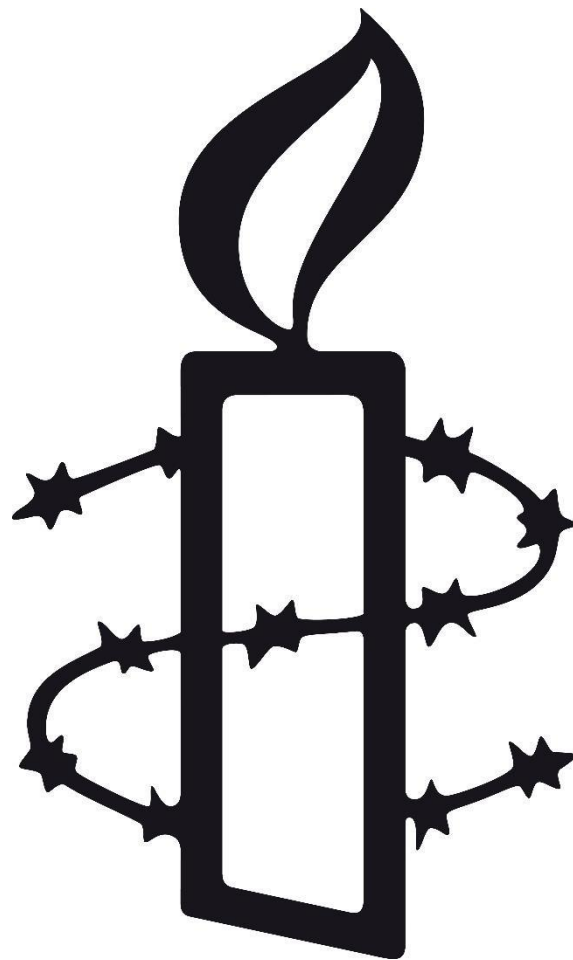


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VIOLATIONS OF RIGHTS TO FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY BASED ON SEXUAL ORIENTATION, GENDER IDENTITY AND/OR EXPRESSION

SUBMISSION TO THE UN INDEPENDENT EXPERT ON SEXUAL
ORIENTATION AND GENDER IDENTITY



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Amnesty International submits this document in response to the call for input for the report of the Independent Expert on Sexual Orientation and Gender Identity to the 56th session of the Human Rights Council on 'Protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly'.

INTRODUCTION

Amnesty International submits this document in response to the call for input¹ for the report of the Independent Expert on Sexual Orientation and Gender Identity to the 56th session of the Human Rights Council on ‘Protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly’.

Everyone must be able to enjoy the rights to freedom of expression,² peaceful assembly and association without any discrimination, including on grounds of sexual orientation, gender identity and/or expression and sex characteristics (SOGIESC). However, around the world, states often deny these rights to LGBTI people on spurious grounds and through discriminatory restrictions based on ‘public morals’, ‘protecting minors’ or ‘public order’, that lack legal clarity and are neither necessary nor proportionate.³

These restrictions include acts of censorship, such as blocking internet websites, the imposition of arbitrary bans on disseminating information and/or peaceful assemblies, as well as torture and other ill-treatment, arbitrary arrest and detention of LGBTI protesters. NGOs and grassroots organizations have also faced increased scrutiny, surveillance, barriers and restrictions while defending the rights of LGBTI people.

Moreover, states often fail to remove systemic and structural barriers that impede the enjoyment of these rights, including by failing to prevent, address and punish gender-based violence, which is rife in both offline and online spaces and has a disproportionate impact on women and LGBTI people.⁴

In this submission Amnesty International presents a global overview of some of the laws, policies and practices that violate the rights to freedom of expression, peaceful assembly and association of LGBTI people.

FREEDOM OF EXPRESSION

1.1 CENSORSHIP, BANS AND DISCRIMINATORY RESTRICTIONS ON EXPRESSION RELATED TO SOGIESC

In **Hungary**, the Parliament passed a law that introduced a ban on education and advertising that is deemed to “popularize”, or even depict consensual same-sex conduct or the affirming of one’s gender, to children.⁵

This echoes a law passed by the State Duma in **Russia** in 2013 that imposed heavy fines on those accused of promoting “propaganda of non-traditional sexual relations” among minors,⁶ which the

¹ <https://www.ohchr.org/en/calls-for-input/2024/call-input-protection-against-violence-and-discrimination-based-sexual>

² Gender expression (person’s presentation of the person’s gender through physical appearance and mannerisms, speech, behavioural patterns, names and personal references) constitutes a form of expression that is protected under the international human rights framework. For instance, see InterAmerican Commission on Human Rights, Report on Transgender and Gender-Diverse Persons and Their Economic, Social, Cultural and Environmental Rights, 2020, para. 65. Available at: www.oas.org/en/iachr/reports/pdfs/TransDESCA-en.pdf.

³ UN Office of the High Commissioner for Human Rights (OHCHR), Report: *Born Free and Equal: Sexual Orientation and Gender identity in International Human Rights Law*, September 2012, HR/PUB/12/06, p. 80.

⁴ UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Gender Justice and Freedom of Expression, 30 July 2021, UN Doc. A/76/258, para 48.

⁵ Amnesty International, *Hungary: Proposed law a new frontal attack against LGBTI people*, 11 June 2021, <https://www.amnesty.org/en/latest/news/2021/06/hungary-proposed-law-a-new-full-frontal-attack-against-lgbti-people/>.

⁶ Amnesty International, *A ‘dark day’ for freedom of expression in Russia*, 11 June 2013, <https://www.amnesty.org/en/latest/news/2013/06/russia-darkday-freedom-expression/>.

Committee on the Rights of the Child criticized as discriminatory.⁷ Despite this, Russia passed a law in 2023 that expands the application of this ban to all age groups and across all media.⁸ This law imposes heavy penalties on anyone found to be promoting “non-traditional sexual relations and/or preferences” and is likely to be used to shutter NGOs, block LGBTI-themed websites, stifle social media pages and intimidate activists with extortionate fines, while encouraging discrimination against LGBTI persons.

In a dangerous backsliding of rights for LGBTI persons, **Uganda** passed the draconian Anti-Homosexuality Act (AHA) in May 2023. The law punishes some same-sex sexual acts between consenting adults with the death penalty and the ‘promotion of homosexuality’ with up to 20 years in prison.⁹ Amnesty International has repeatedly highlighted that such vague provisions impose discriminatory restrictions on freedom of expression, criminalize the activities of human rights defenders and cause a chilling effect.¹⁰ The law exposes LGBTI people to violence and creates fears among them about freely expressing themselves and their gender identity through their clothing, appearance, dress and behaviour.¹¹ Other laws, including the Computer Misuse Act 2011, employ overbroad and vague clauses that give wide powers of surveillance and access to data to state authorities. These overbroad provisions can be used to target LGBTI people, especially given the context of criminalization.¹²

In 2021, **Ghana** introduced the ‘Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill’, which if passed, will impose a penalty of up to 10 years’ imprisonment for anyone who is seen as “promoting” or “supporting” acts prohibited under the Bill. The Bill also criminalizes any production and dissemination of so called LGBTI “propaganda” with imprisonment between 5 to 10 years. These vague and overbroad provisions not only impose arbitrary restrictions on freedom of expression, but create an environment of hostility, discrimination, and stigmatization of LGBTI people.¹³

In **Poland**, several provisions of the Criminal Code, including public insult of a sign or symbol of the state (Article 137), insult of a monument (Article 261), insult of religious feelings (Article 196), and Article 108 of the Law on the Protection of Monuments concerning the destruction or damage of monuments have been discriminatorily used against LGBTI activists. Amnesty International has documented numerous instances where LGBTI persons have been charged under these provisions for expression that is protected under international human rights law, including writing the names of young LGBTI people who committed suicide because of homophobia on Ministry buildings¹⁴ and using posters

⁷ Committee on the Rights of the Child, Concluding Observations on the Russian Federation (CRC/C/RUS/CO/4-5), 2014, paras. 24-25.

⁸ Amnesty International, *First approval of anti-LGBTI bill ramps up state-sanctioned homophobia*, 27 October 2022, <https://www.amnesty.org/en/latest/news/2022/10/first-approval-of-anti-lgbti-bill-ramps-up-state-sanctioned-homophobia/>.

⁹ Uganda, Anti-Homosexuality Act, Section 11.

¹⁰ Amnesty International, *Uganda: President’s failure to veto anti-LGBTI Bill an ‘abhorrent’ violation of LGBTI rights*, 2 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/president-must-veto-anti-lgbti-law/>; Amnesty International, *Uganda: President’s approval of anti-LGBTI Bill is a grave assault on human rights*, 29 May 2023,

<https://www.amnesty.org/en/latest/news/2023/05/presidents-museveni-approval-of-anti-lgbti-bill-is-a-assault-on-human-rights/>.

¹¹ Interviews by Amnesty International in Uganda, Nov 2023 - Feb 2024. *Upcoming Report on Impact of criminalization on rights to freedom of expression, association and assembly of LGBTI persons in Uganda*.

¹² The Human Rights Awareness and Promotion Forum has identified two cases where LGBTI people were charged under Section 25 of the Computer Misuse Act for sending text messages and posting photos on Facebook that were labelled as an attempt to disturb the peace. See: Joanne Nanyange, “In kindred company: *The Computer Misuse Act and the other vague and broad laws that threaten the rights of sexual minorities*” in HRAPF, *The Computer Misuse Act, 2011: Yet Another Legal Fetter to the Basic Rights and Freedoms of Marginalised Persons*, The Human Rights Advocate, 4th Issue, 2017.

¹³ Amnesty International, *Ghana: Anti-LGBTI Bill Stirs Up Hatred, Persecution And Discrimination*, 6 September 2021, (Index No: AFR 28/4677/202) <https://www.amnesty.org/en/documents/afr28/4677/2021/en/>.

¹⁴ In October 2020, police detained Marta after she wrote the names of young LGBTI people who committed suicide because of homophobia on the facade of the Ministry of Education. Police searched the activist's apartment, collected her fingerprints and DNA samples, and held her at the police station for 48 hours. After the Minister of Education called her act “barbaric”, the prosecutor's office charged Marta under Article 108 of the Law on the Protection of Monuments and imposed police supervision. Amnesty International, *“They Treated Us Like Criminals”: From Shrinking Space to Harassment of LGBTI Activists*, 20 July 2022, (Index Number: EUR 37/5882/2022), <https://www.amnesty.org/en/documents/eur37/5882/2022/en/>.

depicting the Virgin Mary with a rainbow halo symbolic of the LGBTI flag.¹⁵ Polish authorities have also relied on defamation suits to further intimidate LGBTI activists.

1.2 TECHNOLOGY-FACILITATED GENDER-BASED VIOLENCE

Technology-facilitated gender-based violence (TfGBV),¹⁶ is a part of broader systemic discrimination and violence faced by women and LGBTI groups, and “assaults basic principles of equality under international law and freedom of expression”,¹⁷ including by causing a chilling effect on the legitimate exercise of the freedoms of expression and peaceful assembly, and leading human rights defenders to self-censor for fears of reprisals. Multiple and intersecting forms of discrimination and structural inequities, both compound and create unique forms of technology-facilitated gender-based violence.

In the **USA**, a joint survey of LGBTI organizations and individuals that advocate for members of the LGBTI community conducted by Amnesty International USA, GLAAD and the Human Rights Campaign, revealed that all respondents reported encountering hateful and abusive speech on Twitter.¹⁸

In **Canada**, activists who advocated for de-platforming Kiwi Farms, a virtual anti-2SLGBTQIA+ platform that was spreading misinformation about transgender and gender diverse communities and was involved in organizing vicious harassment and stalking campaigns against them, faced various kinds of TfGBV, including doxing, swatting, misogynistic speech and threats of sexual assault, with racialized trans persons being targeted in unique and compounded ways.¹⁹

Similarly, **Zambia** witnessed an increase in online harassment through the #BanNdevupaNdevu campaign launched on social media, which spread hate and misinformation about the LGBTI community, and targeted organizations perceived to be promoting LGBTI rights.²⁰ Such targeted harassment poses a threat to freedom of expression, association, and peaceful assembly for LGBTI individuals and organizations.

In **Thailand**, Amnesty International has documented multiple cases where LGBTI human rights defenders have endured different forms of TfGBV, including unlawful targeted surveillance,²¹ and online

¹⁵ In March 2021, Elżbieta, Anna and Joanna were acquitted of “offending religious beliefs” under article 196 of the Criminal Code in relation to the use of posters depicting the Virgin Mary with a rainbow halo symbolic of the LGBTI flag around her head and shoulders. The authorities arrested Elżbieta in 2019 after she took a trip abroad with Amnesty International campaigners. The authorities opened an initial investigation against her in May 2019. In July 2020, the authorities officially charged the three activists, alleging that the posters “publicly insulted an object of religious worship in the form of this image which offended the religious feelings of others”. See Amnesty International, *Poland: Prosecution of women who put up posters of Virgin Mary with rainbow halo smacks of state-sponsored homophobia*, 7 December 2021, <https://www.amnesty.org/en/latest/news/2021/12/poland-prosecution-of-women-who-put-up-posters-of-virgin-mary-with-rainbow-halo-smacks-of-state-sponsored-homophobia/>.

¹⁶ Technology-facilitated gender-based violence, or TfGBV, is an act of violence perpetrated by one or more individuals that is committed, assisted, aggravated and amplified in part or fully by the use of information and communication technologies or digital media, against a person on the basis of their gender or their sexuality.

¹⁷ Office of the UN High Commissioner for Human Rights (OHCHR), “UN experts urge States and companies to address online gender-based abuse but warn against censorship”, 8 March 2017, <https://www.ohchr.org/en/press-releases/2017/03/un-experts-urge-states-and-companies-address-online-gender-based-abuse-warn>.

¹⁸ Amnesty International, *Hateful and abusive speech towards LGBTQ+ community surging on Twitter surging under Elon Musk*, 9 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/hateful-and-abusive-speech-towards-lgbtq-community-surging-on-twitter-surging-under-elon-musk/>.

¹⁹ Amnesty International Canada, Blog: *The Hidden Figures of #DropKiwiFarms*, 6 December 2023, <https://amnesty.ca/blog/the-hidden-figures-of-dropkiwifarms/> and Amnesty International Canada, *Anti-2SLGBTQIA+ Hate in Canada Must End*, 16 May 2023, <https://amnesty.ca/human-rightsnews/anti-2slgbtqia-hate-in-canada-must-end/>.

²⁰ Amnesty International, *We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries*, (Index Number: AFR 01/7533/2024), 9 January 2024, <https://www.amnesty.org/en/documents/afr01/7533/2024/en/>.

²¹ Amnesty International documented three cases of LGBTI activists who received a notification from Meta of “government-backed or sophisticated attacker alerts” via their personal Facebook accounts’ support inbox. Amnesty International believes that surveillance and other digital tactics used to silence LGBTI people must be considered as a form of TfGBV. Interviews by Amnesty International between August 2023 – January 2024 in Thailand. Amnesty International, *Upcoming report on targeted digital attacks against women, and LGBTI human rights defenders in Thailand*.

harassment, as means of reprisal against them for their activism.²² Many of them were attacked on social media platforms, including Facebook and X (formerly Twitter), with derogatory and homophobic language, many faced doxing and some reported being targeted by ‘smear campaigns’²³ on social media platforms. In some cases, Muslim transgender and non-binary human rights defenders received online threats of physical violence after engaging in public dialogues about LGBTI rights in the Muslim community.²⁴

In **Uganda**, Amnesty International has found that the AHA and the public discourse of homophobia and transphobia that it generated, emboldened state and non-state actors and created an enabling environment for TfGBV against LGBTI people, while simultaneously making it impossible for them to access remedy.²⁵

Some of the key forms of violence include doxing, non-consensual dissemination of intimate photos and videos and threats thereof, use of homophobic and transphobic insults, blackmailing, trolling and online stalking. LGBTI persons reported being scared to lodge police complaints as they feared being charged under the Anti-Homosexuality Act themselves.

These forms of TfGBV often have a detrimental impact on the mental health of LGBTI persons,²⁶ can lead to offline attacks and consequences, including physical and verbal violence, ostracization by social and community networks, eviction and loss of employment.²⁷ The perpetuation of TfGBV with impunity and lack of any redressal, also creates a chilling effect and is likely to lead to self-censorship.²⁸ It also has detrimental impact on online engagement by LGBTI people. For instance, Amnesty International USA’s survey found that 60% of all respondents said that hateful and abusive speech has impacted how they use Twitter, including posting less frequently, sharing less information regarding their work, and limiting with whom they interact on the platform, which has deleterious consequences for their right to freedom of expression.²⁹

States have an obligation to holistically address technology-facilitated violence against LGBTI persons in digital spaces, but there are seldom laws, protections and remedies in place.

²² Interviews by Amnesty International between August 2023 – January 2024 in Thailand. Amnesty International, *Upcoming report on targeted digital attacks against women, and LGBTI human rights defenders in Thailand*.

²³ ‘Smear campaigns’ involve the weaponization of gendered disinformation and gender-based slurs for assassinating their characters, reducing their credibility, and isolating them from the rest of society. Read more about smear campaigns in Thailand, including relevant actors and approaches of attacks against civil society actors at Monitoring Centre on Organised Violence Events (MOVE), Institute of Asian Studies, Chulalongkorn University, “Unmasking Digital Harassment in Thailand: A Study of Online Smear Campaigns and the Impact on Civil Society”, October 2023, https://www.the101.world/wp-content/uploads/2023/11/Unmasking-Digital-harassment-in-Thailand_FINAL-1.pdf.

²⁴ See examples at Prachatai, “Three transgender and Muslim women activists have experienced online and physical harassment, death threats, and expulsion from their religion”, 17 July 2023, <https://prachatai.com/journal/2023/07/105054>.

²⁵ Amnesty International, *Upcoming Report on Impact of criminalization on rights to freedom of expression, association and assembly of LGBTI persons in Uganda*. (previously cited). See also Strategic Response Team Uganda, “Lives at Risk: A Report on Documented Human Rights Violations and Abuses of Lesbian, Gay, Bisexual, Transgender, Intersex And Queer Plus Persons (LGBTIQ+) in Uganda”, 27 September 2023, https://www.kuchutimes.com/wpcontent/uploads/2023/09/20230927_LIVES-AT-RISK.Final-min.pdf and Open Democracy, “Queer Ugandans reveal devastating impact of anti-gay law”, 4 July 2023, <https://www.opendemocracy.net/en/5050/uganda-anti-homosexuality-act-gay-law-impact-month/>.

²⁶ See Centre for International Governance Innovation, “Supporting Safer Digital Spaces”, 8 June 2023, <https://www.cigionline.org/publications/supporting-safer-digital-spaces/>.

²⁷ Amnesty International, *Upcoming Report on Impact of criminalization on rights to freedom of expression, association and assembly of LGBTI persons in Uganda* (previously cited).

²⁸ Amnesty International, *Upcoming report on targeted digital attacks against women and LGBTI human rights defenders in Thailand* (previously cited) and Amnesty International, *Upcoming Report on Impact of criminalization on rights to freedom of expression, association and assembly of LGBTI persons in Uganda* (previously cited).

²⁹ Amnesty International, *Hateful and abusive speech towards LGBTQ+ community surging on Twitter surging under Elon Musk* (previously cited).

FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

2.1. BAN ON GATHERINGS AND PUBLIC EVENTS RELATED TO SOGIESC

In June 2022, **Lebanon**'s caretaker interior minister, Bassam al-Mawlawi, issued a directive instructing security forces to ban pro-LGBTI events.³⁰ Despite a court order in November 2022 suspending the directive, the interior minister issued a second directive banning any "conference, activity, or demonstration related to or addressing homosexuality." This is a part of longer trend of Lebanese security forces regularly interfering with human rights events related to gender and sexuality since at least 2017.

Turkey has imposed several arbitrary restrictions on the exercise of the right to freedom of peaceful assembly by LGBTI people, often subjecting LGBTI and pro-LGBTI protesters to excessive force by police, as well as arbitrary arrest and detention.³¹ On 18 June 2023, Istanbul's Trans Pride was blocked by the police. When people tried to march, 10 people were detained by the police and were subjected to the use of excessive force. On 9 June 2023, 15 students at the Middle East Technical University were arbitrarily arrested for peacefully marching, despite a court ruling ending a ban on LGBTI events in Ankara. The Istanbul Pride has also been unlawfully banned by the authorities since 2015.

In other instances, states have arrested LGBTI persons for participating in events and conferences which they perceive to be related to SOGIESC issues. For instance, in **Burundi**, a total of 26 persons were arrested and charged with "homosexual practices and incitement to homosexual practices", while attending a workshop on economic inclusion organized by a community-based organization focused on combating HIV and AIDS.³² Even as the Court of Appeal of Gitega overturned charges under Article 590 of the Penal Code of 2017, which prohibits consensual same-sex acts, the charges of five persons under debauchery was upheld.

In **Poland**, between 2017 and 2022, the authorities intentionally weaponized onerous and complex notification requirements to arbitrarily and discriminatorily ban or disperse LGBTI protests.³³ Further, local authorities have repeatedly used the Law on Assemblies to unduly restrict the right to freedom of peaceful assembly of LGBTI people by imposing so-called "preventive bans", which prohibit an assembly preemptively and force the organizers to appeal in court. During 2018 and 2019, Amnesty International documented at least eight preventive bans on LGBTI assemblies.

2.2. FAILURE TO REGISTER ORGANISATIONS WORKING ON SOGIESC ISSUES

In September 2019, **Eswatini**'s Registrar of Companies refused to register the organization Eswatini Sexual and Gender Minorities (ESGM), an LGBTI organization, on the grounds that ESGM's purpose was unlawful because consensual same-sex sexual acts are illegal in the country.³⁴ Despite a favourable ruling by the Supreme Court in July 2023, the acting minister of Commerce and Trade subsequently

³⁰ Amnesty International, *Lebanon: Attack on Freedoms Targets LGBTI People Repressive Legislation; Unlawful Crackdown*, 5 September 2023, <https://www.amnesty.org/en/latest/news/2023/09/lebanon-attack-on-freedoms-targets-lgbti-people-repressive-legislation-unlawful-crackdown/>.

³¹ Amnesty International, *Türkiye: Istanbul Pride showdown highlights threat to LGBTI rights*, 23 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/turkiye-istanbul-pride-showdown-highlights-threat-to-lgbti-rights/>.

³² Amnesty International, *We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries* (previously cited).

³³ Amnesty International, *"They Treated Us Like Criminals": From Shrinking Space to Harassment of LGBTI Activists*, 20 July 2022, (Index Number: EUR 37/5882/2022), <https://www.amnesty.org/en/documents/eur37/5882/2022/en/>.

³⁴ Amnesty International, *We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries* (previously cited).

declined the organization's application, citing Roman Dutch Law and the absence of explicit protection against discrimination based on sexual orientation and gender identity in the Eswatini Constitution.

In **Mozambique**, Lambda, a leading LGBTI organization, was denied registration because of a clause in the country's Law on Associations, which prohibits the registration of organizations which pursue aims "that are contrary to the moral, social, and economic order of the country and offend the rights of others or the public good."³⁵ Despite Mozambique's Constitutional Council declaring this clause as unconstitutional, Amnesty International has learned that Lambda has not been granted legal recognition as of November 2023, even though they fulfilled all substantive and formal requirements outlined in the Law No. 8/91, which governs the right of association.

In **Uganda** the government passed the Non-Governmental Organisation Act in 2016. The NGO Act, combined with other legislations criminalizing LGBTI people, has been used to deter registration of LGBTI organizations.³⁶ For instance, registration has been denied to organizations such as Sexual Minorities of Uganda (SMUG), whose application was rejected on grounds that the nature of its work is prohibited by the Penal Code, and in 2022, the NGO Bureau banned the organization.³⁷ In January 2023, a leaked report by the Bureau further recommended intensified monitoring and curbs on the NGOs working to advance rights of LGBTI people in Uganda.³⁸

³⁵ Amnesty International, *We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries* (previously cited).

³⁶ Collaboration on International ICT Policy in East and Southern Africa (CIPESA), "Legal and Regulatory Framework Affecting CSO's Online and Offline Activities in Uganda", 2017, <https://cipesa.org/wp-content/files/briefs/report/Legal-and-Regulatory-Frameworks-Affecting-CSOs-Online-and-Offline-Activities-in-Kenya>.

³⁷ Amnesty International, *Uganda: Enable Sexual Minorities Uganda to operate and protect LGBTI rights*, 29 August 2022 (Index Number: AFR 59/5951/2022), <https://www.amnesty.org/en/documents/afr59/5951/2022/en/>.

³⁸ Uganda, National Bureau for NGOs, Ministry of Internal Affairs, "Status Report on NGOs suspected to be involved in the promotion of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Activities in the Country, January 2023, https://cdn2.opendemocracy.net/media/documents/Report_NGO_Bureau_2023.pdf.

CONCLUSION AND RECOMMENDATIONS

Freedoms of expression, peaceful assembly and association are essential to uphold a range of other human rights. Violations of these rights, therefore, have a cascading negative impact on other human rights of LGBTI persons, including the rights to health, privacy and adequate housing. For instance, the broad and vague provision of ‘promotion of homosexuality’ in Uganda negatively affects the delivery of services related to sexual and reproductive health.³⁹ As noted above, online harassment combined with discriminatory anti-LGBTI laws, can lead to loss of employment, forced evictions, physical attacks, while perpetuating stigma, discrimination and further violence against LGBTI people.

Not only are many of these laws a relic of the colonial era,⁴⁰ but the newer iterations of these laws represent increasingly coordinated attacks against LGBTI persons by actors coming together under the rubric of a global ‘anti-gender’ movement, that claims to be ‘protecting the family’ but often play a key role in reproducing stereotypes and discrimination.⁴¹ For instance, allegations against groups such as Family Watch International (FWI), a US registered non-profit organization, point to their role in promoting anti-LGBTI laws in Africa.⁴² Events organized by FWI and other religious and US-based organizations have created an enabling environment for state actors to advance anti-LGBTI language and policies.⁴³ The influence of these groups has also been linked to increasing and amplifying anti-LGBTI rhetoric in digital spaces.⁴⁴

Recommendations

States must:

- Repeal existing, and refrain from passing new, discriminatory laws against LGBTI people. They must refrain from using ‘family values’ and ‘child protection’ as pretexts to discriminate against LGBTI people and ensure that LGBTI people are fully protected from discrimination based on SOGIESC;
- Ensure that everyone, including LGBTI Human Rights Defenders (HRDs), can exercise their rights to freedom of expression, peaceful assembly and association without discrimination, harassment, intimidation, or arbitrary closures of organizations;

³⁹ Reuters, “HIV alarm in Uganda as anti-gay law forces LGBT ‘lockdown’”, 8 June 2023, https://www.reuters.com/world/africa/hiv-alarm-uganda-antigay-law-forces-lgbt-lockdown-2023-06-08/?utm_source=Saithru&utm_medium=Newsletter&utm_campaign=Daily-Briefing&utm_term=060823; Vox, “Uganda’s anti-gay law will hurt all Ugandans”, 16 June 2023, <https://www.vox.com/23750826/uganda-anti-gay-homosexuality-hiv-foreign-aid-trusthealth-care>.

⁴⁰ Amnesty International, *Colonialism and sexual orientation and gender identity: Submission to the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*, 15 June 2023, (Index Number: IOR 40/6862/2023), <https://www.amnesty.org/en/documents/ior40/6862/2023/en/>.

⁴¹ Centre for Feminist Foreign Policy, “Power Over Rights: Understanding and Countering the Anti-Gender Campaigns”, 15 November 2022, <https://centreforfeministforeignpolicy.org/2022/11/15/power-over-rights-understanding-and-countering-the-anti-gender-campaigns/>; The Observatory on the Universality of Rights, ““GENDER IDEOLOGY” NARRATIVES: A THREAT TO HUMAN RIGHTS”, <https://www.awid.org/sites/default/files/2022-08/Final%20EN%20Web%20-%20Gender%20Ideology%20Brief%20-%20July%202022.pdf>; European Parliamentary Forum, “Tip of the Iceberg: Religious Extremist Funders against Human Rights for Sexuality & Reproductive Health in Europe”, 15 June 2021, <https://www.epfweb.org/node/837>.

⁴² See CNN, “Activists link US nonprofit to anti-LGBTQ laws in Africa. The group says it’s only promoting ‘family values’”, 18 December 2023, <https://edition.cnn.com/2023/12/18/africa/anti-lgbtq-laws-uganda-kenya-ghana/index.html>; Open Democracy, “Calls for US anti-rights groups to face action over Uganda anti-gay law”, 18 May 2023, <https://www.opendemocracy.net/en/5050/uganda-anti-gay-law-sharon-slater-tim-kreutter/>.

⁴³ The Guardian, “US religious right at center of anti-LGBTQ+ message pushed around the world”, 9 July 2023, <https://www.theguardian.com/world/2023/jul/09/us-religious-right-lgbtq-global-culture-fronts>; Foreign Policy, “How U.S. Evangelicals Helped Homophobia Flourish in Africa”, 19 March 2023, <https://foreignpolicy.com/2023/03/19/africa-uganda-evangelicals-homophobia-antigay-bill/>; OpenDemocracy, “Exclusive: US Christian Right pours more than \$50m into Africa”, 29 October 2020, <https://www.opendemocracy.net/en/5050/africa-us-christian-right50m/>.

⁴⁴ Gillian Kane, Joe Harrod, Jamie Vernaelde, and Manvir Singh, “Out of Bounds: Foreign and Digital Influence Targeting LGBTI Rights in Ghana”, 2023, Ipas: Chapel Hill, NC.

- Facilitate an inclusive environment by removing barriers that hinder the registration of LGBTI organizations, promoting their ability to operate freely and contribute to a diverse civil society;
- Ensure that LGBTI people can exercise their right to freedom of peaceful assembly, including by refraining from imposing blanket bans and using unnecessary and/or excessive force against peaceful protesters. Any allegations of excessive use of force, torture and other ill-treatment and gender-based violence by law enforcement officials must be effectively investigated and suspects must be prosecuted in proceedings complying with fair trial standards;
- Prevent, prohibit and address technology-facilitated gender-based violence against LGBTI people, including by refraining from using unlawful targeted surveillance and by devising comprehensive policies and strategies that facilitate reporting, ensure effective investigation, and enable access to services and effective remedies for survivors;
- Condemn discriminatory speech against LGBTI people and counter misinformation including by undertaking public awareness and education campaigns that tackle gender stereotypes, homophobia and transphobia.

ANNEX

LIST OF REPORTS

- Amnesty International, “They Treated Us Like Criminals”: From Shrinking Space to *Harassment of LGBTI Activists*, 20 July 2022, (Index Number: EUR 37/5882/2022), <https://www.amnesty.org/en/documents/eur37/5882/2022/en/>
- Amnesty International, *We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries*, (Index Number: AFR 01/7533/2024), 9 January 2024, <https://www.amnesty.org/en/documents/afr01/7533/2024/en/>

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