

Legal Battlegrounds: An Overview of Anti-LGBTI+ Legislation

A Consultation Paper from
the Global LGBTI+ Rights
Commission



About Kaleidoscope Trust

Kaleidoscope Trust is a UK-based international charity fighting for a future where LGBTI+ people everywhere can live free, safe, and equal lives. We are building a global movement to create this world for LGBTI+ people everywhere.

We work with political leaders in the UK and beyond to ensure global LGBTI+ issues are a priority. We ensure that activists have the resources, skills, and training they need to learn from one another in order to create an enabling environment and change hearts and minds. We bring together grassroots organisations with those in power to create that change.

Kaleidoscope Trust is a founding member of The Commonwealth Equality Network

(TCEN) and provides the operational and financial base for the network's Secretariat as its host. We have engaged in Commonwealth processes and with Commonwealth institutions, as a priority, for over a decade in support of our shared objectives with TCEN's other members.

We also host the Secretariat to the UK All-Party Parliamentary Group (APPG) on Global LGBT+ Rights, which emerged from the Parliamentary Friends of Kaleidoscope Trust, established in 2013. Kaleidoscope Trust was also a civil society co-chair of the Equal Rights Coalition from 2019-2022 and is a founding member and former co-chair of the UK Alliance for Global Equality.

About the Global LGBTI+ Rights Commission

The Global LGBTI+ Rights Commission is a time-limited, international initiative designed by Kaleidoscope Trust to confront the alarming global rollback of LGBTI+ rights we now face. This independent commission will bring together experts, activists, and community voices from around the world to analyse current threats, understand root causes, and chart a path forward by:

Bringing together diverse voices to ensure our findings are informed by lived experience as well as thematic expert insight.

Influencing policy by producing working papers and a final report presenting a strategic global roadmap to inform the policy priorities of governments and international institutions. This work will seek to defend and advance global human rights.

Amplifying stories and voices from across the community who are not in a position to speak out freely and safely. Through storytelling, testimony, and engagement, the Commission is not just about policy – it’s about supporting a global movement.

The Commission will produce working papers on key issues. These will be shared for public consultation through a green/white paper model. A green paper is an

initial discussion document inviting feedback and debate, while a white paper presents a more developed set of proposals based on that feedback. This process allows individuals and organisations to respond directly to the papers or to submit their own evidence and insights – all of which will be acknowledged and credited. This combination of research, consultation, and storytelling will ensure the Commission’s work is inclusive, transparent, and grounded in real-world voices.



Learn more on our website.

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Executive Summary

This is the first working paper of the Global LGBTI+ Rights Commission. It aims to document and analyse key instances of LGBTI+ rights rollbacks worldwide over the past decade, with the goal of informing more effective advocacy strategies. Our aim is to clarify where – and how – rights are under threat at the national level, what forces are driving those rollbacks, and what strategies have shown promise in resisting them. By opening this conversation, we seek to lay the foundation for an evidence-based global consultation which will support cooperation and advocacy efforts.

For the purposes of this report, a ‘rollback’ is defined as either: (i) a reduction in existing LGBTI+ rights or (ii) the introduction of new legal or policy restrictions where no prior rights were established. Through our research we determined that, over the past decade, instances of LGBTI+ rights rollbacks have steadily increased globally, culminating in a peak of activity in 2023. This trend can be observed through three distinct phases:

- a. **Phase One (2016–2020):** broad, foundational restrictions targeting LGBTI+ visibility and identity;
- b. **Phase Two (2021–2022):** specific targeting of LGBTI+ inclusion and representation;
- c. **Phase Three (2023–2025):** severe criminalisation and persecution of LGBTI+ individuals and advocates.

In recent years, the global landscape for LGBTI+ rights has witnessed concurrent currents of progress and regression.

While advances in legal recognition, social inclusion, and protections have strengthened in some regions, emerging patterns of rollbacks through legislation, policy, judicial decisions, and public discourse are undermining hard-won gains. These setbacks do not occur in isolation; they are often interconnected, reflecting broader socio-political dynamics including polarisation, nationalism, religious conservatism, and the shrinking space for civil society.

In order to produce a cohesive foundation for consultation, this document covers recent legal rollbacks of LGBTI+ rights across diverse regions and jurisdictions and attempts to analyse the legal, political, social, and cultural drivers behind these rollbacks. We are conscious of the many nuances and complexities of addressing these rollbacks and the need for a response to be led and directed by local communities themselves.

This is why the consultation questions for this paper particularly encourages the views and evidence of LGBTI+ individuals and organisations in any of the following domains:

- Law and policy (e.g., criminalisation, restrictions on expression or assembly, bans or limitations on gender recognition);
- Social and political participation (e.g., censorship, deplatforming, suppression of civil society, hateful public rhetoric);

- Access to services (health, education, justice);
- Intersectional dimensions (how roll-backs disproportionately affect people of colour, people with disabilities, migrants/refugees, those in remote or marginalised locations).

While much of our reporting draws from high-visibility cases – courts, legislation, media coverage – we are aware that qualitative data and lived experience are central. This is as much about people’s stories as it is about laws and numbers.

Purpose of this Consultation

The following report documents and analyses global trends in the restriction of LGBTI+ rights and considers the legal, political, and social justifications used to support such measures. More importantly, this consultation seeks to solicit the views of activists, civil society organisations, academics, and other stakeholders about the key instances of LGBTI+ rights roll-backs that took place from 2016 to 2025. By opening up this consultation, we aim to:

- Test the findings of the report against the lived experiences of those most affected;
- Identify additional examples and evidence not captured by the desk research;
- Gather perspectives on how future advocacy strategies can be strengthened at national, regional, and international levels.

We particularly welcome responses from:

- LGBTI+ rights activists and organisations;
- Civil society groups working on human rights, democracy, and equality;
- Academics and researchers in law, politics, and social sciences;
- International organisations, donor states, and development agencies;
- Individuals with lived experience of LGBTI+ rights rollbacks.

How responses will be used

The evidence and perspectives gathered through this consultation will inform and refine the next iteration of the report and contribute to the development of future advocacy strategies by the Commission’s Advisory Council. In the interest of transparency, a summary of responses will be published, setting out the key themes raised. Where permission is given, case studies and direct testimonies may be incorporated into future publications.

How to respond

Respondents are encouraged to answer the consultation questions set out under each report section on our website. You do not need to answer every question; partial responses are welcome. Submissions may be made individually or on behalf of an organisation.

List of Consultation Questions

Section 1: Executive Summary & Introduction

- There is currently no universally agreed definition of ‘LGBTI+ rights rollback.’ Do you agree with the report’s definition of ‘LGBTI+ rights rollbacks’ as either: (i) the reduction of existing rights or (ii) the introduction of new restrictions? Is this definition useful for your work?

- Are there alternative definitions or frameworks you believe should be considered in monitoring global rollbacks?
- What evidence – or examples – not captured in this report should be included in future iterations?
- This report only focuses on legal cases which resulted in a rollback. Do you have examples of legal cases where an attempt to roll back LGBTI+ rights failed?

Section 2: Legislative Approaches and Phases of Rollbacks

- From your experience, does the three-phase framework (2016–2020 broad restrictions; 2021–2022 targeted exclusion; 2023–2025 criminalisation) reflect developments in your country/region?
- Are there examples or evidence that suggest a different sequencing or categorisation of rollbacks?
- How effective have activists’ or civil society’s responses been at each stage? What lessons should be drawn?
- What could have been done differently to support civil society actors fighting against rollbacks at the time in which they happened?

Section 3: Legal Rollbacks Over Time and Regions

- What contextual factors (e.g., political change, international influence, social movements) explain peaks and troughs in your region?

- Are there particular years or moments where you witnessed a turning point in your country/region (for example, a ‘first law’ or a symbolic case) that marked the beginning of a wider rollback?
- Do you consider the increase in rollbacks to be cumulative (building steadily), or cyclical (linked to changes in government or external shocks)?
- What role do international developments (e.g., foreign court rulings, global movements, geopolitical shifts) play in accelerating or delaying rollbacks over time?
- In your experience, do rollbacks in one jurisdiction trigger copycat laws or legal arguments in another? If so, please provide examples.
- What regional or national dynamics are missing or under-explored?

Section 4: Trends in Legal & Political Justifications

- The report identifies recurring justifications: traditional values, religious freedom, moral decency, protection of children, censorship, national security, and democratic will. Are these the most significant?
- Are there cross-regional alliances or patterns (e.g., policy diffusion, influence from international movements) that should be highlighted further?
- Are there additional arguments (e.g., public health, economic, sovereignty) you have observed in your context?

- How can activists and organisations most effectively counter these narratives?

Section 5: The Playbook (Advocacy Strategies of Opponents)

- From your perspective, what are the most effective tactics being used by anti-LGBTI+ movements?
- To what extent did external shocks (e.g., COVID-19 or natural disasters) create opportunities for governments to curtail LGBTI+ rights in your context?
- Are there other crises (economic, security, political) that have been used to justify rollbacks?

Section 6: Conclusion

Do you have additional comments or case studies that should be considered?

Which advocacy strategies have proven most effective at resisting or reversing rollbacks in your country or region?

How can international actors (e.g., UN, regional organisations, donor states) better support local activists?

What mechanisms (e.g., databases, monitoring bodies, rapid response funds) would most strengthen your work against rollbacks?

How could the findings from this consultation be used to best support your advocacy work?

A Note on Methodology

This project researches and documents key instances of LGBTI+ rights rollbacks in the last 10 years, focusing on legal arguments and advocacy tactics. This involved a review of relevant literature, case law, and policy positions to inform the formulation of future advocacy strategies.

It is important to state, from the outset, that there is no applicable definition of a ‘rollback’ in relation to LGBTI+ rights. For the avoidance of doubt, this report defines ‘rollbacks’ as instances of: (i) reverse progress (e.g., a reduction) of existing rights and/or (ii) the introduction of more

severe restrictions where no rights previously existed.

To our knowledge, there is no publicly-available comprehensive database documenting instances of LGBTI+ rollbacks. However, existing literature reviews select cases that have garnered attention. For example: the US Department of State LGBTQI+ Annual Report – introduced by the Biden Administration, but not consistently available for every year;^{1 2} the ILGA Europe annual reviews;³ the ILGA World global report 2024, Laws on Us;⁴ the House of Commons Library’s LGBT+

rights and issues portal – updated periodically since 2020;⁵ the Erasing 76 Crimes project’s periodic reports, courtesy of journalist Rob Salerno;⁶ Professors Philip Ayoub (University College London) and Kristina Stoeckl’s (Luiss Guido Carli University, Rome) seminal paper in the Journal of Democracy (2024) on the “The Global Resistance to LGBTIQ Rights;”⁷ and the Human Rights Watch’s dispatches.⁸

Building upon the literature mentioned above, this report adopts a comprehensive approach to identifying and assessing global instances of rollbacks by:

1. Framing the research on a country-by-country basis. All 193 countries recognised by the United Nations were examined, with each year of the last decade being reviewed accordingly;
2. Utilising legal and academic search engines, specialist journals, and global news databases to identify LGBTI+ related developments – positive or negative – in the countries mentioned above;
3. Assessing these developments to ascertain whether they involved any rollbacks of rights, as defined above;

4. Identifying and analysing the socio-political contexts and legal arguments behind significant rollbacks (e.g., those leading to a material change) using the same resources outlined at point 3, with a particular focus on primary and reputable sources, where available. Sources are clearly outlined as footnotes in relation to any claims in each finding and case study;

5. Identifying, wherever possible, the advocacy strategies and tactics employed by both proponents and opponents of LGBTI+ rights to determine emerging global trends.

The findings are presented as dedicated case studies organised in reverse chronological order for the convenience of the reader (see Appendix 1). This was done due to the relevance and likely salience of more recent cases. The findings also analyse the relevant global trends and the socio-political contexts in which these rollbacks are taking place.

However, despite the order in which they appear, each finding is informed by relevant preceding events. To that end, every case study includes:

1 U.S. Department of State (2024). 2024 LGBTQI+ Annual Report. Available at: <https://www.state.gov/wp-content/uploads/2024/06/2024-LGBTQI-Annual-Report.pdf>

2 U.S. Department of State (2023). Interagency Report on the Implementation of the Presidential Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World. Available at: <https://www.state.gov/wp-content/uploads/2023/05/Interagency-Report-on-the-Implementation-of-the-Presidential-Memorandum-on-Advancing-the-Human-Rights-of-Lesbian-Gay-Bisexual-Transgender-Queer-and-Intersex-Persons-Around-the-World-2022.pdf>

3 ILGA-Europe (2025). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2025. [PDF]; ILGA-Europe (2024). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2024. [PDF]; ILGA-Europe (2023). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2023. [PDF]; ILGA-Europe (2022). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2022. [PDF]; ILGA-Europe (2022). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2022. [PDF]; ILGA-Europe (2021). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2020. [PDF]; ILGA-Europe (2020). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2020. [PDF]; ILGA-Europe (2019). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2018. [PDF]; ILGA-Europe (2018). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2017. [PDF]; ILGA-Europe (2017). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2016. [PDF]; ILGA-Europe (2016). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2015. [PDF]; ILGA-Europe (2015). Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2014. [PDF].

4 ILGA World (2024). Laws on Us: A Global Overview of Legal Progress and Backtracking on Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics. [PDF].

5 Robinson, T., & Dickson, A. (2021). International LGBT+ Rights and Issues in 2020/21. House of Commons Library. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-9403/>

6 See for example, Salerno, R. (2025, March 28). How Trinidad lost the right to gay sex. 76 Crimes. Available at: <https://76crimes.com/2025/03/28/how-trinidad-lost-the-right-to-gay-sex/>

7 Ayoub, P., & Stoeckl, K. (2024). The global resistance to LGBTIQ rights. Journal of Democracy, 35(1), 59-73. Available at: <https://www.journalofdemocracy.org/articles/the-global-resistance-to-lgbtq-rights/>

8 Human Rights Watch. (n.d.). LGBTI rights. Available at: <https://www.hrw.org/news?topic%5B%5D=9691>

- a. The country of origin;
- b. The type of measure involved (e.g., legislation or court case);
- c. A description of the effect of the provision(s);
- d. The justifications adopted and the process through which the change was enacted – with a documentation of the public statements and the wider academic/legal commentary where available;
- e. The strategies and tactics involved.

Finally, this document is intended to be read as a whole. While each case study is presented under a separate heading, the contents of this report are intrinsically

linked. The full picture can only be appreciated when the report is considered in its entirety.

This report is drafted in line with its intended aim of informing the development of future advocacy strategies through open consultation. It is important to reiterate that this report reviews relevant developments through academic literature, case law, and policy papers. Despite the exhaustive approach adopted in the research, this document should not be confused or relied on as a primary legal source for any claims contained herein.

Furthermore, this report relies on publicly-available sources and reported instances. As such, it may not capture unreported or lesser-documented rollbacks, particularly in states with restricted media environments.

Glossary

Biphobia: Biphobia is the aversion, fear, or discrimination against bisexual individuals, which can manifest through negative attitudes, stereotypes, and prejudices towards those who are attracted to both men and women.

Bisexual: A term used to describe a romantic and/or sexual orientation towards more than one gender. Bisexual people may describe themselves using one or more of a wide variety of terms, including, but not limited to, bisexual, pansexual, queer, and many others.

Civil society: Refers to the space for collective action around shared interests, purposes, and values, generally distinct from government and commercial for-profit actors. This can include charities, nongovernmental organisations, community groups, women's organisations, faith-based organisations, trade unions, social movements, coalitions, and advocacy groups.

Cisgender: Someone whose sense of gender identity is the same as the sex assigned at their birth.

Gay: Refers to a man who has a romantic and/ or sexual orientation towards men. Also, a generic term for lesbian and gay sexuality – some women define themselves as gay rather than lesbian. Some non-binary people may also identify with this term.

Gender expression: How a person chooses to outwardly express their gender within the context of societal expectations of

gender. A person who does not conform to societal expectations of gender may not, however, identify as transgender.

Gender identity: A person's innate sense of their own gender, whether male, female or something else, which may or may not correspond to their sex assigned at birth.

Homophobia: The aversion, fear, or discrimination against homosexual individuals, which can manifest through negative attitudes, stereotypes, and prejudices towards those who are attracted to people of the same sex. This can result in social exclusion, harassment, and violence against lesbian, gay, and other non-heterosexual people.

Homosexual: A person attracted to the same sex.

ICCPR: International Covenant on Civil and Political Rights.

Intersex: A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

Intersectionality: A theoretical framework for understanding how aspects of one's social and political identities (gender, race, class, sexuality, ability, etc.) might combine to create unique modes of discrimination.

Intersexphobia: The aversion, fear, or discrimination against intersex individuals, who are born with physical sex characteristics that do not fit typical definitions of male or female.

Lesbian: Refers to a woman who has a romantic and/or sexual orientation towards women. Some non-binary people may also identify with this term.

LGBTI+: Lesbian, Gay, Bisexual, Trans, and Intersex.

NGO: Non-governmental organisation.

Sex characteristics: A person's physical characteristics relating to sex, including genitalia and other reproductive anatomy, chromosomes and hormones, as well as secondary physical characteristics emerging from puberty.

Sexual orientation: A person's sexual identity in relation to the gender to which they are attracted; the fact of being het-

erosexual, homosexual, or bisexual; a person's sexual attraction to other people, or lack thereof.

Trans/Transgender: An umbrella term to describe people whose gender is not the same as, or does not conform to, the sex they were assigned at birth. Transgender may also include people who belong to a third gender, or else conceptualise transgender people as a third gender.

Transphobia: The aversion, fear, or discrimination against transgender individuals, who have a gender identity or expression that differs from the sex they were assigned at birth. This can manifest through negative attitudes, stereotypes, social exclusion, harassment, and violence against transgender people.

UDHR: The Universal Declaration of Human Rights is an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human beings.



Section 1: Introduction

The past decade, 2016 to 2025, has witnessed a troubling global trend: the systematic legal rollback of LGBTI+ rights across multiple regions and political contexts. While the past 50 years had seen a steady expansion of protections for sexual orientation, gender identity, and expression, the last decade has marked a stark reversal in many jurisdictions. These reversals have ranged from constitutional amendments narrowing the definition of marriage to sweeping restrictions on gender recognition to the criminalisation of advocacy itself.

This working paper analyses these instances, examining the legal and political arguments made to justify them and identifying key trends. This overview and comparative analysis have been compiled

with a view to informing future advocacy efforts through open consultation.

The full list of cases that underpin this report demonstrates that these rollbacks are neither isolated nor coincidental. Instead, they follow identifiable patterns, often justified by governments and other actors through appeals to 'traditional values,' 'cultural sovereignty,' religious freedom, child protection, national security, and the democratic will of the people. While the specific legal mechanisms differ from country to country, the underlying strategies show remarkable convergence, suggesting the existence of a consistent global playbook.

To capture this phenomenon, this report defines an LGBTI+ rights rollback as either:

1. The reduction or reversal of rights previously granted; or
2. The introduction of new restrictions in contexts where no rights had previously existed.

While the full review of cases covered can be found in Appendix 1 – and individual examples are covered in more detail in the following sections. For ease of reference, they have also been listed here:

- **Burkina Faso:** In September 2025, Burkina Faso criminalised same-sex relations, punishable by 2 to 5 years in prison. Burkina Faso did not inherit any colonial-era laws criminalising so-called sodomy. The law was passed unanimously by the Transitional Legislative Assembly's 71 members.⁹
- **Italy:** In August 2025, Italy tightened controls on the supply of gender-affirming medical care for minors. The measure will regulate medicines such as puberty blockers for those under the age of 18.¹⁰
- **Trinidad and Tobago:** In April 2025, the Court of Appeal reinstated colonial-era laws that banned same-sex intimacy. This saw the overturning of a 2018 ruling that had decriminalised consensual same-sex relations between men.¹¹
- **United Kingdom:** In April 2025, the UK's Supreme Court ruled that the legal definition of a woman was based on biological sex. While transgender people still have legal protections against discrimination, the ruling is likely to lead to the further exclusion of trans people in public life.¹²
- **Hungary:** In March 2025, Parliament passed legislation banning LGBTI+ events, including the annual Budapest Pride parade. The law prohibits assemblies that violate the "protection of children" law.¹³ Violators may face fines or imprisonment. Despite the ban, the 2025 Budapest Pride was held on June 28 with between 100,000 and 200,000 participants.

9 Müller, A. (2025, September 3). Burkina Faso criminalizes same-sex conduct. Human Rights Watch. Available at: <https://www.hrw.org/news/2025/09/03/burkina-faso-criminalizes-same-sex-conduct>

10 Armellini, A. (2025, August 5). Italy moves to tighten controls on gender-affirming medical care for minors. Reuters. Available at: <https://www.reuters.com/business/healthcare-pharmaceuticals/italy-moves-tighten-controls-gender-affirming-medical-care-minors-2025-08-05/>

11 Human Dignity Trust (2025, May 6). Jason Jones v Attorney General of Trinidad and Tobago Court of Appeal Judgment. Available at: <https://www.humandignitytrust.org/resources/jason-jones-v-attorney-general-of-trinidad-and-tobago-2018-2/>

12 BBC News (2025, September 3). Burkina Faso criminalizes same-sex conduct. Available at: <https://www.bbc.co.uk/news/live/cvgq9ejql39t>

13 European Parliament (2025, June). Hungary's Pride Ban Briefing. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775839/EPRS_BRI\(2025\)775839_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775839/EPRS_BRI(2025)775839_EN.pdf)

- **United States:** In January 2025, President Trump re-issued an executive order banning transgender individuals from serving in the military.¹⁴
- **Vanuatu:** In November 2024, Parliament enacted an amendment to the Marriage Act to explicitly ban same-sex marriage.¹⁵
- **Mali:** In October 2024, Mali's National Transitional Council passed legislation criminalising same-sex sexual activity with an overwhelming majority. The sentence for this act is unclear. Mali did not inherit colonial-era laws following independence from France in 1960. This law, therefore, is the first in Mali to formally prohibit same-sex relations.¹⁶
- **Georgia:** In September 2024, Parliament passed sweeping legislation to severely restrict LGBTI+ activity including: a ban on public display of material associated with LGBTI+ causes (e.g.,

rainbow flag); a ban on Pride events; censorship of LGBTI+ content in movies, books, and the media generally; restriction of LGBTI+ related information in schools, workplaces, and public gatherings; banning all operations or interventions for gender reassignment and gender-affirming care.¹⁷

- **Bulgaria:** In August 2024, Parliament amended the country's existing education laws to prohibit so-called "LGBTI+ propaganda" in schools.^{18 19}
- **Italy:** In July 2024, the Italian Constitutional Court issued a landmark ruling regarding the recognition of non-binary gender identity declaring that the absence of a non-binary gender option in the Italian legal system may lead to unequal treatment for the individuals concerned.²⁰
- **Iraq:** In April 2024, Parliament amended its Law on Combating Prostitutions to include "and Homosexuality." The

legislation introduces harsher penalties for same-sex relationships or behaviours, gender expression, and identifying as transgender.²¹

- **El Salvador:** In March 2024, Education Minister José Mauricio Pineda announced that any traces of "gender ideology" have been removed from schools.²²
- **Belarus:** In March 2024, the Culture Ministry of Belarus amended a decree (which has the force of law) to broaden the definition of pornography to include any depictions of "non-traditional" sexual behaviours. This amendment criminalises – with a prison sentence – any illustration of LGBTI+ lives.^{23 24}
- **Ghana:** In February 2024, Parliament passed its Human Sexual Rights and

Ghanaian Family Values Bill.²⁵ The purpose of this legislation is to further restrict LGBTI+ representation in the country.

- **Moldova (the Transnistria Moldavian Republic, a separatist entity within the country):** In February 2024, this unrecognised breakaway state submitted to its Supreme Council a bill banning any "propaganda" relating to homosexuality.²⁶ Support or sympathy for LGBTI+ causes is punishable with arrest, fines, and/or imprisonment.
- **Russia:** In November 2023, the Russian Supreme Court held that the "international LGBTI movement" is an extremist organisation.²⁷ This effectively outlaws all LGBTI+ organisations and activities in the country.²⁸

14 Trump, D. J. (2025, January 27). Prioritizing military excellence and readiness. The White House. Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/prioritizing-military-excellence-and-readiness/>

15 Republic of Vanuatu (n.d.). Marriage Act [Cap 60]. Retrieved September 11, 2025. Available at: <https://crvsd.gov.vu/images/legislation-policies/Cap%2060%20-%20Marriage%20Act.pdf>

16 Human Dignity Trust (2024, December). Mali passes new law criminalising same-sex sexual activity. Available at: <https://www.humandignitytrust.org/news/mali-criminalises/>

17 Republic of Georgia (2024, September 17). Law of Georgia on the Protection of Family Values and Minors. Available at: <http://www.matsne.gov.ge/en/document/download/6283110/0/en/pdf>

18 Radio Free Europe/Radio Liberty (2024, August 15). Bulgarian President Signs Law Banning LGBT 'Promotion' In Schools. Available at: <https://www.rferl.org/a/bulgaria-lgbt-law-veto-letter/33079866.html>

19 Euronews (2024, August 8). Human rights activists call on the EU to step up in the name of LGBTQ rights. Available at: <https://www.euronews.com/my-europe/2024/08/08/human-rights-activists-call-on-the-eu-to-step-up-in-the-name-of-lgbtq-rights>

20 Corte Costituzionale della Repubblica Italiana (2024, July 3). Sentenza 143/2024 (ECLI:IT:COST:2024:143). Available at: https://www.cortecostituzionale.it/actionSchedaPronuncia.do?param_ecli=ECLI:IT:COST:2024:143. [English translation available through Westlaw].

21 Republic of Iraq (2024, July 1). Law No. 15 of 2024 amending Law No. 8 of 1988 on Combatting Prostitution. Available at: https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=116574

22 Lewis, R. (2024, March 1). El Salvador removes 'gender ideology' content from all public schools. NBC Montana. Available at: <https://nbcmontana.com/news/nation-world/el-salvador-removes-gender-ideology-content-from-all-public-schools-education-minister-jose-mauricio-pineda-san-salvador-honduras-lgbt-school-crisis-in-the-classroom>

23 Ministry of Culture of the Republic of Belarus (2024, March 19). Resolution No. 24 on Amendments to Resolution No. 18 of 8 May 2007 on Erotic and Sexual Education Materials. National Legal Internet Portal of the Republic of Belarus. Available at: <https://pravo.by/document/?guid=12551&p0=W22441365>. [English translation available through PressReader].

24 Human Rights Watch (2024, April 12). Belarus calls LGBT+ lives pornography. Available at: <https://www.hrw.org/news/2024/04/12/belarus-calls-lgbt-lives-pornography>

25 Parliament of Ghana (2021). Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill. Available at: <https://ir.parliament.gh/bitstream/handle/123456789/3055/Report%20of%20the%20Committee%20on%20Constitutional%2C%20Legal%20and%20Parliamentary%20Affairs%20on%20the%20Promotion%20of%20Proper%20Human%20Sexual%20Rights%20and%20Ghanaian%20Family%20Values%20Bill%2C%202021.pdf?sequence=1&isAllowed=y>

26 LGBT+ Consortium Ukraine (2024, February 12). Unrecognized 'Transnistria' plans to ban LGBT 'propaganda'. Available at: <https://lgbt-consortium.org.ua/en/media/u-nevyznanomu-prydnistrov-yi-planuyut-zaboronyty-propagandu-lgbt/>

27 Radio Free Europe/Radio Liberty (2023, November 30). Russia's Supreme Court declares international LGBT social movement extremist. Available at: <https://www.rferl.org/a/russia-lgbt-supreme-court-rights-movement/32708163.html>

28 Human Rights Watch (2023, November 30). Russia: Supreme Court Bans "LGBT Movement" as "Extremist". Retrieved from <https://www.hrw.org/news/2023/11/30/russia-supreme-court-bans-lgbt-movement-extremist>

- **United States:** In June 2023, the United State's Supreme Court found in favour of a web designer, Lorie Smith, holding that Colorado violated her freedom of speech.²⁹ The state could not compel Smith to create wedding websites for same-sex couples.³⁰
- **Tuvalu:** In September 2023, Tuvalu amended its constitution to explicitly ban same-sex marriage by exclusively defining marriage as a union between a man and a woman.³¹
- **Kyrgyzstan:** In August 2023, Parliament passed an amendment to existing laws to restrict LGBTI+ information that does not conform with "traditional" sexual relations.³²
- **Russia:** In July 2023, President Vladimir Putin signified a law comprehensively banning gender-affirming care and legal gender recognition.³³
- **Mali:** In July 2023, Mali enacted a constitutional change to explicitly define marriage as an exclusive union between a man and a woman.³⁴
- **Uganda:** In May 2023, President Yoweri Museveni signed the Anti-Homosexuality Act into force.³⁵ This is considered one of the most repressive laws on LGBTI+ rights.³⁶
- **Suriname:** In February 2023, the Constitutional Court handed down a land-

mark ruling refusing to recognise a couple' same-sex marriage.³⁷

- **Singapore:** In November 2022, while there was a welcome repeal of laws criminalising homosexual conduct, new provisions were introduced to limit LGBTI+ rights in other areas, including the constitution being amended to define exclusively marriage as a union between a man and a woman and restrictions of LGBTI+ affirming content in schools and media.^{38 39 40 41}
- **Hungary:** In June 2021, Parliament passed legislation – officially titled Act LXXIX of 2021 but known as the Children Protection Act –⁴² which implemented a ban on providing minors with information related to LGBTI+ causes or gender identity⁴³ and a ban

on depicting LGBTI+ content in media and educational materials aimed at children and intended for daytime television.^{44 45}

- **United States:** In June 2021, the US Supreme Court held that the city of Philadelphia violated the First Amendment rights of a Catholic foster care agency.⁴⁶
- **Guyana:** In January 2021, the Guyana Defence Force issued a policy to explicitly ban LGBTI+ from serving in the military.⁴⁷
- **Hungary:** In December 2020, Hungary's Parliament passed a constitutional amendment de facto banning same-sex couples from adopting children.⁴⁸

29 303 Creative LLC v. Elenis, 600 U.S. 570 (2023). Available at: https://www.supremecourt.gov/opinions/22pdf/21-476_c185.pdf

30 Smith, L. (2023, June 30). 303 Creative LLC v. Elenis: Supreme Court protects free speech. The Wall Street Journal. Available at: <https://www.wsj.com/opinion/303-creative-llc-v-elenis-supreme-court-neil-gorsuch-lorie-smith-free-speech-first-amendment-5a443236>

31 Salerno, R. (2024, January 3). 2023 World Same-Sex Marriage and LGBT Rights Progress – Part 4: Africa and Oceania. Erasing 76 Crimes. Available at: <https://76crimes.com/2024/01/03/2023-world-same-sex-marriage-and-lgbt-rights-progress-part-4-africa-and-oceania/>

32 Trans Europe & Central Asia (TGEU) (2023, August 7). Kyrgyzstan Passes Anti-LGBTI+ 'Propaganda' Law. Available at: <https://tgeu.org/kyrgyzstan-passes-anti-lgbti-propaganda-law/>

33 RFE/RL's Russian Service (2023, July 24). Putin Signs Law Banning Gender-Reassignment Surgery, Hormonal Therapy. Radio Free Europe/Radio Liberty. Available at: <https://www.rferl.org/a/russia-gender-reassignment-banned-putin-signs-law/32517157.html>

34 Journal Officiel de la République du Mali (2023, July 22). Décret n°2023-0401/PT-RM du 22 juillet 2023 portant promulgation de la Constitution. Soixante-quatrième Année, Spécial N° 13. Available at: <https://sgg-mali.ml/JO/2023/mali-jo-2023-13-sp-2.pdf>

35 New Vision Reporter (2023, May 29). President Museveni signs Anti-Homosexuality Bill into law. New Vision. Available at: https://www.newvision.co.ug/category/news/president-museveni-signs-anti-homosexuality-b-NV_161464

36 Human Rights Watch (2023, December 11). Ugandans Challenge Anti-Homosexuality Act. Available at: <https://www.hrw.org/news/2023/12/11/ugandans-challenge-anti-homosexuality-act>

37 Salerno, R. (2023, December 31). 2023 World Same-Sex Marriage and LGBT Rights Progress – Part 2: Latin America and Caribbean. Erasing 76 Crimes. Available at: <https://76crimes.com/2023/12/31/49992/>

38 TIME Staff (2022, August 22). Singapore's Half-Hearted Concession to LGBT Rights May Make Real Change More Difficult. TIME. Available at: <https://time.com/6207616/singapore-377a-repeal-same-sex-marriage-lgbt/>

39 Heckin' Unicorn (2023, October 14). The Price of Being Queer in Singapore // LGBT Rights in Singapore. Available at: <https://heckinunicorn.com/blogs/heckin-unicorn-blog/the-price-of-being-queer-in-singapore-lgbt-rights-in-singapore>

40 Ibid.

41 Ibid.

42 Venice Commission (2021, December 13). Hungary: Opinion on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children. Council of Europe. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)050-e) [the Act's English translation].

43 Ibid.

44 Ibid.

45 Ibid.

46 Roberts, C. J. (2021, June 17). Fulton v. City of Philadelphia, Pennsylvania. Supreme Court of the United States. Available at: https://www.supremecourt.gov/opinions/20pdf/19-123_g3bi.pdf

47 Guyana Defence Force (2021, September). Personnel Policy of the Guyana Defence Force. Available at: <https://www.gdf.mil.gy/wp-content/uploads/2021/09/PERSONNEL-POLICY-OF-THE-GUYANA-DEFENCE-FORCCE.pdf>

48 Deutsche Welle (DW) (2020, December 15). LGBT rights: Hungary passes law banning same-sex adoption. Available at: <https://www.dw.com/en/lgbt-rights-hungary-passes-law-banning-same-sex-adoption/a-55947139>

- **Russia:** In July 2020, a constitutional change was enacted to explicitly define marriage as a union between a man and a woman.⁴⁹
- **Hungary:** In May 2020, Parliament passed legislation that de facto ended legal recognition for transgender individuals.⁵⁰
- **Gabon:** In October 2019, an unequal age of consent for same-sex relationships was created.⁵¹ It is important to note that, prior to this change, Gabon briefly criminalised all homosexual activity in 2019.⁵² It was decriminalised again in 2020.⁵³
- **United States:** In April 2019, President Trump issued an executive order

banning transgender individuals from serving in the military. This measure was repealed by President Biden⁵⁴ but subsequently revived by President Trump in 2025.⁵⁵

- **Uganda:** In May 2019, the Uganda Communications Commission issued standards for broadcasting that strictly limits LGBTI+ representation.⁵⁶
- **Poland:** In December 2018, a large number of Polish municipalities and regions declared themselves as “LGBT+ free” zones, adopting “charters” opposed to LGBTI+ ideology.⁵⁷
- **France:** In May 2017, the highest court of appeal in France issued a landmark judgment refusing to recognise a non-binary gender on civil registries.⁵⁸

- **Cameroon:** In July 2016, Section 264 of Cameroon’s 2016 Penal Code introduced provisions that have since become common across the globe. At no point does the Code mention LGBTI+ content.⁵⁹ However, legal scholars maintain that the de facto effect of this provision is to shut down LGBTI+ advocacy (given that same-sex intimacy is illegal – e.g., seen as immoral).⁶⁰

As a reminder, this consultation paper does not aim to provide a comprehensive global database of every rights restriction. Rather, it offers an initial mapping of key instances and patterns with the goal of

opening dialogue. We are keen to include other examples seen as relevant by the global community in the follow-up report to this consultation.

The Global LGBTI+ Rights Commission invites stakeholders to interrogate the definitions, evidence, and analysis provided here and to contribute their expertise and lived experience so that future iterations of this work can be broader, more representative, and more strategically-useful for advocacy.

As this is the first consultation paper, your feedback is essential.

Section 1: Key Findings

- The last decade represents a marked reversal of LGBTI+ rights progress, with rollbacks documented across all regions.
- These reversals are not isolated but patterned, reflecting shared ideological justifications (tradition, sovereignty, religion, child protection).
- The rise of restrictions suggests increasing diffusion of legal and political tactics across borders.
- Global advocacy requires comparative analysis to anticipate future threats and interventions.

49 The Moscow Times (2020, July 15). Russia Moves to Ban Gay Marriage. Available at: <https://www.themoscowtimes.com/2020/07/15/russia-moves-to-ban-gay-marriage-a70878>

50 Euronews (2020, May 20). Hungary passes bill ending legal gender recognition for trans citizens. Available at: <https://www.euronews.com/2020/05/20/hungary-passes-bill-ending-legal-gender-recognition-for-trans-citizens>

51 Mussavu, A.-I. (2019, October 29). Homosexualité : Le nouveau Code pénal sanctionne la pratique. Gabonreview. Available at: <https://www.gabonreview.com/homosexualite-le-nouveau-code-penal-sanctionne-la-pratique/>

52 Manoël-Floris, M. (2023, December 19). Gabon: LGBT People Worry That Post-Coup Government May Reinstate Anti-Gay Laws. Erasing 76 Crimes. Available at: <https://76crimes.com/2023/12/19/gabon-lgbt-people-worry-that-post-coup-government-may-reinstate-anti-gay-laws/>

53 UNAIDS (2020, July 7). UNAIDS welcomes decision by Gabon to decriminalize same-sex sexual relations. Available at: https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/july/20200707_gabon

54 Williams Institute (2021, January 25). Biden’s repeal of transgender military ban impacts over 15,000 transgender adults serving in the US military. Available at: <https://williamsinstitute.law.ucla.edu/press/biden-trans-military-eo/>

55 Trump, D. J. (2025, January 27). Prioritizing Military Excellence and Readiness. The White House. Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/prioritizing-military-excellence-and-readiness/>

56 Uganda Communications Commission (2019, May 4). Broadcasting Standards in Uganda. Available at: <https://uccinfoblog.com/2019/05/04/broadcasting-standards-in-uganda/>

57 Ash, L. (2020, September 21). Inside Poland’s ‘LGBT-free zones’. BBC News. Available at: <https://www.bbc.co.uk/news/stories-54191344>

58 Alliance VITA (2017, May 4). Gender ‘neutral’ recognition refused by French Court of Cassation. Available at: <https://www.alliancevita.org/en/2017/05/gender-neutral-recognition-refused-by-french-court-of-cassation/>

59 Cameroon (2016, July 12). Law No. 2016/007 relating to the Penal Code. Available at: <https://www.wipo.int/wipolex/en/legislation/details/16366>

60 Mendos, L. R., Botha, K., Carrano Lelis, R., López de la Peña, E., Savelev, I., & Tan, D. (2020, December). State-Sponsored Homophobia 2020: Global Legislation Overview Update. ILGA World. Available at: https://ilga.org/wp-content/uploads/2023/11/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf

Section 1 Questions: Executive Summary & Introduction

- There is currently no universally agreed definition of 'LGBTI+ Rights rollback.' Do you agree with the report's definition of 'LGBTI+ rights rollbacks' as either: (i) the reduction of existing rights or (ii) the introduction of new restrictions? Is this definition useful for your work?
- Are there alternative definitions or frameworks you believe should be considered in monitoring global rollbacks?
- What evidence or examples - not captured in this report - should be included in future iterations?
- This report only focused on legal cases which resulted in a rollback. Do you have examples of legal cases where an attempt to roll back LGBTI+ rights failed?



Section 2: Legislative Approaches and Phases of Rollbacks

Legislation has been a key vehicle through which LGBTI+ rights have been curtailed over the past decade. While rhetoric and social hostility often pave the way and provide momentum to the anti-rights movement, it is through law-making, constitutional amendments, and judicial decisions that restrictions acquire binding force, legal/institutional justification, and long-term impact. Examining these legislative moments is, therefore, essential to understanding not only where rights have been rolled back but also how governments have sought to legitimise such actions.

The rollbacks documented in this report reveal that restrictive measures are rarely ad hoc or isolated. Instead, they follow discernible patterns that reflect broader ideological projects. In some cases, legislation is drafted in almost identical terms across different jurisdictions, suggesting the diffusion of legal templates and narratives across borders. In others, gov-

ernments have gradually escalated from relatively narrow restrictions to sweeping prohibitions, testing the limits of what can be normalised domestically before moving to harsher measures.

By mapping these developments over the period from 2016 to 2025, this report identifies three broad phases of legislative evolution: early **foundational restrictions** designed to reinforce heteronormativity in law; the implementation of more **targeted measures** focused on representation, education, and inclusion; and finally, **persecutory criminalisation**, where advocacy itself is outlawed and LGBTI+ people are framed as existential threats to society. While not all countries have followed this sequence, the framework provides a useful tool for recognising trajectories, anticipating risks, and tailoring advocacy responses.

The legislative rollbacks documented in this report reveal clear shifts in strategy over the past decade. While individual cases differ in severity, they can broadly be organised into these **three distinct phases**, each characterised by specific legal approaches and political narratives. These phases often reflect both domestic agendas and transnational learning; governments have often borrowed tactics, language, and even legislative templates from each other, creating a cascade of restrictions that grow sharper and more punitive over time. We can broadly define these phases as the following:

- a. **Phase One (2016–2020):** broad, foundational restrictions targeting visibility and recognition;
- b. **Phase Two (2021–2022):** targeted exclusion from representation, education, and public life;
- c. **Phase Three (2023–2025):** Escalation to criminalisation, persecution, and ‘extremist’ designations.

This phased framework does not imply a strictly linear global trajectory. Some countries moved directly to severe criminalisation, while others remain in earlier phases. However, the phases provide a useful lens for identifying common pathways and anticipating possible next steps. Notable examples from each time period are outlined below.

Phase One (2016–2020): Foundational Restrictions

Between 2016 and 2020, a number of governments implemented broad legal measures that entrenched heteronorma-

tivity and severely limited the recognition of LGBTI+ identities. These measures often took the form of constitutional amendments, changes to penal codes, and sweeping prohibitions, framed as protections of national identity, public morality, or family values.

For example, **Cameroon** updated its Penal Code to codify the criminalisation of sexual relations between persons of the same sex with up to 5 years imprisonment. Legal scholars have also argued that other elements of the Code relating to curbs on ‘immoral’ conduct have the *de facto* impact of limiting LGBTI+ advocacy efforts.

Russia amended its constitution in 2020 to define marriage strictly as a union between a man and a woman, thus closing the door on any recognition of same-sex partnerships to embed a ‘traditional,’ heterosexual stance. In **Hungary**, legal reforms passed the same year, preventing transgender individuals from changing their legal gender.

Across countries, the defining features of this phase included the use of broad constitutional or penal instruments, ambiguity in morality-based clauses that allowed wide interpretation, and justifications rooted in tradition, family protection, and public morality.

Phase Two (2021–2022): Targeted Exclusion and Representation Controls

In the following years, restrictions became more precise, focusing on representation in education, media, healthcare, and adoption. Governments shifted from blanket prohibitions to targeted measures, often couched in rhetoric about protecting children or respecting parental rights.

Hungary’s 2021 Child Protection Act, for instance, prohibited LGBTI+ content for minors, limited LGBTI+ representation in schools and daytime media, and explicitly linked homosexuality with paedophilia. In the **United States**, state-level “Don’t Say Gay” laws restricted discussions of sexual orientation and gender identity in schools, while court decisions such as *Fulton v Philadelphia* allowed religious foster agencies to exclude same-sex couples. **Singapore** paired the repeal of sodomy laws with a constitutional ban on same-sex marriage and restrictions on LGBTI+ media content in 2022.

In summary, this phase is characterised by narrower but symbolically powerful measures: a focus on youth and public visibility and the use of legal and educational tools to reinforce exclusion. It also represents a strategic shift from broad, foundational restrictions to precise interventions aimed at controlling representation and visibility.

While the legal measures were narrower in scope than those of Phase One, their symbolic impact was significant, particularly in shaping social norms and public discourse. By targeting schools, media, and youth-oriented spaces, governments sought not only to restrict access to information about sexual orientation and gender identity but also to influence societal perceptions from an early age. Moreover, the framing around child protection and parental rights was also used to present an argument that these policies were protective rather than punitive, masking

the broader intent to delegitimise LGBTI+ identities and limit social acceptance.

Furthermore, this phase demonstrates how legal and policy instruments – including court decisions and educational regulations – can serve as powerful tools of exclusion without resorting to overt criminalisation. In effect, Phase Two laid the groundwork for more severe measures by normalising targeted restrictions and eroding public spaces for advocacy, visibility, and community support.

Phase Three (2023–2025): Escalation to Criminalisation

From 2023 onwards, a third wave emerged in which governments escalated from restriction to active persecution. Legal measures in this phase not only curtailed identity and expression but sometimes criminalised advocacy itself – in some cases going to the extent of framing LGBTI+ rights as threats to national security.

For example, in 2023, **Russia** declared the “international LGBTI movement” an extremist organisation, equating advocacy with terrorism.⁶¹ **Georgia** introduced sweeping bans on Pride events, gender recognition, and media representation while **Belarus** expanded pornography laws to outlaw public expression of non-traditional sexualities. This phase is marked by severe criminal penalties, national security framing, citizen reporting obligations, and near-total erasure of LGBTI+ visibility.

61 Human Rights Watch (2025, November 30). Russia: Supreme Court Bans “LGBT Movement” as “Extremist”. Available at: <https://www.hrw.org/news/2023/11/30/russia-supreme-court-bans-lgbt-movement-extremist>

A similar approach to harsh punishment has been taken in **Uganda**. It brought in extreme penalties – life imprisonment or capital punishment – for those in same-sex relationships in 2023, under its Anti-Homosexuality Act. In a similar way, **Ghana's** 2024 Sexual Rights Bill has taken a heavy-handed approach to restrictions on LGBTI+ people. Under this act, individuals identifying as LGBTI+ can be imprisoned for up to 3 years, while participating in LGBTI+ advocacy has also been banned. Not only that, but the act also requires citizens to report suspected LGBTI+ individuals to the authorities. **Mali** followed in October 2024 by introducing its first-ever explicit ban on same-sex relations, despite not having inherited colonial-era sodomy laws, thus underscoring how criminalisation is expanding into new legal territory.

By 2025, the escalation of rollbacks had widened across regions and forms of restriction. In **Burkina Faso**, the Transitional Legislative Assembly criminalised same-sex relations for the first time, imposing prison terms and fines while framing the move as a defence of national culture and social cohesion. **Trinidad and Tobago's** Court of Appeal reinstated colonial-era sodomy provisions, reversing the 2018 High Court ruling that had decriminalised consensual same-sex intimacy. This is a stark example of regression through the courts.

Elsewhere, governments pursued rollbacks that did not necessarily rely on outright criminalisation but, nonetheless, entrenched exclusion. **Hungary** intensified its long-running campaign by banning all LGBTI+ public events – including the Budapest Pride parade – under the

guise of child protection, making visibility itself a punishable act. In the **United States**, President Trump re-issued a ban on transgender military service by executive order, presenting it as necessary for national security and cohesion despite evidence to the contrary. In the **United Kingdom**, the Supreme Court ruled that the legal definition of 'woman' is rooted in biological sex, narrowing the scope of protections for trans people and legitimising their exclusion from women-only spaces and services. In **Italy**, the government imposed new restrictions on access to puberty blockers for minors, curtailing established medical practices in the name of child protection and further marginalising transgender youth.

In short, Phase Three illustrates a dramatic escalation in both the severity and scope of restrictions, moving beyond targeted exclusion to active persecution – especially towards trans individuals. Governments have not only curtailed personal identity and expression but have increasingly criminalised advocacy itself, framing LGBTI+ rights as threats to national security or societal stability. Across multiple contexts, this phase is characterised by the use of extreme penalties including long-term imprisonment and even capital punishment combined with legal obligations for citizens to report individuals or activities deemed not in line with heteronormative norms.

In addition to the examples above, Appendix 1 contains numerous other cases which demonstrate how these measures were used to erase public LGBTI+ presence, to restrict community organisation, and to stigmatise individuals as dangerous or subversive. By linking legal repression to narratives of national security,

moral protection, or public order, Phase Three represents not just the culmination of previous restrictive phases but an intensification that seeks to entirely suppress visibility, advocacy, and social recognition.

This stage underscores the urgent need for robust civil society responses, international advocacy, and protective frameworks, as the consequences for those affected are both immediate and potentially life-threatening.

Section 2: Key Findings

- Roll-backs occur in three broad phases:
 - » 2016–2020: Foundational restrictions entrenched in constitutions and penal codes.
 - » 2021–2022: Targeted exclusion in education, media, healthcare, and adoption.
 - » 2023–2025: Escalation to criminalisation and persecution of advocacy itself.
- These phases show governments testing the waters with narrower restrictions before escalating to harsher measures.
- While not all countries follow the same sequence, the framework helps identify pathways and anticipate risks

Section 2 Questions: Legislative Approaches and Phases of Roll-Backs

- From your experience, does the three-phase framework (2016–2020 broad restrictions; 2021–2022 targeted exclusion; 2023–2025 criminalisation) reflect developments in your country/region?
- Are there examples or evidence that suggest a different sequencing or categorisation of rollbacks?
- How effective have activists' or civil society's responses been at each stage? What lessons should be drawn?
- What could have been done differently to support civil society actors fighting against rollbacks at the time?



Section 3: Legal Rollbacks Over Time and Regions

Having outlined the broad phases of legislative trends, it is useful to examine how these rollbacks have unfolded on a year-by-year basis. This more granular view allows us to trace the pace, geographic spread, and intensification of restrictions, illustrating not just the existence of LGBTI+ rollbacks but also their growing frequency and severity over time.

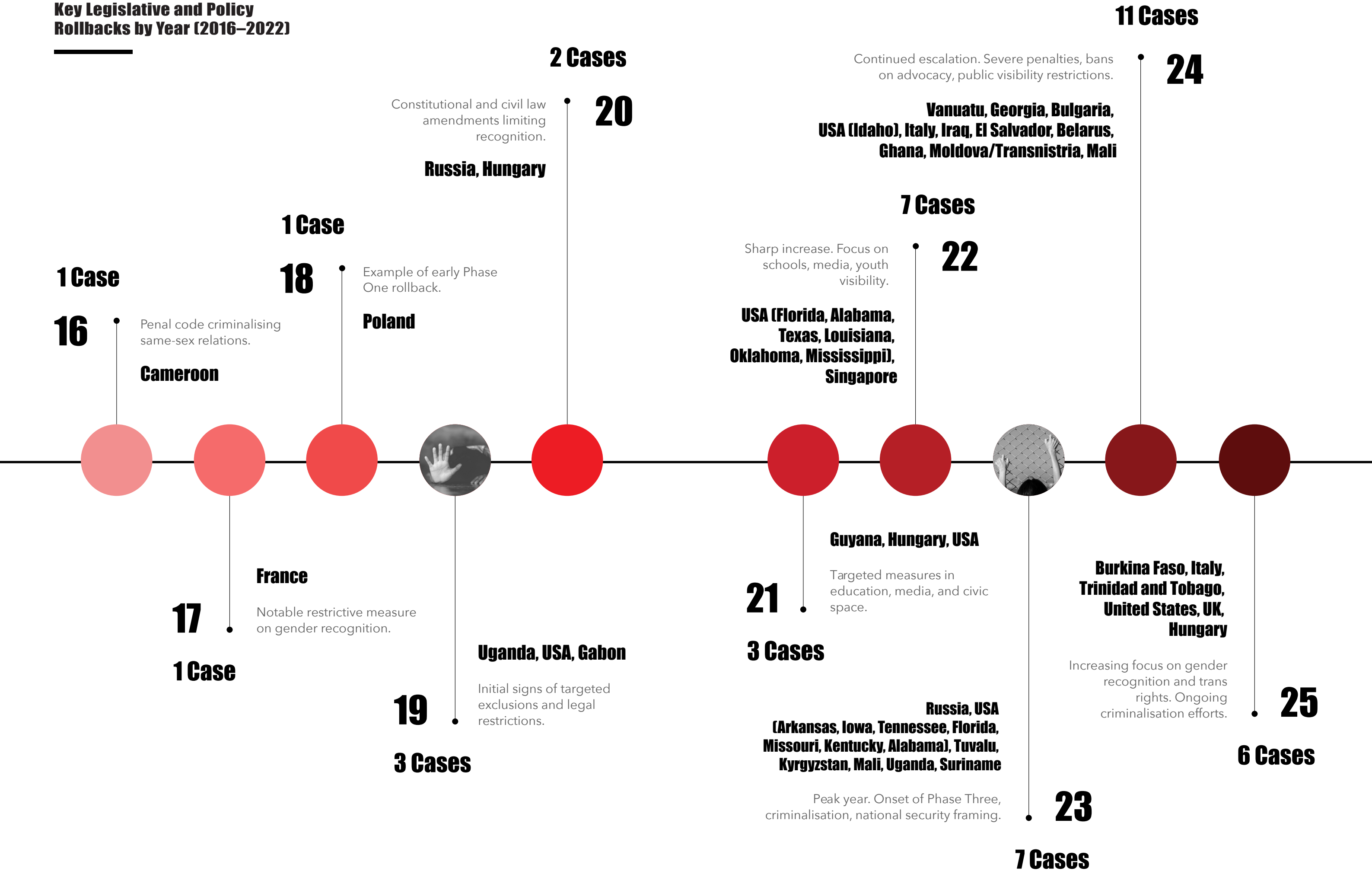
Categorising rollbacks by year highlights an unmistakable trend; legislative and policy actions targeting LGBTI+ rights have become more frequent, more expansive, and more severe since 2016, reaching a notable peak in 2024 with eleven countries.

In 2016 – the starting point of our analysis – documented rollbacks were limited, with Cameroon notably updating its penal code to criminalise same-sex relations.

Subsequent years saw a slow but steady increase; France enacted one notable measure in 2017, and Poland followed in 2018. By 2019, two significant cases were recorded in Uganda and the United States, signalling the beginning of more frequent legislative targeting.

The year 2020 marked the start of a broader wave, with three countries – Gabon, Russia, and Hungary – implementing restrictive measures during the pandemic (see Box 1). Hungary and Russia, in particular, set the stage for the transition into Phase Two by using constitutional and civil law reforms to limit recognition and rights. In 2021, three further rollbacks were recorded in Guyana, Hungary, and the United States, reflecting both targeted exclusions in education and media as well as narrower restrictions in civic space.

**Key Legislative and Policy
Rollbacks by Year (2016–2022)**



The pace accelerated sharply in 2022, with seven separate rollbacks documented across multiple US states (Florida, Alabama, Texas, Louisiana, Oklahoma, Mississippi) and Singapore. This year highlighted the emergence of targeted measures affecting education, representation, and visibility, in line with the characteristics of Phase Two.

By 2023, the volume of restrictive measures surged dramatically, with sixteen documented rollbacks spanning diverse regions including Russia, the United States (multiple states), Tuvalu, Kyrgyzstan, Mali, Uganda, Tennessee, Suriname, and others. These cases reflect not only the continued use of targeted exclusions but also the onset of Phase Three, with criminalisation, persecution, and framing of LGBTI+ advocacy as a security threat.

In 2024, eleven additional cases were recorded in countries including Vanuatu, Georgia, Bulgaria, the United States (Idaho), Italy, Iraq, El Salvador, Belarus, Ghana, and Moldova/Transnistria. These developments illustrate both the geographic spread and the intensification of legal and policy attacks on LGBTI+ rights, including criminal penalties, bans on public visibility, and severe restrictions on advocacy.

At the time of this writing, September 2025, this year has already seen six documented rollbacks in Burkina Faso, Italy, Trinidad and Tobago, Hungary, the United States, and the United Kingdom. These cases reflect an increasing focus on gender recognition and trans rights, alongside ongoing criminalisation efforts in parts of Africa and the Caribbean. Although the total number of cases appears lower than the peaks of 2023 and 2024, the nature of these measures – particularly targeting legal gender recognition, healthcare access, and freedom of expression – marks a continuation of Phase Three trends. This suggests that, while the pace of rollbacks may fluctuate year to year, the underlying trajectory remains one of intensifying restriction, particularly in relation to trans communities.

This year-by-year breakdown underscores a clear trajectory; rollbacks have increased in frequency, geographic reach, and severity over the past decade. Understanding these patterns is crucial for anticipating emerging threats, supporting civil society, and designing timely interventions to prevent further escalation.

Box 1. Impact of the COVID-19 Pandemic

The COVID-19 pandemic has ultimately benefited efforts to advance the rollback of LGBTI+ rights. While the pandemic diverted public attention, governments were empowered to make swift and at times radical legislative change to limit LGBTI+ rights without the usual scrutiny. They could do so while taking advantage of the limited media attention, reduced civil society oversight, and weakened avenues for political opposition.

During this period, numerous restrictive measures targeting LGBTI+ individuals were passed or intensified. In Hungary, two laws were enacted in 2020: one prohibiting legal gender recognition for transgender people, and another restricting the adoption of children by same-sex couples. Russia used the pandemic period to pass constitutional amendments that banned same-sex marriage outright, reinforcing a narrowly defined model of the ‘traditional family.’ In Singapore, authorities intensified existing restrictions on LGBTI+ content, culminating in a November 2022 move to strengthen censorship under the Broadcasting Act.

Beyond specific legal changes, the pandemic also contributed to the broader normalisation of emergency powers and executive overreach. In many cases, these expanded powers were subsequently used to restrict freedom of expression, assembly, and association – all of which disproportionately affected LGBTI+ communities. With lockdowns and bans on public gatherings, Pride marches, community organising, and advocacy efforts were either cancelled, curtailed, or criminalised under public health regulations, often without rescheduling or providing the public with meaningful alternatives.

Thus, the pandemic did not merely pause LGBTI+ activism; it actively created a permissive environment for governments to take the opportunity to entrench discriminatory measures under the guise of crisis management.

Regional patterns

If we also group legislative changes by region, clear geographical patterns emerge in LGBTI+ rollbacks over the period covered. These patterns highlight not only differences in legal approaches but potentially open up questions regarding the ways in which political, cultural, and social contexts shape the framing and implementation of restrictions.

Europe has been marked by a divergence between Eastern and Western countries. In Eastern Europe – including Hungary, Russia, Georgia, Moldova, and Bulgaria – legislative changes have often been justified with reference to the protection of national identity, traditional family values, or children’s welfare. Measures in these countries have ranged from constitutional amendments and bans on gender recognition to sweeping restrictions on public advocacy and media representation, with thirteen documented cases over the reporting period. By contrast, Western European countries – such as the UK, France, and Italy – have seen debates around LGBTI+ rights focus largely on questions of gender identity and equality. While these discussions have been highly visible in political and legal arenas, they have generally translated into legislative action less frequently than in Eastern Europe, reflecting a slower pace of formal restrictions.

In the **Americas**, a marked division exists between the United States and Latin America. In the US, most restrictive mea-

sures have occurred at the state level, with debates centring on education, health-care, and parental rights. Eighteen cases have been recorded, including three at the national level and fifteen at the state level, with states such as Florida, Alabama, Texas, Louisiana, Oklahoma, Mississippi, Missouri, Kentucky, Iowa, Arkansas, Tennessee, and Idaho enacting legislation limiting discussion of sexual orientation and gender identity in schools, restricting adoption and foster care, or curtailing advocacy.⁶² In Latin America, the picture is more nuanced. While same-sex marriage is not recognised in countries such as Suriname, the Constitutional Court has affirmed compliance with the American Convention on Human Rights. Other restrictions include barring LGBTI+ individuals from military service in Guyana and the removal of ‘gender ideology’ content from schools in El Salvador, illustrating a mix of symbolic and practical limitations.

A similar split is observable in **Asia-Pacific**. Small island states such as Vanuatu and Tuvalu have focused predominantly on bans on same-sex marriage, reflecting conservative societal norms and traditional family structures. By contrast, other countries in the region – including Singapore and Kyrgyzstan – have prioritised restrictions on LGBTI+ representation in education and media, using legal and policy tools to limit visibility and influence.

In **Africa and the Middle East**, the approach has largely emphasised criminalisation. Countries including Uganda,

Ghana, Iraq, and Mali have enacted laws imposing severe punishments for same-sex relationships or LGBTI+ advocacy, often justified with moral, religious, or cultural arguments. These measures – five cases in Africa and one in the Middle East – all demonstrate a legal environment in which rights are curtailed through the threat of prosecution, imprisonment, or, in extreme cases, capital punishment.

Conclusion

The analysis of legislative trends over the past decade demonstrates that LGBTI+ rollbacks have followed both discernible patterns and escalating trajectories. Across diverse contexts, governments have employed lawmaking, constitutional amendments, and judicial decisions not simply as tools of regulation but as mechanisms to legitimise discrimination and entrench heteronormative norms in society. While social hostility and political rhetoric often provide the initial impetus for anti-LGBTI+ measures, it is the legal codification of these restrictions that gives them durability, enforceability, and institutional weight.

The phased framework outlined in this report can be used to illustrate the ways in which rollbacks can escalate over time. Phase One measures establish the legal foundations for exclusion, using broad constitutional or penal instruments framed around tradition, public morality, or family protection. Phase Two represented a strategic shift toward targeted interventions, particularly in education, media, and public life – often framed as protective measures for children while subtly delegitimising LGBTI+ identities. This also serves to socialise the rollback amongst wider society. Phase Three marks a dra-

matic intensification, criminalising advocacy, linking LGBTI+ rights to national security or societal threats, and imposing severe penalties, including imprisonment or, in extreme cases, capital punishment.

While not all countries have progressed through these phases in the same order, the framework highlights common pathways and patterns, illustrating how legal instruments, political narratives, and transnational influences can combine to gradually normalise increasingly severe restrictions. By understanding these patterns, policymakers, advocates, and civil society actors can better anticipate emerging threats, identify critical junctures for intervention, and tailor advocacy strategies to each stage of escalation.

Ultimately, the trajectory of legislative rollbacks underscores the urgent need for coordinated and proactive responses. Early-phase restrictions, while less immediately severe, create the conditions for normalisation of exclusion and set the stage for more punitive measures. Targeted measures in Phase Two shape public perception and social norms, reducing the space for visibility, advocacy, and support. Phase Three demonstrates the stark consequences of delayed or insufficient responses, where legal persecution can threaten both personal safety and community cohesion.

Recognising these phases – and the strategies underpinning them – is, therefore, essential not only to document and analyse the rollback of rights but to inform the design of robust legal, social, and advocacy responses capable of preventing further escalation. The following section will explore these themes further.

⁶² We are fully aware that a fully comprehensive analysis would require taking into account regional and local attempts at LGBTI+ rights rollback beyond the USA and we welcome the submission of these cases throughout the consultation process. The USA cases included here are at the state level, meant to be illustrative, and can be examined in more detail in Appendix 2.

Section 3: Key Findings

- The number and severity of rollbacks has risen steadily since 2016, with notable peaks in 2023 (16 cases) and 2024 (11 cases).

Regional dynamics vary:

- » Eastern Europe & Central Asia: heavy reliance on 'traditional values' and national identity.
- » United States: state-level restrictions dominate, particularly in education and healthcare.
- » Africa & Middle East: criminalisation with severe penalties remains the defining feature.
- » Asia-Pacific: focus on marriage bans and representation restrictions.
- The COVID-19 pandemic accelerated restrictive measures, enabling governments to pass laws under reduced scrutiny.
- Rollbacks often spread via 'copycat laws,' showing strong transnational influence and diffusion.

Section 3 Consultation Questions: Legal Roll-Backs Over Time and Regions

- What contextual factors (e.g., political change, international influence, social movements) explain peaks and troughs in your region?
- Are there particular years or moments where you witnessed a turning point in your country/region (for example, a 'first law' or a symbolic case) that marked the beginning of a wider rollback?
- Do you consider the increase in rollbacks to be cumulative (building steadily), or cyclical (linked to changes in government or external shocks)?
- What role do international developments (e.g., foreign court rulings, global movements, geopolitical shifts) play in accelerating or delaying rollbacks over time?
- In your experience, do rollbacks in one jurisdiction trigger copycat laws or legal arguments in another? If so, please provide examples.
- What regional or national dynamics are missing or under-explored?



Section 4: Trends in Legal & Political Justifications

Through this research – and as outlined in country specific detail in Appendix 1 – we have identified a broad spectrum of legal justifications that governments have used to support the rollback of LGBTI+ rights. While these are explored in greater detail below, several key themes consistently emerge across regions and political systems:

Censorship: Numerous countries – including Hungary, Georgia, Bulgaria, Ghana, Belarus, Moldova, Russia, and the US – have enacted laws restricting LGBTI+ content or representation in education, media, and public spaces. These restrictions are often justified with claims of protecting minors, maintaining public morality, or preserving traditional cultural values. By controlling visibility, governments can shape social norms, limit ex-

posure to LGBTI+ identities, and restrict public discourse.

Criminalisation: Several states – including Iraq, Ghana, Uganda, Chad, Sudan, and Russia – have criminalised same-sex sexual activity, gender identity transitions, or LGBTI+ activism. These measures not only punish private behaviour but also create an environment of fear, stigma, and vulnerability, reinforcing the perception of LGBTI+ identities as socially or legally ‘deviant.’

Same-sex marriage bans: Countries such as Vanuatu, Tuvalu, Mali, and Suriname have amended their constitutions to explicitly prohibit same-sex marriage. These measures not only deny legal recognition to same-sex couples but also symbolically reinforce heteronormative family structures as the exclusive norm.

Gender identity recognition: Some countries – including Italy, Hungary, and the UAE – have further restricted the legal recognition of non-binary identities or gender transitions. By limiting access to legal gender recognition, these policies erase transgender and non-binary individuals from official records and reinforce rigid, binary understandings of gender.

Religious freedoms: In a number of jurisdictions – including the US and France – courts have upheld decisions favouring religious exemptions in ways that maintain binary gender frameworks or allow discrimination against LGBTI+ individuals. These legal decisions frame the denial of rights as a matter of protecting religious liberty, creating a conflict between civil rights and faith-based prerogatives.

Reliance on executive action: Governments in countries such as El Salvador, the US, and Uganda have increasingly relied on executive powers to implement

restrictions in settings such as schools, the military, or public institutions. Executive actions enable rapid implementation of restrictive measures without the need for full legislative processes, often bypassing broader oversight or public consultation.

Collectively, these trends point to a global backlash against LGBTI+ rights, particularly in authoritarian-leaning states but also in democracies where legal loopholes or executive authority can be leveraged. While the anti-rights movement manifests differently across jurisdictions – through courts, legislatures, executive orders, or educational policies – certain patterns consistently emerge.

While Appendix 1 contains more contextual information and sources about individual country-level cases, the following table provides an illustration of the key instances of criminalisation and their accompanying themes and justifications.

Table 1. A thematic overview of anti-LGBTI+ strategic litigation

Country	Date	Description	Themes
2025			
Burkina Faso	September 2025	In September 2025, Burkina Faso criminalised same-sex relations – punishable by 2 to 5 years in prison. Burkina Faso did not inherit any colonial-era laws criminalising so-called sodomy. The law was passed unanimously by the Transitional Legislative Assembly's 71 members.	- Cultural Sovereignty & National Identity (framed as defence of tradition); - Religious Morality (endorsed by Catholic and Muslim leaders); - National Unity & Stability (justified amid political upheaval); - Criminalisation (introducing new legal penalties).
Italy	August 2025	lIn August 2025, Italy tightened controls on the supply of gender-affirming medical care for minors. The measure will regulate medicines such as puberty blockers for those under the age of 18.	- Child Protection (framed as shielding minors); - Traditional Values & National Identity (resisting ‘gender ideology’); - Religious Morality (support from Catholic organisations); - Healthcare Restriction (limiting established medical care); - Trans Rights Rollback.
Trinidad and Tobago	April 2025	In April 2025, the Court of Appeal reinstated colonial-era laws that banned same-sex intimacy. This saw the overturning of a 2018 ruling that had decriminalised consensual same-sex relations between men.	- Cultural Sovereignty & National Identity (resisting external influence); - Religious Freedom (law defended on Christian values); - Morals & Decency (deference to prevailing morality); - Democratic Will (framed as matter for Parliament, not courts).
United Kingdom	April 2025	In April 2025, the UK’s Supreme Court ruled that the legal definition of a woman was based on biological sex. While transgender people still have legal protections against discrimination, the ruling is likely to lead to the further exclusion of trans people in public life.	- Legal & Constitutional Interpretation (statutory clarity over inclusion); - Traditional Values & National Identity (focus on ‘biological reality’); - Exclusion through Technicality; - Judicial Authority (reform deferred to Parliament).

Country	Date	Description	Themes
Hungary	March 2025	Parliament passed legislation banning LGBTI+ events, including the annual Budapest Pride parade. The law prohibits assemblies that violate the Protection of Children law. Violators may face fines or imprisonment. Despite the ban, the 2025 Budapest Pride was held on June 28, with between 100,000 and 200,000 participants.	- Protecting Children (core justification); - Censorship (ban on LGBTI+ public visibility); - Traditional Values & National Identity (defence of Hungarian culture); - Democratic Will (government citing popular support).
United States	January 2025	In January 2025, President Trump re-issued an executive order banning transgender individuals from serving in the military.	- National Security (framed as readiness and cohesion); - Traditional Values & National Identity (restoring ‘discipline’ in the military).
2024			
Vanuatu	November 2024	Parliament enacted an amendment to the Marriage Act to explicitly ban same-sex marriage. The legislation stipulates that same-sex marriage cannot be registered in Vanuatu – including those performed abroad. It defines marriage as between a man and a woman and bans any ceremonies that purport otherwise, effectively deterring informal ceremonies. The government justified the law as necessary to protect the constitution, Christian principles, and Melanesian values, framing it as a defence of traditional customs rather than oppression.	- Cultural Sovereignty & National Identity (framed as defence against external influences); - Religious Freedom (linked to Christian values); - Censorship (ban on LGBTI+ advocacy); - Democratic Will (presented as reflecting majority values).
Mali	October 2024	The National Transitional Council criminalised same-sex relations for the first time in Malian history. Law passed by overwhelming majority; penalties unclear. Justified as defending African values during military-led transition.	- Cultural Sovereignty & National Identity (rejection of Western influence); - Religious Morality (endorsed by Muslim leaders); - Criminalisation (first explicit prohibition in Mali); - Political Legitimacy (used to consolidate authority).
Georgia	September 2024	Parliament passed legislation banning Pride events, rainbow flags, and public endorsement of LGBTI+ relationships. It censors LGBTI+ content in media, schools, and workplaces. It prohibits gender reassignment surgery, legal gender changes, and gender-affirming care. Championed by the ruling Georgian Dream Party before the 2024 elections, the law drew EU condemnation but is seen as part of a populist, anti-Western agenda reflecting Russian influence.	- Traditional Values & National Identity; - Cultural Sovereignty (resisting ‘Western import’); - Censorship; - National Security & Social Stability; - Protecting Children.

Country	Date	Description	Themes
Bulgaria	August 2024	Parliament amended education laws to ban ‘LGBTI+ propaganda’ in schools, defining non-traditional relationships as deviations from Bulgarian norms. Backed by the far-right Vazrazhdane Party and some Socialists, critics say the vague wording enables broad censorship. The law triggered protests, petitions, and condemnation from the Council of Europe and MEPs as a breach of fundamental rights.	- Traditional Values & National Identity; - Cultural Sovereignty (resisting ‘Western ideology’); - Protecting Children; - Censorship.
Italy	July 2024	The Constitutional Court ruled that only Parliament can introduce a third gender option. The Constitutional Court ruled that only Parliament can introduce a third gender option even though it acknowledged this could lead to potential unequal treatment. Conservatives welcomed the decision, while LGBTI+ groups criticised it as a failure to act. Progress is unlikely under current leadership.	- Legal & Constitutional Interpretation; - Discrimination & Equality; - Traditional Values & National Identity.
Iraq	April 2024	Parliament expanded anti-prostitution law to criminalise homosexuality and gender expression. Penalties include 10–15 years for same-sex conduct, 7 years for promotion, and bans on transitioning (except congenital anomalies). Officials framed it as protecting morality and Iraqi values against Western influence. Originally harsher, the bill passed despite international criticism.	- Traditional Values & National Identity; - Morals & Decency - Censorship; - National Security & Social Stability; - Cultural Sovereignty; - Religious Freedom; - Democratic Will (implied).
El Salvador	March 2024	The Education Minister announced removal of ‘gender ideology’ from schools, echoing President Bukele’s rejection of Western influence during re-election. The government framed it as protecting children and parental rights, threatening to fire teachers who disobey. Human rights groups warned of growing intolerance and discrimination.	- Traditional Values & National Identity; - Morals & Decency; - Protecting Children; - Censorship; - Religious Freedom (implicit); - Democratic Will; - National Security & Social Stability.

Country	Date	Description	Themes
Belarus	March 2024	The Culture Ministry redefined pornography to include depictions of ‘non-traditional’ sexual behaviour, criminalising any LGBTI+ expression with up to 4 years in prison. Officials said it protects family values and stops harmful ideas; critics see a severe human rights violation and total censorship of LGBTI+ lives.	- Traditional Values & National Identity; - Morals & Decency; - Censorship; - Protecting Children (implied); - National Security & Social Stability; - Democratic Will (absent/authoritarian).
Ghana	February 2024	Parliament passed the Human Sexual Rights and Family Values Bill – up to 3 years prison for identifying as LGBTI+, 5 years for organising/funding groups, criminalisation of advocacy and public affection, and mandatory reporting. Human rights groups and the UN condemned the bill, warning of rights abuses, increased violence, and \$3.8bn in potential funding losses. It has not yet been signed into law.	- Traditional Values & National Identity; - Morals & Decency; - Censorship; - Protecting Children; - National Security & Social Stability.
Moldova (Transnistria)	February 2024	The separatist government introduced a bill banning ‘propaganda’ of homosexuality, punishable by arrest, fines, or imprisonment. Framed as defending family values and moral health, it mirrors Russian laws. Critics say it entrenches discrimination and breaches Moldova’s obligations.	- Traditional Values & National Identity; - Morals & Decency; - Censorship.
2023			
Russia	November 2023	The Supreme Court declared the ‘international LGBTI movement’ an extremist organisation, effectively banning all LGBTI+ activity. Funding or participating carries up to 12 years in prison; displaying symbols like the rainbow flag can mean up to 4 years. This led to raids, prosecutions, closures of organisations, and bans on financial and political rights. The government justified it as protecting family values and security.	- Traditional Values & National Identity; - Morals & Decency; - Censorship; - Political Escalation; - National Security & Social Stability.
United States	June 2023	In 303 Creative v Elenis, the Supreme Court ruled that Colorado violated free speech by compelling a web designer to create same-sex wedding sites. The majority stressed that forcing expressive work against conscience is unconstitutional, while dissent argued that businesses open to the public must serve all. The case highlights tension between anti-discrimination laws and freedom of expression.	- Freedom of Speech & Expression; - Discrimination & Equality; - Legal & Constitutional Interpretation.

Country	Date	Description	Themes
Tuvalu	September 2023	Tuvalu amended its constitution to ban same-sex marriage, defining marriage as between a man and woman and obliging citizens to uphold Christian family principles. The amendment was widely supported as reinforcing conservative social values and shielded from discrimination review.	- Traditional Values & National Identity; - Cultural Sovereignty; - Religious Freedom; - Morals & Decency.
Kyrgyzstan	August 2023	Parliament expanded laws restricting 'non-traditional' sexual relations, banning harmful content that undermines family values to children. Public mentions may bring fines or up to 1 year in prison. Inspired by Russia's laws, critics say it violates international commitments and blocks youth access to support. The government framed it as protecting children and sacred traditions.	- Traditional Values & National Identity; - Protecting Children; - Censorship; - Morals & Decency.
Russia	July 2023	Parliament unanimously banned gender-affirming care and legal recognition. Provisions outlaw surgery, hormones, legal gender changes, recognition of foreign procedures, and adoption by trans people. Framed as protecting family values and resisting Western ideology, the law drew condemnation abroad but none domestically due to repression.	- Traditional Values & National Identity; - Cultural Sovereignty; - National Security & Social Stability; - Morals & Decency; - Censorship.
Mali	July 2023	A referendum approved by 97% of voters defined marriage as between a man and woman, closing off recognition of same-sex relationships and paving the way for criminalisation. The junta promoted it as a victory for moral values and legitimacy. Critics warn of deepening minority marginalisation.	- Traditional Values & Moral Protection; - Democratic Will; - Prevention of Future Recognition; - Political Legitimacy & National Identity; - Human Rights & Minority Protections.
Uganda	May 2023	President Museveni signed the Anti-Homosexuality Act - life imprisonment for homosexual acts, death penalty for 'aggravated' cases, up to 20 years for promoting rights, and penalties for failing to report. It was justified as protecting morality, children, and African values from Western interference. The act was condemned internationally for undermining health access and fuelling violence.	- Traditional Values & National Identity; - Cultural Sovereignty; - Religious Freedom; - Morals & Decency; - Protecting Children.

Country	Date	Description	Themes
Suriname	February 2023	The Constitutional Court refused to recognise a same-sex marriage lawfully conducted in Argentina. It held that non-recognition does not violate the constitution or the American Convention on Human Rights, and that Civil Code definitions target polygamy, not same-sex unions. The court acknowledged outdated laws but left reform to Parliament. This case is under review.	- Traditional Values & National Identity; - Religious Freedom.
2022			
Singapore	November 2022	Singapore repealed sodomy laws but simultaneously restricted LGBTI+ rights. The constitution now defines marriage as man-woman only; teachers are banned from affirming LGBTI+ identities; media regulation limits depictions in TV, radio, arts, and games. This reform was framed as balancing liberalisation with conservative public opinion.	- Traditional Values & National Identity; - Morals & Decency; - Protecting Children; - Censorship.
2022			
Hungary	June 2021	Parliament passed the Children Protection Act banning LGBTI+ content for minors in schools, media, and daytime TV. The EU challenged it as discriminatory. Hungary framed it as protecting children and traditional values, citing popular support. ECJ proceedings are ongoing.	- Protecting Children; - Censorship; - Traditional Values & National Identity; - Democratic Will.
United States	June 2021	In <i>Fulton v City of Philadelphia</i> , the Supreme Court unanimously held the city violated First Amendment rights of a Catholic foster agency by requiring same-sex couples to be eligible foster parents. The court found no compelling interest in denying religious exemptions. Critics warn of erosion of anti-discrimination protections.	- Religious Freedom; - Morals & Decency; - Legal Consistency.
Guyana	January 2021	The Defence Force banned LGBTI+ service members. This policy requires discharges for homosexual conduct, prohibits cross-dressing, and mandates that recruits affirm they are not LGBTI+. This reverses prior inclusivity; homosexuality remains criminalised with severe penalties.	- Traditional Values & National Identity; - Morals & Decency; - National Security.

Country	Date	Description	Themes
2020			
Hungary	December 2020	A constitutional amendment barred same-sex couples from adopting children. According to this amendment, adoption is limited to married (man – woman) couples, while single adopters require ministerial approval. Moreover, family is legally defined as: mother = woman; father = man. The government justified it as protecting children and Christian values. This was widely criticised as discriminatory.	- Traditional Values & National Identity; - Cultural Sovereignty; - Religious Freedom; - Morals & Decency.
Russia	July 2020	A constitutional amendment defined marriage as man – woman only and approved by referendum. Putin framed it as protecting family values and children. Human rights groups criticised it as entrenching discrimination. The ECtHR ruled that Russia must recognise same-sex unions, but Russia dismissed the ruling as incompatible with its constitution.	- Traditional Values & National Identity; - Cultural Sovereignty; - Morals & Decency; - Legal Consistency; - Democratic Will.
Hungary	May 2020	Law amended the civil registry to record only ‘sex at birth,’ effectively banning legal gender recognition. The government said it eliminated legal uncertainty; critics said it violated constitutional and ECHR rulings. This was enacted during Covid-19 with little scrutiny. The amendment is still in force despite international condemnation.	- Traditional Values & National Identity; - Morals & Decency; - Legal Consistency.
2019			
Gabon	October 2019	Gabon raised the age of consent for same-sex relations to 21, while for heterosexual relations it remained 15. This followed a brief 2019 criminalisation of homosexuality, which was repealed in 2020. Critics call it discriminatory; the government framed it as moral protection.	- Traditional Values & National Identity; - Morals & Decency.
United States	April 2019	Trump’s executive order banned transgender military service; the order was later repealed and then revived in 2025. Provisions barred recruits with gender dysphoria, transitions in service, or recognition beyond birth sex. Justified on cohesion, cost, and ‘honour,’ but widely challenged as discriminatory.	- Traditional Values & National Identity; - National Security.

Country	Date	Description	Themes
Uganda	May 2019	The Communications Commission banned promotion, discussion, or ‘glam-ourisation’ of LGBTI+ content in broadcasting. It further compared LGBTI+ lives to incest and paedophilia. This act was justified as protecting values from ‘colonial ideology,’ but fuelled stigma and violence.	- Traditional Values & National Identity; - Cultural Sovereignty; - Morals & Decency.
2018			
Poland	December 2018	~100 municipalities declared themselves ‘LGBT-free’ zones. These declarations were largely symbolic but fostered stigma, discrimination, and migration. Courts struck them down; EU cut funding; activists launched ‘Atlas of Hate.’ They were repealed in 2023 after the government changed.	- Traditional Values & National Identity; - Cultural Sovereignty; - Morals & Decency.
2017			
France	May 2017	The Court of Cassation rejected recognition of a non-binary gender. It ruled that only the binary distinction male/female exists in law, arguing change must come via Parliament. ECtHR later upheld the ruling, giving France broad discretion. This reform was seen as a legislative, non-judicial issue.	- Traditional Values & National Identity; - Cultural Sovereignty; - Legal Consistency.
2016			
Cameroon	July 2016	Cameroon’s Penal Code criminalised ‘public immoral speech’ and same-sex relations (up to 5 years). Though not explicit, it was used to suppress LGBTI+ advocacy. In fact, it was widely-enforced, increasing arrests and vigilante violence. This marked a shift to restricting speech and activism.	Morals & Decency.

The remainder of this section explores how governments justify restrictions on LGBTI+ rights by invoking ideological, moral, and political arguments. It traces the architecture of these justifications, beginning with broad ideological rationales – appeals to tradition, culture, or religion – before examining specific applications such as moral regulation, child protection, and censorship. Finally, it considers political escalations, including framing LGBTI+ advocacy as a national security threat, appealing to the democratic will, or relying on technical legal arguments. By unpacking these layers, this analysis reveals not only the forms of repression being enacted but also the narratives and rationales that render them politically and socially palatable.

Traditional Values, Cultural Sovereignty, and National Identity⁶³

Citing the need to preserve and protect traditional values is one of the most frequently invoked justifications for the roll-back of LGBTI+ rights, appearing across diverse regions and political systems. Countries including Russia, Hungary, Kyrgyzstan, Ghana, Iraq, and Bulgaria have all used this argument to frame LGBTI+ rights as a threat to the nation’s cultural integrity, social cohesion, and moral order. By positioning LGBTI+ identities and advocacy as incompatible with ‘tradition,’ governments seek to legitimize restrictive measures while appealing to a broad base of public support.

One common application of this rationale is through the formal redefinition of marriage. In Russia and Mali, constitutional amendments have been enacted to define marriage strictly as a heterosexual institution, effectively preventing the legal recognition of same-sex unions. These amendments serve not only as legal barriers but also as symbolic assertions of a narrowly-defined cultural and social norm. By embedding heteronormativity in the highest legal instruments, these states communicate that deviations from these norms are incompatible with national life.

In other cases, governments link LGBTI+ rights directly to national security concerns. In Russia and Georgia, for instance, the suppression of LGBTI+ movements has been explicitly framed as necessary to shield the nation from destabilising Western influence. Legal measures, media restrictions, and public campaigns present LGBTI+ advocacy as externally-inspired, framing rights-based activism as a foreign imposition that threatens national cohesion, sovereignty, and political stability. This security-based framing allows governments to conflate identity with subversion, creating a powerful justification for surveillance, censorship, and criminalisation.

Beyond constitutional and legal instruments, governments often frame anti-LGBTI+ measures as a defence of cultural sovereignty. Hungary, for example, has described its restrictions on LGBTI+ rights as essential to protecting “Hungarian identity,” presenting legislation as a

bulwark against perceived foreign cultural encroachment.⁶⁴ Similarly, Ghana and Uganda invoke the preservation of African traditions and community norms, portraying LGBTI+ rights as alien concepts imposed by Western nations.⁶⁵ This narrative consistently depicts LGBTI+ identities and advocacy as not only socially disruptive but culturally-invasive, reinforcing the idea that legal restrictions are necessary to safeguard national heritage and moral order.

Across these examples, a clear pattern emerges: appeals to tradition, national identity, and cultural sovereignty serve multiple strategic purposes. They provide a socially resonant justification for legal restrictions, deflect criticisms of human rights violations, and frame opposition to LGBTI+ rights as a patriotic – rather than discriminatory – stance. By portraying these rights as foreign, destabilising, or incompatible with local values, governments create both legal and social cover for restrictive measures, embedding them more deeply into national political and cultural life.

Religious Freedom

Religious freedom is frequently invoked as a justification for restricting LGBTI+ rights, with governments and courts framing such rights as incompatible with deeply-held spiritual beliefs or traditional moral codes. Across multiple jurisdictions, LGBTI+ identities and advocacy are portrayed not merely as social or political

issues but as challenges to the moral and religious foundations of society. This framing allows states and institutions to legitimise restrictive measures while appealing to cultural and faith-based constituencies.

In countries such as Vanuatu and Tuvalu, where evangelical Christian values have significantly shaped legal frameworks, constitutions have been amended to explicitly ban same-sex marriage, with such prohibitions being justified as essential to preserving religious principles. These measures not only prevent legal recognition of same-sex unions but also signal a broader state endorsement of a particular moral and religious worldview, effectively codifying faith-based norms into law.

Similarly, Iraq has used Islamic teachings to justify severe restrictions on same-sex sexual activity, presenting homosexuality as immoral and incompatible with the country’s religious and legal traditions. In these contexts, religion is closely intertwined with lawmaking, and deviations from prescribed norms are framed as threats to both spiritual and social order.

In more secular or pluralist legal systems, courts have also reinforced restrictions on the basis of religious freedom. In the United States, landmark cases such as 303 Creative v Elenis and Fulton v City of Philadelphia have upheld the right of businesses or organisations to refuse services to LGBTI+ individuals on religious grounds. Similarly, courts in Suriname, Italy, and France have – at times – prioritised

63 We will explore the impact of colonialism in much more detail in a separate commission working paper.

64 See Appendix 1.

65 See Appendix 1.

religious liberty or traditional moral values over protections against discrimination, demonstrating that the tension between faith-based rights and equality norms is a global phenomenon, cutting across legal traditions.

Taken together, these examples show how religious freedom can be deployed strategically to constrain LGBTI+ rights. Religious arguments are used not only to justify specific legal restrictions – such as bans on marriage, service provision, or gender recognition – but also to frame LGBTI+ identities as fundamentally incompatible with societal morality. This discourse positions LGBTI+ rights as threats to spiritual integrity, community cohesion, and cultural continuity, enabling both governments and religious institutions to legitimise legal and social exclusion under the guise of protecting faith and tradition.

Morals and Decency

Rollbacks in LGBTI+ rights are frequently justified through appeals to morality and decency, framing non-heteronormative identities as inherently improper or socially corrosive. Governments have relied on such arguments to criminalise expression, restrict visibility, and reinforce socially-sanctioned norms of behaviour. By positioning LGBTI+ identities as morally deviant, authorities create both legal and social legitimacy for restrictive measures, while shaping public perceptions of acceptable conduct.

In several countries, LGBTI+ content has been classified as obscene or pornographic under newly-enacted censorship laws. For instance, Iraq, Uganda,

Belarus, Ghana, and Kyrgyzstan have all enacted regulations that limit the dissemination of LGBTI+ materials in media, education, and online platforms. These measures frequently extend beyond protecting minors, framing visibility itself as a threat to public morality and positioning LGBTI+ expression as indecent or inappropriate.

In parallel, morality laws have been used to criminalise LGBTI+ identities and behaviours directly. In Belarus, Iraq, and Russia, legal provisions that target ‘immoral conduct’ have been interpreted to suppress same-sex sexual activity, advocacy, and public expression. By embedding moral judgment into the law, these governments effectively equate deviation from heteronormativity with a punishable offence, reinforcing stigma and social exclusion.

The consequences of this moral framing are particularly evident in Uganda, where the 2023 Anti-Homosexuality Act explicitly describes same-sex sexual activity as an offence against cultural morality. This legislation not only imposes severe criminal penalties – including life imprisonment or death, in certain cases – but also legitimises widespread social prejudice. By codifying morality into legal structures, the act conveys that LGBTI+ identities are inherently incompatible with societal norms, reinforcing discriminatory attitudes across communities and institutions.

Across jurisdictions, appeals to morals and decency serve multiple purposes: they justify censorship and criminalisation, provide a socially-resonant rationale for exclusion, and delegitimise advocacy efforts by framing LGBTI+ rights as threats to the social order. By embedding these prejudices into law, governments ensure that moral condemnation is no longer purely social or cultural; it is enforced

through legal authority, creating enduring barriers to equality, visibility, and social acceptance.

Child Protection and Education Restrictions

Governments frequently combine appeals to morality with arguments about the protection of children to justify restrictions on LGBTI+ rights. Framing non-heteronormative identities as morally improper or indecent provides the ideological foundation, while concerns about child safety and development can, unfortunately, offer a socially-palatable rationale for concrete policy interventions. Together, these arguments serve to legitimise censorship, criminalisation, and limits on visibility while portraying such measures as protective rather than punitive.

An example of this logic is the restriction of LGBTI+ content in educational settings. Countries including Hungary, Russia, Georgia, Belarus, Uganda, and multiple US states have introduced laws prohibiting – or severely limiting – discussions of sexual orientation and gender identity in schools. Advocates of these measures often claim that exposure to LGBTI+ topics constitutes indoctrination, asserting that parents, not schools, should determine what children are taught regarding sexuality and gender.

For example, Florida’s “Don’t Say Gay” law restricts classroom discussions about LGBTI+ identities, arguing that parents have the right to control the timing and content of their children’s exposure to such topics. Similarly, Hungary’s Child Protection Act enables parents to exercise greater control over sexual education in schools, reinforcing the idea that state institutions should defer to familial authority in shaping children’s moral and social de-

velopment. In both cases, child protection rhetoric masks broader objectives: limiting visibility, curbing social acceptance, and delegitimising LGBTI+ identities.

These child protection measures are closely intertwined with moral regulation. Governments often frame LGBTI+ content as inappropriate, obscene, or harmful, creating a narrative in which both morality and youth protection converge to justify legal restrictions and, in some cases, censorship. In countries like Uganda, the Anti-Homosexuality Act links LGBTI+ identities explicitly to offences against cultural morality, reinforcing the notion that these identities threaten not only societal norms but also the moral upbringing of children. By combining moral condemnation with child protection, authorities justify broad censorship, surveillance, and exclusionary policies in ways that appear socially responsible.

Although there is no evidence that exposure to discussions of sexual orientation or gender identity harms children, the rhetoric of child protection has provided a convenient shield for laws and policies that directly restrict LGBTI+ expression. These measures have profound implications: they limit access to accurate information, constrain teachers’ and students’ freedom of expression, and reinforce societal prejudices. Moreover, by framing restrictions as protective rather than discriminatory, governments can gain public legitimacy for policies that would otherwise be contested as violations of rights and equality. This approach not only curtails immediate visibility and advocacy but also reinforces long-term social norms that marginalise LGBTI+ individuals, shaping public attitudes and further constraining the scope of rights and recognition.

Box 2. A closer look at Russia's "Gay Propaganda" Laws

Russia's "Gay Propaganda" laws is a shorthand that is often used to refer to a series of legislative measures that were designed to restrict the public discussion, positive portrayal, and advocacy of LGBTI+ relationships in Russia. These laws have evolved significantly over time, becoming increasingly severe.

Initial Legislation (Federal Law No. 135-FZ) was passed in 2013 with the stated aim being to protect children from information that "denies traditional family values."⁶⁶ The law banned the "promotion of non-traditional sexual relationships" to minors by effectively criminalising any communication, event, media, or public act that portrayed LGBTI+ relationships positively in a way that could be accessible to minors.⁶⁷

Penalties ranged from fines for Russian individuals, officials, and organisations, as well as arrest and deportation for foreign nationals involved in such activities. Unsurprisingly, this resulted in a sharp rise in censorship of LGBTI+ expression and increased stigma and discrimination against LGBTI+ individuals.

Despite international condemnation from human rights organizations, legislation was then passed in 2022 to expand the law dramatically by extending its reach far beyond minors. Consequently:

- The ban now covers the entire population – not just minors.
- Any positive or neutral depiction of 'non-traditional sexual relationships' across all public domains (media, books, films, online content, advertising, and public events) is now banned.
- Information promoting transgender identity or suggesting that same-sex relationships are socially acceptable also falls under the ban.

Soon after, in November 2023, the Russian government escalated further by designating the "international LGBTI movement" as an extremist organization under Russian law.⁶⁸ As a result, participation in LGBTI+ advocacy, funding LGBTI+ groups, or public expressions of LGBTI+ identity in Russia – including casual displays of identity like rainbow flags – can now all be prosecuted as "extremism."⁶⁹ This places LGBTI+ advocacy alongside terrorism and neo-Nazi movements within the context of the Russian legal system. This has effectively driven LGBTI+ lives completely underground.

Notably, these laws were originally introduced under the pretext that they would "protect children" from LGBTI+ information and have then evolved into a comprehensive and draconian system that criminalises almost any positive mention, depiction, or organisation around LGBTI+ identities.⁷⁰

Censorship

In recent years, there has also been a marked increase in censorship and restrictions on the portrayal of LGBTI+ topics and individuals across education, media, and public discourse. Governments in countries including Hungary, Bulgaria, Belarus, Georgia, Ghana, Russia, Moldova, El Salvador, and multiple US states have enacted laws that limit the visibility of LGBTI+ identities, framing such restrictions as necessary to protect social norms and uphold moral or cultural standards.

In Russia and Belarus, for example, LGBTI+ advocacy and public information about sexual orientation and gender identity have been explicitly criminalised under laws labelled as prohibiting "propaganda" of non-traditional sexual relationships.^{71 72 73} These laws often equate LGBTI+ expression with extremism or social destabilisation, creating a legal environment in which advocacy, education, and even private discussion can be treated as punishable offences.

Many of these censorship measures draw inspiration from Russia's "Gay Propaganda" laws, which began being enacted in 2013 (see Box 2). These laws serve as both a legal and symbolic template, influencing similar policies in other countries

seeking to restrict LGBTI+ visibility. By framing advocacy and representation as harmful or corrupting, governments justify broad restrictions while signalling a commitment to 'traditional' values and social order.

The rationale that is frequently cited alongside these laws is the protection of children and the preservation of traditional family structures. Censorship in schools, media, and public spaces is presented as a means to shield youth from exposure to LGBTI+ topics and is often accompanied by moral arguments portraying such content as inappropriate or indecent. In practice, however, these measures not only limit access to information but also reinforce societal stigma, reduce representation, and constrain avenues for advocacy and community support.

Collectively, these censorship measures illustrate how legal instruments can be used to shape public discourse, control knowledge, and delegitimise LGBTI+ identities under the guise of child protection and cultural preservation. By linking visibility to moral, social, or security concerns, governments create a framework in which LGBTI+ expression is treated as inherently dangerous, socially undesirable, or legally punishable.

70 Human Rights Watch (2024, February 15). Russia: First convictions under LGBT 'extremist' ruling. Available at: <https://www.hrw.org/news/2024/02/15/russia-first-convictions-under-lgbt-extremist-ruling>

71 Ibid.

72 PBS NewsHour (2023, November 30). Russia's Supreme Court effectively outlaws LGBTQ+ activism, citing extremist movement. Available at: <https://www.pbs.org/newshour/world/russias-supreme-court-effectively-outlaws-lgbtq-activism-citing-extremist-movement>

73 Ministry of Culture of the Republic of Belarus. (2024, March 19). Resolution No. 24 on Amendments to Resolution No. 18 of 8 May 2007 on Erotic and Sexual Education Materials. National Legal Internet Portal of the Republic of Belarus. Available at: <https://pravo.by/document/?guid=12551&p0=W22441365>. [English translation available through PressReader].

66 Maleshin, D. (2014). Russian Law Journal Vol. II 2014 Issue 1. [PDF] Available at: https://www.academia.edu/6469431/Russian_Law_Journal_Vol_II_2014_Issue1

67 Ibid.

68 Radio Free Europe/Radio Liberty (2023, November 30). Russia's Supreme Court declares international LGBT social movement extremist. Available at: <https://www.rferl.org/a/russia-lgbt-supreme-court-rights-movement/32708163.html>

69 Ibid.

National Security and Social Stability

As outlined above in our analysis of Phase Three, governments have increasingly framed LGBTI+ rights and advocacy as a threat to national security and social stability. By going to the extent of linking LGBTI+ identities and movements to societal disruption, authorities portray these rights not simply as social or cultural issues but as existential challenges to the integrity and cohesion of the state. This framing often aligns closely with nationalist or conservative political agendas, allowing increasingly-authoritarian governments to justify harsh measures under the guise of protecting the nation.

In Russia and Belarus, for instance, LGBTI+ movements have been officially labelled as ‘extremist,’ equating advocacy with destabilising influences or even terrorism. Such designations criminalise not only activism but also the broader expression of identity, creating a climate of fear in which both individuals and organisations face severe legal consequences. Similarly, in Iraq, gender transitions have been criminalised on the grounds that they constitute “societal disruptions,” framing personal identity choices as threats to public order and social cohesion.^{74 75}

In the United States, national security and social stability arguments have been invoked in more targeted ways. Trans-

gender individuals have been prohibited from serving in the military, with officials citing concerns over unit cohesion, morale, and operational effectiveness. While framed in the language of efficiency and readiness, these measures effectively link LGBTI+ inclusion to perceptions of risk, reinforcing the idea that non-conforming identities can compromise institutional or societal stability.

Across these contexts, security-based rhetoric serves multiple functions. It justifies legal restrictions and punitive measures, delegitimises advocacy, and socially stigmatises LGBTI+ individuals by portraying them as inherently disruptive. By positioning LGBTI+ rights as threats to national stability, governments create a compelling narrative that transcends moral or cultural arguments; it becomes not just a question of values, but of the state’s security, sovereignty, and survival.

This approach also represents a significant escalation in strategy, particularly when compared with earlier phases focused on moral regulation or child protection. Whereas Phase One and Phase Two measures rely on appeals to tradition, decency, and youth protection, the national security framing of Phase Three legitimises extreme penalties, criminalisation, and surveillance. It underscores the increasing convergence of ideological, legal, and political tools in restricting LGBTI+ rights, and it highlights the urgent need for civil

society and international actors to recognise and respond to these high-stakes justifications.

Legal Consistency

Another frequently-invoked justification for restricting LGBTI+ rights centres on the principle of legal and administrative consistency. Governments and policymakers argue that recognising LGBTI+ identities or extending related rights would disrupt existing legal frameworks, which are often structured around traditional notions of gender, family, and civil status. By presenting these rights as a source of administrative complexity, authorities frame restrictions as necessary for the orderly functioning of the state rather than as acts of discrimination.

In Hungary, for example, the prohibition of legal gender recognition for transgender individuals was framed in terms of avoiding bureaucratic confusion. Policymakers argued that allowing gender changes would create inconsistencies across civil registries, official documents, and social services systems. This rationale masks the discriminatory impact of the law by presenting it as a neutral administrative necessity rather than a deliberate limitation on identity and self-determination.

Similarly, in the US, states including Arkansas and Idaho have implemented bans on ‘X’ or non-binary gender markers on official identification documents. Officials in these states have cited the need for legal clarity and administrative uniformity as primary justifications. These measures reinforce a binary understanding of gender within legal and institutional frameworks, portraying non-binary recognition as an

unnecessary complication rather than a matter of civil rights.

Across these examples, the legal consistency argument performs multiple strategic functions. It provides a neutral-sounding rationale for restricting rights, making the measures appear procedural and rational rather than ideological or punitive. It also allows governments to frame LGBTI+ recognition as an exceptional case that threatens the integrity of broader legal and administrative systems, thereby normalising exclusion and discouraging challenges.

In combination with moral, cultural, and security-based justifications, appeals to legal consistency help construct a multi-layered narrative that positions restrictions on LGBTI+ rights as orderly, justified, and socially responsible. This approach not only reinforces structural barriers to recognition and equality but also strengthens the perception that LGBTI+ rights are incompatible with existing societal and legal norms.

Democratic Will

The final theme frequently invoked by governments to restrict LGBTI+ rights was democratic will. This is the idea that legal restrictions reflect the preferences or values of the majority. By presenting laws as expressions of popular consent, anti-LGBTI actors frame restrictions as legitimate, socially endorsed, and consistent with democratic principles, rather than as imposed top-down or ideologically-driven measures.

In countries such as Hungary and Mali, referendums have been used to legitimise laws that explicitly limit LGBTI+ rights.

74 Armstrong, K. (2024, April 28). Iraq criminalises same-sex relationships in new law. BBC News. Available at: <https://www.bbc.co.uk/news/world-middle-east-68914551>

75 Zeyad, A., & Abdul-Zahra, Q. (2024, April 23). Iraq passes harsh anti-LGBTQ+ law imposing up to 15 years in prison, drawing backlash. PBS NewsHour. Available at: <https://www.pbs.org/newshour/world/iraq-passes-harsh-anti-lgbtq-law-imposing-up-to-15-years-in-prison-drawing-backlash>

Public support for such measures is cited as evidence that restrictions align with societal norms and collective moral judgment. Similarly, in Suriname, courts have at times invoked the “will of the people” to uphold bans on same-sex marriage, positioning legal decisions as responsive to cultural preferences rather than questions of individual rights or equality.⁷⁶

However, the invocation of democratic will often masks significant limitations in the processes of public participation. In many cases, referenda or consultative exercises lack transparency, involve restricted voter engagement, or are shaped by state-controlled narratives that influence public opinion. Despite these constraints, governments continue to rely on popular consent to legitimise restrictive measures, framing LGBTI+ rights as incompatible with majority values and societal expectations.

This rationale interacts closely with other justifications, such as tradition, morals, and child protection, creating a multi-layered narrative in which LGBTI+ rights are portrayed as both socially unacceptable and procedurally illegitimate. By linking restrictions to democratic processes, governments not only defend the legality of their actions but also attempt to secure broader societal acceptance, discouraging opposition by framing dissent as contrary to the public interest.

Conclusion

Across diverse political and cultural contexts, governments have repeatedly justified restrictions on LGBTI+ rights by invoking traditional values, national culture, and religious principles. These ideological foundations form the basis for a broad spectrum of legal and policy measures, ranging from criminalisation and denial of legal recognition to censorship and limits on representation.

In practice, these justifications are translated into concrete actions. LGBTI+ identities are often framed as moral threats, leading to the criminalisation of advocacy and expression. Censorship has been widely employed, particularly in education and media, under the pretext of protecting children, with laws restricting discussion of sexual orientation and gender identity in schools and public spaces. Appeals to morals and decency – reinforced through criminal codes and regulatory frameworks – further stigmatise LGBTI+ people and present their identities as inherently improper or harmful.

Over time, these measures frequently escalate. LGBTI+ communities are increasingly portrayed as threats to national security and social stability, with governments framing advocacy as extremist or destabilising. At the same time, arguments grounded in legal consistency and the democratic will are deployed to legitimise restrictions, positioning anti-LGBTI+ policies as procedural, orderly, and social-

ly endorsed. Even when the underlying processes are opaque or manipulated.

External factors, such as the COVID-19 pandemic, have also accelerated these trends. The pandemic created a political environment in which governments could enact sweeping restrictions with minimal scrutiny, limiting civil society oversight and public accountability.

By framing LGBTI+ identities as socially, morally, and politically destabilising, governments create both the legal and social conditions to justify escalating restrictions, control public discourse, and curtail visibility and advocacy. Many governments have also justified the restriction of

LGBTI+ rights by invoking traditional values, national culture, and religious principles. These ideological foundations are translated into concrete legal measures from framing LGBTI+ identities as moral threats, to censoring LGBTI+ content, especially in education and media, under the pretext of protecting children.

Taken together, these strategies reveal a systematic and interlinked pattern; the rollback of LGBTI+ rights is rarely an isolated or incidental occurrence. Instead, it reflects a broader ideological and political project in which morality, nationalism, cultural sovereignty, and authoritarian consolidation converge.

Section 4: Key Findings

- Justifications fall into recurring categories: traditional values, religious freedom, protection of children, censorship, morality, national security, and democratic will.
- These arguments provide governments with ‘legitimate’ narratives to disguise repression as cultural protection or social necessity.
- Transnational influence is clear: governments borrow rhetoric and legal templates from each other.
- Religious freedom cases are increasingly used in courts to erode non-discrimination protections, even in democratic contexts.
- Linking LGBTI+ rights to national security (e.g., Russia, Georgia, Uganda) represents a particularly dangerous escalation, equating identity with extremism.

76 Salerno, R. (2023, December 31). 2023 World Same-Sex Marriage and LGBT Rights Progress – Part 2: Latin America and Caribbean. 76 Crimes. Available at: <https://76crimes.com/2023/12/31/49992/>

Section 4 Questions: Trends in Legal & Political Justifications

- The report identifies recurring justifications: traditional values, religious freedom, moral decency, protection of children, censorship, national security, and democratic will. Are these the most significant?
- Are there cross-regional alliances or patterns (e.g., policy diffusion, influence from international movements) that should be highlighted further?
- Are there additional arguments (e.g., public health, economic, sovereignty) you have observed in your context?
- How can activists and organisations most effectively counter these narratives?



Section 5: The Playbook (Advocacy Strategies of Opponents)

As explored in the previous sections, anti-LGBTI+ movements employ a strategic and multi-layered approach to advance rollbacks and restrict rights, combining ideological, legal, political, and social tactics. While the specifics can vary across regions and contexts, patterns emerge that reveal an organic 'strategic playbook' for attacking LGBTI+ rights.

These strategies exploit social norms, leverage crises, and manipulate legal and political frameworks to achieve both immediate and long-term objectives. To summarise:

1. Ideological Framing and Moral Narratives

Opponents consistently use ideological narratives to justify restrictions, portraying LGBTI+ identities as threats to morality,

national culture, religion, and the family. These narratives frame advocacy as an external or destabilising influence and position restrictive policies as protective measures. For example, governments in Hungary, Russia, Georgia, and Ghana – among others – have invoked the preservation of national culture or heritage to justify bans on same-sex marriage, restrictions on gender recognition, and limitations on public advocacy.

Legal and policy restrictions are often framed as protecting religious freedoms – such as in Vanuatu, Tuvalu, Iraq, and the United States, where courts have upheld exemptions allowing denial of services or employment based on religious beliefs. While laws in Belarus, Uganda, Kyrgyzstan, and Iraq criminalise LGBTI+ expression or label related content as obscene, thus reinforcing the perception that non-heteronormative identities are inherently immoral.

2. Targeted Legal Mechanisms

Anti-LGBTI+ advocacy strategically leverages legal instruments to achieve incremental gains or escalate restrictions over time. This can take place through foundational restrictions such as constitutional amendments or penal code changes which embed heteronormativity at the highest legal levels – as seen in Russia (marriage), Hungary (gender recognition), and Cameroon (criminalisation of same-sex relationships).

On the other hand, targeted exclusions can focus on broader social policy such as education, media, adoption, and healthcare, allowing opponents to shape social norms while avoiding broad international condemnation. Examples include Hungary's Child Protection Act, US "Don't Say Gay" laws, and Singapore's media restrictions. In the most extreme cases, advocacy itself is criminalised, LGBTI+ movements are labelled 'extremist,' and citizens are compelled to report violations to the authorities – as in Russia, Uganda, and Ghana – thereby placing human rights defenders at great risk.

3. Exploiting Crises and External Shocks

Anti-LGBTI+ movements and governments often take advantage of external shocks such as pandemics, natural disasters, economic crises, or even security threats to advance restrictive measures with reduced scrutiny. For example, during the COVID-19 pandemic, lockdowns, emergency powers, and diverted public attention provided opportunities for governments to pass sweeping laws without normal levels of public oversight – as in Russia, Hungary, and Singapore. Restrictions on gatherings further limited Pride events and community organising.

Economic instability or security concerns have similarly been leveraged to justify restrictions, framing LGBTI+ rights as distractions or threats during periods of national vulnerability. For example, bans on gender identity recognition or same-sex marriage are sometimes positioned as measures to preserve societal cohesion amid broader instability.

4. Media and Messaging Strategies

Anti-rights actors employ sophisticated communication strategies to influence public opinion and legitimise rollbacks through laws restricting LGBTI+ representation in schools, media, and public spaces (e.g., Hungary, Belarus, Georgia, multiple US states) limit access to information and visibility. Messaging also frequently conflates sexual orientation or gender identity with paedophilia, extremism, or social destabilisation, reinforcing stigma and fear. This is done to frame restrictions as protective measures for youth. In other words, it legitimises censorship and moral regulation while masking discriminatory intent.

5. Leveraging Democratic and Legal Legitimacy

Lastly, anti-LGBTI+ actors often invoke procedural or popular legitimacy to bolster restrictive policies. Referendums, court decisions, or claims of majority support are used to present restrictions as reflective of societal choice, even when public participation is limited or even manipulated. On a more bureaucratic note, appeals to administrative uniformity or technical legal rationales, such as banning non-binary gender markers, position rollbacks as neutral, rational, and necessary for state functioning.

The ‘playbook’ employed by anti-LGBTI+ movements combines ideological framing, legal mechanisms, crisis exploitation, media control, and claims to legitimacy. These tactics are highly adaptive, allowing restrictions to escalate from moral regulation and censorship to criminalisation and national security measures. Notably, many anti-LGBTI+ strategies are not developed

in isolation. Governments often borrow legal templates, narratives, and policy frameworks from other countries. Russia’s “Gay Propaganda” laws, for example, have inspired similar measures in Eastern Europe, the Americas, and Asia-Pacific. This transnational exchange accelerates the spread of restrictive measures and creates a sense of legitimacy through imitation.

Section 5: Key Findings

- Anti-rights+ actors use coordinated strategies, including:
 - » Legal approaches shared across borders;
 - » Framing rights as foreign impositions to stoke nationalism;
 - » Exploiting crises (COVID-19, political instability) to fast-track restrictions;
 - » Targeting visibility (schools, media, public events) as an early tactic.
- These strategies show increasing professionalisation and global networking among anti-rights movements.

Section 5 Consultation Questions: The Playbook (Advocacy Strategies of Opponents)

- From your perspective, what are the most effective tactics being used by anti-LGBTI+ movements?
- To what extent did external shocks (e.g., COVID-19 or natural disasters) create opportunities for governments to curtail LGBTI+ rights in your context?
- Are there other crises (economic, security, natural disasters) that have been used to justify rollbacks?



Section 6: Conclusion

This working paper shows a worrying global trend. Over the past decade LGBTI+ rights have increasingly come under threat, with rollbacks growing in frequency, severity, and geographic reach. From foundational restrictions on recognition and visibility through targeted exclusions in education and media to criminalisation and persecution, these measures are rarely isolated.

Governments around the world have repeatedly invoked similar justifications to legitimise these rollbacks. Traditional values, national identity, cultural sovereignty, and religious principles provide the ideological basis, while moral decency, protection of children, censorship, legal consistency, democratic will, and national security are translated into concrete

policies and laws. These narratives – often framed as protective or neutral – mask the underlying objective: restricting the rights, visibility, and advocacy of LGBTI+ communities.

Multiple external crises including political, economic, and natural disasters have amplified these trends, creating windows for governments to enact restrictive measures with limited scrutiny. Anti-LGBTI+ movements have relied on a repeatable ‘playbook’: legal reforms that entrench heteronormativity, censorship of media and education, framing advocacy as a threat to social stability, and invoking moral, religious, or popular legitimacy. Moreover, these strategies are increasingly shared across borders, demonstrating a transnational diffusion of restrictive approaches.

The Global LGBTI+ Rights Commission was created to respond to this complex

and interconnected landscape. By documenting, analysing, and sharing evidence of rollbacks worldwide, this working paper aims to provide a comprehensive foundation for coordinated, effective advocacy. But this work cannot succeed without the participation of the communities that are directly affected. Local activists, civil society organisations, and individuals with lived experience hold critical insights on how rollbacks play out on the ground, which strategies succeed or fail, and what gaps remain in protection and monitoring.

Consultation is, therefore, a central part of the Commission’s approach.

Through your evidence and participation, we hope the follow-up report will:

- Validate and enrich the present research with local knowledge and lived experience;

- Highlight overlooked cases, patterns, and emerging threats;
- Identify advocacy strategies that have been the most effective in resisting rollbacks;

While rollbacks are escalating globally, we believe they are neither inevitable nor irreversible. By combining evidence, local expertise, and international solidarity, the global LGBTI+ community can anticipate, challenge, and prevent further restrictions. The Commission’s work depends on active engagement from the community.

Your insights, experiences, and strategic knowledge are essential to shaping effective advocacy that safeguards rights, visibility, and dignity for LGBTI+ people worldwide.

We thank you in advance.

Section 6 Questions: Conclusion

- Do you have additional comments or case studies that should be considered?
- Which advocacy strategies have proven most effective at resisting or reversing rollbacks in your country or region?
- How can international actors (e.g., UN, regional organisations, donor states) better support local activists?
- What mechanisms (e.g., databases, monitoring bodies, rapid response funds) would most strengthen your work against rollbacks?
- How could the findings from this consultation be used to best support your advocacy work?

Appendix 1: Key Instances of LGBTI+ Rights Rollbacks – Global

Burkina Faso

September 2025

Burkina Faso’s Transitional Legislative Assembly unanimously adopted legislation criminalising same-sex relations.⁷⁷ The law imposes penalties of two to five years’ imprisonment and significant fines for consensual same-sex activity.^{78 79} This is a landmark development because Burkina Faso had not inherited colonial-era sodomy laws from France, unlike many neighbouring countries. Instead, its Penal Code had remained silent on same-sex conduct, making this a newly-introduced restriction, rather than the reinstatement of a colonial provision.

The measure was introduced by the Transitional Legislative Assembly, which consists of 71 members appointed under the transitional government following the country’s political upheavals and military takeovers in 2022 and 2023. The bill was passed without opposition or abstentions, reflecting both the dominance of conservative and nationalist narratives in the current political climate and the absence of pluralistic checks and balances.

Government officials justified the new law as a defence of “cultural values” framing same-sex relations as foreign and destabilising imports.⁸⁰ Religious leaders – particularly from the Catholic and Muslim communities – publicly welcomed the decision, portraying it as aligned with traditional morality and divine law. Critics, however, warned that the move reflects a broader regional pattern of authoritarian governments instrumentalising anti-LGBTI+ laws to consolidate power and rally popular support amid insecurity and economic hardship.

⁷⁷ ILGA World (2025). State-Sponsored Homophobia Report 2025 (Burkina Faso entry). Available at: <https://ilga.org/state-sponsored-homophobia-report>

⁷⁸ Müller, A. (2025, September 3). Burkina Faso criminalizes same-sex conduct. Human Rights Watch. Available at: <https://www.hrw.org/news/2025/09/03/burkina-faso-criminalizes-same-sex-conduct>

⁷⁹ Stewart, C. (2025, September). Burkina Faso Joins List of Criminalising States. Erasing 76 Crimes. Available at: <https://76crimes.com/2025/09/erasing-76-crimes-burkina-faso-joins-list-of-criminalising-states/>

⁸⁰ The Guardian. (2025, September 6). Anti-gay law: African jail term of five years for promoting homosexuality in Burkina Faso. Available at: <https://www.theguardian.com/global-development/2025/sep/06/anti-gay-law-african-jail-term-five-years-promoting-homosexuality-burkina-faso>

Civil society organisations in Burkina Faso expressed fear that the law would intensify stigma, violence, and blackmail against LGBTI+ people, who already live under precarious conditions. International NGOs, including Human Rights Watch and ILGA, condemned the legislation as a violation of Burkina Faso’s obligations under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights, both of which protect the right to privacy and equality before the law.

Themes: Cultural Sovereignty & National Identity (the law was framed as a defence of traditional Burkinabè values against foreign influence); Religious Morality (there was strong endorsement by religious leaders, reinforcing moral arguments against same-sex relations); National Unity & Stability (the bill was framed as a measure to safeguard social cohesion during a time of political instability).

Italy

August 2025

The Italian government introduced a decree tightening controls on the supply of gender-affirming medical care for minors, specifically targeting the use of medicines such as puberty blockers for individuals under the age of 18.^{81 82} The measure introduces stricter regulatory oversight, requiring centralised authorisation from the Ministry of Health and limiting prescribing powers to designated specialist clinics.⁸³

The government justified the change on grounds of child protection and “medical prudence,” with officials arguing that the long-term effects of puberty blockers are insufficiently studied. Supporters of the measure invoked the language of safeguarding minors from “irreversible decisions” and drew parallels with restrictions recently enacted in several US states and Eastern European countries. Conservative politicians and Catholic advocacy

81 Reuters (2025, August 5). Italy moves to tighten controls on gender-affirming medical care for minors. NBC News. Available at: <https://www.nbcnews.com/nbc-out/out-news/italy-moves-tighten-controls-gender-affirming-medical-care-minors-rc-na223097>

82 Italian Ministry of Health (2025, August). Decree on Regulation of Puberty Blockers. Available at: <https://www.reuters.com/business/healthcare-pharmaceuticals/italy-moves-tighten-controls-gender-affirming-medical-care-minors-2025-08-05/>

83 Italian Ministry of Health (2025, August). Decree on Regulation of Puberty Blockers. Available at: <https://www.reuters.com/business/healthcare-pharmaceuticals/italy-moves-tighten-controls-gender-affirming-medical-care-minors-2025-08-05/>

groups welcomed the reform, framing it as a necessary barrier against “gender ideology” infiltrating Italian healthcare.⁸⁴

Critics, including the Italian Society of Endocrinology and national LGBTI+ organisations such as Arcigay, condemned the measure as a politically motivated rollback that undermines established medical protocols.⁸⁵ They highlighted that puberty blockers have been safely used in Europe for decades, with robust monitoring mechanisms in place. Human rights organisations warned that the restrictions may violate Article 8 of the European Convention on Human Rights – right to private life – and EU non-discrimination principles, given that the new rules disproportionately affect transgender minors.⁸⁶

The move follows a broader trend under the current government of Prime Minister Giorgia Meloni, whose administration has repeatedly prioritised ‘traditional family’ policies and opposed the legal recognition of same-sex parenting.^{87 88} By tightening controls on gender-affirming healthcare, Italy joins a growing number of states enacting Phase Three rollbacks that specifically target trans youth.

Themes: Child Protection (this measure was framed as shielding minors from irreversible or experimental treatments); Traditional Values & National Identity (the measure depicts ‘gender ideology’ as undermining Italy’s cultural norms); Religious Morality (there is strong support by Catholic networks and family advocacy organisations); Trans Rights Rollback (this is part of a wider pattern of targeted exclusions and criminalisation of gender diversity).

84 Gleeson, J. (27 June 2018). Trans Ethics, Not Gender Ideology: Against the Church and the Gender Critics. Verso. Available at: [https://www.versobooks.com/en-gb/blogs/news/3894-trans-ethics-not-gender-ideology-against-the-church-and-the-gender-critics#:~:text=As%20the%20statement%20from%20the%20Catholic%20Bishops,more%20of%20an%20era\)%20has%20been%20achieved.](https://www.versobooks.com/en-gb/blogs/news/3894-trans-ethics-not-gender-ideology-against-the-church-and-the-gender-critics#:~:text=As%20the%20statement%20from%20the%20Catholic%20Bishops,more%20of%20an%20era)%20has%20been%20achieved.)

85 Arcigay, Associazione LGBTI italiana, Associazione Radicale Certi Diritti, LGBTI Resource Centre, OII Italia, and OutSport (2019). Italy: The Status of the Human Rights of Lesbian, Gay, Bisexual, Transgender and Intersex People. Available at: https://upr-info.org/sites/default/files/documents/2019-10/js1_upr34_ita_e_main.pdf

86 Transgender Europe (TGEU) (2025, October 1). Italy proposes new law further restricting healthcare access and privacy for trans youth. Available at: <https://tgeu.org/italy-proposes-new-law-further-restricting-healthcare-access-and-privacy-for-trans-youth/>

87 Ibid.

88 ILGA-Europe (2025). Annual Review of the Human Rights Situation of LGBTI People in Italy. Available at: <https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-Italy.pdf>

Trinidad and Tobago

April 2025

The Court of Appeal of Trinidad and Tobago reinstated colonial-era provisions of the country’s Sexual Offences Act that criminalise consensual same-sex intimacy between men.⁸⁹ ⁹⁰This ruling overturned the landmark 2018 High Court decision in Jason Jones v Attorney General, which had struck down the relevant provisions as unconstitutional.⁹¹

The Court of Appeal justified its ruling by emphasising deference to parliamentary authority, arguing that the 2018 decision overstepped judicial boundaries by effectively rewriting the law rather than interpreting it. The judgment reasserted that questions of morality and family life should be determined by the legislature, not the courts.

The decision re-criminalises same-sex relations between men, carrying penalties of up to 25 years in prison. While prosecutions have historically been rare, the ruling reinforces stigma, social hostility, and the legal vulnerability of LGBTI+ people. It also represents a significant setback for Caribbean jurisprudence, where several states – Belize, Antigua and Barbuda, St. Kitts and Nevis, Barbados – had recently moved toward decriminalisation through the courts.

Themes: Cultural Sovereignty and National Identity (the ruling is framed as protecting Trinidad and Tobago’s legal and cultural traditions from foreign influence, positioning decriminalisation as an external imposition); Religious Freedom (opponents of decriminalisation argued that retaining colonial-era laws safeguards the religious values of the majority population, particularly Christian norms around sexuality); Morals and Decency (the court’s reasoning reflected a deference to prevailing public morality, suggesting that consensual same-sex intimacy may still be legitimately restricted to uphold decency); Democratic Will (the judgment positioned the legislature, not the judiciary, as the appropriate forum for deciding on sexual rights, presenting criminalisation as consistent with the people’s will).

89 ILGA World. (2025). State-Sponsored Homophobia Report 2025 (Trinidad and Tobago entry). Available at: <https://ilga.org/state-sponsored-homophobia-report>

90 Ibid.

91 Court of Appeal of Trinidad and Tobago (2025, March 25). Attorney General v. Jason Jones. Available at: <https://www.humandignitytrust.org/resources/jason-jones-v-attorney-general-of-trinidad-and-tobago-2018-2/>

United Kingdom

April 2025

The UK’s Supreme Court ruled that the legal definition of a woman was based on biological sex, not gender identity.⁹² ⁹³ While transgender people still have legal protections against discrimination, the ruling is likely to lead to the further exclusion of trans people in public life.⁹⁴ The case arose in the context of equality law, where campaigners sought clarification on whether the Equality Act 2010 protects transgender women’s access to women-only spaces without exception.

The court held that while transgender individuals retain protections against discrimination, ‘woman’ must be understood as a biological category for the purpose of single-sex spaces and services. The ruling does not overturn the UK’s Gender Recognition Act 2004, but it narrows the interpretation of rights in practical contexts such as women’s refuges, sports, and public facilities.

Advocates for transgender rights warned that the decision will lead to further exclusion of trans people from public life, emboldening those already hostile to trans inclusion.⁹⁵ Human rights groups stressed that this represents a regressive step in the UK, once considered a leader in LGBTI+ equality.⁹⁶

Themes: Legal & Constitutional Interpretation (the court framed its ruling as a strict reading of statutory definitions, emphasising legal certainty over social recognition); Traditional Values & National Identity (the judgment resonates with narratives of protecting ‘biological reality’ as a core element of fairness and safety).

92 UK Supreme Court (2025, April 16). For Women Scotland Ltd v The Scottish Ministers [2024] UKSC 42. Available at: <https://supremecourt.uk/cases/docs/uksc-2024-0042-judgment.pdf>

93 Equality and Human Rights Commission (EHRC) (2025, April 16). EHRC statement on Supreme Court ruling in For Women Scotland v Scottish Ministers. Available at: <https://www.equalityhumanrights.com/ehrc-statement-supreme-court-ruling-women-scotland-v-scottish-ministers>

94 Brocklehurst, S. (2025, April 16). UK Supreme Court rules legal definition of a woman is based on biological sex. BBC News. Available at: <https://www.bbc.co.uk/news/live/cvgq9ejql39t>

95 Human Rights Watch (2025, May 9). UK: Court Ruling Threatens Trans People. Available at: <https://www.hrw.org/news/2025/05/09/uk-court-ruling-threatens-trans-people>

96 ILGA-Europe (2025). Annual Review of the Human Rights Situation of LGBTI People in Europe and Central Asia 2025 (United Kingdom entry). Available at: <https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-United-Kingdom.pdf>

Hungary

March 2025

The Hungarian Parliament passed legislation banning all LGBTI+ public events, including the long-standing Budapest Pride parade. The law prohibits assemblies that are deemed to “violate the protection of children,” a justification borrowed from Hungary’s 2021 “Child Protection Act.”⁹⁷ Violations are punishable by fines and potential imprisonment.⁹⁸

Despite the ban, organisers went ahead with Budapest Pride on 28 June 2025, drawing between 100,000 and 200,000 participants – one of the largest Pride events in Central Europe.⁹⁹ The government justified the ban as necessary to protect children from ‘LGBTI+ propaganda’ and framed it as consistent with Hungarian cultural and family values. The European Commission condemned the law as a violation of EU treaties, and legal proceedings are expected at the European Court of Justice.

Themes: Protecting Children (the law was explicitly tied to the rhetoric of shielding minors from ‘harmful’ information); Censorship (the ban erases LGBTI+ presence from public life and criminalises visibility); Traditional Values & National Identity (the law was framed as preserving Hungarian cultural identity against Western liberal influence); Democratic Will (the government claims broad public support, citing prior referenda on ‘child protection’ issues).

97 Hungarian Parliament (2025, March 18). Act XX of 2025 on the Amendment of the Law on the Right of Assembly and the Child Protection Act. Available at: <https://www.parlament.hu/documents/10181/10182/Act+XX+of+2025+on+the+Amendment+of+the+Law+on+the+Right+of+Assembly+and+the+Child+Protection+Act.pdf>

98 ILGA-Europe (2025). Rainbow Map 2025 – Hungary. Available at: <https://rainbowmap.ilga-europe.org/countries/hungary/>

99 Szivárvány, M. (2025, June 17). Budapest Pride 2025: A Record Crowd Stands Up for Democracy. [HTML] Available at: <https://budapestpride.hu/en/news/budapest-pride-2025-record-crowd-stands-democracy>

United States

January 2025

President Donald Trump re-issued an executive order banning transgender individuals from serving in the military, reinstating a measure first enacted during his previous administration in 2019 and repealed by President Biden in 2021.^{100 101} The order bars transgender individuals from enlistment, prohibits transitions while in service, and requires discharges for those identified as transgender.¹⁰² The Pentagon implemented the directive within weeks, cancelling existing waivers and halting gender-affirming healthcare provision through the military. The administration defended the order as a matter of unit cohesion, cost reduction, and military readiness.

Themes: National Security (the order was justified as protecting military readiness and cohesion, despite contrary evidence); Traditional Values & National Identity (it was framed as restoring ‘honour’ and ‘discipline’ to the armed forces); Censorship (by banning open service, the policy forces concealment of transgender identities).

Vanuatu

November 2024

Parliament enacted an amendment to the Marriage Act to explicitly ban same-sex marriage.^{103 104} The legislation stipulates that same-sex marriage cannot be registered in Vanuatu – a formulation that precludes the recognition of marriages that were lawfully

100 Trump, D. J. (2025, January 27). Prioritizing Military Excellence and Readiness. The White House. Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/prioritizing-military-excellence-and-readiness/>

101 American Civil Liberties Union (ACLU) (2018, March 30). Breaking Down Trump's Trans Military Ban. Available at: <https://www.aclu.org/news/lgbtq-rights/breaking-down-trumps-trans-military-ban>

102 Department of Defense (2025, May 15). Prioritizing Military Excellence and Readiness: Implementation Guidance. Available at: <https://media.defense.gov/2025/May/15/2003715662/-1/-1/0/PRIORITIZING-MILITARY-EXCELLENCE-AND-READINESS-IMPLEMENTATION-GUIDANCE.PDF>

103 RNZ (2024, November 18). Vanuatu parliament amends Marriage Act to ban same-sex marriage. Radio New Zealand. Available at: <https://www.rnz.co.nz/international/pacific-news/534062/vanuatu-parliament-amends-marriage-act-to-ban-same-sex-marriage>

104 Republic of Vanuatu (1988). Marriage Act [Cap 60]. Revised Edition. Available at: <https://crvsd.gov.vu/images/legislation-policies/Cap%2060%20-%20Marriage%20Act.pdf>

performed aboard.¹⁰⁵ Furthermore, the statute defines marriage as between a man and a woman banning any ceremonies that purport otherwise – which in effect, may deter even informal ceremonies.¹⁰⁶

Vanuatu’s government argues that this law is necessary to protect the country’s constitution and its Christian principles and Melanesian values.¹⁰⁷ This move is not seen as motivated by a desire to oppress LGBTI+ individuals but rather as a proactive defence of traditional and customs practices. The opposition to this measure primarily focused on Vanuatu’s purported commitment to human rights and anti-discrimination.¹⁰⁸ Campaigners claim that this further marginalisation of LGBTI+ individuals in Vanuatu is proof that the country is not acting in accordance with its international obligations.¹⁰⁹

As part of this measure, Vanuatu also moved to ban LGBTI+ advocacy, threatening to criminalise officials who do not comply with the spirit of this law.¹¹⁰

Themes: Cultural Sovereignty and National Identity (the legislation is framed as a defence against external influences and a way to safeguard Vanuatu’s national customs); Religious Freedom (the government explicitly links the prohibition to the defence of Christian values); Censorship (banning LGBTI+ advocacy demonstrates a move toward restricting freedom of expression regarding LGBTI+ rights); Democratic Will (the legislation is portrayed domestically as a reflection of the population’s commitment to traditional values, despite international criticism).

105 Ibid.

106 Ibid.

107 RNZ (2024, November 5). Vanuatu moves to ban LGBTQIA+ advocacy. Radio New Zealand. Available at: <https://www.rnz.co.nz/international/pacific-news/532858/vanuatu-moves-to-ban-lgbtqia-advocacy>

108 LGBT Great (2024, November 25). News Digest #57. Available at: <https://lgbtgreat-members.glueup.com/en/organization/2359/campaign/330953>

109 Humanists International (2024, December 12). Vanuatu – Freedom of Thought Report. Available at: <https://fot.humanists.international/countries/oceania-melanesia/vanuatu/>

110 Stewart, C. (2024, November 19). Anti-gay moves in South Pacific island nation of Vanuatu. Erasing 76 Crimes. Available at: <https://76crimes.com/2024/11/19/anti-gay-moves-in-south-pacific-island-nation-of-vanuatu/>

Mali

October 2024

In October 2024, Mali’s National Transitional Council passed legislation criminalising same-sex sexual activity with an overwhelming majority.¹¹¹ The sentencing behind this act is unclear. Mali did not inherit colonial-era laws following its independence from France in 1960.^{112 113} The law’s penalties remain ambiguous but are expected to include prison terms and fines.¹¹⁴ Officials framed the move as necessary to protect “traditional and moral values”.¹¹⁵

The law was welcomed by conservative religious leaders, who exert significant influence in Malian politics. Civil society groups, however, decried the law as a profound regression, warning of increased violence, blackmail, and vulnerability for LGBTI+ communities already operating in hostile conditions.¹¹⁶

Themes: Cultural Sovereignty and National Identity (the law was framed as a rejection of Western influence and an affirmation of Malian cultural values by the military-led government to rally support and consolidate authority during instability); Religious Morality (the law was strongly supported by Muslim leaders who framed homosexuality as sinful and socially destabilising).

111 International Institute for Democracy and Electoral Assistance (International IDEA). (2024, October). Mali – October 2024. Available at: <https://www.idea.int/democracytracker/report/mali/october-2024>

112 Human Dignity Trust (2025, January 30). Mali passes new law criminalising same-sex sexual activity. Available at: <https://www.humandignitytrust.org/news/mali-criminalises/>

113 Human Rights Watch (2024, October 15). Mali: Criminalisation of Same-Sex Relations a Dangerous Precedent. Available at: <https://www.hrw.org/news/2024/10/15/mali-criminalisation-same-sex-relations-dangerous-precedent>

114 Sovon, J. (2024, December 26). Mali adopts openly anti-LGBTQ+ legislation. Global Voices. Available at: <https://global-voices.org/2024/12/26/mali-adopts-openly-anti-lgbtq-legislation/>

115 International Federation of Journalists (IFEX) (2024, November 12). Mali’s new law criminalises homosexuality. Available at: <https://ifex.org/malis-new-law-criminalises-homosexuality/>

116 Broqua, C. (2025, January 15). Mali’s military junta has made homosexuality a crime – what the new law says. The Conversation. Available at: <https://theconversation.com/malis-military-junta-has-made-homosexuality-a-crime-what-the-new-law-says-247271>

Georgia

September 2024

The Georgian Parliament passed sweeping legislation to severely restrict LGBTI+ activity.¹¹⁷ These limitations include:

- a. A ban on public display of material associated with LGBTI+ causes (e.g., the rainbow flag);¹¹⁸
- b. A ban on Pride events;¹¹⁹
- c. Censorship of LGBTI+ content in movies, books, and the media generally;¹²⁰
- d. Prohibition of public endorsement of LGBTI+ relationship or associated “propaganda”;¹²¹
- e. Restriction on LGBTI+ related information in schools, workplaces, and public gatherings.¹²²

The law further restricts gender rights by: (i) banning all operations or interventions for gender reassignment; (ii) preventing gender changes in official documents; and (iii) prohibiting gender-affirming care.¹²³

The legislation was championed by the ruling party Georgian Dream which is led by oligarch Bidzina Ivanishvili.¹²⁴ It was successful despite the opposition of President Salome

Zourabichvili and the active condemnation of the European Union.¹²⁵ The timing of the legislation – just before the general election of October 2024 – suggests that this move is part of a populist and anti-Western campaigning strategy.¹²⁶ In fact, the legislation points to a strengthening of Russia’s influence in Georgia, sabotaging the country’s democratic aspiration and potential European Union membership.¹²⁷ The repressive climate Georgia is experiencing muted criticism for this law, with few organisations denouncing this potential violation of fundamental human rights and freedoms.¹²⁸

Themes: Traditional Values and National Identity (the law is justified as a defence of traditional Georgian values against perceived foreign influences); Cultural Sovereignty and National Identity (LGBTI+ rights are framed as a Western import, with the legislation reinforcing a distinct Georgian cultural identity); Censorship (the legislation supports severe restrictions on LGBTI+ expression in media, education, and public spaces); National Security and Social Stability (the suppression of LGBTI+ rights is linked to anti-Western sentiment and the portrayal of LGBTI+ advocacy as destabilising to society); The Need to Protect Children from Harmful Ideas (restrictions on LGBTI+ information in schools are justified under the pretext of protecting children).

117 Georgia (2024, September 17). Law on the Protection of Family Values and Minors. Available at: <http://www.matsne.gov.ge/en/document/view/6283110>

118 Al Jazeera (2024, September 17). Georgia’s parliament approves law curbing LGBTQ rights. Available at: <https://www.aljazeera.com/news/2024/9/17/georgias-parliament-approves-law-curbing-lgbtq-rights>

119 Euronews (2024, September 17). Georgian parliament approves anti-LGBTQ+ law in lockstep with Russia. Available at: <https://www.euronews.com/my-europe/2024/09/17/georgian-parliament-approves-anti-lgbtq-law-in-lockstep-with-russia>

120 Ibid.

121 1TV Georgia (2024, September 17). Parliament adopts Family Values Bill in third reading. Available at: <https://1tv.ge/lang/en/news/parliament-adopts-family-values-bill-in-third-reading/>

122 Civil Rights Defenders (2024, September 20). New bill in Georgia violates LGBTI+ rights. Available at: <https://crd.org/2024/09/20/new-bill-in-georgia-violates-lgbti-rights/>

123 BBC News (2024, September 19). Trans woman killed in Georgia day after anti-LGBT law passed. Available at: <https://www.bbc.com/news/articles/cy0lnpn019xo.amp>

124 Di Marcoberardino, A. (2024, October 25). Georgia passes anti-LGBTQ+ law: A reflection of Russian legislation and influence. Available at: <https://thesecuritydistillery.org/all-articles/georgia-passes-anti-lgbtq-law-a-reflection-of-russian-legislation-and-influence>

125 NBC News (2024, September 17). Georgian parliament approves bill to curb LGBTQ rights. Available at: <https://www.nbcnews.com/nbc-out/out-news/georgian-parliament-approves-law-curbing-lgbtq-rights-rcna171450>

126 Di Marcoberardino, A. (2024, October 25). Georgia passes anti-LGBTQ+ law: A reflection of Russian legislation and influence. Available at: <https://thesecuritydistillery.org/all-articles/georgia-passes-anti-lgbtq-law-a-reflection-of-russian-legislation-and-influence>

127 Ibid.

128 Civil Rights Defenders (2024, September 20). New bill in Georgia violates LGBTI+ rights. Available at: <https://crd.org/2024/09/20/new-bill-in-georgia-violates-lgbti-rights/>

Bulgaria

August 2024

The Bulgarian Parliament amended the country’s existing education laws to prohibit so-called “LGBTI+ propaganda” in schools.¹²⁹ The provisions ban the promotion or incitement of ideas contrary to traditional sexual orientation and/or biological gender identity.¹³⁰ Furthermore, “non-traditional” sexual relationships are now defined as a clear deviation from Bulgaria’s legal recognition of emotional, romantic, and sensual attraction.¹³¹

The far-right (and pro-Russia) Vazrazhdane Party promoted the amendment, maintaining that it was necessary to protect traditional values.¹³² Supporters claim that this legislation addresses the increasing issue of problematic sexual and gender theories in schools.¹³³ Even left-leaning politicians – such as the leader of the Socialist Party, Kornelia Ninova – framed the measure as a protection against gender ideology promoted by influential and rich people.¹³⁴ On the other hand, human rights organisations are resolute in stating that the law violates the fundamental rights of the LGBTI+ community.¹³⁵ A climate of fear is emerging where political attacks on LGBTI+ individuals are normalised.¹³⁶ Local legal experts also claim that the vagueness of wording used in the legislation provides for a wide range of interpretations, leading to even more censorship as a result.¹³⁷

The law was met with significant protests across the country. LGBTI+ and human rights groups took part in rallies outside Parliament.¹³⁸ The demonstrations took aim specifically at the perceived Russian influence behind these measures.¹³⁹ A petition urging President Rumen Radev to veto the amendment attracted over 6,000 people and 70 different organisations.¹⁴⁰ The human rights commissioner of the Council of Europe also joined this call with several MEPs indicating that the legislation is a potential breach of the European Charter of Fundamental Rights.^{141 142}

Themes: Traditional Values and National Identity (the amendment is framed as a necessary defence of Bulgaria’s traditional values and biological understanding of gender); Cultural Sovereignty and National Identity (LGBTI+ rights are portrayed as foreign or Western ideologies threatening Bulgaria’s cultural identity); The Need to Protect Children from Harmful Ideas (the ban is justified as necessary to shield children from exposure to ‘gender ideology’ and ‘non-traditional’ sexual relationships); Censorship (the law imposes broad censorship on the discussion of LGBTI+ topics within the education system).

129 ILGA-Europe (2024, August 7). Bulgaria passes anti-LGBTI propaganda law. Available at: <https://www.ilga-europe.org/press-release/bulgaria-passes-anti-lgbti-propaganda-law/>

130 Radio Free Europe/Radio Liberty (2024, August 15). Bulgarian President signs law banning LGBT 'promotion' in schools. Available at: <https://www.rferl.org/a/bulgaria-lgbt-law-veto-letter/33079866.html>

131 Euronews (2024, August 8). Human rights activists call on the EU to step up in the name of LGBTQ+ rights. Available at: <https://www.euronews.com/my-europe/2024/08/08/human-rights-activists-call-on-the-eu-to-step-up-in-the-name-of-lgbtq-rights>

132 Ibid.

133 Balkan Insight (2024, August 7). Bulgaria's parliament unexpectedly outlaws 'LGBT propaganda' in schools. Available at: <https://balkaninsight.com/2024/08/07/bulgarias-parliament-unexpectedly-outlaws-lgbt-propaganda-in-schools/>

134 Ibid.

135 Euronews (2024, August 8). Human rights activists call on the EU to step up in the name of LGBTQ+ rights. Available at: <https://www.euronews.com/my-europe/2024/08/08/human-rights-activists-call-on-the-eu-to-step-up-in-the-name-of-lgbtq-rights>

136 Ibid.

137 Balkan Insight (2024, August 7). Bulgaria's parliament unexpectedly outlaws 'LGBT propaganda' in schools. Available at: <https://balkaninsight.com/2024/08/07/bulgarias-parliament-unexpectedly-outlaws-lgbt-propaganda-in-schools/>

138 Euronews (2024, August 9). Protesters rally outside Bulgaria parliament to denounce ban on LGBTQ+ 'propaganda' in schools. Available at: <https://www.euronews.com/2024/08/09/protesters-rally-outside-bulgaria-parliament-to-denounce-ban-on-lgbtq-propaganda-in-school>

139 NBC News (2024, August 8). Protesters denounce Bulgaria’s ban on LGBTQ+ ‘propaganda’ in schools. Available at: <https://www.nbcnews.com/nbc-out/out-news/protesters-denounce-bulgarias-ban-lgbtq-propaganda-schools-rcna165986>

140 Todorov, S. (2024, August 16). Bulgarians hold rival rallies after president approves anti-LGBTQ+ law change. Balkan Insight. Available at: <https://balkaninsight.com/2024/08/16/bulgarians-hold-rival-rallies-after-president-approves-anti-lgbtq-law-change/>

141 Heil, A. (2024, August 15). Bulgarian president signs law banning LGBT 'promotion' in schools. Radio Free Europe/Radio Liberty. Available at: <https://www.rferl.org/a/bulgaria-lgbt-law-veto-letter/33079866.html>

142 European Parliament. (2024, September 18). Bulgarian Parliament vote banning ‘LGBTI propaganda’ in schools. European Parliament. Available at: https://www.europarl.europa.eu/doceo/document/E-10-2024-001751_EN.html

Italy

July 2024

The Italian Constitutional Court issued a landmark ruling regarding the recognition of non-binary gender identity.¹⁴³ The court made important declarations:

- a. The introduction of a third gender option requires a comprehensive legislative effort that can only be enacted by Parliament.¹⁴⁴ It is not for the courts to promote wide-ranging changes in the legal and social system.¹⁴⁵
- b. The rights of non-binary individuals are indirectly protected by the Italian Constitution – specifically regarding equality of citizens, social identity, and the right to health.¹⁴⁶
- c. The court accepts that the absence of a non-binary gender option in the Italian legal system may well lead to unequal treatment for the individuals concerned. However, this was not significantly material to justify intervention at this stage.¹⁴⁷

The decision was welcomed by conservative groups as a “common sense” victory against “gender ideology.”¹⁴⁸ However, Italian and European LGBTI+ groups expressed disappointment at what they see as the court’s failure to protect against dangers that it has clearly identified.¹⁴⁹ Given that this issue has now been placed at the doorsteps of Parliament, campaigners are not hopeful that progress can be achieved due to its conservative leadership.¹⁵⁰

Themes: Legal and Constitutional Interpretation (the court emphasized that the recognition of a third gender must come from Parliament, not judicial action); Discrimination and Equality (the court acknowledged that the lack of a non-binary option could result in unequal treatment); Traditional Values and National Identity (conservative groups framed the decision as a defence of traditional gender norms against ‘gender ideology’).

143 Corte Costituzionale (2024, July 23). Sentenza n. 143/2024. Available at: https://cortecostituzionale.it/actionSchedaPronuncia.do?param_ecli=ECLI:IT:COST:2024:143 [English translation available through Westlaw].

144 Kompatscher, A., & Roßbach, S. (2024, August 9). Non-Binary Gender Markers in Italy? On the Decision No. 143/2024 of the Italian Constitutional Court. *Verfassungsblog*. Available at: <https://verfassungsblog.de/non-binary-gender-markers-italy/>

145 Ibid.

146 Ibid.

147 Ibid.

Iraq

April 2024

Iraq’s Parliament amended its Law on Combating Prostitutions to include “and Homosexuality.”¹⁵¹ The legislation introduces harsher penalties for same-sex relationships or behaviours, gender expression, and identifying as transgender.¹⁵² These include:

- New minimum sentences of between 10 and 15 years imprisonment for same-sex sexual conduct;
- Criminalisation of acts of “effeminacy” (e.g., wearing of women’s clothing or makeup and related behaviours by men);¹⁵³
- A ban on gender transitioning based on psychological factors (with an express exception for congenital anomalies);
- A minimum of 7 years imprisonment for promoting or aiding same-sex relationships.

The supporters of the legislation cite the need to protect Iraqi values and sense of morality.¹⁵⁴ Officials particularly criticised what they perceive as Western interference and moral depravity targeting Iraqi children.¹⁵⁵ It is important to note that the legislation was significantly watered down since its introduction, as it contained provisions for the death penal-

148 Ryder, B. (2024, August 2). Victory in Italy’s Constitutional Court Over Gender Ideology. *The European Conservative*. Available at: <https://europeanconservative.com/articles/news/victory-in-italys-constitutional-court-over-gender-ideology/>

149 ILGA-Europe & Transgender Europe (TGEU) (2024, August 1). Joint statement on Italian Constitutional Court ruling on non-binary & trans persons’ rights. Available at: <https://www.ilga-europe.org/news/joint-statement-on-italian-constitutional-court-ruling-on-non-binary-trans-persons-rights/>

150 Transgender Europe (TGEU) (2024, August 1). Italian court upholds non-binary rights but limits legal recognition beyond binary system. Available at: <https://tgeu.org/italian-court-upholds-non-binary-rights-but-limits-legal-recognition-beyond-binary-system/>

151 International Labour Organization (ILO) (2024). Iraq - Law No. 15 of 2024 amends Law No. 8 of 1988 on Combatting Prostitution. Available at: https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=116574

152 Armstrong, K. (2024, April 28). Iraq criminalises same-sex relationships in new law. *BBC News*. Available at: <https://www.bbc.co.uk/news/world-middle-east-68914551>

153 International Labour Organization (ILO) (2024). Iraq - Law No. 15 of 2024 amends Law No. 8 of 1988 on Combatting Prostitution. Available at: https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=116574

154 Zeyad, A., & Abdul-Zahra, Q. (2024, April 23). Iraq passes harsh anti-LGBTQ+ law imposing up to 15 years in prison, drawing backlash. *PBS NewsHour*. Available at: <https://www.pbs.org/newshour/world/iraq-passes-harsh-anti-lgbtq-law-imposing-up-to-15-years-in-prison-drawing-backlash>

155 Ibid.

ty.¹⁵⁶ The resistance to the bill did not involve local groups and was mainly led by Human Rights Watch and Amnesty International, both framing the issue as a violation of fundamental rights.^{157 158} On the whole, the passage of this bill is an indication of the current strength of conservative forces within Iraq, leading to an increased vulnerability for LGBTI+ individuals.¹⁵⁹

Themes: Traditional Values and National Identity (the ruling emphasizes the importance of preserving Iraqi cultural and national identity); Morals and Decency (the law frames LGBTI+ issues as a matter of public morality); Censorship (the ruling allows restrictions on the promotion of LGBTI+ identities); National Security and Social Stability (the decision frames moral behavior as integral to social stability); Cultural Sovereignty and National Identity (the ruling stresses defending Iraqi culture against perceived Western influence); Religious Freedom (the decision implicitly links legal restrictions to religious values); Democratic Will (the ruling reflects a lack of significant local opposition).

El Salvador

March 2024

Education Minister José Mauricio Pineda announced that any traces of “gender ideology” have been removed from schools.¹⁶⁰ This follows President Nayib Bukele’s rejection of Western ideologies during his successful re-election campaign.¹⁶¹

156 Ibid.

157 Human Rights Watch (2024, May 20). Iraq: Repeal Anti-LGBT Law. Available at: <https://www.hrw.org/news/2024/05/20/iraq-repeal-anti-lgbt-law>

158 Amnesty International (2024, April 29). Iraq: Authorities must urgently repeal new law criminalizing same-sex relations. Available at: <https://www.amnesty.org/en/latest/news/2024/04/iraq-authorities-must-urgently-repeal-new-law-criminalizing-same-sex-relations/>

159 ILGA Asia (2025, January 15). Iraq: LGBTIQ community under threat following law criminalizing diverse gender identities and same-sex relationships. Available at: <https://www.ilgaasia.org/news/IraqBriefingNoteJan2025>

160 Lewis, R. (2024, March 1). El Salvador removes 'gender ideology' content from all public schools. NBC Montana. Available at: <https://nbcmontana.com/news/nation-world/el-salvador-removes-gender-ideology-content-from-all-public-schools-education-minister-jose-mauricio-pineda-san-salvador-honduras-lgbt-school-crisis-in-the-classroom>

161 El País English Edition (2024, March 1). Bukele attacks gender theory and removes it from public schools in El Salvador. El País. Available at: <https://english.elpais.com/international/2024-03-01/bukele-attacks-gender-theory-and-removes-it-from-public-schools-in-el-salvador.html>

The government of El Salvador argues that its primary motive is to protect children from harmful indoctrination.¹⁶² President Bukele emphasises that parents must have a say in their children's education.¹⁶³ Conservative groups praised the government’s threat to fire any teachers if gender ideology is disseminated.¹⁶⁴ On the other hand, human rights organisations denounced what they see as discrimination and violence against LGBTI+ individuals.¹⁶⁵ Local activists warn about the increase in intolerance towards minority groups.¹⁶⁶

Themes: Traditional Values and National Identity (the ruling emphasizes the importance of preserving local cultural values over Western influence); Morals and Decency (the policy frames gender ideology as a threat to social decency); The Need to Protect Children from Harmful Ideas (the decision stresses protecting children from exposure to gender ideology); Censorship (the ruling allows government measures that effectively silence discussion of gender topics); Religious Freedom (the decision implicitly links support for traditional gender views to religious beliefs); Democratic Will (the policy is framed as upholding parental rights and choice); National Security and Social Stability (the ruling claims that rejecting gender ideology protects social cohesion).

Belarus

March 2024

The Culture Ministry of Belarus amended its decree – which has the force of law – to broaden the definition of pornography to include any depictions of “non-traditional” sexual behaviours.¹⁶⁷ This amendment criminalises – with a prison sentence – any illustration of LGBTI+ lives.¹⁶⁸

162 The Tico Times (2024, March 2). El Salvador’s crackdown on gender ideology draws backlash. The Tico Times. Available at: <https://ticotimes.net/2024/03/02/el-salvadors-crackdown-on-gender-ideology-draws-backlash>

163 Ibid.

164 Ibid.

165 Ibid.

166 Human Rights Watch (2022, October 11). Censoring sexuality education is not a 'new idea'. Human Rights Watch. Available at: <https://www.hrw.org/news/2022/10/11/censoring-sexuality-education-not-new-idea>

167 Ministry of Culture of the Republic of Belarus (2024, March 19). Постановление No. 24: Об изменении постановления Министерства культуры Республики Беларусь от 8 мая 2007 г. No 18. Available at: <https://pravo.by/document/?guid=12551&p0=W22441365> [English translation available through PressReader].

168 Human Rights Watch (2024, April 12). Belarus calls LGBT lives 'pornography'. Human Rights Watch. Available at: <https://www.hrw.org/news/2024/04/12/belarus-calls-lgbt-lives-pornography>

This definition of pornography includes any expression of homosexuality, bisexuality, or transgender identity.¹⁶⁹ Production, distribution, or possession (with the intent to distribute) such a material is punishable by a maximum of 4 years imprisonment.¹⁷⁰

Belarussian officials justified this move as a protection of traditional values and existing family structures.¹⁷¹ The government maintains it is necessary to stop the spread of destructive ideas that harm the national interest.¹⁷² Human rights groups condemn this degree as one of the latest violations of fundamental rights in the country.¹⁷³ It is also noted that public expression of support towards the LGBTI+ community may now be impossible given the operation of this law – a broad definition of the word ‘depiction’.¹⁷⁴

Themes: Traditional Values and National Identity (the law emphasizes protecting traditional family structures and national identity from LGBTI+ expressions); Morals and Decency (the ruling frames LGBTI+ depictions as immoral and a threat to societal decency); Censorship (the decision criminalizes any depiction of LGBTI+ identity, effectively silencing such expressions); The Need to Protect Children from Harmful Ideas (the law implies that LGBTI+ depictions are harmful and should be kept from public view); National Security and Social Stability (the ruling frames the law as necessary to protect society and maintain stability); Democratic Will (the law reflects an authoritarian imposition with no democratic process behind it).

169 Kyiv Independent (2024, April 12). Belarus classifies depiction of LGBTQ+ relationships as 'pornography'. Kyiv Independent. Available at: <https://kyivindependent.com/belarus-weekly-belarus-classifies-depiction-of-lgbtq-relationships-as-pornography/>

170 Novaya Gazeta Europe (2024, April 12). Belarus moves to classify depiction of 'non-traditional relations' as pornography. Novaya Gazeta Europe. Available at: <https://novayagazeta.eu/articles/2024/04/12/belarus-moves-to-classify-depiction-of-non-traditional-relations-as-pornography-en-news>

171 Associated Press (2024, April 12). Belarus seeks to copy neighboring Russia's repressive LGBTQ+ policies, activists say. Associated Press. Available at: <https://apnews.com/article/belarus-lgbtq-crackdown-russia-putin-lukashenko-a46db4f815ff563a49a09b96ab408630>

172 ILGA-Europe (2025, February). Annual Review 2025: Belarus. Available at: <https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-Belarus.pdf>

173 All Out (2024, December 9). Stop the repression against the LGBTQ+ community in Belarus. Available at: <https://action.allout.org/en/m/7e534af6/>

174 Ibid.

Ghana

February 2024

Ghana’s Parliament passed its Human Sexual Rights and Ghanaian Family Values Bill.¹⁷⁵ The purpose of this legislation is to further restrict LGBTI+ representation in the country.¹⁷⁶ This includes:

- a. Up to 3 years imprisonment for identifying as LGBTI+;¹⁷⁷
- b. A maximum of 5 years in prison for organising or funding LGBTI+ groups;¹⁷⁸
- c. Criminalisation of any LGBTI+ advocacy and displays of public affection;¹⁷⁹
- d. A requirement for citizens to report any suspect LGBTI+ individuals to the authorities.¹⁸⁰

As seen in almost all of the similar cases mentioned above, the main argument adopted by the proponents of the bill was related to traditional values and family structures.¹⁸¹ Similarly, there is a perceived problem with the discussion of LGBTI+ topics in schools.¹⁸² As such, the issue was mainly framed as a necessary protection against “gender ideology.”¹⁸³

175 Parliament of Ghana (2021). Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill. Available at: <https://ir.parliament.gh/bitstream/handle/123456789/3055/Report%20of%20the%20Committee%20on%20Constitutional%2C%20Legal%20and%20Parliamentary%20Affairs%20on%20the%20Promotion%20of%20Proper%20Human%20Sexual%20Rights%20and%20Ghanaian%20Family%20Values%20Bill%2C%202021.pdf?sequence=1&isAllowed=y>

176 Avery, D. (2021, July 29). Ghana poised to vote on 'worst anti-LGBTQ bill ever,' advocates warn. NBC News. Available at: <https://www.nbcnews.com/nbc-out/out-news/ghana-poised-vote-worst-anti-lgbtq-bill-ever-advocates-warn-rcna1545>

177 BBC News (2022, November 25). Ghana parliament passes anti-LGBTQ bill. BBC News. Available at: <https://www.bbc.com/news/world-africa-68353437>

178 Ibid.

179 OutRight Action International (2024, March 5). Queer lives under threat as Ghana's parliament passes anti-LGBTQ+ bill. Available at: <https://outrightinternational.org/press-release/queer-lives-under-threat-ghanas-parliament-passes-anti-lgbtq-bill>

180 Human Rights Watch (2024, March 5). Ghana president should veto anti-LGBTQ+ bill. Available at: <https://www.hrw.org/news/2024/03/05/ghana-president-should-veto-anti-lgbt-bill>

181 76 Crimes (2021, July 6). Ghana’s Anti-LGBTQ Private Members Bill. Available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2F76crimes.com%2Fwp-content%2Fuploads%2F2021%2F07%2FGhanas-Anti-LGBTQ-Private-Members-Bill.docx&wdOrigin=BROWSELINK>

182 76 Crimes (2024, December 9). Traditional Ghana anti-gay bill indigenous. Available at: <https://76crimes.com/2024/12/09/traditional-ghana-anti-gay-bill-indigenous/>

183 Ibid.

Human rights groups argue that the bill is a violation of fundamental rights under Ghana’s constitution.¹⁸⁴ There has been an increase in violence and discrimination against LGBTI+ individuals.¹⁸⁵ Furthermore, other groups – including those not sympathetic to LGBTI+ causes – warn about the negative economic impact of this law, such as the loss of international funding.¹⁸⁶

The United Nations condemned this legislation.¹⁸⁷ In particular, there are concerns about the operation of HIV responses in Ghana.¹⁸⁸ This adds to a warning of a potential of \$3.8 billion in funding from the World Bank.¹⁸⁹ As of the time of writing, the bill has passed Parliament but has not been signed into law yet. Ghana’s Supreme Court dismissed a challenge to the bill in December 2024 based on constitutional grounds.¹⁹⁰ The Ministry of Finance is urging the President not to sign the law due to economic concerns.¹⁹¹ President Nana Akufo-Abbo has yet to indicate whether he will enact this law.

Themes: Traditional Values and National Identity (the law emphasizes defending the nation from the perceived threat of LGBTI+ rights); Morals and Decency (the ruling frames LGBTI+ behaviour and advocacy as immoral and harmful to society); Censorship (the decision criminalizes LGBTI+ advocacy and public expression); The Need to Protect Children from Harmful Ideas (the law frames protections against LGBTI+ indoctrination in schools); National Security and Social Stability (the ruling justifies the law as preserving stability and traditional values).

184 Coleman, N. (2023). Ghana’s Anti-LGBTQ+ Bill: Legal and Human Rights Implications. *African Human Rights Law Journal*, 23(1), 1-25. Available at: https://www.ahrlj.up.ac.za/images/ahrlj/2023/volume_1/COLEMAN.pdf

185 OutRight International (2024, December 18). Ghana’s Anti-LGBTQ Bill Clears Supreme Court Hurdle, Threatening Lives. Available at: <https://outrightinternational.org/press-release/ghanas-anti-lgbtq-bill-clears-supreme-court-hurdle-threatening-lives>

186 Context News (2024, March 1). Could Ghana’s Anti-LGBTQ+ Bill Be Blocked Over Economic Fears?. Available at: <https://www.context.news/socioeconomic-inclusion/could-ghanas-anti-lgbtq-bill-be-blocked-over-economic-fears>

187 OHCHR (2024, February 29). Ghana: Türk Alarmed as Parliament Passes Deeply Harmful Anti-Gay Bill. Available at: <https://www.ohchr.org/en/press-releases/2024/02/ghana-turk-alarmed-parliament-passes-deeply-harmful-anti-gay-bill>

188 International AIDS Society (2024). Upsurge in Anti-Gay Laws Across Africa Threatens the HIV Response. Available at: <https://www.iasociety.org/ias-statement/upsurge-anti-gay-laws-across-africa-threatens-hiv-response>

189 Bloomberg (2024, March 4). Ghana Anti-LGBTQ Bill Risks \$3.8 Billion of World Bank Support. Available at: <https://www.bloomberg.com/news/articles/2024-03-04/ghana-anti-lgbtq-bill-risks-3-8-billion-of-world-bank-support>

190 BBC News (2024, March 4). Ghana Parliament Passes Anti-LGBTQ Bill. Available at: <https://www.bbc.co.uk/news/articles/crrw2r8epw8o>

191 BBC News (2024, March 4). Ghana’s finance ministry urges president not to sign anti-LGBTQ+ bill. BBC News. Available at: <https://www.bbc.co.uk/news/world-africa-68469613>

Moldova (the Transnistrian Moldavian Republic, a separatist entity within the country)

February 2024

This unrecognised breakaway state – that nevertheless has de facto administration of the area – submitted to its Supreme Council a bill banning any “propaganda” relating to homosexuality.¹⁹² Support or sympathy for LGBTI+ causes is punishable with arrest, fines, and/or imprisonment.¹⁹³

The legislators claim that this measure is necessary to protect traditional family values and the moral health of the nation.¹⁹⁴ Incidentally, the authors argue that this legislation does not violate any human rights as it simply aims to regulate information and education.¹⁹⁵ On the other hand, critics point out that this law would create state-sponsored discrimination running against Moldova’s constitutional and international treaties.¹⁹⁶ The bill was introduced as a part of a broader family values legislative package,¹⁹⁷ a move that mirrors similar laws and techniques adopted in Russia, which is Transnistria’s primary sponsor and ally.¹⁹⁸

Themes: Traditional Values and National Identity (the law emphasizes defending traditional family values and moral health); Morals and Decency (the ruling frames LGBTI+ advocacy and behaviour as immoral and harmful to society); Censorship (the decision criminalizes ‘propaganda’ relating to homosexuality and punishes support for LGBTI+ causes).

192 LGBTI Consortium Ukraine (2024, February 12). Unrecognized ‘Transnistria’ plans to ban LGBT ‘propaganda’. Available at: <https://lgbti-consortium.org.ua/en/media/u-nevyznanomu-prydnistrov-yi-planuyut-zaboronyty-propagandu-lgbt/>

193 Radio Free Europe/Radio Liberty (2013, June 21). Moldovan Activists Accuse Lawmakers Of Secretly Adopting ‘Gay-Propaganda’ Law. Available at: <https://www.rferl.org/a/moldova-secret-gay-propaganda-law/25053857.html>

194 LGBTI Consortium Ukraine (2024, February 12). Unrecognized ‘Transnistria’ plans to ban LGBT ‘propaganda’. Available at: <https://lgbti-consortium.org.ua/en/media/u-nevyznanomu-prydnistrov-yi-planuyut-zaboronyty-propagandu-lgbt/>

195 Ibid.

196 Human Rights Watch (2016, June 21). Moldova: Reject ‘Gay Propaganda’ Law. Available at: <https://www.hrw.org/news/2016/06/21/moldova-reject-gay-propaganda-law>

197 ILGA-Europe (2024, February). Annual Review 2024 – Moldova. Available at: https://www.ilga-europe.org/files/uploads/2024/02/2024_moldova.pdf

198 Balkan Insight (2024, January 24). Moldova’s Transnistria Announces Anti-LGBT Drive in ‘Year of Family’. Available at: <https://balkaninsight.com/2024/01/24/moldovas-transnistria-announces-anti-lgbt-drive-in-year-of-family/>

The Russian Supreme Court held that the “international LGBTI movement” is an extremist organisation.¹⁹⁹ This effectively outlaws all LGBTI+ organisations and activities in the country.²⁰⁰

Under Russia’s anti-terrorism laws, funding or participating in an “extremist organisation” is punishable by up to 12 years imprisonment.²⁰¹ The promotion or display of LGBTI+ related symbols (e.g., the rainbow flag) may result in imprisonment for between 15 days and 4 years for repeat offenders.²⁰² As a result, LGBTI+ organisations have shut down their operations in the country, although not before several activists were prosecuted and convicted.²⁰³ Since the ruling, the police have also increased their raids of LGBTI+ clubs and venues.²⁰⁴ The vagueness associated with an “extremism” designation effectively gives carte blanche to the authorities to criminalise any form of LGBTI+ activism or public promotion.²⁰⁵ Wider consequences include individuals having their bank accounts frozen, facing employment restrictions, and being banned from exercising other rights (e.g., standing for election at any level).²⁰⁶

The Russian government – acting as the petitioners – claims that the LGBTI+ movement showed the signs and manifestations of extreme orientation, citing a purported incitement of social and religious conflict.²⁰⁷ Agreeing with this assessment, the court went further and

emphasised the need to protect traditional family values and stop the spread of destabilising ideas.²⁰⁸ Given the way cases involving national security are conducted, LGBTI+ individuals did not have an opportunity to make meaningful representations to the court.²⁰⁹ Furthermore, criticism of this judgment is de facto impossible, as any attestation of solidarity would equate to supporting a terrorist organisation.²¹⁰

UN experts note how the misuse of these laws presents a severe escalation in Russia’s crackdown on LGBTI+ rights.²¹¹ The UN Commissioner for Human Rights has called on Russia to specifically repeal these laws.²¹² Amnesty International defined the ruling as catastrophic for the LGBTI+ community, with the international human rights organisation calling for an end to these oppressive practices.²¹³

Themes: Traditional Values and National Identity (the ruling is framed as a protection of Russia’s traditional family values and a rejection of what is seen as destabilising foreign influences); Morals and Decency (LGBTI+ advocacy is framed as harmful and inciting social and religious conflict); Censorship (the designation of the LGBTI+ movement as ‘extremist’ leads to widespread censorship); Political Escalation (the ruling grants the government sweeping powers to suppress dissent and enforce ideological conformity); National Security and Social Stability (the ruling is justified by the government as a measure to protect national security).

199 Radio Free Europe/Radio Liberty (2023, November 30). ‘Shameful and absurd’: Russian Supreme Court declares LGBT ‘movement’ extremist. Available at: <https://www.rferl.org/a/russia-lgbt-supreme-court-rights-movement/32708163.html>

200 Human Rights Watch (2023, November 30). Russia: Supreme Court bans ‘LGBT movement’ as ‘extremist’. Available at: <https://www.hrw.org/news/2023/11/30/russia-supreme-court-bans-lgbt-movement-extremist>

201 Human Rights Watch (2024, February 15). Russia: First convictions under LGBT ‘extremist’ ruling. Available at: <https://www.hrw.org/news/2024/02/15/russia-first-convictions-under-lgbt-extremist-ruling>

202 Ibid.

203 Ibid.

204 Associated Press (2024, February 5). Russia fines and jails citizens over rainbow-colored items after LGBTQ+ ‘movement’ outlawed. Available at: <https://apnews.com/article/russia-lgbtq-crackdown-putin-moscow-aef5650c6fdad-be1ac13e0d0b9f93f3b>

205 SOVA Center for Information and Analysis (2024, January). Russia: First convictions under LGBT ‘extremist’ ruling. Available at: <https://www.sova-center.ru/en/misuse/news-releases/2024/01/d47063/>

206 Amnesty International (2023, November 30). Russia: Judgment labelling LGBT movement as ‘extremist’ will have catastrophic consequences. Available at: <https://www.amnesty.org/en/latest/news/2023/11/russia-judgment-labeling-lgbt-movement-as-extremist-will-have-catastrophic-consequences/>

207 PBS NewsHour (2023, November 30). Russia’s Supreme Court effectively outlaws LGBTQ+ activism, citing extremist movement. Available at: <https://www.pbs.org/newshour/world/russias-supreme-court-effectively-outlaws-lgbtq-activism-citing-extremist-movement>

208 Ibid.

209 BBC News (2023, November 30). Russia’s Supreme Court bans LGBTQ+ movement as extremist. Available at: <https://www.bbc.co.uk/news/world-europe-67565509>

210 Amnesty International (2023, November 30). Russia: Judgment labelling “LGBT movement” as “extremist” will have catastrophic consequences. Available at: <https://www.amnesty.org/en/latest/news/2023/11/russia-judgment-labeling-lgbt-movement-as-extremist-will-have-catastrophic-consequences/>

211 Radio Free Europe/Radio Liberty (2023, November 30). ‘Shameful and absurd’: Russian Supreme Court declares LGBT ‘movement’ extremist. Available at: <https://www.rferl.org/a/russia-lgbt-supreme-court-rights-movement/32708163.html>

212 Ibid.

213 Decriminalise Poverty & Status (2023, December 1). Russia: Judgment labelling “LGBT movement” as “extremist” will have catastrophic consequences. Available at: <https://decrimpovertystatus.org/russia-judgment-labelling-lgbt-movement-as-extremist-will-have-catastrophic-consequences/>

United States

June 2023

In the case of 303 Creative LLC v Elenis, the United States’ Supreme Court found in favour of a web designer, Lorie Smith, holding that Colorado violated her freedom of speech.²¹⁴ The State could not compel Smith to create wedding websites for same-sex couples.²¹⁵

Colorado’s Anti-Discrimination Act was relied on to force Smith to create expressive designs against her personal beliefs about marriage.²¹⁶ The decision was challenged on narrow freedom of expression grounds and did not involve broader questions of religious freedom.²¹⁷ Giving the majority opinion, Justice Gorsuch held that, while free speech is not absolute, forcing individuals to speak or express themselves in a manner that violates their conscience is unconstitutional.²¹⁸ This is particularly the case if the subject matter is significant (e.g., a personal belief about marriage).²¹⁹

The dissenting justices framed the dispute from a different angle. They held that businesses which are open to the public should serve all customers without discrimination.²²⁰

In the ruling, the reasoning of the majority invites additional instances of discrimination as personal beliefs need not be rational nor reasonable.²²¹ However, the majority judgment emphasises that this ruling is strictly limited to expressive services and does not apply to

all businesses or service providers to the public.²²² At the same time, the court declined to define what constitutes “expressive” conduct – as it was not a dispute in the case – with such a question to be settled at a future date.²²³

This case is a seminal representation of the increasing tension between anti-discrimination provisions and other fundamental rights such as the freedom of expression.²²⁴ As such, the full civil rights implications of this ruling are yet to be seen.

Themes: Freedom of Speech and Expression (the ruling emphasises the importance of freedom of expression and personal beliefs); Discrimination and Equality (the dissenting opinion asserted that businesses open to the public should serve all customers equally without discriminating on the basis of sexual orientation); Legal and Constitutional Interpretation (the case deals with the constitutional balance between competing rights).

Tuvalu

September 2023

Tuvalu amended its constitution to explicitly ban same-sex marriage.²²⁵ The amendment exclusively defines marriage as a union between a man and a woman. Furthermore, the new constitution puts an obligation on every citizen to uphold the Christian principles of family unity.²²⁶

214 Supreme Court of the United States (2023, June 30). 303 Creative LLC v. Elenis, No. 21-476. Available at: https://www.supremecourt.gov/opinions/22pdf/21-476_c185.pdf

215 The Wall Street Journal (2023, June 30). 303 Creative LLC v. Elenis: A Victory for Free Speech and Pluralism. Available at: <https://www.wsj.com/articles/303-creative-llc-v-elenis-supreme-court-neil-gorsuch-lorie-smith-free-speech-first-amendment-5a443236>

216 Greenberg Traurig, LLP. (2023, July 18). 303 Creative: SCOTUS rules First Amendment protects Colorado website designer from creating ‘expressive’ wedding websites for same-sex couples. Available at: <https://www.gtlaw.com/en/insights/2023/7/303-creative-scotus-rules-first-amendment-protects-colorado-website-designer-creating-expressive-wedding-websites-same-sex-couples>

217 Paul Hastings LLP. (2023, July 5). Supreme Court holds that First Amendment free speech right trumps state antidiscrimination law. Available at: <https://www.paulhastings.com/insights/client-alerts/303-creative-1st-amendment-trumps-state-anti-discrimination-law>

218 Supreme Court of the United States (2023, June 30). 303 Creative LLC v. Elenis, No. 21-476. Available at: https://www.supremecourt.gov/opinions/22pdf/21-476_c185.pdf

219 Ibid.

220 University of Washington School of Law (2023, July 24). Three-Minute Legal Talks: The 303 Creative Case Explained. Available at: <https://www.law.uw.edu/news-events/news/2023/303-creative-case>

221 Ibid.

222 American Civil Liberties Union (2024, March 14). “We Do No Such Thing”: What the 303 Creative Decision Means and Doesn’t Mean for Anti-Discrimination and Public Accommodation Laws. Available at: <https://www.aclu.org/news/free-speech/we-do-no-such-thing-what-the-303-creative-decision-means-and-doesnt-mean-for-anti-discrimination-and-public-accommodation-laws>

223 University of Washington School of Law (2023, July 24). Three-Minute Legal Talks: The 303 Creative Case Explained. Available at: <https://www.law.uw.edu/news-events/news/2023/303-creative-case>

224 Progressive Caucus Center (2023, December 6). FAQs: LGBTQ+ Discrimination and 303 Creative LLC v. Elenis. Available at: <https://www.progressivecaucuscenter.org/faqs-lgbtq-discrimination-and-303-creative-llc-v-elenis>

225 Salerno, R. (2024, January 3). 2023 World Same-Sex Marriage and LGBT Rights Progress – Part 4: Africa and Oceania. 76 Crimes. Available at: <https://76crimes.com/2024/01/03/2023-world-same-sex-marriage-and-lgbt-rights-progress-part-4-africa-and-oceania/>

226 Tuvalu Government (2023). The Constitution of Tuvalu Act 2023. Available at: https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1986/1986-0001/1986-0001_2.pdf

This move won support across the civil society landscape and is seen as a victory for Tuvalu’s social conservative values and its religious principles.²²⁷ These new provisions are now shielded from any review on grounds of discrimination.²²⁸

Themes: Traditional Values and National Identity (the constitutional amendment reinforces traditional family structures as a core part of Tuvaluan national identity); Cultural Sovereignty and National Identity (the move is framed as a defence of Tuvalu’s indigenous cultural and social norms against perceived external influences promoting LGBTI+ rights); Religious Freedom (the amendment explicitly roots itself in Christian principles, mandating the preservation of religious family values at a constitutional level); Morals and Decency (same-sex relationships are implicitly framed as incompatible with societal norms of morality and family structure).

Kyrgyzstan

August 2023

Kyrgyzstan’s Parliament passed an amendment to existing laws to restrict LGBTI+ information that does not conform with “traditional” sexual relations.²²⁹ This includes the Code of Misdemeanours, media laws, and child protection legislation:²³⁰

- a. The definition of harmful content to children – in particular their health and development – was expanded to include any behaviour that: (i) denounces traditional family values; (ii) promotes non-traditional sexual relations; and (iii) encourages disrespect towards parents or other family members.²³¹

227 Kofe, S., & Marinaccio, J. (2023, September 21). Tuvalu Constitution updated: culture, climate change and decolonisation. Devpolicy Blog. Available at: <https://devpolicy.org/tuvalu-constitution-updated-culture-climate-change-and-decolonisation-20230921/>

228 Ibid.

229 Transgender Europe (TGEU) (2023, August 7). Kyrgyzstan Passes Anti-LGBTI+ ‘Propaganda’ Law. Available at: <https://tgeu.org/kyrgyzstan-passes-anti-lgbti-propaganda-law/>

230 ILGA-Europe (2023, August 23). Statement: Kyrgyzstan targets LGBTI communities in a new law. Available at: <https://www.ilga-europe.org/news/statement-kyrgyzstan-targets-lgbti-law/>

231 Transgender Europe (TGEU) (2023, August 7). Kyrgyzstan Passes Anti-LGBTI+ ‘Propaganda’ Law. Available at: <https://tgeu.org/kyrgyzstan-passes-anti-lgbti-propaganda-law/>

- b. It is important, however, that unlike the legislation seen in Hungary (see above), this act does not mention homosexuality explicitly.²³²
- c. Furthermore, the law stops short of defining “family values” and “non-traditional” sexual relations, leaving them to apply it to a much broader set of circumstances.²³³
- d. Engaging in “harmful information” may result in fines with any de facto public mention of homosexuality facing up to 1 year in prison.²³⁴

Local human rights groups warn that this law prevents children and young people from accessing services to support their wellbeing.²³⁵ Furthermore, these amendments contradict Kyrgyzstan’s international human rights commitments, particularly the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.²³⁶ International observers note that the legislation was inspired by Russia’s “Gay Propaganda” laws although some civil rights groups argue that the current law goes even further than the original.²³⁷

The government of Kyrgyzstan is resolute that this law represents a necessary protection for traditional values and public consciousness.²³⁸ They have maintained that preventing harm to children’s wellbeing and development is at the forefront of this effort.^{239 240}

232 ILGA-Europe (2023, August 23). Statement: Kyrgyzstan targets LGBTI communities in a new law. Available at: <https://www.ilga-europe.org/news/statement-kyrgyzstan-targets-lgbti-law/>

233 Ibid.

234 Sultanalieva, S. (2014, December 17). Kyrgyzstan’s new anti-gay law is even worse than Russia’s. Open Society Foundations. Available at: <https://www.opensocietyfoundations.org/voices/kyrgyzstan-s-new-anti-gay-law-even-worse-russia-s>

235 Trilling, D. (2014, October 20). Kyrgyzstan’s anti-gay bill to outlaw homosexuality, activists say. Eurasianet. Available at: <https://eurasianet.org/kyrgyzstans-anti-gay-bill-to-outlaw-homosexuality-activists-say>

236 United Nations Human Rights Office (UNHRO) (2014, November 26). Kyrgyzstan: “Don’t condemn LGBT people to silence” – UN rights experts urge Parliament to withdraw anti-gay bill. Available at: <https://www.ohchr.org/en/press-releases/2014/11/kyrgyzstan-dont-condemn-lgbt-people-silence-un-rights-experts-urge>

237 Sultanalieva, S. (2014, December 17). Kyrgyzstan’s new anti-gay law is even worse than Russia’s. Open Society Foundations. Available at: <https://www.opensocietyfoundations.org/voices/kyrgyzstan-s-new-anti-gay-law-even-worse-russia-s>

238 Ring, T. (2014, March 28). Kyrgyzstan Considers ‘Gay Propaganda’ Ban. The Advocate. Available at: <https://www.advocate.com/world/2014/03/28/kyrgyzstan-considers-gay-propaganda-ban>

239 Transgender Europe (TGEU) (2023, August 7). Kyrgyzstan Passes Anti-LGBTI+ ‘Propaganda’ Law. Available at: <https://tgeu.org/kyrgyzstan-passes-anti-lgbti-propaganda-law/>

240 Kyrgyz Republic (2021, May 5). The Constitution of the Kyrgyz Republic. Bishkek: Law No. 59. Available at: <https://legislationline.org/sites/default/files/2023-04/The%20Kyrgyz%20Republic%E2%80%99s%20Constitution%2005.05.2021%20%28in%20English%29.pdf>

Themes: Traditional Values and National Identity (the law is framed as a protection of Kyrgyz traditional family values and respect for elders); The Need to Protect Children from Harmful Ideas (the legislation is justified on the basis of shielding children from ‘harmful information’ about non-traditional sexual relations); Censorship (the amendments broadly criminalise public mentions of non-traditional sexual relations, significantly restricting freedom of expression); Morals and Decency (non-traditional sexual relations are associated with harmful, disrespectful, or immoral behaviour).

Russia

July 2023

President Vladimir Putin signified a law comprehensively banning gender-affirming care and legal gender recognition.²⁴¹ This law was unanimously approved by Parliament.²⁴² The provisions include:

- a. A ban on all surgeries or hormone replacement therapies;²⁴³
- b. An exception for congenital anomalies, as approved by the state medical commissioners;²⁴⁴
- c. A ban on changing gender markers in official documents;²⁴⁵
- d. A rejection of gender-affirming procedures conducted abroad;²⁴⁶

241 Radio Free Europe/Radio Liberty (RFE/RL) (2023, July 24). Putin Signs Law Banning Gender-Reassignment Surgery, Hormonal Therapy. Available at: <https://www.rferl.org/a/russia-gender-reassignment-banned-putin-signs-law/32517157.html>

242 Associated Press (2023, July 24). Russian president signs legislation marking the final step outlawing gender-affirming procedures. Available at: <https://apnews.com/article/russia-lgbtq-transgender-procedures-banned-21b88f53b9a74a646400d63ce93bde6f>

243 Amnesty International (2023, July 14). Russia: Adoption of transphobic legislation a horrendous blow to human rights. Available at: <https://www.amnesty.org/en/latest/news/2023/07/russia-adoption-of-transphobic-legislation-a-horrendous-blow-to-human-rights/>

244 Ibid.

245 Ibid.

246 Ibid.

- e. Automatic annulment for marriages where one party purports to change their gender;²⁴⁷
- f. A ban on suspected transgender individuals from adopting children.²⁴⁸

The Speaker of the State Duma, Vyacheslav Volodin, framed this measure as a necessary protection for traditional values, preventing the degradation of the nation.²⁴⁹ Furthermore, it has been argued that the law is a safeguard against dangerous Western interference and ideology.²⁵⁰

The response of human rights groups was stifled, given the repressive political climate in Russia.²⁵¹ It is important to outline that this measure passed unanimously with the support of all political forces. Criticism was limited to international bodies and organisations who denounced this move as a further breach of international commitments from Russia.²⁵²

Themes: Traditional Values and National Identity (the law is justified as protecting traditional family structures and preventing moral degradation); Cultural Sovereignty and National Identity (framed as a defence against Western ideology and interference, reinforcing Russia’s cultural independence); National Security and Social Stability (gender-affirming care is depicted as a destabilising influence imported from the West, threatening societal cohesion); Morals and Decency (gender transitions are implicitly characterised as immoral and contrary to public decency); Censorship (the suppression of transgender rights fits within the broader trend of silencing gender diversity and limiting personal freedoms.)

247 Ibid.

248 Ibid.

249 BBC News (2023, July 14). Russian parliament bans gender reassignment surgery for trans people. Available at: <https://www.bbc.co.uk/news/world-europe-66200194>

250 Ibid.

251 Amnesty International UK (2023, July 14). Russia: 'Abominable' new legislation will inflict 'unbearable suffering' on transgender people. Available at: <https://www.amnesty.org.uk/press-releases/russia-abominable-new-legislation-will-inflict-unbearable-suffering-transgender>

252 Human Rights Watch (2023, July 15). Russia: Trans Health Care, Families Bill Violates Rights. Available at: <https://www.hrw.org/news/2023/07/15/russia-trans-health-care-families-bill-violates-rights>

Mali

July 2023

Mali enacted a constitutional change to explicitly define marriage as the union between a man and a woman, exclusively.²⁵³ This amendment was approved through a national referendum supported by almost 97% of the voting population.²⁵⁴ The constitutional document provides for:

- a. Explicitly reserving marriage as being a union between a man and a woman;²⁵⁵
- b. Removal of any future chance of recognition for same-sex relationships – at least without a constitutional referendum;²⁵⁶
- c. Paving the way for the codification of homosexuality as a criminal act.²⁵⁷

The military junta, which has ruled Mali since 2021, framed these provisions as a fundamental win for traditional and moral values.²⁵⁸ Proponents particularly praised the fact that the constitutional amendment closes the door on any future risk of LGBTI+ causes gaining ground in the country.²⁵⁹ Human rights groups see Mali as continuously eroding protections for minorities.²⁶⁰ However, the country has always held a deeply conservative outlook, with a 2007 poll from Pew Global Attitudes finding that 98% of adults in Mali believe that homosexuality is unacceptable.²⁶¹

253 République du Mali (2023, July 22). Constitution du 22 juillet 2023. Journal officiel spécial n°13. Secrétariat général du gouvernement. Disponible à : <https://sgg-mali.ml/JO/2023/mali-jo-2023-13-sp-2.pdf>

254 Agence Anadolu (2023, July 22). Mali : La Cour constitutionnelle adopte le projet de nouvelle Constitution. Available at: <https://www.aa.com.tr/fr/afrique/mali-la-cour-constitutionnelle-adopte-le-projet-de-nouvelle-constitution/2951677> [English translation available through PressReader]

255 ILGA World. (n.d.). Mali: LGBTI rights. Available at: <https://database.ilga.org/mali-lgbti>

256 Ibid.

257 Human Dignity Trust (2024, December). Mali passes new law criminalising same-sex sexual activity. Available at: <https://www.humandignitytrust.org/news/mali-criminalises/>

258 Democratic Erosion Consortium (2024, November 5). The Junta, Democratic Erosion, and Anti-LGBTQ Legislation in Mali. Available at: <https://democratic-erosion.org/2024/11/05/the-junta-democratic-erosion-and-anti-lgbtq-legislation-in-mali/>

259 Ibid.

260 Ibid.

261 United Nations High Commissioner for Refugees (UNHCR) (2014, November). Mali: LGBTI persons. Available at: <https://www.refworld.org/docid/53ecb2de4.html>

Themes: Traditional Values and Moral Protection (the constitutional amendment is framed as safeguarding traditional and moral values against changing social norms); Democratic Will (the overwhelming support in the national referendum demonstrates strong public backing for socially-conservative principles); Prevention of Future Recognition (by embedding the definition of marriage into the constitution, the amendment precludes any future legal recognition of same-sex relationships without a further referendum); Political Legitimacy and National Identity (the military junta uses the amendment to bolster its legitimacy by aligning itself with widespread conservative cultural views); Human Rights and Minority Protections (critics argue that the amendment furthers the erosion of rights for LGBTI+ individuals and signals a deepening marginalisation of minorities).

Uganda

May 2023

President Yoweri Museveni signed the Anti-Homosexuality Act into force.²⁶² This is considered one of the most repressive laws on LGBTI+ rights.²⁶³ The provisions include:

- a. Criminalisation of homosexual acts with life imprisonment;²⁶⁴
- b. Attempted homosexual acts being punishable with up to 10 years imprisonment;²⁶⁵
- c. Death penalty for “aggravated” homosexuality (in the case of repeat offenders and/or cases involving vulnerable individuals such as minors, elders or the disabled);²⁶⁶
- d. Promotion of LGBTI+ rights punishable with up to 20 years imprisonment;²⁶⁷

262 New Vision (2023, May 29). President Museveni signs Anti-Homosexuality Bill into law. Available at: https://www.newvision.co.ug/category/news/president-museveni-signs-anti-homosexuality-b-NV_161464

263 Human Rights Watch (2023, December 11). Ugandans challenge Anti-Homosexuality Act. Available at: <https://www.hrw.org/news/2023/12/11/ugandans-challenge-anti-homosexuality-act>

264 Amnesty International (2023, May). President’s approval of anti-LGBTI Bill is a grave assault on human rights. Available at: <https://www.amnesty.org/en/latest/news/2023/05/presidents-musevenis-approval-of-anti-lgbti-bill-is-a-assault-on-human-rights/>

265 Ibid.

266 Ibid.

267 Ibid.

e. Failure to report suspected homosexuals may lead to an unidentified period of imprisonment.²⁶⁸

Ugandan legislators justify this measure as protecting: (i) a national sense of morality, (ii) the vulnerable from exploitation, and (iii) African values from Western interference and incompatible ideology.²⁶⁹ The legislation had the support of 348 MPs, with only one vote against.²⁷⁰

Human rights groups have argued that this bill violates constitutional rights, although this challenge was promptly dismissed by the Constitutional Court.²⁷¹ The UN and United States have warned of the backwards progress in tackling HIV in the region. Individuals are actively discouraged by this law from accessing health services.²⁷² On the back of this legislation, LGBTI+ discrimination is on the rise, with cases of violence, loss of employment, and evictions.²⁷³

Themes: Traditional Values and National Identity (the law reflects Uganda’s deep commitment to protecting its traditional values, where homosexuality is seen as contrary to national norms and cultural identity); Cultural Sovereignty and National Identity (the law is presented as an assertion of Uganda’s cultural and political autonomy, resisting external pressures – especially from Western countries advocating for LGBTI+ rights); Religious Freedom (the law aligns with Uganda's Christian values, framing the protection of traditional marriage and family structures as essential to maintaining religious principles in the country); Morals and Decency (the law portrays homosexuality as a threat to the moral fabric of society, positioning this legislation as necessary for preserving public decency and traditional social norms); The Need to Protect Children from Harmful Ideas (the law includes severe penalties for promoting LGBTI+ rights, framing these ideas as harmful to children and the moral development of the next generation).

Suriname

February 2023

The Constitutional Court handed down a landmark ruling refusing to recognise a couple’s same-sex marriage.²⁷⁴ The couple was lawfully married in Argentina in 2018.²⁷⁵ When they sought recognition of their marriage, the Suriname Central Bureau of Civil Affairs refused, leading to the legal challenge.²⁷⁶

The Constitutional Court held that:

- a. Not recognising same-sex marriage does not violate the country’s constitution, as it never intended to grant such a right;²⁷⁷

268 Biryabarema, E. (2023, April 27). Museveni urges parliament to tone down anti-gay bill. BusinessLIVE. Available at: <https://www.businesslive.co.za/bd/world/africa/2023-04-27-museveni-urges-parliament-to-tone-down-anti-gay-bill/>

269 Peel, D. (2023, December 19). The politics behind Uganda’s Anti-Homosexuality Act. Oxford Law Faculty Blog. Available at: <https://blogs.law.ox.ac.uk/death-penalty-research-unit-blog/blog-post/2023/12/politics-behind-ugandas-anti-homosexuality-act>

270 Parliament Watch Uganda (2023, March). Report on the Anti-Homosexuality Bill, 2023. Available at: <https://parliament-watch.ug/wp-content/uploads/2023/03/LPA3-23-Report-on-the-Anti-Homosexuality-Bill-2023.pdf>

271 Amnesty International (2024, April 3). Uganda: Court fails to repeal callous anti-LGBTI law, puts people at risk. Available at: <https://www.amnesty.org/en/latest/news/2024/04/uganda-court-fails-to-repeal-callous-anti-lgbti-law-puts-people-at-risk/>

272 BBC News (2023, May 29). Uganda's President Museveni approves tough new anti-gay law. Available at: <https://www.bbc.co.uk/news/world-africa-65745850>

273 Human Rights Watch (2023, December 11). Ugandans challenge Anti-Homosexuality Act. Available at: <https://www.hrw.org/news/2023/12/11/ugandans-challenge-anti-homosexuality-act>

274 Salerno, R. (2023, December 31). 2023 World Same-Sex Marriage and LGBT Rights Progress – Part 2: Latin America and Caribbean. 76 Crimes. Available at: <https://76crimes.com/2023/12/31/49992/>

275 Leeuwin, W. (2023, February 1). LGBTQIA-gemeente krijgt bittere pil te slikken. de Ware Tijd. Available at: <https://dw-tonline.com/lgbtqia-gemeente-krijgt-bittere-pil-te-slikken/> [English translation available through PressReader].

276 Ibid.

277 Constitute Project. (n.d.). Suriname 1987 (rev. 1992). Available at: https://www.constituteproject.org/constitution/Surinam_1992.pdf?lang=en

- b. Suriname’s state is in full compliance with the American Convention on Human Rights – of which both Suriname and Argentina are members;²⁷⁸
- c. The Civil Code rules defining marriage between one man and one woman should be interpreted to outlaw polygamy, rather than same-sex marriage (N.B. the effect of this finding is that, as far as the Constitutional Court is concerned, same-sex marriage is not explicitly outlawed, which makes any further human rights considerations moot).²⁷⁹

In litigation, the government argued that non-recognition and prohibition are distinct.²⁸⁰ This had the effect of circumventing an Inter-American Court of Human Rights (advisory) opinion that same-sex marriage is a fundamental right.²⁸¹ The petitioners complained that the rights they had acquired in Argentina were effectively taken away in Suriname, despite the existence of a common framework for human rights.²⁸² LGBTI+ groups expressed surprise and disappointment at a ruling they consider to be incomprehensible.²⁸³

It is important to note that the court acknowledged that the Civil Court is outdated and in need of modernisation.²⁸⁴ However, such a debate – as with the above-mentioned Italian case in relation to non-binary recognition – is squarely placed with the legislative branch.²⁸⁵

The case is currently under review.

278 Salerno, R. (2023, December 31). 2023 World Same-Sex Marriage and LGBT Rights Progress – Part 2: Latin America and Caribbean. 76 Crimes. Available at: <https://76crimes.com/2023/12/31/49992/>

279 De Nationale Assemblée. (n.d.). Burgerlijk Wetboek. Available at: https://www.dna.sr/media/19726/burgerlijk_wetboek.pdf [English translation available through PressReader].

280 Ibid.

281 Corte Interamericana de Derechos Humanos (2017, November 24). Opinión consultiva OC-24/17: Solicitud de la República de Costa Rica sobre el reconocimiento de la identidad de género y el cambio de nombre. Available at: https://www.corteidh.or.cr/docs/opiniones/seriea_24_esp.pdf [English translation available through LexisNexis].

282 U.S. Department of State (2024, February). Suriname 2023 human rights report. Available at: <https://www.state.gov/wp-content/uploads/2024/02/528267-SURINAME-2023-HUMAN-RIGHTS-REPORT.pdf>

283 Ibid.

284 Ibid.

285 Ibid.

Themes: Traditional Values and National Identity (the ruling supports the view that the definition of marriage should align with traditional national values, framing marriage as between a man and a woman); Religious Freedom (the legal framework in Suriname aligns with religious perspectives on marriage, and the constitutional ruling reflects these religious values in its interpretation).

Singapore

November 2022

The country balanced the repeal of laws criminalising homosexual conduct with new provisions to limit LGBTI+ rights in other areas:²⁸⁶

- a. The constitution was amended exclusively to define marriage as a union between a man and a woman;²⁸⁷
- b. Teachers have been banned from providing LGBTI+ affirming content to students;²⁸⁸
- c. The national media agency (Infocomm Media Development Authority) restricts the depiction of LGBTI+ content on TV – both free to air and cable – radio, arts, entertainment and video games.²⁸⁹

While there appears to be a desire to embrace some form of liberalisation for LGBTI+ issues, the conservative outlook of Singaporean public opinion presents a struggle.²⁹⁰ The move to simultaneously liberalise some rights and restrict others – seen as less important

286 Gunia, A. (2022, August 23). Singapore’s half-hearted concession to LGBT rights may make real change more difficult. TIME. Available at: <https://time.com/6207616/singapore-377a-repeal-same-sex-marriage-lgbt/>

287 Heckin' Unicorn (2023, October 14). The price of being queer in Singapore: LGBT rights in Singapore. Available at: <https://heckinunicorn.com/blogs/heckin-unicorn-blog/the-price-of-being-queer-in-singapore-lgbt-rights-in-singapore>

288 Ibid.

289 Ibid.

290 Rathi, V. (2023, April 20). Is Singapore’s gay sex law change a double-edged sword for the LGBTQ community. LSE Human Rights. Available at: <https://blogs.lse.ac.uk/humanrights/2023/04/20/is-singapores-gay-sex-law-change-a-double-edged-sword-for-the-lgbtq-community/>

in the wider context – is also proving effective in muting opposition to the latter measures.²⁹¹

Human rights groups face a difficult tactical decision between welcoming the decriminalisation of homosexual activity – and condemning the simultaneous curtailments of other fundamental rights, such as free speech and anti-discrimination.²⁹²

Themes: Traditional Values and National Identity (the constitutional definition of marriage as between a man and a woman emphasises the protection of traditional family structures as a core aspect of Singapore's national identity); Morals and Decency (the ban on LGBTI+ content in media and education is framed as a protection of societal norms of morality and decency); The Need to Protect Children from Harmful Ideas (the restriction on LGBTI+ content in schools and media is framed as protecting children); Censorship (the regulation of LGBTI+ content in media, education, and entertainment reflects a significant censorship effort aimed at restricting the visibility and acceptance of LGBTI+ issues in public and private spheres).

Hungary

June 2021

The Hungarian Parliament passed legislation (officially titled Act LXXIX of 2021 but known as the Children Protection Act) boycotted by opposition members.^{293 294} The law provides for:

- a. A ban on providing minors with information related to LGBTI+ causes or gender identity;²⁹⁵

291 Ibid.

292 UBC Wiki (2024, February 20). Analysis of Singapore's media coverage of the repeal of 377A. Available at: https://wiki.ubc.ca/Analysis_of_Singapore%27s_media_coverage_of_the_repeal_of_377A

293 Venice Commission (2021, December 13). Hungary: Opinion on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)050-e) [the Act's English translation].

294 Rankin, J. (2021, June 15). Hungary passes law banning LGBT content in schools or kids' TV. The Guardian. Available at: <https://www.theguardian.com/world/2021/jun/15/hungary-passes-law-banning-lbgt-content-in-schools>

295 Venice Commission (2021, December 13). Hungary: Opinion on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)050-e) [the Act's English translation]

- b. A ban on depicting LGBTI+ content in media and educational materials aimed at children;²⁹⁶

- c. A ban on the display of LGBTI+ content on daytime television.²⁹⁷

The Hungarian government has portrayed the legislation as necessary to protect children from harmful content.²⁹⁸ This enactment comes on the back of a popular referendum in 2022 on these specific reforms – which failed on a technicality.²⁹⁹ On the other hand, local human rights groups argue that this law breaches EU values and principles.³⁰⁰ They see this as a distinct pattern of behaviour which is dismantling fundamental freedoms via political censorship.³⁰¹

The EU Commission adopted the position that this law is discriminatory and stigmatising.³⁰² Specifically, the European Commission has argued that the law constitutes a violation of the Charter of Fundamental Rights of the European Union (articles 1, 7, 11, and 21).³⁰³ The Hungarian government maintains that this policy is a matter of national discretion and not of the EU's.³⁰⁴

296 Ibid.

297 Ibid.

298 Hardy, E. (2024, November 21). Q&A: With historic LGBTQ+ rights case, 'The Commission is asking Hungary: Do you really want to remain part of the club?'. The Parliament Magazine. Available at: <https://www.theparliamentmagazine.eu/news/article/qa-with-historic-lgbtq-rights-case-the-commission-is-asking-hungary-do-you-really-want-to-remain-part-of-the-club>

299 Liboreiro, J. (2023, April 7). 15 EU countries, including Germany and France, join legal case against Hungary's anti-LGBT law. Euronews. Available at: <https://www.euronews.com/my-europe/2023/04/07/15-countries-including-germany-and-france-join-legal-case-against-hungarys-anti-lgbt-law>

300 Ibid.

301 European Parliament (2021, July 8). European Parliament vehemently opposed to Hungarian anti-LGBTIQ law. Available at: <https://www.europarl.europa.eu/news/en/press-room/20210701IPR07502/european-parliament-vehemently-opposed-to-hungarian-anti-lgbtiq-law>

302 Hardy, E. (2024, November 21). Q&A: With historic LGBTQ+ rights case, 'The Commission is asking Hungary: Do you really want to remain part of the club?'. The Parliament Magazine. Available at: <https://www.theparliamentmagazine.eu/news/article/qa-with-historic-lgbtq-rights-case-the-commission-is-asking-hungary-do-you-really-want-to-remain-part-of-the-club>

303 European Commission (2022, December 19). Action brought on 19 December 2022 – European Commission v Hungary (Case C-769/22). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A62022CN0769>

304 BBC News (2021, July 8). EU votes for action over Hungary's anti-LGBT law. Available at: <https://www.bbc.co.uk/news/world-europe-57761216>

The European Court of Justice has begun proceedings challenging Hungary’s Children Protection Act as a violation of EU law.³⁰⁵ According to critics, this legislation³⁰⁶ stigmatises LGBTI+ communities and attempts to draw parallels between same-sex relationships and paedophilia.³⁰⁷

In particular, the law introduces: (i) restrictions on the circulation – in schools and the media – of material that depicts homosexuality or gender reassignment;³⁰⁸ (ii) against this background, it provides for stronger punishment for convicted paedophiles;³⁰⁹ and (iii) requires civil society groups to stipulate that they will not cover LGBTI+ topics before being allowed to participate in human rights or civic education in schools.³¹⁰ At the time of writing, the European Court of Justice’s case against Hungary is currently ongoing, having begun in November 2024.³¹¹

Themes: The Need to Protect Children from Harmful Ideas (as indicated by its name, the Children Protection Act is framed as being necessary to shield minors from information about LGBTI+ causes and gender identity); Censorship (the legislation effectively enforces restrictions on the dissemination of LGBTI+ content in media, educational materials, and public spaces); Traditional Values and National Identity (the law is presented as a defence of traditional family values and Hungarian national identity, with the government arguing that it seeks to protect the cultural and moral norms of Hungarian society); Democratic Will (the Hungarian government argues that the law is a reflection of the democratic will of the people, particularly citing the public referendum – even though it failed on a technicality – as evidence of popular support for the legislation's principles).

305 O’Sullivan, D. (2024, November 18). Controversial Hungarian law criticised as anti-LGBT to appear before EU Court of Justice. Euronews. Available at: <https://www.euronews.com/2024/11/18/controversial-hungarian-law-criticised-as-anti-lgbt-to-appear-before-eu-court-of-justice>

306 Hungarian National Assembly (2021, June 23). Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children. Available at: <https://njt.hu/jogszabaly/en/2021-79-00-00> (dating from 2021 but only recently been brought into effect).

307 Kovács, Z. (2024, June 11). Hungarian Parliament passes sweeping child protection law amendments. About Hungary. Available at: <https://abouthungary.hu/blog/hungarian-parliament-passes-sweeping-child-protection-law-amendments>

308 Al Jazeera (2024, November 19). EU court starts hearing case over Hungary’s alleged anti-LGBTQ law. Available at: <https://www.aljazeera.com/news/2024/11/19/eu-court-starts-hearing-case-over-hungarys-alleged-anti-lgbtq-law>

309 Ibid.

310 CIVICUS (2023, June 2). Hungary’s latest assault on LGBTQI+ rights. Available at: <https://lens.civicus.org/hungarys-latest-assault-on-lgbtqi-rights/>

311 European Commission (2024, November 19). Press release INF_24_5223. Available at: https://ec.europa.eu/commission/presscorner/detail/en/inf_24_5223

United States

June 2021

In *Fulton v City of Philadelphia*, the US Supreme Court held that the city violated the First Amendment rights of a Catholic foster care agency.³¹²

In order to renew the agency’s contract, the city insisted for (married) same-sex couples to be eligible as foster parents as part of the service.³¹³ The agency refused to agree to this condition, citing the incompatibility of this clause with their religious beliefs.³¹⁴ As such, they sued the city for violating their constitutional rights when the contract was not approved.³¹⁵

In a surprisingly unanimous judgment (see the court’s split in *303 Creative LLC v Elenis*) the court found that Philadelphia’s actions were unconstitutional.³¹⁶ Chief Justice Roberts found that, while the government can require contractors to abide by non-discriminatory laws, Philadelphia did not have a compelling interest in denying the foster agency's religious rights.³¹⁷ The court skilfully avoided laying down general principles, instead choosing to focus on the city’s ability to grant contractors exemptions, which was unreasonably withheld in this case.³¹⁸ At the same time, the court emphasised that faith-based organisations must be able to operate based on their beliefs – which in this case focused on servicing children.³¹⁹

As in the case of *303 Creative*, civil rights groups warn that these religious exemptions are eroding anti-discrimination laws aimed at protecting LGBTI+ groups.³²⁰ The ruling further

312 U.S. Supreme Court (2021, June 17). *Fulton v. City of Philadelphia*, 591 U.S. Available at: https://www.supremecourt.gov/opinions/20pdf/19-123_g3bi.pdf

313 National Center for Lesbian Rights. (n.d.). *Fulton v. City of Philadelphia*. Available at: <https://www.nclrights.org/our-work/cases/fulton-v-city-of-philadelphia/>

314 Ibid.

315 Ibid.

316 U.S. Supreme Court (2021, June 17). *Fulton v. City of Philadelphia*, 591 U.S. (2021). Available at: https://www.supremecourt.gov/opinions/20pdf/19-123_g3bi.pdf

317 Ibid.

318 Ibid.

319 Ibid.

320 GLBTQ Legal Advocates & Defenders. (n.d.). *Fulton v. City of Philadelphia*. Available at: <https://www.glad.org/cases/fulton-v-city-of-philadelphia/>

highlights that the boundaries between religious liberty and LGBTI+ rights are being clearly defined in favour of the former.³²¹

Themes: Religious Freedom (the Supreme Court's ruling emphasized the protection of religious freedoms, allowing the Catholic foster care agency to operate according to its religious beliefs); Morals and Decency (the case touches on the agency's moral stance on marriage, particularly its opposition to same-sex couples fostering children); Legal Consistency (the ruling is framed in the context of the US legal system's balance between protecting religious rights and anti-discrimination principles).

Guyana

January 2021

The Guyana Defence Force issued a policy to explicitly ban LGBTI+ individuals from serving in the military.³²² The memo provides that:

- a. Homosexuality is unnatural and leads to criminal offences;³²³
- b. Involvement in homosexual practices results in a dishonourable discharge;³²⁴
- c. Personnel is required to discourage and report homosexual activity;³²⁵
- d. Force members may not act in a way incompatible with their gender (e.g., by cross-dressing);³²⁶

321 LGBTQ Nation (2021, June 17). Supreme Court unanimously agrees Catholic adoption agency can ban LGBTQ parents. Available at: <https://www.lgbtqnation.com/2021/06/supreme-court-unanimously-agrees-catholic-adoption-agencies-can-ban-lgbtq-parents/>

322 Guyana Defence Force (2021, September). Personnel policy of the Guyana Defence Force. Available at: <https://www.gdf.mil.gy/wp-content/uploads/2021/09/PERSONNEL-POLICY-OF-THE-GUYANA-DEFENCE-FORCCE.pdf>

323 Ibid.

324 Ibid.

325 Ibid.

326 Ibid.

- e. It also de facto mandates that new recruits are warned and required to attest that they are not LGBTI+ before joining the force.³²⁷

This policy rolls back on the previous progress Guyana experienced in this area. In 2012, the Chief of State of the Defence Force stated that the army would not discriminate against LGBTI+ soldiers.³²⁸ At the same time, it is important to note that homosexuality is illegal in Guyana – more specifically, between men – with penalties reaching up to life imprisonment.³²⁹

Themes: Traditional Values and National Identity (the emphasis on the natural order and the rejection of LGBTI+ inclusion aligns with national values regarding family structure and social norms); Morals and Decency (the military's policy explicitly presents homosexuality as unnatural and contrary to societal values of decency); National Security (by prohibiting LGBTI+ individuals from serving, the policy claims to ensure that the military remains consistent with national expectations).

Hungary

December 2020

Hungary's Parliament passed a constitutional amendment de facto banning same-sex couples from adopting children.³³⁰ Only married couples may adopt children, with small exceptions for single-sex relatives (N.B. same-sex marriage is unlawful).³³¹ Hungary's legisla-

327 Ibid.

328 Stabroek News (2012, November 24). GDF stand on gay soldiers is step forward for human rights, says Ramkarran. Available at: <https://www.stabroeknews.com/2012/11/24/news/guyana/gdf-stand-on-gay-soldiers-is-step-forward-for-human-rights-says-ramkarran/>

329 Human Dignity Trust (2024, December 17). Guyana. Available at: <https://www.humandignitytrust.org/country-profile/guyana/>

330 Deutsche Welle (DW) (2020, December 15). LGBT rights: Hungary passes law banning same-sex adoption. Available at: <https://www.dw.com/en/lgbt-rights-hungary-passes-law-banning-same-sex-adoption/a-55947139>

331 BBC News (2020, December 15). Hungary bans same-sex couples from adopting children. Available at: <https://www.bbc.co.uk/news/world-europe-55324417>

tors defined family as based on marriage and the parent-child relationship.³³² Furthermore, single individuals require the approval of the Ministry for Family Affairs before adopting a child.³³³ The constitutional amendment further specifies that a mother can only be a woman, and the father a man.³³⁴

Prime Minister Orbán argued that these changes are necessary to protect children from ideological or biological interference.³³⁵ The administration also aims to protect traditional Christian values.³³⁶ Human rights groups denounced the legislation as discriminatory.³³⁷ The change prompted protests in Hungary and criticism from other EU states.³³⁸ There are also concerns about the impact these measures will have on children lawfully adopted abroad.³³⁹

Themes: Traditional Values and National Identity (the amendment emphasizes the protection of traditional family structures, specifically defining family as rooted in marriage between a man and a woman); Cultural Sovereignty and National Identity (the legislation reflects Hungary's desire to preserve its cultural identity and national values in the face of external pressure, particularly from the European Union); Religious Freedom (Prime Minister Orbán's justification for the amendment cites the protection of traditional Christian values and invokes religious freedom); Morals and Decency (the amendment positions itself as a safeguard against what the government views as harmful ideological and biological interference).

332 Ibid.

333 Deutsche Welle (DW) (2020, December 15). LGBT rights: Hungary passes law banning same-sex adoption. Available at: <https://www.dw.com/en/lgbt-rights-hungary-passes-law-banning-same-sex-adoption/a-55947139>

334 Choudhry, S. (2020, December 16). 'Dark day for human rights' as Hungary amends constitution to redefine 'family' and limit gay adoption. Sky News. Available at: <https://news.sky.com/story/dark-day-for-human-rights-as-hungary-amends-constitution-to-redefine-family-and-limit-gay-adoption-12164673>

335 Euronews (2020, December 15). Hungarian parliament adopts anti-LGBT laws including de facto ban on adoption by same-sex couples. Available at: <https://www.euronews.com/my-europe/2020/12/15/hungarian-parliament-adopts-anti-lgbt-laws-including-de-facto-ban-on-adoption-by-same-sex>

336 Ibid.

337 Amnesty International (2020, December 15). Hungary: Dark day for LGBTI community as homophobic discriminatory bill and constitutional amendments are passed. Available at: <https://www.amnesty.org/en/latest/press-release/2020/12/hungary-dark-day-for-lgbti-community-as-homophobic-discriminatory-bill-and-constitutional-amendments-are-passed/>

338 BBC News (2020, December 15). Hungary bans same-sex couples from adopting children. Available at: <https://www.bbc.co.uk/news/world-europe-55324417>

339 Choudhry, S. (2020, December 16). 'Dark day for human rights' as Hungary amends constitution to redefine 'family' and limit gay adoption. Sky News. Available at: <https://news.sky.com/story/dark-day-for-human-rights-as-hungary-amends-constitution-to-redefine-family-and-limit-gay-adoption-12164673>

Russia

July 2020

Russia enacted a constitutional change to explicitly define marriage as a union between a man and a woman.³⁴⁰ As with Tuvalu and Mali above, this move is primarily seen as: (i) a protection against any challenge in favour of same-sex marriage on constitutional grounds, and (ii) a de facto guarantee against future liberalisation in this area.

The constitutional amendment was approved via a national referendum – as part of a broader set of reforms – formalising the existing same-sex ban at legislative level.³⁴¹ President Putin framed the debate as a defence of traditional family values and a measure for protecting children.³⁴² It is also important to note that public demand was not negligible.³⁴³ On the other hand, human rights groups argue that LGBTI+ rights are now undermined in Russia, almost beyond repair.³⁴⁴ The European Court of Human Rights ruled that Russia’s failure to provide recognition for same-sex unions is unlawful, even suggesting how this policy could be enacted in accordance with Russia’s traditional marriage principles.³⁴⁵ However, the Russian government dismissed the challenge as unenforceable, given its deemed incompatibility with the new provision of the constitution.³⁴⁶

340 The Moscow Times (2020, July 15). Russia moves to ban gay marriage. Available at: <https://www.themoscowtimes.com/2020/07/15/russia-moves-to-ban-gay-marriage-a70878>

341 NBC News (2020, July 1). Russian voters back referendum banning same-sex marriage. Available at: <https://www.nbc-news.com/feature/nbc-out/russian-voters-back-referendum-banning-same-sex-marriage-n1232802>

342 Roth, A. (2020, March 2). Putin submits plans for constitutional ban on same-sex marriage. The Guardian. Available at: <https://www.theguardian.com/world/2020/mar/02/vladimir-putin-submits-plan-enshrine-marriage-between-man-woman-russia>

343 The Moscow Times (2020, March 2). Putin proposes to enshrine God, heterosexual marriage in constitution. Available at: <https://www.themoscowtimes.com/2020/03/02/putin-proposes-to-enshrine-god-heterosexual-marriage-in-constitution-a69491>

344 RFSL (2020, October). Statement regarding Family Code Amendments in Russia. Available at: <https://www.rfsl.se/wp-content/uploads/2020/10/Statement-regarding-Family-Code-Amendments-in-Russia.pdf>

345 Amnesty International (2021, July 13). Russia: European Court of Human Rights rules ban on same-sex unions violates human rights. Available at: <https://www.amnesty.org/en/latest/news/2021/07/russia-european-court-of-human-rights-rules-ban-on-same-sex-unions-violates-human-rights/>

346 Ioffe, Y., & Viterbo, H. (2020, June 29). Homophobia disguised as children’s rights in Russia’s constitutional referendum. Verfassungsblog. Available at: <https://verfassungsblog.de/homophobia-disguised-as-childrens-rights-in-russias-constitutional-referendum/>

Themes: Traditional Values and National Identity (the amendment emphasizes the protection of traditional family values, particularly through the definition of marriage as a union between a man and a woman); Cultural Sovereignty and National Identity (this is seen as an assertion of Russia's right to maintain its cultural and social norms, rejecting what it views as foreign influence or liberal ideologies, especially from the West); Morals and Decency (the constitutional amendment positions itself as a defence against what the government perceives as the moral decay associated with liberal views on marriage and family); Legal Consistency (the constitutional change is consistent with Russia's long-standing legal framework that has opposed same-sex marriage. By enshrining this definition in the constitution, the government reinforces its commitment to maintaining legal consistency in the treatment of marriage and family matters, blocking any future challenges that could pave the way for liberalisation); Democratic Will (the constitutional change was approved via a national referendum).

Gabon

June 2020

Gabon is the only case study we could find of a government actively creating an unequal age of consent for same-sex relationships. This was increased to 21 years old, while the age of consent for heterosexual activity remained at 15 years.³⁴⁷ It is important to note that, prior to this change, Gabon briefly criminalised all homosexual activity in 2019.³⁴⁸ This was decriminalised again in 2020, with this measure arguably acting as a counterbalance.³⁴⁹

Human rights groups have argued that an unequal age of consent is discriminatory, fueling the stigma against LGBTI+ individuals.³⁵⁰ In fact, Article 257(4) of Gabon’s Penal Code

347 WIPO (1963). Code pénal (loi n° 21/63 du 31 mai 1963). Available at: <https://www.wipo.int/wipolex/en/text/493430>

348 Manoël-Floris, M. (2023, December 19). Gabon: LGBT people worry that post-coup government may reinstate anti-gay laws. Erasing 76 Crimes. Available at: <https://76crimes.com/2023/12/19/gabon-lgbt-people-worry-that-post-coup-government-may-reinstate-anti-gay-laws/>

349 UNAIDS (2020, July 7). UNAIDS welcomes decision by Gabon to decriminalize same-sex sexual relations. Available at: https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/july/20200707_gabon

350 Ibid.

specifically outlines same-sex activity under 18 as a violation of morality.³⁵¹ At the same time, international activists are cautiously hopeful that LGBTI+ rights in the country are not being significantly rolled back.³⁵²

Themes: Traditional Values and National Identity (the legal change reflects Gabon's approach to family and sexual conduct that aligns with the perceived traditional moral framework of the country, distinguishing same-sex relationships from heterosexual ones in terms of legal age); Morals and Decency (by setting a higher age of consent for same-sex relations, the government justifies the measure on the grounds of morality, suggesting that such relationships should be treated with more scrutiny and regulation due to perceived concerns about decency).

Hungary

May 2020

Parliament passed legislation that de facto ended legal recognition for transgender individuals.³⁵³ The legislative change was subtle in nature, amending the “sex” entry at the civil registry with “sex assigned at birth.”³⁵⁴ The implications are significant, however, with legal recognition for transgender individuals becoming all but impossible.

The Hungarian government argued that this enactment was aimed at eliminating any legal uncertainties.³⁵⁵ According to their view, biological change cannot be changed, nor should the ability to recognise change belong on official registries.³⁵⁶ On the other hand, cam-

351 Gabonese Republic (2020, June 30). Loi n°006/2020 du 30 juin 2020 portant modification de la loi n°042/2018 du 05 juillet 2019 portant Code Pénal de la République Gabonaise. Available at: <https://database.ilga.org/api/downloader/download/1/GA%20-%20LEG%20-%20Law%20No.%20006%20%282020%29%20-%20OR-OFF%28fr%29.pdf>

352 Manoël-Floris, M. (2024, November 25). In new constitution, Gabon rejects appeals to criminalize homosexuality. Erasing 76 Crimes. Available at: <https://76crimes.com/2024/11/25/gabon-new-constitution-homosexuality/>

353 Holroyd, M. (2020, May 20). Hungary passes bill ending legal gender recognition for trans citizens. Euronews. Available at: <https://www.euronews.com/2020/05/20/hungary-passes-bill-ending-legal-gender-recognition-for-trans-citizens>

354 Ahuja, P., & Garg, R. (2020, June 25). Hungary passes law ending legal recognition of transgender people. Oxford Human Rights Hub. Available at: <https://ohrh.law.ox.ac.uk/hungary-passes-law-ending-legal-recognition-of-transgender-people/>

355 Holroyd, M. (2020, May 20). Hungary passes bill ending legal gender recognition for trans citizens. Euronews. Available at: <https://www.euronews.com/2020/05/20/hungary-passes-bill-ending-legal-gender-recognition-for-trans-citizens>

356 Ibid.

paignig groups find that this law violates Hungary’s Constitutional Court rulings affirming that legal gender recognition is a constitutional right.³⁵⁷

It is notable that this change was introduced at the height of the Covid-19 pandemic, while public attention was focused elsewhere.³⁵⁸ Government officials maintained this measure was a clarification, rather than any change in existing rights and freedoms.³⁵⁹ Local campaigners launched a successful campaign at the European Court of Human Rights. However, its ruling was ignored by the Hungarian government.³⁶⁰ As things stand, the law remains in effect, with international human rights groups awaiting the results of the EU legal proceedings on related matters (N.B. EU law has direct effect and cannot be ignored or set aside by Member States).

Themes: Traditional Values and National Identity (the Hungarian government’s decision to redefine legal gender recognition reflects its emphasis on traditional values, particularly focusing on the concept of biological determinism); Morals and Decency (the Hungarian government’s justification of this law is framed in terms of eliminating legal uncertainties and reinforcing a ‘natural’ understanding of gender, which it perceives as necessary to preserve social order and moral clarity); Legal Consistency (the amendment to the civil registry seeks to provide clarity on legal gender, eliminating the possibility of gender changes being reflected in official records. The Hungarian government frames the law as a way of ensuring legal consistency and avoiding any ambiguity or confusion in the legal system).

357 Lavers, M. K. (2020, April 6). Hungary bill would ban transgender people from legally changing gender. Washington Blade. Available at: <https://www.washingtonblade.com/2020/04/06/hungary-bill-would-ban-transgender-people-from-legally-changing-gender/>

358 Ibid.

359 Human Rights Watch (2020, April 3). Hungary seeks to ban legal gender recognition for transgender people. Available at: <https://www.hrw.org/news/2020/04/03/hungary-seeks-ban-legal-gender-recognition-transgender-people>

360 Ibid.

United States

April 2019

President Trump issued an executive order banning transgender individuals from serving in the military. This measure was repealed by President Biden³⁶¹ but subsequently revived by President Trump in 2025.³⁶² The policy provides for:

- a. A ban on military recruits with a history of gender dysphoria;³⁶³
- b. A requirement that current military personnel serve in accordance to their birth gender;³⁶⁴
- c. A ban on members of the armed forces from transitioning to another gender.³⁶⁵

The Trump administration argues that this measure is necessary for the military to deploy, fight, and win in austere conditions without the benefit of routine medical treatment.³⁶⁶ This does not explain, however, the reason behind banning service members who have already transitioned. Human rights groups initiated federal lawsuits, challenging the executive order on constitutional grounds – specifically the Equal Protection clause of the Fifth Amendment.³⁶⁷ This affects both active members and recruits seeking to enlist.³⁶⁸ There was also a suspicion that the executive order lacks legitimate justification (e.g., it does not contain a valid military purpose).³⁶⁹ Furthermore, civil rights groups claim that this measure is part of a larger effort to erase transgender individuals from public life.³⁷⁰

361 Williams Institute (2021, January 25). Biden’s repeal of transgender military ban impacts over 15,000 transgender adults serving in the US military. Available at: <https://williamsinstitute.law.ucla.edu/press/biden-trans-military-eo/>

362 The White House (2025, January 27). Prioritizing Military Excellence and Readiness. Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/prioritizing-military-excellence-and-readiness/>

363 NBC News (2025, March 18). Transgender military ban lawsuit challenges Trump executive order. Available at: <https://www.nbcnews.com/nbc-out/out-politics-and-policy/transgender-military-ban-lawsuit-trump-executive-order-rcna189651>

364 Ibid.

365 Ibid.

366 The White House (2025, January 27). Prioritizing Military Excellence and Readiness. Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/prioritizing-military-excellence-and-readiness/>

367 GLBTQ Legal Advocates & Defenders (GLAD) (2025, January 28). Talbott v. Trump. Available at: <https://www.glad.org/cases/talbott-v-trump/>

368 NBC News (2025, March 18). Transgender military ban lawsuit challenges Trump executive order. Available at: <https://www.nbcnews.com/nbc-out/out-politics-and-policy/transgender-military-ban-lawsuit-trump-executive-order-rcna189651>

369 Ibid.

370 King, P. (2025, February 3). I’m a Veteran. Trump’s Trans Military Ban Betrays Our Troops. TIME. Available at: <https://time.com/7211956/veteran-trumps-trans-military-ban-betrays-troops/>

The arguments adopted by the proponents of this measure are wide-ranging. Transgender soldiers are said to undermine unity cohesion.³⁷¹ It has also been argued that it is expensive to provide gender-affirming care to troops and that this ban is necessary to combat radical gender ideology in the military.^{372 373} Another justification has been that transgender identity conflicts with the military commitment to truthfulness and an honourable lifestyle.³⁷⁴ Needless to say, these claims are strongly contradicted by the life experiences of transgender individuals who served the armed forces with distinction.

Themes: Traditional Values and National Identity (the executive order reflects an appeal to traditional values by asserting that military service must align with certain rigid gender norms); National Security (proponents argue that the ban is necessary to ensure the effectiveness of the armed forces by preventing distractions or complications arising from gender dysphoria and medical needs related to transitioning. The policy is framed as a matter of national security, focusing on maintaining a combat-ready and cohesive military, where personal identity or medical issues should not interfere with operational effectiveness).

Uganda

May 2019

The Uganda Communications Commission issued standards for broadcasting that strictly limits LGBTI+ representation.³⁷⁵ This stipulates:

- a. A ban on the promotion, glamourisation or justification of LGBTI+ “lifestyles,” comparing them to incest and paedophilia;³⁷⁶

371 Ibid.

372 Simmons-Duffin, S. (2025, January 28). Trump's Executive Order Could Ban Transgender Troops in the Military. NPR. Available at: <https://www.npr.org/sections/shots-health-news/2025/01/28/nx-s1-5277106/trump-executive-order-transgender-military>

373 Ibid.

374 Associated Press (February 18, 2025). Judge Questions Motives for Trump's Order Banning Transgender Troops. Available at: <https://apnews.com/article/trump-transgender-troops-executive-order-8373e8f3c4d59a7f99962f62a611be0b>

375 Uganda Communications Commission (2019, May 4). Broadcasting Standards in Uganda. UCC Info Blog. Available at: <https://uccinfoblog.com/2019/05/04/broadcasting-standards-in-uganda/>

376 ILGA World (n.d.). LGBTI Rights in Uganda. ILGA World Database. Available at: <https://database.ilga.org/uganda-lgbti>

- b. A ban on any discussion involving LGBTI+ topics;³⁷⁷
- c. A requirement that sex education programmes must not encourage “unnatural” acts.³⁷⁸

These broadcasting rules de facto work to erase and stigmatise LGBTI+ communities in Uganda.³⁷⁹ Local campaigners argue that it has become difficult for LGBTI+ activists to operate and provide support to the community.³⁸⁰ Amnesty International claims that these measures are contributing to a climate of violence and discrimination against LGBTI+ individuals in Uganda.³⁸¹

At the same time, government officials cite the need to protect the public from dangerous colonial ideology.³⁸² There is also a moral panic, fuelled by church leaders, that LGBTI+ organisations are recruiting children in schools.³⁸³ Ultimately, the proponents of these rules maintain that traditional family values are under threat, prompting a realignment with the country's conservative religious values.³⁸⁴ Opponents accuse American evangelical groups of fuelling homophobia in the region to further their religious cause.³⁸⁵

377 Ibid.

378 Ibid.

379 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (December 2020). State-Sponsored Homophobia: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition. Available at: https://ilga.org/wp-content/uploads/2023/11/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf

380 Human Rights Watch (August 12, 2022). Uganda Bans Prominent LGBTQ Rights Group. Available at: <https://www.hrw.org/news/2022/08/12/uganda-bans-prominent-lgbtq-rights-group>

381 Amnesty International (October 23, 2024). Uganda: Criminalization Shrinks Online Civic Space for LGBTQ People – Report. Available at: <https://www.amnesty.org/en/latest/news/2024/10/uganda-criminalization-shrinks-online-civic-space-for-lgbtq-people-report/>

382 Foreign Policy (March 19, 2023). How U.S. Evangelicals Helped Homophobia Flourish in Africa. Available at: <https://foreignpolicy.com/2023/03/19/africa-uganda-evangelicals-homophobia-antigay-bill>

383 Human Rights Watch (March 31, 2023). It Is Vital for South Africa to Oppose Uganda’s Dangerous Anti-Gay Bill. Available at: <https://www.hrw.org/news/2023/03/31/it-vital-south-africa-oppose-ugandas-dangerous-anti-gay-bill>

384 Asylum Research Centre (August 2023). Query Response: The Situation and Treatment of the LGBTQI+ Community in Uganda. Available at: https://asylumresearchcentre.org/wp-content/uploads/2023/08/ARC-Query-response_LGBTQI-Uganda_August-2023.pdf

385 Foreign Policy (March 19, 2023). How U.S. Evangelicals Helped Homophobia Flourish in Africa. Available at: <https://foreignpolicy.com/2023/03/19/africa-uganda-evangelicals-homophobia-antigay-bill>

Themes: Traditional Values and National Identity (Uganda’s broadcasting restrictions are justified on the grounds of protecting traditional Ugandan family values); Cultural Sovereignty and National Identity (the government presents LGBTI+ rights as an imposition of ‘colonial ideology’ from the West, arguing that protecting Ugandan cultural identity requires rejecting such influences); Morals and Decency (the regulations explicitly aim to suppress what is framed as ‘immoral’ behaviour).

Poland

December 2018

A large number of Polish municipalities and regions declared themselves as “LGBT+ free” zones, adopting “charters” opposed to LGBTI+ ideology.³⁸⁶ This number reached approximately 100 localities by June 2020, with an estimated third of the whole country adopting such measures.³⁸⁷

It is important to note that these declarations were largely symbolic and did not – in fact, could not – carry the force of law.³⁸⁸ They centred around:

- a. Stigmatising the LGBTI+ community;³⁸⁹
- b. Creating a sense of unwelcoming environment;³⁹⁰
- c. Opposing – but not banning – LGBTI+ events and “ideology” in schools;³⁹¹

386 BBC News (August 26, 2020). Inside Poland's LGBT-free zones. Available at: <https://www.bbc.co.uk/news/stories-54191344>

387 Balkan Insight (February 25, 2020). A Third of Poland Declared LGBT-Free Zone. Available at: <https://balkaninsight.com/2020/02/25/a-third-of-poland-declared-lgbt-free-zone/>

388 CNN (October 7, 2020). In Poland's LGBT-Free Zones, Existing Is an Act of Defiance. Available at: <https://edition.cnn.com/interactive/2020/10/world/lgbt-free-poland-intl-scli-cnnphotos/>

389 Ibid.

390 Ibid.

391 Ibid.

- d. Driving members of the LGBTI+ community to move to more liberal cities (e.g., Warsaw) or abroad.³⁹²

These events were on the back of the Law and Justice Party taking power, with its President, Andrzej Duda, declaring that the LGBTI+ community is a threat to Polish values.³⁹³ At the same time, courts across Poland ruled that these declarations were discriminatory and unconstitutional.³⁹⁴ The European Union cut funding – where applicable – to affected municipalities.³⁹⁵ Local and international activists organised protests and created an “Atlas of Hate” map, denouncing these zones.³⁹⁶

Following the change in government in December 2023, the Warsaw Voivodship Administrative Coup, on petition from the government, officially repealed any such declarations, recognising the damaging effects of their (symbolic) power.³⁹⁷

Themes: Traditional Values and National Identity (“LGBT-free” declarations were framed as a defence of Polish traditional and Catholic values against perceived threats from Western liberalism); Cultural Sovereignty and National Identity (the initiatives were also explicitly about resisting what was framed as ‘LGBT ideology’ seen as imposed from outside Poland); Morals and Decency (LGBTI+ activism was depicted as a moral threat to children and families).

392 UCL Press (December 18, 2024). ‘They Explode with Gayness’: Polish Queer Migration and Self-Realisation. Available at: <https://uclpress.co.uk/they-explode-with-gayness-polish-queer-migration-and-self-realisation/>

393 OutRight International (September 29, 2020). President Duda, “LGBT-Free Zones” and the Growth of Nationalism in Poland. Available at: <https://outrightinternational.org/insights/president-duda-lgbt-free-zones-and-growth-nationalism-poland>

394 Salon24 (July 14, 2020). Sąd w Gliwicach unieważnił uchwałę o “strefie wolnej od LGBT” w gminie Istebna. Available at: <https://www.salon24.pl/newsroom/1063498,sad-w-gliwicach-uniewaznil-uchwale-o-strefie-wolnej-od-lgbt-w-gminie-istebna> [English translation available through PressReader]

395 The Advocate (September 29, 2021). 3 Polish Regions End ‘LGBT-Free Zones’ in Money Grabbing Effort. Available at: <https://www.advocate.com/world/2021/9/29/3-polish-regions-end-lgbt-free-zones-money-grabbing-effort>

396 Euronews (September 29, 2020). Atlas of Hate: Activists Nominated for Award for Tracking ‘LGBT-Free Zones’ in Poland. Available at: <https://www.euronews.com/2020/09/29/atlas-of-hate-activists-nominated-for-award-for-tracking-lgbt-free-zones-in-poland>

397 OKO.press (February 6, 2024). Sąd uchylił ostatnią uchwałę przeciwko “ideologii LGBT”. Available at: <https://oko.press/sad-uchylil-ostatnia-uchwale-przeciwko-ideologii-lgbt> [English translation available through PressReader]

France

May 2017

The highest court of appeal in France issued a landmark judgment – overturning the decision at first-instance – refusing to recognise a non-binary gender on civil registries.³⁹⁸ The claimant was an adult born with an “indeterminate” gender and was registered as male.³⁹⁹ The Family Court in turn agreed that, in these circumstances, the claimant was entitled to use “gender neutral” markings on official documents.⁴⁰⁰

The Court of Cassation disagreed.⁴⁰¹ The decision relies on the following justifications:

- a. French law only provides for male or female sexes;⁴⁰²
- b. This binary system has an important objective for both social and order activities;
- c. Recognising a third gender would introduce sweeping changes to the French legal and social order, something that can only be justified through legislative action.⁴⁰³

As with Italy and – to an extent – Suriname (see the Suriname case included in the appendix), the court has found it impossible to resist the argument that gender issues are a matter of public conscience and not the judiciary.⁴⁰⁴

This case reached the European Court of Human Rights, which found, in January 2023, that the French court’s decision does not violate any fundamental rights.⁴⁰⁵ While Strasbourg acknowledged the claimant’s suffering, it gave more weight to France’s arguments that

398 Alliance VITA (May 5, 2017). Gender “neutral” recognition refused by French Court of Cassation. Available at: <https://www.alliancevita.org/en/2017/05/gender-neutral-recognition-refused-by-french-court-of-cassation/>

399 PinkNews (May 4, 2017). France upholds ruling barring gender-neutral person from legal recognition. Available at: <https://www.thepinknews.com/2017/05/04/france-upholds-ruling-barring-gender-neutral-person-legal-recognition/>

400 Ibid.

401 Commission Nationale d’Éthique. (July 2017). Opinion 27 regarding gender diversity. Available at: <https://cne.public.lu/dam-assets/fr/publications/avis/avis-27-en.pdf>

402 Ibid.

403 Ibid.

404 Osella, S. & Rubio-Marín, R. (2023 April). Gender Recognition at the Crossroads: Four Models and the Compass of Comparative Law. *International Journal of Constitutional Law* 21, no. 2: 574–602. Available at: <https://academic.oup.com/icon/article/21/2/574/7175200>

405 Organisation Intersex International Europe (OI Europe) (2023 February 22). Comment on Y v. France ECHR Decision. Available at: <https://www.oii-europe.org/comment-on-y-v-france-echr-decision/>

preserving the legal structure and social architecture was de facto more important in this case.⁴⁰⁶ Furthermore, the lack of consensus in Europe around gender neutral marking entitles France – and any other state – to a wider margin of appreciation.⁴⁰⁷

This litigation – particularly when read in the context of the ruling in Italy above – all but confirms that social and legal change on the issue of non-binary marking may only be possible through legislative action rather than the courts.⁴⁰⁸

Themes: Traditional Values and National Identity (the court emphasised the historical and legal importance of maintaining the binary understanding of sex – male or female – as fundamental to France’s social and legal identity); Cultural Sovereignty and National Identity (France defended its traditional legal framework against evolving global understandings of gender identity, asserting the primacy of its national social and legal structures over emerging international trends); Legal Consistency (the court prioritised the internal coherence and stability of its legal system, finding that introducing a third gender option would create widespread legal uncertainty across civil, family, and administrative law frameworks).

Cameroon

July 2016

This case study is the first recorded attempt at an increase in LGBTI+ censorship – through indirect means – in the last decade. Section 264 of Cameroon’s 2016 Penal Code.⁴⁰⁹ introduced provisions that have since become common across the globe (e.g., see Singapore above). The Code criminalises:

406 Ibid.

407 Dehelean, D. & Ourednickova, S. (2023, February 22). The Forgotten I in LGBTQIA+: ECtHR Turns its Back on Intersex People. Oxford Human Rights Hub. Available at: <https://ohrh.law.ox.ac.uk/the-forgotten-i-in-lgbtqia-ecthr-turns-its-back-on-intersex-people/>

408 Ibid.

409 Republic of Cameroon (2016). Penal Code of Cameroon. Available at: <https://wipo.lex-res.wipo.int/edocs/lexdocs/laws/en/cm/cm014en.html>

- a. Public immoral speech;⁴¹⁰
- b. Drawing attention to immorality;⁴¹¹
- c. Sexual relations between persons of the same-sex, punishable with up to 5 years imprisonment (codifying the existing position).⁴¹²

At no point does the Code mention LGBTI+ content. However, legal scholars maintain that the de facto effect of this provision is to shut down LGBTI+ advocacy – given that same-sex intimacy is illegal (e.g., seen as immoral).⁴¹³ The country frequently enforces these laws, with multiple instances of arrest and detention of LGBTI+ individuals.⁴¹⁴ Furthermore, there has been a steady increase in vigilante attacks against the LGBTI+ community since the introduction of these provisions.⁴¹⁵

For the first time in the last decade, there is a global shift from punishing homosexual activity to actively creating a hostile environment where freedom of expression is more limited, public advocacy restricted, and LGBTI+ causes officially declared as harmful to the moral health of the nation.⁴¹⁶

Themes: Morals and Decency (the legislation was directly grounded in protecting ‘public morals,’ framing same-sex intimacy and any advocacy around it as immoral and therefore criminal).

410 Ibid.

411 Ibid.

412 Ibid.

413 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (December 2020). State-Sponsored Homophobia: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition. Available at: https://ilga.org/wp-content/uploads/2023/11/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf

414 Washington Blade (2023, January 24). Report Documents Continued Persecution of LGBTQ, Intersex People in Cameroon. Available at: <https://www.washingtonblade.com/2023/01/24/report-documents-continued-persecution-of-lgbtq-intersex-people-in-cameroon/>

415 Ibid.

416 Mouko, A. (2025, 14 January). The lawyer risking everything to defend LGBT rights. BBC News. Available at: <https://www.bbc.co.uk/news/articles/czep3gplr00o>

Appendix 2: Key Instances of LGBTI+ Rights Roll-Backs USA State-Level

Idaho

July 2024

Governor Brad Little signed two House bills (421⁴¹⁷ and 538⁴¹⁸), relating to non-binary gender recognition and LGBTI+ topics in school respectively. These laws provide for:

- a. A definition of ‘sex’ as only male or female based on birth. This includes: (i) the removal of any recognition for non-binary gender; (ii) a prohibition for neutral gender markets in official IDs – including those issued out-of-state; and (iii) consistency in application across all State rules and policy – including at local level.⁴¹⁹
- b. A prohibition on teachers from using pronouns or names that do not match a student’s birth certificate without parental consent.⁴²⁰ Furthermore, teachers are not required to comply with any parental requests to use specific pronouns and may sue their school district if forced to do otherwise.⁴²¹

The aim of the State’s legislature was said to protect parental rights and free speech above all else.⁴²² However, local campaigning groups are pointing out that these bills create an unsafe environment for transgender students.⁴²³

417 Idaho House Bill 421 (2024). Anti-LGBTQ+ Definitions of “Sex” and “Gender” Idaho State Legislature, 2024. Available at: <https://legislature.idaho.gov/sessioninfo/2024/legislation/h0421/>

418 Idaho House Bill 538 (2024). Anti-Trans Pronoun Law. Idaho State Legislature, 2024. Available at: <https://legislature.idaho.gov/sessioninfo/2024/legislation/h0538/>

419 ACLU of Idaho (2024). Fact Sheet on House Bill 421: Anti-LGBTQ+ Definitions of “Sex” and “Gender”. Available at: [https://www.acluidaho.org/en/anti-lgbtq+%20definitions%20of%20%E2%80%9Csex%E2%80%9D%20and%20%E2%80%9Cgender%E2%80%9D:%20%20%20%20house%20bill%20421%20\(2024\)%20fact%20sheet](https://www.acluidaho.org/en/anti-lgbtq+%20definitions%20of%20%E2%80%9Csex%E2%80%9D%20and%20%E2%80%9Cgender%E2%80%9D:%20%20%20%20house%20bill%20421%20(2024)%20fact%20sheet)

420 The Hill (2024, April 8). Idaho Governor Signs Bill Barring Use of Transgender Students’ Pronouns. Available at: <https://thehill.com/homenews/state-watch/4585590-idaho-governor-signs-bill-barring-use-of-transgender-students-pronouns/>

421 Ibid.

422 McKeown, J. (2024, April 10). New Idaho Law Aims to Protect Against Forced Use of Incorrect Pronouns, Names. National Catholic Register. Available at: <https://www.ncregister.com/cna/new-idaho-law-aims-to-protect-against-forced-use-of-incorrect-pronouns-names>

423 Rentfro, S. (2024, August 23). How a New Idaho Law Could Impact the Transgender Community. The Arbiter. Available at: <https://arbiteronline.com/2024/08/23/idaho-house-bill-538/>

Theme: Traditional Values and National Identity (defines ‘sex’ strictly as male or female at birth, reinforcing traditional views on gender); Religious Freedom and Free Speech (teachers’ rights to refuse using pronouns inconsistent with birth certificates are framed as a matter of free speech and religious conscience); The Need to Protect Children from Harmful Ideas (restrictions in schools are justified as protecting children and respecting parental rights); Legal Consistency (the removal of non-binary recognition is framed as necessary to maintain legal and administrative consistency across state policy).

Arkansas

October 2023

Governor Sarah Huckabee Sanders announced that the non-binary gender option has been removed from all driving licences in the State.⁴²⁴ The Arkansas Department of Finance and Administration accordingly rescinded its previous policy of allowing individuals to use ‘X’ for their gender.⁴²⁵

The Governor stated that: “Arkansas state government will not endorse this [gender theory] nonsense.”⁴²⁶ Non-binary individuals were given the option to register as either male or female on IDs.⁴²⁷ At the same time, licences issued previously will remain valid until their natural expiration, although this might create some administrative issues for the individuals involved.⁴²⁸

The policy change prompted a debate among civil rights groups warning against what they perceive is an increase of discrimination and safety risks for non-binary and intersex

424 Fox News (2024, March 13). Arkansas Drops ‘X’ from Driver’s Licenses and IDs: State ‘Won’t Endorse Nonsense,’ Governor Sanders Says. Fox News. Available at: <https://www.foxnews.com/politics/arkansas-drops-x-drivers-licenses-ids-state-wont-endorse-nonsense-governor-sanders>

425 Arkansas Department of Finance and Administration (DFA) (March 12, 2024). DFA Announces Steps to Safeguard Driver’s Licenses and IDs. Arkansas.gov. Available at: <https://www.dfa.arkansas.gov/news/dfa-announces-steps-to-safeguard-drivers-licenses-and-ids/>

426 Ibid.

427 Ibid.

428 Ibid.

people.⁴²⁹ This trend aligns with a number of Republican-led states where sex is legally defined as binary.⁴³⁰

Themes: Traditional Values and National Identity (the decision aligns with conservative values, rejecting non-binary gender recognition as a threat to traditional gender norms and societal identity); Cultural Sovereignty and National Identity (the policy reflects a rejection of progressive ideologies perceived as external influences that challenge Arkansas’ cultural framework); Morals and Decency (the removal of the non-binary option is framed as a defence of moral order and traditional standards, portraying non-binary identities as socially unacceptable); The Need to Protect Children from Harmful Ideas (though not explicitly stated, the policy could be viewed as part of a broader agenda to protect children from progressive gender ideologies); Legal Consistency (the decision is justified by the desire to maintain clarity and consistency within the State’s gender identification system, which has traditionally been binary); Democratic Will (the policy reflects the political will of conservative voters in Arkansas, while also facing opposition from civil rights groups, highlighting a division in public opinion).

Iowa and Arkansas

March 2023

In both Iowa⁴³¹ and Arkansas⁴³² legislation was enacted to restrict the discussion of LGBTI+ topics in schools.

429 McNeill, Z. (2024, March 14). Arkansas Lawmakers Want to Roll Back Transgender-Friendly License Policy. Truthout. Available at: <https://truthout.org/articles/arkansas-lawmakers-want-to-roll-back-transgender-friendly-license-policy/>

430 DeMillo, A. (2024, June 24). Arkansas Supreme Court Reinstates Rule Eliminating ‘X’ from Driver’s Licenses. Associated Press. Available at: <https://apnews.com/article/arkansas-transgender-nonbinary-drivers-licenses-court-738a2d-993310c51a177a1dbf69445aa7>

431 Iowa General Assembly (2023). Senate File 496 – Enrolled Bill. 90th General Assembly. Available at: <https://www.legis.iowa.gov/docs/publications/LGE/90/SF496.pdf>

432 Arkansas Department of Education (n.d.). Arkansas LEARNS Act. Arkansas.gov. Available at: <https://learns.ade.arkansas.gov/>

In Iowa, this provides for:

- a. A prohibition on material or curriculum mentioning sexual orientation or gender identity to students in the 6th grade and below;⁴³³
- b. A restriction on books depicting “sex acts” from state school libraries;⁴³⁴
- c. A requirement to alert parents if a child starts using different pronouns.⁴³⁵

Arkansas adopted a similar, but not identical, approach:

- a. Teachers are banned from giving any instruction or information related to sexually-explicit content, reproduction, intercourse, sexual orientation, or gender identity (N.B. the subject of the prohibition here is the teacher, not the material, as in Iowa);⁴³⁶
- b. Any violation of this law would lead to disciplinary proceedings against teachers, with the potential for dismissal.⁴³⁷

The governors of both states frame their laws as a necessary measure to protect children from indoctrination.⁴³⁸ Parental groups have praised these measures for giving more autonomy to families over the way that sensitive topics are addressed with their children.⁴³⁹ Ultimately, the preservation of traditional values alongside a call for age-appropriate education makes these bills popular in both states.⁴⁴⁰

Civil rights groups, on the other hand, have denounced these moves as censorship and as an attempt to erase LGBTI+ identities.⁴⁴¹ Furthermore, there is concern that these mea-

433 Hoff, M. (2025, February 12). Iowa Lawmakers Look to Expand Ban on LGBTQ Materials in Schools. The Gazette. Available at: <https://www.thegazette.com/state-elections/iowa-lawmakers-look-to-expand-ban-on-lgbtq-materials-in-schools/>

434 Ibid.

435 Ibid.

436 National Education Association (2024, February). Know Your Rights: Arkansas. Available at: <https://www.nea.org/sites/default/files/2024-02/know-your-rights-arkansas.pdf>

437 Ibid.

438 Hoff, M. (2025, February 12). Iowa Lawmakers Look to Expand Ban on LGBTQ Materials in Schools. The Gazette. Available at: <https://www.thegazette.com/state-elections/iowa-lawmakers-look-to-expand-ban-on-lgbtq-materials-in-schools/>

439 Yurcaba, J. (2023, August 30). Over 30 new LGBTQ education laws are in effect as students go back to school. NBC. Available at: <https://www.nbcnews.com/nbc-out/out-politics-and-policy/30-new-lgbtq-education-laws-are-effect-students-go-back-school-rcna101897>

440 Ibid.

441 Hoff, M. (2025, February 12). Iowa Lawmakers Look to Expand Ban on LGBTQ Materials in Schools. The Gazette. Available at: <https://www.thegazette.com/state-elections/iowa-lawmakers-look-to-expand-ban-on-lgbtq-materials-in-schools/>

asures might exacerbate mental health issues among LGBTI+ youth.⁴⁴² Teachers in Arkansas are protesting what they see as a limit placed on their ability to educate children.⁴⁴³ Both bills are currently in the process of being challenged in the courts on constitutional grounds.^{444 445}

Themes: The Need to Protect Children from Harmful Ideas (both states frame the restrictions as measures to protect children from exposure to concepts they consider inappropriate or harmful at a young age); Parental Rights (the laws are presented as reinforcing parental control over how their children are educated about sensitive topics such as sexual orientation and gender identity); Censorship (civil rights groups argue that the laws amount to censorship, limiting teachers' ability to discuss important issues and potentially erasing LGBTI+ identities from educational environments); Traditional Values and Moral Protection (the laws are presented as a defence of traditional family structures and values, aligning education with a vision of morality that rejects the recognition of non-heteronormative identities).

Tennessee

March 2023

Governor Bill Lee signed the Adult Entrainment Act, aimed at restricting adult cabaret performances in public or where children could reasonably be present.⁴⁴⁶ This effectively bans

442 Ibid.

443 Quinlan, C. (2021, April 27). These States Are Making It Harder for Schools to Acknowledge LGBTQ People Exist. American Journal News. Available at: <https://americanjournalnews.com/arkansas-tennessee-montana-schools-lgbtq-curriculum-education-opt-out-bills-legislation/>

444 Miller, V. (2024, February 28). How Iowa’s Newest 'Don't Say Gay or Trans' Bill Violates Students' Right to Learn. Journal of Gender, Race & Justice. Available at: <https://jgrj.law.uiowa.edu/news/2024/02/how-iowas-newest-dont-say-gay-or-trans-bill-violates-students-right-learn>

445 Daily Iowan (2025, February 6). Teachers, LGBTQ Advocates Renew Injunction Against Iowa Book Ban Law. The Daily Iowan. Available at: <https://dailyiowan.com/2025/02/06/teachers-lgbtq-advocates-renew-injunction-against-iowa-book-ban-law/>

446 USA Today (2023, March 2). Tennessee Governor Bill Lee Signs Anti-Trans Bill, Drag Restrictions into Law. USA Today. Available at: <https://eu.usatoday.com/story/news/nation/2023/03/02/tennessee-governor-bill-lee-signs-anti-trans-bill-drag-restrictions-into-law/11385343002/>

drag shows or any event involving transgender performers.⁴⁴⁷ The legislation specifically provides for:

- a. “Adult cabaret performance” to be defined to include male or female “impersonators;”
- b. LGBTI+ content to be de facto adult-oriented only;⁴⁴⁸
- c. A ban on such performances if there is the potential these could be viewed by minors;⁴⁴⁹
- d. The introduction of a list of offences, ranging from misdemeanours to felonies.⁴⁵⁰

State officials have argued that the measure is not a full ban, as it is only intended to stop sexual performances in front of minors.⁴⁵¹ The Senate Majority Leader stated that this measure is about giving parents confidence that children are protected from inappropriate content.⁴⁵²

Critics have focused their efforts on arguing that the law is a violation of the First Amendment, curbing the right to free speech and expression.⁴⁵³ Furthermore, concerns have been expressed that there is a risk that the vagueness of the measure might criminalise transgender individuals simply for being in a public space.⁴⁵⁴

In April 2023, a federal judge granted an injunction pausing the law’s implementation pending judicial review.⁴⁵⁵ In June 2023, the injunction became permanent.⁴⁵⁶ However, in

447 Tennessee General Assembly (2023). Public Chapter No. 2: An Act to Amend Tennessee Code Annotated, Title 7, Chapter 51, Part 14, Relative to Adult Cabaret Performances. 113th General Assembly. Available at: <https://publications.tnsosfiles.com/acts/113/pub/pc0002.pdf>

448 Ibid.

449 Ibid.

450 Ibid.

451 SBS News (2023, February 24). Tennessee Criticised for 'Boogie Monster' Tactics as It Moves to Outlaw Public Drag Performances. Available at: <https://www.sbs.com.au/news/article/tennessee-criticised-for-boogie-monster-tactics-as-it-moves-to-outlaw-public-drag-performances/sgtrhou9p>

452 Ibid.

453 Ross, J. (2023, April 3,). How a Drag Theater Troupe Got Tennessee’s Restrictive New Law Put on Hold. TIME. Available at: <https://time.com/6267962/tennessee-drag-bill-law-hold-friends-of-georges-interview/>

454 Groff, W. (2023, February 17). How Tennessee’s Drag Show Ban Is Already Impacting Country Music. The Boot. Available at: <https://theboot.com/tennessee-drag-ban-country-music/>

455 Ibid.

456 Gans, J. (2023, June 3). Federal Judge Rules Tennessee Restrictions on Drag Shows Unconstitutional. The Hill. Available at: <https://thehill.com/regulation/court-battles/4033015-federal-judge-rules-tennessee-restrictions-on-drag-shows-unconstitutional/>

July 2024, the US Circuit Court of Appeals dismissed the challenge, reinstating the legislation in full. It was held that free speech does not extend to content harmful to minors.⁴⁵⁷

Themes: Traditional Values and National Identity (the legislation emphasises the protection of traditional family values, positioning drag performances and LGBTI+ content as a challenge to these values in public spaces); Cultural Sovereignty and National Identity (this law can be seen as part of a broader effort to assert cultural identity and protect national norms by preventing the perceived spread of what is framed as inappropriate content); The Need to Protect Children from Harmful Ideas (the law is framed as a necessary measure to protect children from exposure to LGBTI+ performances, which are deemed harmful to their development).

Florida, Missouri, Kentucky, and Alabama

January 2023

Under the leadership of the State of Florida, several states passed legislation to ban or severely restrict gender-affirming care, particularly for minors.

Florida enacted Senate Bill 254, which aims to:⁴⁵⁸

- a. Ban any gender-affirming care for minors alongside puberty blockers and hormone therapy;⁴⁵⁹
- b. Require adults to sign in-person consent forms restricting their care to physicians only;⁴⁶⁰
- c. Prohibit the use of taxpayer funds to support gender-affirming care.⁴⁶¹

457 Boggs, S. (2024, July 24). Divided Sixth Circuit Panels Find Tennessee Gender Laws Constitutional. Sixth Circuit Appellate Blog. Available at: <https://www.sixthcircuitappellateblog.com/recent-cases/divided-sixth-circuit-panels-find-tennessee-gender-laws-constitutional/> (full judgment attached herein).

458 Florida Senate (2023). CS/SB 254: Treatments for Sex Reassignment. Available at: <https://www.flsenate.gov/Session/Bill/2023/254>

459 Ibid.

460 Ibid.

461 Ibid.

In June 2024, a federal judge disallowed the statute as unconstitutional, citing transgender children’s right to access healthcare – with parental permission.⁴⁶² However, the US Circuit Courts of Appeals suspended the ruling, allowing the law to take effect pending further appellate litigation.⁴⁶³

In Missouri, the legislature enacted Senate Bill 49 providing:⁴⁶⁴

- a. A ban on gender-affirming care for minors alongside the use of puberty blockers and hormone therapy;⁴⁶⁵
- b. A ban on Missouri’s public health system to cover gender-affirming operations (both for minors and adults);⁴⁶⁶
- c. An exception for minors already transitioning to continue their treatment until the end of 2027, only.⁴⁶⁷

Unlike the first-instance decision in Florida, a Missouri judge backed the legislation, relying on the absence of scientific consensus on this issue and citing the potential for irreversible damage to minors.⁴⁶⁸

Kentucky’s House Bill 470 adopted a different approach, deciding to particularly target healthcare providers.⁴⁶⁹ The bill envisages:

462 Spencer, T. (2024, June 11). A Florida Law Blocking Treatment for Transgender Children Is Thrown Out by a Federal Judge. Associated Press. Available at: <https://apnews.com/article/transgender-rights-children-florida-592b24b28e365ded-336ca841f2ac90ac>

463 Llanos, J. (2024, August 27). Appellate Court Allows Florida to Enforce Gender-Affirming Care Ban. The 19th. Available at: <https://19thnews.org/2024/08/appellate-court-allows-florida-to-enforce-gender-affirming-care-ban/>

464 Missouri Senate (2023). Senate Bill 49: An Act to Repeal Sections 208.152, 217.230, and 221.120, RSMo, and to Enact in Lieu Thereof Four New Sections Relating to Gender Transition Procedures. 113th General Assembly. Available at: https://www.senate.mo.gov/23info/bts_web/Bill.aspx?SessionType=R&BillID=44407

465 Ibid.

466 Ibid.

467 Ibid.

468 Fentem, S. (2024, November 25). Missouri Judge Upholds State Ban on Transgender Care for Minors. St. Louis Public Radio. Available at: <https://www.stlpr.org/news-briefs/2024-11-25/missouri-judge-upholds-state-ban-on-transgender-care-for-minors>

469 Kentucky General Assembly (2023). House Bill 470: An Act Relating to the Protection of Children. Regular Session. Available at: <https://apps.legislature.ky.gov/record/23rs/hb470.html>

- a. A ban on gender-affirming care for minors, alongside the use of puberty blockers and hormone therapy;⁴⁷⁰
- b. Revocation of medical licences for any healthcare provider found in breach of these provisions;⁴⁷¹
- c. Allowing affected minors to sue medical providers for any damages arising from transitioning until the age of 42.⁴⁷²

In contrast with Missouri, any ongoing treatment must have concluded by December 2024.⁴⁷³

Alabama’s Vulnerable Child Compassion and Protection Act adopted an approach based on the criminal law.⁴⁷⁴ This involved:

- a. A ban on gender-affirming care for minors, alongside the use of puberty blockers and hormone therapy;⁴⁷⁵
- b. Up to 10 years imprisonment for medical professionals defying these provisions.⁴⁷⁶

While the decision was initially blocked by a federal judge, the US Circuit Courts of Appeals suspended the ruling, allowing the law to take effect pending further appellate litigation – such as in Florida’s case.⁴⁷⁷

470 Ibid.

471 Ibid.

472 Ibid.

473 Ibid.

474 Alabama State Legislature (2024). Senate Bill 184: Public health, minors, biological male or female, sexual state, practices to alter or affirm minor’s sexual identity or perception such as prescribing puberty blocking medication or surgeries, prohibited, exceptions, nurses and school personnel not to withhold information from parents, violations a Class C felony. Regular Session. Available at: <https://legiscan.com/AL/text/SB184/id/2566425>

475 Ibid.

476 Ibid.

477 GLBTQ Legal Advocates & Defenders (GLAD) (2024, January 11). 11th Circuit Order Allows Alabama Transgender Adolescent Medical Ban to Take Effect. Available at: <https://www.glad.org/11th-circuit-order-allows-alabama-transgender-adolescent-medical-ban-to-take-effect/>

Themes: Traditional Values and National Identity (the ban cited traditional family and gender norms to position itself as a defence of societal values); Religious Freedom (many of these states justify their legislation on religious grounds); The Need to Protect Children from Harmful Ideas (the main justification for these bills is the protection of children from what the states describe as potentially irreversible or harmful medical decisions that could affect their well-being).

Florida, Alabama, Texas, Louisiana, Oklahoma, and Mississippi

January 2022

Under the leadership of the State of Florida, several states moved to specifically limit LGBTI+ material in school and libraries, also known as the “Don’t Say Gay” laws.⁴⁷⁸ Florida’s legislators passed the Parental Rights in Education Act providing for:⁴⁷⁹

- a. A ban on classroom discussions of sexual orientation or gender identity in 3rd grade and below;⁴⁸⁰
- b. A restriction on these discussions for students of all ages if deemed “inappropriate;”⁴⁸¹
- c. A requirement on schools to notify parents if children access mental health support services.⁴⁸²

In April 2023, the State’s Board of Education expanded these provisions to all grades (kindergarten to 12th grade) except for discussions in health or reproductive courses.⁴⁸³

478 Gabbatt, A. (2022, December 24). ‘A Streak of Extremism’: US Book Bans May Increase in 2023. The Guardian. Available at: <https://www.theguardian.com/us-news/2022/dec/24/us-book-bans-streak-of-extremism>

479 Florida House of Representatives (2022). House Bill 1557: Parental Rights in Education. Regular Session. Available at: <https://www.flsenate.gov/Session/Bill/2022/1557>

480 Ibid.

481 Ibid.

482 Ibid.

483 Mandler, C. (2023, April 20). Teaching About Sexuality and Gender Identity Is Now Banned in Florida Public Schools. CBS News. Available at: <https://www.cbsnews.com/amp/news/florida-public-schools-ban-teach-gender-identity-sexuality/>

Alabama took a slightly less restrictive approach,⁴⁸⁴ mirroring the Florida ban but allowing for an exception for students above 5th grade, if this is deemed appropriate in the circumstances.⁴⁸⁵

Texas has since been considering two bills, HB 631⁴⁸⁶ and HB1155⁴⁸⁷ respectively, based on Florida’s design.⁴⁸⁸ However, like Alabama, there is an exception for students – in this instance, above the 8th grade – to discuss these topics on a case-by-case scenario. At the same time, the State instructed schools and libraries to remove books with topics that make students feel ‘uneasy,’ such as those depicting LGBTI+ characters or discussing gender.⁴⁸⁹

Oklahoma’s Senate Bill 615 focused on banning students of all ages from using facilities that do not correspond to their birth gender.⁴⁹⁰ Furthermore, schools are required to notify parents before LGBTI+ issues are discussed in the classroom.⁴⁹¹

Louisiana had a similar experience with its Title IX rules, which were recently quashed by the State’s Superintendent of Education, who declared them conflicting with equality laws.^{492 493}

484 ACLU of Alabama (2023, May 9). HB 354 - 'Don't Say Gay' Extension. ACLU of Alabama. Available at: <https://www.aclu-alabama.org/en/legislation/hb-354-dont-say-gay-extension>

485 Ibid.

486 Texas House of Representatives (2023). House Bill 631: Relating to Parental Rights in Education. 88th Legislature, Regular Session. Available at: <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=HB631>

487 Texas House of Representatives (2023). House Bill 1155: Relating to parental rights in public education and prohibiting instruction regarding sexual orientation or gender identity for certain public school students. 88th Legislature, Regular Session. Available at: <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=HB1155>

488 Nguyen, A. & Melhado, W. (2023, January 9). 2 Texas Bills Would Restrict Lessons About Sexual Orientation and Gender Identity in Public Schools. ABC13 Houston. Available at: <https://abc13.com/texas-2023-legislative-session-lgbtq-laws-teach-about-sexual-orientation-in-school-gender-identity-curriculum/12680178/>

489 Equality Texas (n.d.). No Promo Homo Laws. Equality Texas. Available at: <https://www.equalitytexas.org/no-promo-homo-laws/>

490 Oklahoma State Legislature (2022). Senate Bill 615: An Act Relating to Schools; Requiring Restrooms or Changing Areas to Be Used by Individuals Based on Their Sex; Requiring Certain Accommodation. Regular Session. Available at: <https://www.oklegislature.gov/BillInfo.aspx?Bill=sb615&Session=2200>

491 ACLU of Oklahoma (2023, August 16). Know Your Rights: Back to School Edition. ACLU of Oklahoma. Available at: <https://www.acluok.org/en/news/know-your-rights-back-school-edition>

492 Louisiana Department of Education (2024, July 20). Louisiana State Superintendent Opposes New Federal Title IX Rules. Louisiana Department of Education. Available at: <https://doe.louisiana.gov/about/newsroom/news-releases/release/2024/07/20/louisiana-state-superintendent-opposes-new-federal-title-ix-rules>

493 The Hill (2024, July 20). Louisiana Education Chief Tells Schools to Ignore New Title IX Rules for Transgender Students. The Hill. Available at: <https://thehill.com/homenews/lgbtq/4613178-louisiana-education-chief-tells-schools-to-ignore-new-title-ix-rules-for-transgender-students>

Mississippi’s focus, with House Bill 176, was on informing parents if a child participates in “sex-segregated” activities not aligned with their birth gender and/or which suggest that they identify with a different gender or pronoun than that assigned at birth.^{494 495}

Throughout these states, the arguments and tactics of the proponents of the laws have taken a similar approach. Proponents of these laws have asserted that parents should be empowered to make decisions relating to their children’s education.⁴⁹⁶ Furthermore, they have emphasised that young children must be protected from distressing content.⁴⁹⁷

At the same time, civil rights groups warn of free speech and academic freedom violations, with increased concerns that LGBTI+ students may be outed to their parents or suffer bullying as a result of the ongoing stigmatisation.⁴⁹⁸ What is clear, is that the courts have shown a reluctance to engage with these issues, with a federal judge in Florida dismissing a constitutional challenge out of hand.⁴⁹⁹

Themes: The Need to Protect Children from Harmful Ideas (the restrictions on LGBTI+ discussions and materials in schools are justified as protecting young children from what is considered inappropriate or distressing content, especially regarding sexual orientation and gender identity); Censorship (the removal of books and the limitations on discussions around LGBTI+ topics in classrooms and libraries exemplify an active attempt at censorship); Parental Rights and Control (several of the laws above, including notification requirements when children access mental health services or participate in LGBTI+ discussions, emphasise empowering parents to control what their children are exposed to in school settings).

494 Mississippi Legislature (2024). House Bill 176 (2024): An Act to Require School Administrators, Teachers, Counselors, or Other Personnel of the School to Provide Written Notification to the Parent or Legal Guardian of Any Student Identifying at School with Pronouns or a Gender Not Listed on the Student's Birth Certificate. 2024 Regular Session. Available at: <https://billstatus.ls.state.ms.us/documents/2024/html/HB/0100-0199/HB0176IN.htm>

495 Mississippi Free Press (2024, January 19). Teachers Required to Out Trans Students to Families Under Proposed Mississippi Bill. Available at: <https://www.mississippifreepress.org/teachers-required-to-out-trans-students-to-families-under-proposed-mississippi-bill/>

496 Georgetown Journal of Gender and the Law (n.d.). The Dangerous Consequences of Florida's 'Don't Say Gay' Bill on LGBTQ+ Youth in Florida. Georgetown Journal of Gender and the Law, Volume XXIII Online. Available at: <https://www.law.georgetown.edu/gender-journal/online/volume-xxiii-online/the-dangerous-consequences-of-floridas-dont-say-gay-bill-on-lgbtq-youth-in-florida/>

497 Ibid.

498 Williams Institute (2023, January). Impact of HB 1557 (Florida's 'Don't Say Gay' Bill) on LGBTQ+ Parents in Florida. Williams Institute. Available at: <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Dont-Say-Gay-Impact-Jan-2023.pdf>

499 American Bar Association (2022, November 22). Florida's 'Don't Say Gay' Law Raises Serious Legal Questions. American Bar Association. Available at: https://www.americanbar.org/groups/labor_law/publications/labor_employment_law_news/fall-2022/florida-do-not-say-gay-law/

