**Submission by the Human Rights Campaign to**

***Call for Input: 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***

On behalf of the Human Rights Campaign’s more than three million members and supporters nationwide, we write in response to the call for input on the Independent Expert's upcoming report to the United Nations Human Rights Council regarding the human rights to freedom of expression, assembly, and association as they relate to protections against violence and discrimination based on sexual orientation and gender identity.

The Human Rights Campaign (HRC) is the United States’s largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ+) equality. By inspiring and engaging all Americans, HRC strives to end violence and discrimination against LGBTQ+ citizens and realize a nation that achieves fundamental fairness and equality for all. We are grateful for this opportunity to offer our input, as hatred against LGBTQ+ people across the United States is currently on the rise and is contributing to a dramatic increase in policies, practices, and laws that seek to curtail the fundamental rights of LGBTQ+ people simply for being who they are. Due to this unprecedented spike in anti-LGBTQ+ legislative assaults and political extremism, alongside a rise in violent attacks often encouraged by those efforts, HRC recently declared a national state of emergency for LGBTQ+ people in the United States for the first time in our nearly half-century history.[[1]](#footnote-0)

While facing hate-fueled violence has long been a lived experience of LGBTQ+ communities in the United States, it has been escalating against both LGBTQ+ people and their families and allies across the country since 2020. In every corner of the country, LGBTQ+ people are currently living in fear, with parents and children, teachers and nurses, community leaders, and small business owners left afraid and feeling targeted. Indeed, the year 2023 shattered previous records with more than 550 bills targeting LGBTQ+ people and seeking to roll back existing safeguards against discrimination and harassment.[[2]](#footnote-1) And in turn, pride and related LGBTQ+-affirming events and resources at public school board meetings, public libraries, community centers, and even restaurants, stores, and other private establishments are being increasingly threatened with violence, and have often been removed or canceled as a result, all for merely daring to affirm LGBTQ+ people.

Below, we offer a brief review of these efforts as they relate to the suggested questions provided by the Independent Expert, alongside additional resources that we believe should be used to inform the upcoming report.

1. **Does your country have any laws, policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of expression by civil society organizations or activists advocating for LGBT persons’ human rights?**
   * **This could include, but is not limited to, laws on the so-called propaganda of homosexuality, morality policies or codes, censorship of media content, restrictions on school curriculum, censorship of any content or scenes, censorship of literature, printed materials, blocking of sites or social media platforms, persecution of artists and authors working with the topic, etc.**
2. **If there are no such laws or policies, have there been attempts or incentives in the last ten years (2013-2023) to introduce such explicit or implicit restrictions, either nationally or locally? If so, who were the actors/groups/individuals or organizations behind these attempts, and what is the current situation?**

Starting in 2020, opponents of LGBTQ+ equality in the United States began leaning into what they saw as an area of potential political opportunity: isolating transgender youth from the protection of the law, as well as from their parents, doctors, teachers, guidance counselors, classmates, coaches, and teammates, alongside erasing them from the books they read and the history they learn. Efforts to attack transgender youth drove the increase in bills across the states filed and enacted between 2020 and 2023, harming tens of thousands of transgender young people in the process. Of the hundreds of bills introduced during states’ 2023 legislative sessions, half explicitly target transgender people.[[3]](#footnote-2) Even members of the U.S. Congress have helped advance these state lawmakers’ anti-LGBTQ+ agenda by pushing for these types of bills at the national level[[4]](#footnote-3) and echoing the harmful, false rhetoric that pride flags, drag performances, and ultimately LGBTQ+ people as a whole do not belong on our military bases and other public settings.[[5]](#footnote-4)

In thirteen states, school personnel including teachers, coaches, school nurses, guidance counselors, and others are now: able to either misgender transgender students or refuse to refer to them using their correct pronouns;forced to “out” them to their parents, even if that puts the student in danger at home, if a student adopts a new chosen name and/or pronouns; and finding themselves bound by “Don’t Say LGBTQ+” laws that restrict their ability to even acknowledge the existence of LGBTQ+ people.School boards are joining legislators in these efforts to shift the culture of schools in their care to be expressly anti-LGBTQ+. They are doing so using their ability to drive policy on all kinds of diversity, equity, and inclusion initiatives, to approve or deny LGBTQ+-inclusive lessons, books, and programs, and to determine policies related to dress codes, discipline measures for anti-LGBTQ+ bullying incidents, and diversity in hiring.[[6]](#footnote-5) Bans on books with LGBTQ+ content, themes, and characters continue to proliferate, in turn having a chilling effect on publishers and writers who cannot afford the risk of their work being removed from shelves for affirming our communities. These attacks are appalling but unsurprising: the histories and stories of marginalized groups have been minimized in our nation’s classrooms for centuries. Today, many textbooks and school curricula plainly exclude the contributions of members of the LGBTQ+ community and people of color, offering students an education that is lacking in both accuracy and diversity. Together, these efforts have and will continue to isolate and alienate already vulnerable young students from their sources of support, and send the message that LGBTQ+ people and our lives and experiences do not belong in the public sphere.

This recent slate of efforts began as a reaction to and in anticipation of the Supreme Court’s pro-equality decision in *Obergefell v. Hodges* (marriage equality) and has accelerated following other cases like *Bostock v. Clayton County* (nondiscrimination protections) making it clear that the law of the land includes equality for LGBTQ+ people. The pace at which LGBTQ+ equality has advanced has created a “last stand mentality” among some anti-democracy extremists who are determined to reestablish their vision of America by any means necessary. These efforts are being backed by the same well-funded organizations—designated by the Southern Poverty Law Center as hate organizations—that have opposed LGBTQ+ equality in the United States for much of the last decade, like the Alliance Defending Freedom and Heritage Foundation, as well as newer groups like Moms for Liberty.

Additional resources on these groups and their efforts include:

* The “[Promise to America’s Children](https://promisetoamericaschildren.org/#)”—a coalition of the groups pushing these efforts to ban LGBTQ+-inclusive books and policies from our nation’s schools and coordinating to defeat the Equality Act, which would establish federal non-discrimination protections for LGBTQ+ people if enacted.
* An [investigation by the Washington Post](https://www.washingtonpost.com/education/2023/09/28/virginia-frequent-school-book-challenger-spotsylvania/)—which found that “60 percent of all challenges [to books] in the 2021-2022 school year came from 11 adults, each of whom objected to dozens—sometimes close to 100—of books in their districts.”
* [An article from Mother Jones](https://www.motherjones.com/politics/2023/05/anti-trans-american-college-pediatrics-leak-michelle-cretella-abortion/) on the American College of Pediatricians—which has used “its aura of medical authority” to support the efforts of anti-LGBTQ+ groups throughout the U.S.
* [Documentation by the American Library Association](https://www.ala.org/advocacy/bbooks/book-ban-data) of nearly 700 attempts, between January and August of 2023, to censor library books—an alarming number of which targeted books authored by or featuring a person of color or a member of the LGBTQ+ community.
* Issue briefs we have prepared as part of our State Equality Index, discussed further below, summarizing the legislative attacks aimed at LGBTQ+ youth, including deadnaming and misgendering, curriculum censorship, and anti-DEI efforts:
  + [The Dangerous Revival of Curriculum Censorship](https://hrc-prod-requests.s3-us-west-2.amazonaws.com/230124_HRC-SEI_IssueBrief.pdf)
  + [Sounding the Alarm](https://hrc-prod-requests.s3-us-west-2.amazonaws.com/240124_HRC-SEI_IssueBrief.pdf)

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1. **Does your country have any laws, policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of association and freedom of peaceful assembly by civil society organizations or activists advocating for LGBT persons’ human rights?**
   * **Those can include – but are not limited to – explicit bans on registration of organizations working on LGBT persons’ human rights or related topics, procedures making the registration impossible or almost impossible, obstacles for applying for and receiving funding (foreign or otherwise), ignoring or indirectly encouraging attacks and threats on LGBT-related events and using such attacks as a justification for banning peaceful marches/protests, refusing to guarantee the protection of the peaceful protests by State security forces, etc.**
2. **If there are no such laws or policies, have there been attempts or incentives in the last ten years (2013-2023) to introduce such explicit or implicit restrictions, either nationally or locally? If so, who were the actors/groups/individuals or organizations behind these attempts and what is the current situation?**

LGBTQ+ community members, as well as pro-equality lawmakers and businesses, have faced exponentially increasing numbers of violent threats over the last few years, months, and even weeks. False rhetoric about our communities allegedly promoting pedophilia and grooming, which has been endorsed and encouraged by anti-LGBTQ+ legislators and extremists (including the groups named above), has often been cited as justification for their attacks.[[7]](#footnote-6) Such anti-LGBTQ+ hatred is growing in every corner of the U.S., including in states that have not actively considered any anti-LGBTQ+ legislation: for example, June 2023 saw 145 anti-LGBTQ+ extremism incidents recorded at pride events across the country.

Additional resources on this issue include:

* Our recent report on [Fatal Violence Against the Transgender and Gender-Expansive Community in 2023](https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-expansive-community-in-2023).
* The most recent [hate crimes data compiled by the FBI](https://fbi.gov/news/press-releases/fbi-releases-2022-crime-in-the-nation-statistics), showing a 13.8% increase in reports based on sexual orientation and a 32.9% increase in reported hate crimes based on gender identity.

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1. **Are there practices, procedures, groups or actors, societal and political trends, incentives, civil society and constituency mobilization, laws, bills or policies, which you have not mentioned above but that already affect or are likely to affect in the future, directly or indirectly, the exercising of the human rights to freedom of expression, association and/or peaceful assembly by LGBT people, activists and civil society organizations in your country, nationally or locally?**

Sadly, lawmakers’ attacks against LGBTQ+ communities being visible in public life do not stop there. Legislators have enacted bills specifically restricting drag shows, and as well as other laws that will likely have a chilling effect on drag performances as well as pride events. Despite decades of Supreme Court precedent on how governments can constitutionally prohibit obscene content,these bills would classify drag performances as inherently obscene and limit the performance of drag to adult-only spaces regardless of the type of performance. Lawmakers pushing these bills willfully ignore that like any other kind of performance, drag can be tailored to suit many kinds of audiences. And their efforts have undoubtedly fueled violence and stigma against LGBTQ+ people: GLAAD recently recorded 161 different attacks against drag events, including bomb threats, vandalization, armed and violent protests, and in one instance the firebombing of venues that hosted Drag Story Hour and other all-age drag events.[[8]](#footnote-7) These attacks were part of the more than 350 anti-LGBTQ+ incidents across 46 states recorded by GLAAD over the same period.[[9]](#footnote-8)

Finally, we note that many of these extremist legislators’ efforts have taken the form of bans on the provision of best practice, age-appropriate, medically necessary health care for transgender and non-binary minors simply because they are transgender. Multiple states have also enacted laws that impact the ability of adults to receive gender-affirming care, largely through limitations on public funding being used to cover such treatment for those on Medicaid, those who are incarcerated, or those enrolled in health benefit plans for employees of the state, public colleges, universities, or hospitals, and municipalities. Likewise, 24 states have passed laws prohibiting transgender students from playing sports alongside peers sharing their gender identity, often effectively denying them the ability to participate in school sports—and therefore the many social and health-related benefits of sports participation—at all. Like other bills, these efforts also fuel violence and stigma: in 2022, we released a report identifying 24 different hospitals and medical providers across 22 states who were directly attacked online merely for offering best-practice, evidence-based, age-appropriate medical care to transgender, non-binary, and questioning youth following harassing, inflammatory, and misleading posts by these anti-LGBTQ+ campaigns.[[10]](#footnote-9)

Additional resources on these issues include:

* Our recent [State Equality Index](https://www.hrc.org/press-releases/new-hrc-state-equality-index-shows-devastating-impact-of-radical-anti-lgbtq-2023-state-legislative-season), which analyzes the current state of law and policy across the country and indicates that “that these attacks, which overwhelmingly come from extremist legislators, continue unabated.”

1. Human Rights Campaign, LGBTQ+ Americans Under Attack: A Report and Reflection On The 2023 State Legislative Session (2023),<https://hrc-prod-requests.s3-us-west-2.amazonaws.com/Anti-LGBTQ-Legislation-Impact-Report.pdf>. [↑](#footnote-ref-0)
2. ​​More specifically, anti-equality lawmakers have introduced over 2,000 anti-LGBTQ+ bills across the states since 2015, and with increasing success: of the 571 anti-LGBTQ+ bills introduced during states’ 2023 sessions, 77 were signed into law. *2023 State Equality Index*, Human Rights Campaign (2024), <https://reports.hrc.org/2023-state-equality-index>. [↑](#footnote-ref-1)
3. *Id.* [↑](#footnote-ref-2)
4. *See, e.g.*, Bianca Quilantan, *House Republicans Pass Bill Restricting Transgender Athletes From Women’s Sports*, Politico (Apr. 20, 2023),<https://www.politico.com/news/2023/04/20/house-gop-bill-transgender-athletes-00093044>. [↑](#footnote-ref-3)
5. *See, e.g.*, Oren Liebermann, *Pentagon Cancels Drag Show At Air Force Base As Pride Month Begins*, CNN (May 31, 2023),<https://www.cnn.com/2023/05/31/politics/pentagon-cancels-drag-show-nellis-air-force-base-pride/index.html>. [↑](#footnote-ref-4)
6. *See, e.g.*, Matt Lavietes, *From Book Bans To 'Don’t Say Gay' Bill, LGBTQ Kids Feel 'Erased' In The Classroom*, NBC News (Feb. 20, 2022),<https://www.nbcnews.com/nbc-out/out-news/book-bans-dont-say-gay-bill-lgbtq-kids-feel-erased-classroom-rcna15819>. [↑](#footnote-ref-5)
7. *See, e.g.*, *Gay, Jewish California Lawmaker Targeted with Bomb Threat for Second Time*, CBS News (Dec. 7, 2022),<https://www.cbsnews.com/news/scott-weiner-gay-jewish-california-lawmaker-bomb-threat-second-time/>. [↑](#footnote-ref-6)
8. *UPDATED Report: Drag Events Faced More than 160 Protests and Significant Threats Since Early 2022*, GLAAD (Apr. 25, 2023),<https://glaad.org/anti-drag-report/>. [↑](#footnote-ref-7)
9. *Id.* [↑](#footnote-ref-8)
10. Human Rights Campaign Found., Online Harassment, Offline Violence (2022),<https://hrc-prod-requests.s3-us-west-2.amazonaws.com/HRCF-OnlineHarassmentOfflineViolence.pdf>. [↑](#footnote-ref-9)