentina, Chile, France, the Republic of Korea, the United Kingdom and the United States. The second category is of those states who were present and chose to abstain, China, and ranked 7.5. The third category is those states not present so therefore not applicable, Australia, Chad,

⁶ The best compilation of this listing is housed through ARC international and was used extensively in this study. It can be found online at: <http://arc-international.net/global-advocacy/sogi-statements>

Lithuania, Luxembourg, and Rwanda. The final category is ranked 2.5 and is for states that were present and chose to vote no. These states are: Jordan, Nigeria, and the Russian Federation.

In the context of the fourth factor, the decision was made to combine the inclusion or exclusion of states within the joint statements. Those states choosing to sign all four positive statements were granted the highest ranking of 10. These states are: Argentina, Chile, France, Luxembourg, and the United Kingdom. Those states signing 3 of the 4 are ranked 7.5 and are: Australia and Lithuania. Those states who have signed 2 of the 4 are ranked 5 and are: the Republic of Korea and the United States. Those states who have signed only 1 of the 4 are ranked 2.5. Rwanda is the sole member of this group. The last group is those states who are not a part of any of the statements and as such are ranked 0. These states are Chad, China, Jordan, Nigeria, and the Russian Federation.

The only negative statement on SOGI reasons included within this study was originally ranked on a binary scale of 0 or 10. Those states that have not added their names to the list *denouncing SOGI as legitimate protected human right status* were granted a score of 10. These states are: Argentina, Australia, Chile, France, Lithuania, Luxembourg, the Republic of Korea, the United Kingdom, and the United States. Those states that have signed this joint statement were given a score of 0 and are: Chad, Jordan, Nigeria, the Russian Federation and Rwanda. However, due to the overall direction of the study, and to maintain consistency within the several factors, this negative statement was finally excluded and thus does not figure into the final results.

When it comes to the final factor chosen (Asylum granting) composing the second index creation, there is much difficulty. The first level of difficulty comes from the mere fact that several countries within the UNSC are not considered Asylum granting counties. In addition, there is no compilation of lists available for the determination of Asylum granting based off SOGI reasons. This problem was originally circumvented by purporting to simply measure on a

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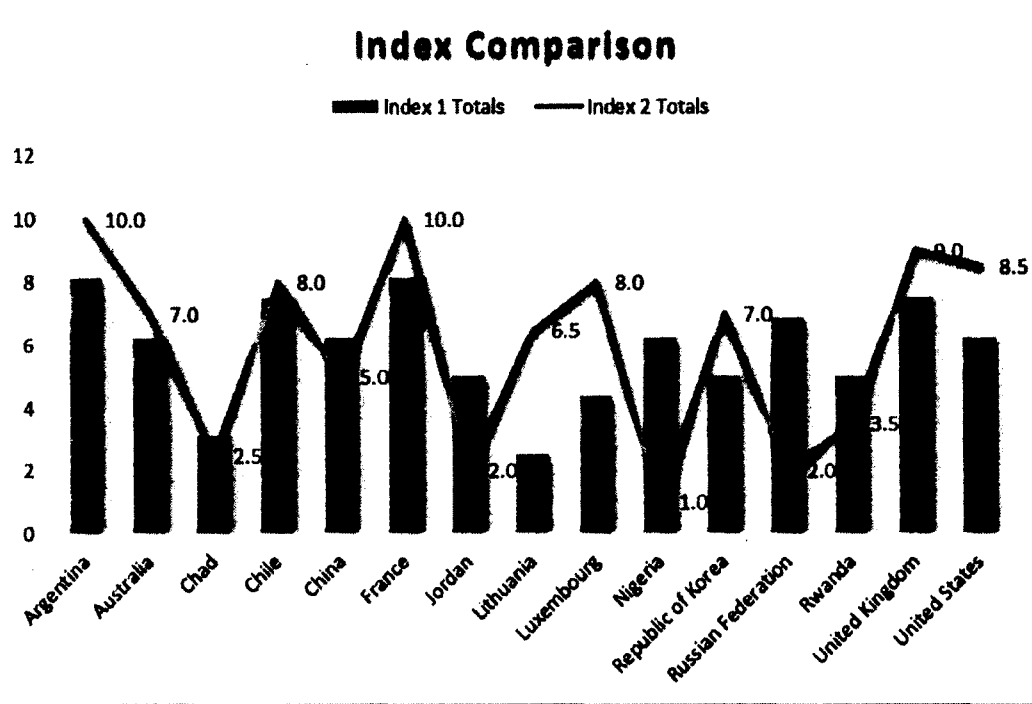
three level scale States who have not ever granted asylum, states who have granted asylum, but not for SOGI reasons, and finally, states that have granted asylum based off SOGI reasons. It would be based on if it was any record that a state had granted asylum based off SOGI, even once. Those states would have been Australia, France, Luxembourg, the Republic of South Korea, the United Kingdom and the United States. However, due to the absence of information on the other states and simple lack of SOGI asylum granting statistics, it was decided to finally exclude this factor entirely from the second index.⁷

5.3: Explanation of Results

The compilation of the indices was simple and straightforward. To ensure the accuracy of the numbers represented, the scores were compiled independently through the primary researcher, and 2 colleagues, each coding individually. Then the final scores for each researcher on each factor of both indices was averaged to obtain a final numeric value between 1 and 10 and rounded to only one decimal point. Having multiple coders grants a greater reliability to the final numbers as opposed to a single coder.

⁷ Asylum statistics are difficult to reconcile, and even more difficult when in reference to SOGI. For the results to this factor, this study relied on material from www.refugeecaselaw.org in addition to the ILGA Europe database found at: http://ilga-europe.org/home/issues/asylum_in_europe/country_by_country/fr and additionally from consultation with Leila Lohman, Advocacy Manager with Organization for Refugee, Asylum, and Migration (ORAM). Their website is: <http://www.oraminternational.org/>

Table 3: Overall Index Score Comparisons



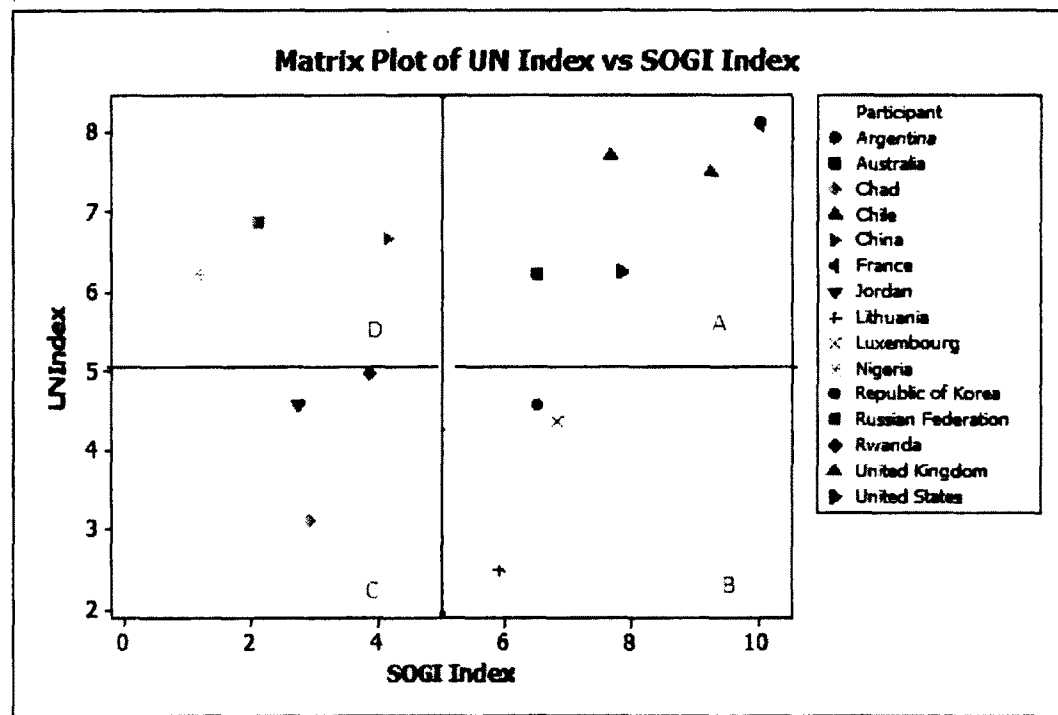
Within this averaged result, it is apparent to see a few trends immediately. Argentina, Australia, Chile, France, Lithuania, Luxembourg, Republic of Korea, United Kingdom and the United States each have higher SOGI foreign policy scores then they do for UN Bodies Involvement. Chad, China, Jordan, Nigeria, and the Russian Federation each have higher UN Body Involvement scores then they do SOGI Foreign Policy. Both Argentina and France demonstrated the highest possible SOGI score across all four factors between the three coders.

Several of the selected states are within one decimal points of equity in its UN Body involvement and its SOGI foreign policy. Chile (0.5). Chad (0.6), and Australia (0.7). Other states have increasing ranges of difference between their scores on the two indices. The notable outliers in this case are Jordan (3.0), Lithuania (4.0), the Russian Federation (4.9), and the decided outlier, Nigeria (5.3). The Range of the numbers in both Indices is intriguing. 2.5-8.1 is the Range of the

UN Body Score, creating a variance of 5.6; and, more significantly, the Range of the SOGI Score is 1.0-10.0, creating a variance of 9.0.

These results, when compared, illustrate several things for the purpose of this study. Though not normative in any understanding, nor understood as generalization, for the purpose of this study the following results are accepted. The first key finding is that the 6 states with the highest level of UN Body Involvement (Argentina, Australia, Chile, China, France, United Kingdom, and the Russian Federation) have an average score of 10, 7, 8, 10, 2, and 9, 7.3. Meanwhile, those states that have the lowest UN participation, (Chad, Jordan, Lithuania, Luxembourg, Nigeria, the Republic of Korea, and Rwanda) have an average SOGI Index of 2.5, 2.0, 6.5, 8.0, 1, 7, and 3.5 creating an average score of only 4.4. In this simple comparison it can be seen that those states more involved in the UN Selected Bodies do have a higher score on the SOGI foreign policy index.

Table 4: Matrix Quadrant Compilation of Index Scores



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In a matrix approach, the states divide into four simple categories, High involvement in both Indices, (Marked as Quadrant A) High in SOGI Index, low in UN Body Index (Marked as Quadrant B) Low in both indices, (Marked as Quadrant C) and low in the SOGI index, but high in the UN Body Index (Marked as Quadrant D). In this divide, States that are grouped in these areas may demonstrate the overall thrust of this study. Though this is a basic approach, reviewing the matrix, it is apparent to see that the chart raises some tantalizing further research possibilities. What implications are raised by the states who score high in the UN Body index yet poorly in the SOGI index? Will the states in Quadrant C be more apt to move to Quadrant B, D, or A?

6: Conclusion

This study set out to study the interaction between two variables, the level of involvement within the selected UN Bodies, and their SOGI foreign policy. This was conceptualized in two hypotheses, both referenced here for reader convenience. There will follow a brief explanation of the findings for each one, the implications of these findings and then the study will conclude with the overall study limitations, study disclaimers, recommendations for future study, followed by a few concluding remarks.

H1: As a state increases its UN membership presence through membership in the United Nations Security Council and the Human Rights Council it increases its recognition of SOGI rights

The first hypothesis does seem to show positive trending within the completion of the study. From reviewing the data, those states that are most involved in the selected UN Bodies do have an increased recognition of their SOGI rights within their foreign policy. There is a definite correlation related to this concept, as of the 7 states who are most involved in the UN Bodies (Argentina, Australia, Chile, China, France, the Russian Federation, and the United Kingdom) 5

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are among the highest scorers in the SOGI index. In contrast, of the 7 states who scored the lowest in the UN Bodies (Chad, Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, and Rwanda) 5 are among the lowest scorers in the SOGI index.

H2: As a state increases its signatory status in International human rights treaties it will increase its recognition of SOGI rights

The second hypothesis also seems to have a positive relationship in the completion of the study. From reviewing the data, of the seven states who have the highest signing percentages of the Human Rights Treaties (Argentina, Australia, Chile, France, Luxembourg, Nigeria, and Rwanda) 5 of the states are within the highest tier of the SOGI index. Conversely, of the bottom 7 states who have signed the least human rights treaties, (Chad, China, Jordan, Lithuania, Republic of Korea, the Russian Federation, and the United States) 6 states are in the lowest tiers of the SOGI index also.

6.1: Study Limitations

This study is admittedly ambitious in scope. There is a wealth of information that contributes into states varying foreign policy with other states. This creates difficulty in compiling that information within a succinct concise format. What should constitute foreign policy? What is simply news? What merits review more than others? These substantive and arguably subjective questions highlight the difficulty that this study will face within the gathering of data related to states foreign policy. The first such limitation, then will be the amount of data needed and the process to gather it all.

Secondly, this study attempted to provide a numeric value to the level of involvement of a State within the selected UN Bodies. It also attempted to do this in relation to establishing a SOGI foreign policy. In both indices there is certainly room for doubt or validity questions, how can a comparative number value be assigned to these disparate variables. In addition, there is serious concern on the implications of the first index. The coded values belie the underlying fact that there are power struggles and political decisions that often require the placement of states within various organs or bodies. Also, the longer a state is a member, certainly more chances are afforded to them within joining and participating in various UN System functions and roles. Therefore, this study was limited in only looking at the selected factors and is presented understanding that there are severe limitations and absolutely no intent on creating a generalization of these factors.

The third limitation that this study faced was in regards to the disparate lack of information that was available from state to state. Large states such as the United States are able to delineate their State department's foreign policies into various departments and bureaus with varying levels of expertise with veritable armies of staffers and interns updating policy briefs, highlighting areas of interest and organizing in for public review. To illustrate this, the United States has a published booklet highlighting US Foreign Policy specifically on LGBT Issues (2011). This is not the case within smaller and developing states. Many of these states due to size constraints have to resort to causing their staffers to multi-task and represent numerous functions of public diplomacy or bilateral/multilateral relationships. This wide spectrum of ability to present information regarding foreign policy will thus be the second limitation of this study.

The final limitation resonated around the selection of documents and statuses within the creation of the Indices. Though there was a vast amount of information available to be considered, there was limitations on time and resources prohibiting the inclusion of many

valuable pieces of information. For instance, in the selection of the documents for the second index, the decision was made to only include those that were in final form. This immediately removed a vast amount of valuable data that would shed insight into a state's SOGI Foreign policy as it deleted those proposed resolutions that were never debated, those tabled in draft format and never revived, and countless discussions and references to SOGI that appear on official records and transpositions. However, the inclusion of these and many other viable sources competed with the time and resources available to this project. ILGA also covers many of these resources within its annual State Sponsored Homophobia Report.⁸

6.2: Acknowledgement of Study Assumptions and General Disclaimer

Within this study, there has been significant amounts of claims presented, and it is not the purpose of this study to create definitive policy or substantive fact, but instead to present a perspective, a slice, of what is. The review of the individual states within this study was unable to be completely exhaustive due to the length and breadth of this study, and were intended only to give a small perspective of SOGI policy within each country, and within each state's foreign policy. It is not possible to contain the entirety of information relevant and pertinent to each state in relation to SOGI and therefore what was selected was constrained by the guidelines of this study, and is subject to the limitations and studies of the author.

Although there are many things that could be mentioned as a disclaimer, and, in fact, are outlined within the study's limitations, it is also important to include a vital qualification in reference to this study in relation to human rights as a whole. With delicacy to the ongoing debates about what human rights are considered to be indeed universal, and in acknowledgment

⁸ This is an excellent resource. It is the text version of the color coded map that is used as a basis for this study, and it has been cited numerous times within this study, it is available on their website, www.ilga.org

that different states do now and will always have a varied perspective on rights this disclaimer is needed. There is no accurate way to state that one state is 'better' or more advanced than another state when contrasting areas of action or inaction in regard to human rights. While one country might rank much higher than another within the scales and indices created for this study, there is not an assumption that this country is thusly more positivist in regards to human rights in general. It simply means that when measured on the same criteria, some countries scored higher than did others in reference to SOGI rights in their foreign policies.

In reference to this study, the completion of the review of SOGI foreign policy and domestic policy is in no way intended to be considered as comprehensive or exhaustive. Instead, with the resources and time allotted to this topic, it is intended to convey that the study is a picture of SOGI realities within the UNSC states. In similar fashion, there is no possible way to fully determine the will of the state in collaboration in the UN bodies due to politics, regional influences and overall bureaucracy. There are many layers of meaning that can simply not be ascertained without real on the ground research and primary sourcing, neither of which were within the scope of this study. Therefore, the pictures and opinions expressed regarding the foreign policies and domestic realities are intended as a colorful enhancement, and not a solidified fact.

Another concern that has surfaced in the commencement of this study is the so called phenomenon of 'Pink-washing'. That is, in order to hide other and sometime grievous human rights abuses, a country will be vocal regarding SOGI rights. This is a practice that if proven would obviously be reprehensible, but in reference to this study it is dismissed as irrelevant. Although this study acknowledges that generalizations have no right within academic study, it is also simply outside of the dimensions. This study is set up to ask if there is any positive relationship between depth of involvement within the UN System, and a better SOGI Foreign

policy. It does not seek to determine the intents of states actions, or to second guess the real purpose of domestic legislation and discreet foreign policies. Instead this study takes each at face value and disallows inferences to be made.

Lastly, it could be assumed from the title of this paper that there is a negative intent towards the Free and Equal Campaign launched by the United Nations Office of the High Commissioner for Human Rights in summer 2013. That is precisely not the intent of this study. The promotion of human rights and advocacy by the High Commissioner Navi Pillay is greatly valued by this study. The viewpoint of this study is not to scapegoat the UN System, or to decry the groundbreaking work on Human Rights that every day is carried out in multilateral forums around the world in human rights advocacy and promotion. Rather, this study attempts to paint a realistic picture of the realities that face human rights advancement within the current international system. It is not to be understood in any context in any way whatsoever that this study aims to remove support and belief within the multilateral diplomacy models in existence today.

6.3: Recommendations for Future Study

To better understand this study's implications, several factors would be most helpful. These elements were each originally part of the vision and scope of this study and had to be trimmed for expediency. However, their inclusion and added value would highlight the importance of this issue. For example, the first index could admittedly be expanded significantly. The new expanded index would include the depth of involvement within the UN bodies with a more exhaustive review of functions such as the Universal Periodic Review, discussions related

to reports from the Special Rapporteurs, and the Treaty Bodies. There is a wealth of information that would be very useful to this study contained in these elements. ⁹

In the same manner, factors within the foreign policy index were eliminated due to their intensity in scope. It would be extremely helpful to document remarks and positions of the various states in reference to SOGI resolutions that are proposed, debated or discussed but not adopted and otherwise a part of the Human Rights Council. Cataloguing these remarks, and other outside of the HRC by the head of state, or the foreign minister of any given state would also be tremendous indicators into official foreign policy and were unfortunately excluded from this study due to the depth and involvement of the research needed to implement them.

Lastly of course, the factor of Asylum granting would be of invaluable use to this study. Due to the lack of data gathered on SOGI granting from states in general, and the UNSC states in specifics, it was determined that this element was unable to be included within this present study. However, the implications of including it in future indices or studies related to this would most certainly add very informative perspectives on the Foreign Policy related to SOGI for states under future study.

6.4: Concluding Remarks

At the end of this study, with the results mentioned above, it is still apparent that there is a lot of work to be done. Just before the advent of the ILGA 2014 Map of State Sponsored Homophobia, Andre Du Plessis, with ILGA Geneva, lamented that the upcoming “study will be

⁹ For a really intriguing study similar to this, I would refer to Schlanbusch, M.D., “Sexual Orientation and Gender Identity Rights in the Universal Periodic Review”, Dissertation submitted in partial fulfillment for the degree: Master in Human Rights Practice. School of Global Studies, University of Gothenburg School of Business and Social Sciences, University of Roehampton Department of Archaeology and Social Anthropology, University of Tromsø, spring 2013. http://www.upr-info.org/IMG/pdf/schlanbusch_-_sogi_rights_in_the_upr_-_2013.pdf.

worse than the year before” (March 5, 2014, personal communication). Indeed, the map seems to have shifted in colors. Though there are more green states, certainly, there are also more red states, and sadly, even more maroon. It seems the middle ground is what is disappearing, with states aligning on either the side of agreement in human rights, or within the refusal, when it comes to SOGI issues.

This polarization comes at a pivotal time in history, with the access to communication, information and other people at an unprecedented high. With the United Nations considering a dramatic new focus on the Millennium Development Goals, and the Human Rights Council transitioning under a new High Commissioner for Human Rights, SOGI issues seem to be at an actual crossroads, with uncertainty about what the future will look like. Will the Western Countries continue to advance in recognition and support of SOGI rights while the rest of the world contracts? The loss of space in both Russia and India in recent years demonstrates this fear that some states will get better while so many others just get worse.

Nevertheless, it is important to keep the mantra of Human Rights in regard to SOGI issues. It is with deep assurance that this study concludes and agrees with Researcher Jack Donnelly who states that “Human rights rest on the idea that all human beings have certain basic rights simply because they are human. Human Rights do not need to be earned. And they cannot be lost because one holds beliefs or leads a particular lifestyle, no matter how repugnant most others in a society find them” (2001). Indeed, human rights belong to the humans, regardless of who they identify as, or whom they choose to love. It is with this conviction that multilateralism and forums of growing impact worldwide must continue to embrace the doctrines and realities of human rights for all.

To close this study, it seems fitting that the words of an early Human Rights Pioneer be used to sum this study up. Eleanor Roosevelt, speaking at the United Nations, on March 27, 1958,

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accurately details the arenas and battlegrounds that SOGI rights and ultimately all human rights will be eventually recognized as the guiding norm for the whole of the world. With the words appearing on the next page, this study, with its aims, efforts, and attempts at measuring SOGI rights concludes.

Where after all do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: The neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

-Eleanor Roosevelt-



List of Abbreviations

- DOMA** Defense of Marriage Act
- EU** European Union
- HRC** Human Rights Council
- ILGA** International Lesbian and Gay Association
- LGBT** Lesbian, Gay, Bisexual, Transgendered
- MP** Member of Parliament
- NGO** Non-Governmental Organization
- OHCHR** Office of the High Commissioner for Human Rights
- P5** Permanent Five members of the Security Council
- PEPFAR** US President's Emergency Plan for AIDS Relief
- SOGI** Sexual Orientation and/or Gender Identity
- UK** United Kingdom of Britain, Northern Ireland, Scotland, and Wales
- UN** United Nations
- UNHRC** United Nations Human Rights Council
- UNSC** United Nations Security Council
- US** United States of America



LESBIAN AND GAY RIGHTS IN THE WORLD

ILGA, THE INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION

May 2014
www.ilga.org



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* These laws also extend to bisexual, gay men and transsexual and/or transsexuals. At times, they also apply to women and lesbian people. The status of several step-child partners (considered by some countries as legal step-children) also represented in this map is based on data sponsored through the annual survey of laws, Constitutional, protection and recognition of 2013-2014, an ILGA report by Ilga.org. ILGA's Institutional website is updated by ILGA.org. Available in various languages at www.ilga.org. All rights reserved. Content is for informational purposes only.

Appendix B

Compilation of Foreign Ministry Official Websites for Some Free and Partly Equal

Argentina

<http://www.dfat.gov.au/geo/argentina/>

Australia

<http://www.dfat.gov.au/>

Chad

<http://www.gouvernementdutchad.org/fr/>

(Not a foreign ministry website, rather the official government website)

Chile

<http://chileabroad.gov.cl/en/>

China

http://www.fmprc.gov.cn/mfa_eng/wjdt_665385/

France

<http://www.diplomatie.gouv.fr/en/>

Jordan

<http://www.mfa.gov.io/ar>

Lithuania

<http://www.urm.lt/default/en/>

Luxembourg

<http://www.mae.lu/>

Nigeria

<http://www.foreignaffairs.gov.ng/index.php/78-featured/74-article-c>

Russian Federation

http://www.mid.ru/brp_4.nsf/main_eng

Rwanda

<http://www.minaffet.gov.rw/index.php?id=909>

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South Korea

http://www.mofa.go.kr/ENG/policy/humanright/overview/index.jsp?menu=m_20_60_10

United Kingdom

<https://www.gov.uk/government/organisations/foreign-commonwealth-office>

United States

<http://www.state.gov/index.htm>

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