

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: August 20, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller *Gerry F. Miller For* Council File No: 13-0002-S110
Chief Legislative Analyst Assignment No: 13-08-0723

SUBJECT: Resolution (Bonin - O'Farrell - LaBonge) to support legislation and/or administrative action which would make it easier for the federal government to expand and expedite asylum for refugees fleeing persecution based on their sexual or gender orientation/identity or because they oppose anti-gay legislation, discrimination or violence in their home countries, and to call upon the federal government to take action to end persecution and violence directed at lesbian, gay, bi-sexual, transgender and questioning (LGBTQ) persons around the world

CLA RECOMMENDATION: Adopt Resolution (Bonin - O'Farrell - LaBonge) to include in the City's 2013 – 2014 Federal Legislative Program SUPPORT for legislation and/or administrative action which would make it easier for the federal government to expand and expedite asylum for refugees fleeing persecution based on their sexual or gender orientation/identity or because they oppose anti-gay legislation, discrimination or violence in their home countries, and to call upon the federal government to take action to end persecution and violence directed at LGBTQ persons around the world

SUMMARY

On August 13, 2013, a Resolution (Bonin - O'Farrell - LaBonge) was introduced to support legislation and/or administrative action which would make it easier for the federal government to expand and expedite asylum for refugees fleeing persecution based on their sexual or gender orientation/identity, or because they oppose anti-gay legislation, discrimination or violence in their home countries. The Resolution also calls upon the federal government and its officials, including President Obama and Secretary of State Kerry to take action to end persecution, abuse, and murder of LGBTQ persons around the world.

The Resolution lists troubling instances of anti-LGBTQ legislation and violence around the world, including anti-LGBTQ legislation in Russia, at least three murders in Russia, anti-LGBTQ laws on the books in 38 sub-Saharan African nations, and state-sanctioned violence against LGBTQ persons in Myanmar. The Resolution further states that the United States has a long and proud tradition of providing asylum to oppressed people from all over the world. The Resolution, therefore, seeks an official position of the City of Los Angeles to support legislation and/or administrative action which would make it easier for the federal government to expand and expedite asylum for refugees fleeing persecution based on their sexual or gender orientation/identity or because they oppose anti-LGBTQ legislation, discrimination or violence

in their home countries, as well as call upon the government to take action to end persecution and violence directed at LGBTQ persons around the world.

BACKGROUND

In recent years, numerous countries around the world have enacted strict legislation targeting LGBTQ individuals. Many countries throughout sub-Saharan Africa have anti-LGBTQ legislation, including Uganda, which has proposed using the death penalty against LGBTQ persons arrested there. In Russia, the City of St. Petersburg recently enacted legislation curbing LGBTQ rights and precipitating a police crackdown on LGBTQ individuals in the city. At the national level, the Russian Duma (parliament) has enacted a ban on “gay propaganda” targeting the LGBTQ community and its allies in that country for state-sanctioned harassment. There has also been significant violence targeted at LGBTQ individuals throughout Russia, including the deaths of at least three individuals. LGBTQ persons face significant harassment and potential violence throughout the world. Allies of the LGBTQ community have also faced harassment and violence in their home countries.

LGBTQ individuals have been entitled to asylum under United States law since 1994; however, the process is often difficult, as the federal government does not readily grant asylum and it is more difficult to prove that an individual was persecuted because of their sexual orientation or gender identity. Media reports state that often the issue of asylum for an LGBTQ individual hinges on “how gay” a person looks or acts, and those who are deemed “not gay enough” may be denied political asylum. Federal legislation or administrative action to ease and expedite the asylum process would assist in helping LGBTQ persons and their allies fleeing persecution and violence reach the United States. Further, any public pressure from the United States, including from the President and the Secretary of State would be a powerful tool in efforts to end this type of discrimination and harassment.



Joshua Drake
Analyst

GFM:MF:jwd

Attachment: Resolution (Bonin - O'Farrell - LaBonge)

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City of St. Petersburg, Russia has recently embarked on anti-gay initiatives, including enactment of legislation curbing gay rights and a police crack down on lesbian, gay, bisexual, transgender and questioning (LGBTQ) activities; last year, St. Petersburg approved a bill that imposes fines for the "promotion of homosexuality;" and

WHEREAS, the St. Petersburg legislation banning "gay propaganda" seeks to restrict freedom of speech as well as such fundamental activities as gay pride festivals and parades; and

WHEREAS, last month the Russian Duma enacted a law that bans the "propaganda of nontraditional sexual relations" and imposes large fines for providing information about the gay community to minors or holding gay pride rallies; and foreign citizens arrested under the law can be jailed for 14 days and then deported; and

WHEREAS, the new law was approved by the Russian parliament with overwhelming support, reflecting animosity toward gay activism that is widely shared across the political spectrum in Russia; and

WHEREAS, in recent months there have been at least three confirmed killings of Russian citizens because of their sexual orientation and there are numerous incidences of physical abuse against LGBTQ Russian citizens, and there also is legitimate concern about a long-running problem of violence against gays in countries around the world; and

WHEREAS, homosexuality is officially a crime in 38 countries in sub-Saharan Africa, where the death penalty has been proposed as an option for punishment in Uganda and several other nations; and

WHEREAS, Eric Ohena Lembembe, a prominent LGBT rights activist in Cameroon, where homosexuality is punishable by up to five years in prison, was found brutally beaten, burned, and killed in his home last month; and

WHEREAS, on July 7, 20 plain-clothed police officers in Myanmar forcefully arrested 10 gay men and transgender women, dragged, kicked and handcuffed them while being taken to the police station for questioning, where they faced further abuse; and

WHEREAS, the United States has a long and proud tradition of providing asylum to those from all over the world who are oppressed and fear for their lives because they are unprotected minorities in their own homelands;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 and 2014 Federal Legislative Program support for any legislation and / or administrative action that would make it easier for the federal government to expand and grant expedited asylum to refugees who are fleeing persecution in another country because of their sexual / gender orientation or identity, or because they oppose anti-gay legislation, discrimination, or violence against LGBTQ persons.

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BE IT FURTHER RESOLVED that the City Council hereby calls on the United States government, including President Barack Obama and Secretary of State John Kerry, to take action to end the persecution, abuse, and murder of gays around the world, including but not limited to making strong, public and international statements condemning such persecution and exerting all necessary pressure on governments to take action.

PRESENTED BY: 
MIKE BONIN
Councilmember, 11th District


MITCH O'FARRELL
Councilmember, 13th District

SECONDED BY: 