

# The Trans-Pacific Partnership

## Threatens the LGBTQ Community

**T**he Trans-Pacific Partnership (TPP) is a massive trade deal negotiated in secret among twelve countries in the Pacific Rim: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, Vietnam, and the United States. It would cover 792 million and affect nearly 40 percent of the world's economy.

### **The TPP Will Reward Countries that Persecute LGBTQ People**

The TPP would provide big benefits and access to the U.S. market for the 11 nation partners (with others hoping to join.) That means countries like Brunei and Malaysia would be rewarded despite their laws that subject lesbian, gay, bisexual and transgender persons to horrific abuse and even death, because of who they are.

The Obama Administration has made an effort to address the persecution of LGBTQ people around the globe as a top priority. In 2011 then-Secretary of State Hillary Clinton delivered a speech to the United Nations stating that "the Obama Administration defends the human rights of LGBT people as part of our comprehensive human rights policy and as a priority of our foreign policy." In June 2014 Secretary of State John Kerry stated, "LGBT rights are human rights, and human



rights are LGBT rights."

Unfortunately, when it comes to the TPP, the Obama Administration needs to live up to these statements and not turn a blind eye to the persecution of LGBTQ people in Brunei and Malaysia.

U.S. trade negotiators continue to support the inclusion of Brunei and Malaysia in the TPP despite a horrifying record of abuse and the denial of basic human rights to LGBTQ persons.

### **Brunei**

This oil-rich monarchy has adopted a cruel, new penal code based on Muslim Sharia law that threatens the human rights of LGBTQ individuals, women and minority group members. These cruel laws have been condemned by the United Nations but the laws remain in force and call for inhumane punishments for the "crimes" of same sex relationships, including stoning to death, whipping and amputation. The penal code applies to all residents of Brunei, even the 22 percent who are not Muslim.

Last year, a group of 119 Democratic and Republican members of Congress pressed U.S. Trade Representative

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Michael Froman and Secretary of State John Kerry to “tell Brunei to address its human rights violations as a condition before the U.S. engages in further talks.”

At the same time, several prominent national LGBTQ equality organizations sent a letter to President Obama with the same demand. Pride at Work, the Human Rights Campaign, the National Gay & Lesbian Task Force and the National Center for Transgender Equality called on the administration to insist that Brunei revoke its new penal code or face being dropped from the TPP altogether.

## Malaysia

Human Rights Watch in 2014 called Malaysia “one of the worst countries to be a transgender person because of the laws, the state-organized arrests and the hate speech by politicians.” The country’s penal code bans broad categories of both same sex and opposite-sex sexual activity, to be punishable by 20 years in prison, whippings and fines.

In 2013, Comango, one of the largest coalitions of Malaysia’s non-governmental organizations (NGO), submitted a report for the United Nations’ Universal Periodic Review (UPR) covering discrimination involving race, sexual orientation and gender identity (SOGI) and other issues.

The report cited Malaysia’s refusal “to recognise SOGI rights as human rights. Lesbians, bisexuals, gays, transgendered, inter-sexed and queer persons (LBGTIQ) are vilified, face violence and are subjected to constant harassment by state and non-state actors alike.”

“Matters are made more complex when issues of sexual orientation and gender identity are inter-woven with religion – especially Islam – as Muslims are subject to both the Shariah and civil legal systems, and then politicised. The Prime Minister has labelled the LBGT community as enemies of Islam.”

Last year, Malaysia’s Home Ministry declared Comango to be illegal.

## Nations that Violate Human Rights Can Be Dropped from Trade Agreements

The U.S. recently dropped Gambia from a free trade agreement (the African Growth and Opportunity Act of 2000), responding to human rights concerns and the recent targeting of LGBTQ persons under a new law that could send some LGBTQ Gambians to prison for life. The U.S. Trade Representative’s office said the decision was made in response to general concerns about human rights in Gambia. In response, Pride at Work sent a letter to the newly appointed Special Envoy for the Human Rights of LGBTQ Persons at the State Department, challenging him to tackle trade as one of his first priorities to ensure Brunei and Malaysia are not rewarded for similar human rights abuses.

## The TPP Threatens Health and Affordable Access to HIV/AIDS Treatments

UNTAID, a global health initiative supported by 28 countries and administered by the UN’s World Health Organization, has rebuked several TPP proposals made by the U.S. “The massive investment of effort and funds in the global battle against HIV/AIDS has resulted in tremendous gains in meeting treatment goals in developing countries, but the implementation of the USA’s proposal may well undermine these gains and prevent further progress toward meeting public health targets. The strategies and tools that have been so successfully employed to reduce the prices of antiretroviral medicines may no longer be available.”

In 2000, the cost of treatment for HIV/AIDS was \$10,000 per patient per year. Competition from generic drugs drove that price down to \$140 per patient per year, reducing the cost of AIDS treatment by 99 percent. That has meant more effective and more available treatment.

U.S. trade negotiators are pushing to extend the patent monopolies of the big pharmaceutical companies. This would severely restrict the development and marketing of generic drugs, including HIV/AIDS medicines, pushing up prices and eliminating access to affordable medicine for millions.



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