

**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.**

**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?**

This input will be focusing on the case of France: Despite strong legal protections for LGBTQI+ people and political support for more tolerance and inclusion within French society, there has been a steady increase in discrimination and violence against the community in the past several years<sup>1</sup>. As legal rights have been secured (partially), the conservative fringe of the population has been resisting and pushing back, including amongst political leaders, businesses and the media. Growing resistance against LGBTQI+ anti-discrimination is being led by a combination of media & economic/business actors (media mogul, Vincent Bolloré), with politicians<sup>2</sup> (Eric Zeymour, Marine Le Pen and even within the President Macron's government<sup>3</sup>).

At the heart of this resistance is the intrinsic conflict between the concepts of universalism and rights for all - a tradition which in principle is blind to race, gender or religion - at the core of the French nation, with the nation's identity built on a sense of exceptionalism, patriarchy and cisheteronormativity<sup>4</sup>. This leaves the country in a continued ambiguity between social progress and conservatism, and does render vulnerable its attachment to human rights for all, including Freedom of Expression. Indeed, France is a country that remains deeply attached to its traditional values - including a cisheteronormative model of the family - at all levels of society and politics, including in its education system.<sup>5</sup>

This is illustrated in the education sector. Today, a minority of students are being taught classes related to SOGI and SRHR: whilst the law requires such trainings to be held, very few are actually put into practice across the territory both in public and private schools<sup>6</sup>. The

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<sup>1</sup> <https://www.ilga-europe.org/sites/default/files/2023/france.pdf>

<https://www.radiofrance.fr/franceinter/education-a-la-sexualite-a-l-ecole-trois-associations-attaquent-l-etat-en-justice-4717055>

<sup>2</sup><https://www.radiofrance.fr/franceinter/le-m-lance-une-association-pour-combattre-le-poison-wokiste-qui-met-en-danger-la-civilisation-5323822>

<sup>3</sup><https://www.revolutionpermanente.fr/Apres-l-islamo-gauchisme-le-wokisme-la-nouvelle-offensive-reactionnaire-de-Blanquer>

<sup>4</sup> [https://www.editionsladecouverte.fr/la\\_matrice\\_de\\_la\\_race-9782707159052](https://www.editionsladecouverte.fr/la_matrice_de_la_race-9782707159052)

<sup>5</sup><https://www.ouest-france.fr/education/ecole/le-conseil-detat-valide-une-circulaire-pour-ameliorer-l-accueil-des-eleves-transgenres-a-lecole-790d58d5-580a-4957-b0d3-71379eadd923>

<sup>6</sup>

<https://www.radiofrance.fr/franceinter/education-a-la-sexualite-a-l-ecole-trois-associations-attaquent-l-etat-en-justice-4717055>

government has not been providing the necessary resources and in the case of some private schools (such as Catholic ones which are quite common across the country), they have simply prohibited such training to take place. The resistance is being led by far right political parties and religious conservative (Catholic) groups (which all amplified in 2012 with the passing of the law on “Mariage pour tou-te-s” and have grown exponentially with the growth of the Rassemblement National - RN- notably - and entities such as “L’Observatoire de la Petite Sirène”). And, in this, the Center/right-wing government itself has been, at best, too blind to the issue or, at worst, complicit.

Another worrying trend has been a growing cultural war against the trans community, based on arguments of ‘child protection’ or ‘family values’. The trans organization, [Outrans](#) has been leading training sessions in schools for a number of years. Yet, last year, after several training sessions in a Parisian collège, a number of parents as well as school staff led a public outcry claiming kids were being force-fed trans-related content at school. This led to a suspension of the association’s activities in the collège and clear reputational damage.<sup>7</sup> Moreover, another, more mainstream LGBT organization, was asked to intervene instead (and speak mostly about homosexuality) and this was not opposed by the government : this implicitly creates a hierarchy within civil society, and most especially queer civil society, with who is deemed “appropriate” to speak and who is not, thereby reinforcing the marginalization of the most vulnerable groups, in this case, trans activists and their constituents.

Another clear example of this have been open discrimination and violence against trans youth including within the government (*circulaire* Blanquer which conditioned the right of trans students to be recognised at school conditional on them coming out to their parents<sup>8</sup>).

This pushback is led at the highest political level. A parliamentary group has been founded to fight “wokism as an attack on French nationalism and universalism” (including, notably, the exclusion of trans people in sports) which now includes a number of Center to right-wing politicians,<sup>9</sup> reflecting the growing LGBTQI+ resistance outside<sup>10</sup> and within the government<sup>11</sup> and its political apparatus.<sup>12</sup> If the law for same-sex marriage is not being questioned (adopted in 2012-2013) or assisted medical procreation for lesbian couples (for instance) (adopted in 2021), there is an increasingly hostile social environment for LGBTQI+ people with trans people being specific targets to this ongoing cultural war.

**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**

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<sup>7</sup>[https://www.liberation.fr/checknews/que-sait-on-de-la-polemique-autour-dune-intervention-de-lassociation-outrans-a-lecole-alsacienne-20230524\\_EKGYNIBIJHADAXVMXV574ZUOQ/?redirected=1](https://www.liberation.fr/checknews/que-sait-on-de-la-polemique-autour-dune-intervention-de-lassociation-outrans-a-lecole-alsacienne-20230524_EKGYNIBIJHADAXVMXV574ZUOQ/?redirected=1)

<sup>8</sup> <https://www.revolutionpermanente.fr/Poison-wokiste-le-RN-lance-un-lobby-anti-LGBT-au-Parlement>

<sup>9</sup><https://www.radiofrance.fr/franceinter/le-rn-lance-une-association-pour-combattre-le-poison-wokiste-qui-met-en-danger-la-civilisation-5323822>

<sup>10</sup><https://www.ouest-france.fr/education/ecole/le-conseil-detat-valide-une-circulaire-pour-ameliorer-laccueil-des-eleves-transgenres-a-lecole-790d58d5-580a-4957-b0d3-71379eadd923>

<sup>11</sup><https://www.revolutionpermanente.fr/Quand-le-gouvernement-mene-la-lutte-contre-les-discrimination-s-aux-cotes-de-groupes-transphobes>

<sup>12</sup> <https://www.senat.fr/questions/base/2023/qSEQ23030512S.html>

**expression, association and/or peaceful assembly by LGBT people, activists and civil society organizations in your country, nationally or locally?**

Multiple studies have shown a trend - in France and in Europe - in voters casting their ballots increasingly for right-wing representatives. This does not necessarily mean that their values have been shifting - acceptance of minority groups has also been steady and even on the rise - but they have indeed been voting more and more for right-wing parties. This has been a growing trend for the past 10-20 years<sup>13</sup>. This is noticeably illustrated by the ever-increasing rise of the far right party (the Rassemblement National's number of electors, in both local and national elections, has been consistently rising in the past 20 years) which today is reflected in an increasing number of people believing in its potential victory in future presidential elections (the next ones being in 2027).

If this is the case, it will inevitably lead to an undermining of some of, if not all, the legal protection for women and LGBTQI+ community. If the party leaders have aimed at hiding its homophobic and transphobic tendencies, they do remain at the core of its ideology and policies. The party's ethos is fundamentally based on a rejection of immigrants and a 'natalist' ideology. The party is also linked to a growing European far-right/fascist movement which is deeply homophobic and transphobic. There is a fundamental growing transnationalism<sup>14</sup> and sharing of resources across Europe,<sup>15</sup> and throughout the world.

**Given that laws and policies regulating internet use, access and content can have especially restrictive effects on the protection of the human rights of LGBT persons, are there laws, policies and practices which appear neutral or otherwise not specifically addressed to LGBT or SOGI issues, which nonetheless have discriminatory effects on 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?**

As in many other countries, there is an increase in parental control tools which illegitimately reduce access to information on LGBTI rights and SRHR<sup>16</sup>. The new French law on parental control, for example, which requires parents to approve access to social media for their children under 15/16 years old, risks undermining access for LGBTQI+ youth who find community and resources online (despite obvious protection as well, of course). This is especially the case in a national context where the idea that youths are being brainwashed online including trans teenagers is widely spread.<sup>17</sup>

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<sup>13</sup> <https://www.cairn.info/revue-sociologie-2023-1-page-89.htm>

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<https://www.coe.int/fr/web/commissioner/-/fiert%C3%A9-vs.-indignit%C3%A9-la-manipulation-politique-de-l-homophobie-et-de-la-transphobie-en-europe>

<sup>15</sup> <https://fr.boell.org/fr/2023/10/16/le-mouvement-transnational-anti-genre-en-europe>

<sup>16</sup> <https://www.tomsguide.fr/controle-parental-92-des-applications-bloquent-lacces-a-des-sites-sur-les-lgbtq-et-leducation-sexuelle/>

<sup>17</sup> <https://www.senat.fr/questions/base/2023/qSEQ23030512S.html>

## **Other important resources - Evidence and Policy Recommendations:**

### ***FoE of LGBTI people under attack : Data from the MENA region***

“Digital Crime Scenes: The role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon and Tunisia<sup>18</sup>” - This research explores how the targeting of LGBTQ people for policing and imprisonment has been amplified by the use of digital tools (including searches of digital divides but also via the use of cybercrime laws) and how, in many countries, the use of digital evidence has empowered police and public authorities to act on charges of homosexuality/queerness (the study focuses on the MENA region and more specifically on Egypt, Lebanon and Tunisia).

### ***What civil society is doing to counter attacks on rights***

“Equally Safe: Towards a Feminist Approach to the Safety of Journalists”<sup>19</sup>: this research provides a framework to tackle safety issues faced by women and LGBTQI+ journalists, online and offline. It is a global research focusing specifically on Bangladesh, Brazil, Chile, Nepal, Paraguay, and Sri Lanka.

### ***What companies are doing (or not) - example from Poland, on trans rights, by Meta***

“Oversight Board Overturns Meta's Original Decision in Post in Polish Targeting Trans People Case”<sup>20</sup>: this case illustrates Meta’s resistance to bring down transphobic comments from its platform, and failing to protect all of its users, especially the most vulnerable. It shows the Oversight Board’s role in pushing for more inclusion and resistance against hate speech online. The Oversight Board overturned Meta's original decision to leave up a Facebook post in which a user targeted transgender people with violent speech advocating for members of this group to commit suicide. This push has ultimately led to Meta bringing down this post targeting trans people, in Poland<sup>20</sup>, and improving its Community Standards.

### ***Policy Recommendations***

“Gender, tech and the role of business: APC submission to the UN Human Rights B-Tech Project call for inputs”<sup>21</sup>: This submission aims to provide clear guidance to states and businesses on digital-related issues from an intersectional gendered perspective, based on binding, universal standards that adopt, at their core, a human rights-based approach while recognising the differentiated impact that tech companies and their business models have on all women, girls and people of diverse genders and sexualities. This is to ensure that the ongoing digital transformation can usher in a gender-just world that is affirming to all individuals and their path to self-actualisation. All individuals of the global digital ecosystem, no matter who they are or where they are based, must be able to enjoy equal rights to safety, freedom and dignity. This means equal protection from persecution, discrimination, abuse and surveillance; equal access to information, opportunity and community; and equal respect for privacy, identity, self-expression and self-determination. This submission aims to outline practical steps towards this goal.

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<sup>18</sup> [https://cyber.harvard.edu/sites/default/files/2022-03/Digital-Crime-Scenes\\_Afsaneh-Rigot-2022.pdf](https://cyber.harvard.edu/sites/default/files/2022-03/Digital-Crime-Scenes_Afsaneh-Rigot-2022.pdf)

<sup>19</sup> [https://www.article19.org/wp-content/uploads/2022/12/Equally-Safe-FemSoj\\_08.12.22.pdf](https://www.article19.org/wp-content/uploads/2022/12/Equally-Safe-FemSoj_08.12.22.pdf)

<sup>20</sup> <https://www.oversightboard.com/decision/FB-UK2RUS24/>

<sup>21</sup> <https://www.apc.org/en/pubs/gender-tech-and-role-business-apc-submission-un-human-rights-b-tech-project-call-inputs>