

# The West should rethink its approach for promoting gay rights abroad and instead focus on strengthening democracy and civil society

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*How should Europe and the United States seek to promote gay rights across the world? **Omar G. Encarnación** writes that while the West has tended to adopt a model which seeks to 'shame' states that discriminate against homosexuals, in many cases this may be self-defeating and could even increase the prevalence of discrimination within the target country. Reasoning that strong democratic foundations are a prerequisite for gay rights, he argues that a better approach would be to focus on promoting democracy, civil society and the rule of law.*



Given the many recent legal and political gay rights victories in the United States and across the European Union, most notably with respect to same-sex marriage, it is hardly surprising that promoting gay rights has emerged as a foreign policy objective for Western nations and a key programmatic priority for multilateral organisations such as the United Nations and the World Bank.

At least two compelling questions arise from this global push for gay rights by the West: what approaches are being designed in Washington and Europe's leading capitals for the global promotion of gay rights; and how are Western efforts to promote gay rights faring, especially in those places where the lives of homosexuals are most at risk? Both questions echo the prospect for unintended consequences arising from the concern that pushing onto the global stage the issue of homosexuality, an issue that remains the source of controversy even in Western societies, might in the end do more harm than good.

Thus far, the West's playbook of strategies for promoting gay rights looks quite familiar, since it mirrors past efforts by Western nations to promote the rights of other oppressed groups, such as women, throughout the developing world. First and foremost among these strategies is persuasion. At the heart of this effort is an attempt to "socialise" non-Western countries into how civilised nations behave, by encouraging them to embrace gay rights as a component of the international human rights regime. An exceptional opportunity for socialising the world about gay rights was presented by the signing of the 2011 [United Nations Human Rights Commission Gay Rights Declaration](#), a landmark document that calls for the decriminalisation of homosexual behaviour around the world.



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In a moving speech intended to rally the world community around the issue of gay rights, U.S. Secretary of State Hillary Rodham Clinton intoned: "Gay rights are human rights, and human rights are gay rights... no practice or tradition trumps the human rights that belong to all of us. And this holds true for inflicting violence against LGBT people, criminalising their status or behaviour, expelling them from their families and communities, or tacitly or explicitly accepting their killing." The speech pointedly echoed Clinton's widely praised 1995 Beijing speech at the

Fourth United Nations World Conference on Women, in which she famously argued that “women’s rights are human rights and human rights are women’s rights.”

Persuasion has been accompanied by shaming and, ultimately, pressuring. Undoubtedly, the best example of this is the West’s response to an [anti-gay law](#) enacted by Uganda last year, which criminalised homosexuality with tough jail sentences. The law stemmed from the infamous “kill-the-gays-bill,” an odious piece of legislation debated by the Ugandan parliament in 2009 that called for the death penalty for anyone engaged in homosexual behaviour, and for jail sentences for people who failed to report to the police their gay friends and relatives.

U.S. President Barack Obama denounced the law as “a serious setback for anyone committed to freedom, justice, and human rights.” British Prime Minister David Cameron threatened to cut-off all foreign aid to Uganda, a step already taken by Denmark, Sweden, Norway, and The Netherlands. The World Bank has put on hold all loans to Uganda pending a review of the country’s gay rights record, while the European parliament has voted to deny visas to Ugandan politicians, and has recommended tough economic sanctions from the European Union that would put in jeopardy some 460 million euros channelled to Uganda every year.

What impact the West’s push for gay rights is having is decidedly less clear. Some positive outcomes have come from the efforts made by Spain in Latin America, one of the first forays by any country into promoting gay rights as part of its diplomatic mission. On the footsteps of the legalisation of same-sex marriage in Spain in 2005 (the first for a Catholic-majority nation), Prime Minister José Luis Rodríguez Zapatero (acting through Spanish NGOs active in Latin America) began to provide financial and tactical assistance to Latin American gay rights organisations, especially those fighting for “marriage equality.” The campaign paid-off handsomely, especially in Argentina, which in 2010 became the first Latin American country to recognise same-sex marriage. Tellingly, Argentina’s gay marriage bill is a copy of Spain’s own gay marriage bill, and the same slogan anchored the successful campaign for marriage equality in both countries: “The same rights with the same name.”

But the Spanish experience in Latin America is the exception rather than the rule, which is not altogether surprising. As I have [argued elsewhere](#), the success of gay rights in Latin America owes more to internal conditions favouring the development of gay rights than to any external assistance received from the Spaniards. After adopting the Napoleonic Penal Code in the 19<sup>th</sup> century, most Latin American nations decriminalised homosexuality, more than a century ahead of the U.S. and Britain. In recent years, the trend toward gay rights in Latin America has been intensified by the consolidation of democracy, the growing autonomy of the judicial branch, which has boldly ruled in favour of gay rights, especially in Mexico, Brazil, and Colombia, a rising wave of secularism in what historically has been an overwhelmingly Catholic region, a thriving human rights culture, and the maturity of the local gay rights movement.

Indeed, the evidence from other parts of the developing world is downright disheartening. Across Africa, the Middle East, and parts of Asia, where homosexuality remains a crime, in some cases punishable by death, local politicians have been quick to denounce the West’s association between gay rights and human rights as “fictitious,” by contending that the 1948 Universal Declaration of Human Rights does not make any reference to the issue of sexual orientation. Hence they argue that in promoting the view of gay rights as human rights the West is actually “inventing” a new human rights norm. Citing this argument, Russia, China, the Vatican, and virtually the entire Muslim world opposed the UN’s 2011 gay rights declaration.

Shaming and pressuring by the West is also proving to be counter-productive. “We would rather die of poverty than accept homosexuality,” said Uganda’s Minister for Ethics and Integrity when addressing the threat of losing Western foreign aid. African leaders have also not been shy about calling out Western leaders, including Obama, for a perceived hypocrisy in the West’s push for gay rights. During a 2013 trip to Senegal, Obama was reminded that he had only recently “evolved” on the issue of homosexuality, by coming around to embrace same-sex marriage, a point that directly questioned the American president’s moral authority to lead the world on the issue of gay rights.

More worrisome yet, numerous [media reports](#) have linked the rise of homophobic legislation and anti-gay violence in

Uganda, Malawi, and Nigeria, among other African countries, to the very attempt by the West to promote gay rights in those countries. For some African politicians, enacting harsh anti-gay legislation is the most effective way to thwart what they perceive as a new form of Western imperialism. Less apparent is the rich anecdotal evidence suggesting that the West's push for gay rights – especially in Africa – has harmed gay people by having destroyed, perhaps irreparably, a social environment that, while lacking in civil rights protections for gays, allowed them to exist without fearing for their lives and their livelihood.

All of the above should give pause to governments in the U.S. and Europe. While the cause of gay rights is a laudable one for Western nations to embrace, the prevailing strategies are in dire need of reconsideration. In my [own work](#), I have called for an approach that privileges strengthening democracy, anchored on boosting the rule of law and the institutions of civil society, over promoting gay rights per se – whether by pushing countries into decriminalising homosexuality and enacting “gay” civil rights, such as laws banning discrimination on the basis of sexual orientation and state recognition of same-sex relationships, or by punishing them for the absence of these rights.

My thinking is rooted in what we already know about the development of gay rights in the West. Gay rights cannot be divorced from the maturity of democracy itself. In fact, a strong democracy, one that embraces diversity in all of its forms, appears to be a prerequisite for the rise and persistence of gay rights. While gay rights are not found in every democracy, they are virtually non-existent in countries where democracy is either missing or is under attack. Fortunately for the West, it already has decades of experience in promoting democracy abroad.

Oddly enough, a glimpse of what strengthened democratic institutions might mean for the protection of gays from discrimination came just this week in Uganda, where a court [invalidated](#) the harsh anti-gay law enacted in 2013. While the court ruled on a technicality rather than on the merits of the case (it found that there was no parliamentary quorum to pass the law), the ruling nonetheless emboldened local gay and human rights activists and gave them a reason to oppose the law that had little to do with external pressure. Of course, this did not deter supporters of the law from attacking the court as a puppet of Western influence. “This ruling has nothing to do with the will of the people”, said a prominent local cleric who had led marches in support of the law. “It has everything to do with pressure from Barack Obama and the homosexuals of Europe.”

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