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A CLASH OF NETWORKS:

LGBTI rights and anti-gender movements between the
international and the domestic level

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Introduction

Geneva, 6 December 2011. US Secretary of State Hillary Clinton takes the floor and starts by enunciating a basic concept from UDHR: “All human beings are born free and equal in dignity and rights”. This concept has not been applied as it is immediately, she continues. Oppressed minorities have had to fight to get their rights as human beings recognized and for the repeal of longstanding discriminatory laws. Still, she argues, it is up to states to ultimately make the effort to “be on the right side of history”, recognizing that an expansion of rights to such minorities is just a recognition of the rights they had been denied since then, with religious and traditional customs used as justifications for oppressive policies. Her discourse revolved, however, around a category of people that had received no mention in either the UDHR or other binding UN conventions: Lesbian, Gay, Bisexual, and Transgender (LGBT) people. Mid-speech, she pronounced the sentence that has made the news: “Being LGBT doesn’t make you less human. Gay rights are human rights. and human rights are gay rights”. (U.S Mission Geneva 2011).

Her discourse was lauded by activists, international experts, and national delegates, yet many ambassadors left the room without applauding her. They were the same delegates that in June had voted against a resolution in the Human Rights Council that asked to recognize the rights of LGBT people and that for years had opposed them at the UN, asserting their right to regulate matters of human sexuality according to their own national laws, and traditions, imposing the principle of national sovereignty over a norm that did not find any mention in the texts of binding UN documents they had ratified.

The other side of the fence on LGBT rights had already started its counteroffensive. In 2013, the Ugandan Parliament was still considering what the media already labeled “Kill the Gays Bill” (Ambrosino 2014), which introduced the death penalty for homosexual acts, with proponents citing the protection of

children and Ugandan Christian traditions as justifications for the necessity of this law. In June of the same year, the Russian *Duma* passed a bill that prohibited “the distribution of propaganda of non-traditional sexual relationships among minors”, basically declaring illegal any display of homosexuality to “protect children and traditional family values” (Gevisser 2013). During the year, a conservative grassroots mobilization under the name of *La Manif Pour Tous* (The Protest for All), brought thousands of protesters on the streets of Paris against a bill allowing same-sex marriage: they contested, among other claims, that LGBT rights restricted “freedom of expression” of those against them, and that “gender theory was imposed over their children in schools” (Ball 2014).

Rights claims are political tools (Langlois 2019: 76), as they can be used by various factions to progress their vision of the world, to portray their position as the only one that is morally justifiable, and to fend off any accusation of human rights violations by sustaining that their actions were guided by the protection of people’s rights, or at least of some people they consider more in need of protection (Mouffe 2005: 30). And while some may point at the values of democracy and human rights as geared towards universal acceptance, with occasional pockets of resistance as isolated instances of backlash bound to fade away (Fitzpatrick 2001: 120), some others have painted the international venues as contested normative spaces, where contrasting ideas are pushed by opposing groups who fight over status, power, values and resources over one another (Bob 2012; Finnemore & Sikkink 1998: 897). Claims over rights related to sexuality seem to be even more contested.

Regulation of sexuality has been generally geared towards repression. Religious authorities considered homosexuality one of the worst sins imaginable; the medical community labeled homosexuality and transgender identity as physical and psychological illnesses in need of correction or quarantine; State authorities of different political orientation outlawed them as moral perversions, social dangers, and security threats, and eventually subjected individuals to jail, death penalties, internment, exile. (International Commission of Jurists [ICJ] 2009: 6-15)

This repressive climate eventually led to the recognition of a common identity amongst the oppressed, which paved the way to the development of a

movement (Adam et al. 1999: 344). European homosexual groups of the early 1900s, destroyed by the horrors of Nazism and Stalinism, rebuilt their activities after the War as inward-looking homophile clubs, then violently broke on the world stage after the Stonewall riots of 1969 demanding gay liberation, only to reform their revolutionary claims into an increasingly professionalized, global and lobbying-oriented LGBTI movement. In all his eras, this movement has always been oriented to transnational linkages and to model its claims as universal human rights claims. 1950s European homophile groups reunited in the ICSE network pressured the newly-formed UN to recognize the “human, social and legal equality to homosexual minorities” (Rupp 2011: 1016), thereby calling for decriminalization and depathologization. The same happened when movements from all over Europe reunited in 1978 to form ILGA (Paternotte 2014: 125-126).

Slowly but surely, this continued pressure on international bodies was fruitful. In 1980, the European Court of Human Rights ruled in *Dudgeon vs. UK* that criminalization of same-sex relations is an infringement of privacy according to the Council of Europe Convention on Human Rights. In 1990, the World Health Organization removed homosexuality from the International Classification of Diseases. In 1994, the UN Human Rights Committee found criminalization to be also discriminatory, under the “other status” protected ground in the ICCPR. Over time, regional and international courts, agencies and expert bodies, have often pronounced themselves over the subject, given the impact of discrimination based on sexual orientation, gender identity, and sex characteristics (SOGIESC) in all areas of society and its intersections with other oppressed categories.

The development of LGBTI rights in political bodies has been much more contested and limited. While it’s true that the institutions of the European Union regularly legislate on SOGI rights, even inscribing them explicitly in its binding Charter, anti-discrimination measures have been blocked for years in the Council by intransigent states. A landmark resolution by the African Commission on Human and People’s Rights to prohibit SOGI-based violence and discrimination has faced heavy fire from criminalizing states. Since the issue of LGBTI rights was brought up in UN fora, at the 1990s Conferences in Cairo and Beijing, it has encountered resistance from a block of states captained by the Holy See, Russia, and several

Arab and African nations. Despite the diversity in religious and cultural traditions, these states regularly form a united front whenever they need to block any mention of LGBTI rights in UN documents, and they have over time produced a counter agenda that focuses on traditional values and the protection of the family.

The LGBT rights norm, defined as “a set of principled proscriptions and prescriptions bound together by the ideal of non-discrimination based on sexual orientation or gender identity” (Nuñez-Mietz & García Iommi 2017: 200) has over time spread and manifested itself in the global arena and in national legislations in its various “rights claims” (legal gender recognition for transgender persons, decriminalization of same-sex intercourse, marriage equality), thanks to the efforts of a transnational advocacy network composed of local and transnational NGOs, international bodies, and friendly states, becoming “the apex of human rights discourse in 21st-century human rights law” (Rahman 2014: 279). The development of the international LGBT norm is blocked by two connected factors: the high degree of polarization among states’ positions and the low degree of institutionalization. There is no mention of sexual orientation or gender identity in the UDHR, or UN binding conventions. Human Rights Council Resolutions, Recommendations from Treaty bodies and Independent Experts, or even adjudications on individual communications, are all soft law: even though states are highly recommended to follow them (they rest on and interpret the shared understanding of binding rules), they have few incentives to comply with them. It does not matter, at least legally, whether the 2008 statement at the General Assembly was backed by 86 states: the statement against attempts to introduce LGBTI as a category of human rights law presented by the opposing front has the same value (Dondoli 2019: 75-76). States that oppose LGBTI rights use various rhetorical devices to voice their dissent, including the fact that SOGI norms condone pedophilia, or that they run counter to religious and cultural traditions, but they mostly appeal to the fact that the international documents they have ratified and decided to be bound to do not feature any mention of sexual orientation, or gender identity, thus these concepts are not part of the internationally agreed framework, their regulation is entirely left to the sovereignty of states, and any imposition is fraudulent.

Scholars and activists have voiced their uncertainty at the possibility of advancing a binding Convention on LGBTI rights: while there's a consistent front of states that accept and pursue the expansion of human rights for LGBTI people in international law, there's also an opposing front that counts on enough numbers to derail it. Even if a Convention would pass, it would be of limited use, because the same states whose violations of LGBTI rights raise concern among the international community would not ratify it. (Braun 2014: 892-896)

This is the first point of this thesis: no matter how much the LGBTI rights norm is a regular in international discourses, the international polarization and the lack of a binding instrument makes regulation of sexual rights a predominantly national discourse, where authorities can be allies or opponents.

The majority of national jurisdictions have decriminalized same-sex acts: the first was France, in 1791, followed by other 129 over the years, with a large wave between the 1980s and the 2000s that has eventually slowed its pace over the last 15 years¹. States have also taken several extra measures to prohibit SOGI-based discrimination or consider LGBTphobic reasons as “aggravating circumstances” when dealing with hate crimes, hate speech, or incitement. The legal scope of these provisions, and even more their degree of enforcement, varies widely between states. As an example, South Africa is one of the few states that has explicitly enshrined the prohibition of SOGIESC-discrimination in its Constitution, and yet the country is known for the abnormal rate of lesbophobic sexual assaults, known as “corrective rapes” (Brown 2012). Most jurisdictions focus on the discriminations suffered on the ground of sexual orientation, and less so on the grounds of gender identity and sex characteristics; even more so, while the majority of jurisdictions punish employment discrimination, international organizations recommend provisions to extend to all spheres of life, such as healthcare, education, and the enjoyment of goods and services. (Office of the United Nations High Commissioner for Human Rights [OHCHR], 2012: 41). A wide range of policies have also been adopted in the field of legal gender recognition for transgender individuals, that is,

¹ Most of the data in this section is taken from the ILGA World Database, available at <https://database.ilga.org/en>

the change of the gender markers in personal documents (passport, birth certificate, ID card, etc). While many other nations impose strict medical and judicial requirements, Argentinian legislation has been considered a benchmark in this respect: the process of legal gender recognition requires a simple administrative request based on self-identification, with only a minimal fee for administrative costs, and no medical or legal requirements; minors can access it, although with some oversight from their parents; and non-binary people can choose to have an X marker as their gender (Carbajal 2023). Finally, many states have bridged the equality gap regarding couples' recognition. Here too the picture is varied: some have allowed only some form of civil partnership, while 37 countries, starting with the Netherlands in 2001, allow for same-sex legal marriage. In 39 countries (mostly overlapping with those just mentioned) same-sex couples can even jointly adopt a child. States have also increasingly added the protection of LGBTI rights in their foreign policies, funding programs and local NGOs to provide services and pursue their advocacy efforts in countries where LGBT rights are less developed, or using their foreign aid programs as a tool to pressure opponents to norm compliance. 42 states take part in the LGBTI Core Group at the UN, to raise awareness and work towards developing international protection for LGBTI people.

States can be, and are, allies to and part of the LGBTI global network. Not necessarily it is Western, European states that lead the pack: Argentina, South Africa, or even Nepal and Cape Verde have somewhat progressive records on LGBT rights, showing that policy development is increasingly a global phenomenon (Velasco 2020: 5). Their contribution can also be subject to critiques: for example, aid conditionality has faced critiques of "homonationalism" where some nations justify intrusion over other countries based on a supposed "moral superiority" given by a formal respect for LGBT rights, but this only fuels state backlash over the local LGBTI communities and reinforces authorities' rhetoric of homosexuality as a Western colonial imposition. (Puar 2013: 336-337; Alimi 2015)

States are, however, mostly painted as oppressors of LGBTI communities. That has been the rule for centuries and still is in many countries: as of 2024, 62 states consider same-sex acts illegal, mostly in Africa (30) and Asia (20), with at

least² 49 of these applying to lesbian and bisexual women and at least 13 also punishing “cross-dressing” (Human Dignity Trust [HDT] 2016; 2019). These types of provisions can be included in penal codes (mostly of British colonial origin) or pertain to customary and traditional ones (such as Sharia law); they may explicitly enumerate acts and practices outlawed, or couch them in vague language that groups homosexuality with pedophilia and bestiality, leaving it to the discretion of police authorities. Penalties also vary: most jurisdictions impose fines or jail time, ranging from some years to life imprisonment, and some even enact corporal punishments, but those most featured in public discourses are the seven that impose the death penalty for same-sex acts. According to the Special Rapporteur on Extrajudicial executions, the capital offense is contrary to international law even if states apply a “*de facto moratoria*” on executions because even the mere possibility of its enforcement endangers the life and freedom of the accused (United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions [SR-EJE] 2008: para.76). Overall, criminalization of same-sex acts, or “cross-dressing”, targets LGBTI communities disproportionately: outlawing the activities crucial to their self-determination, they suppress their existence (HDT 2015: para.55), fueling discrimination and violence from state and non-state agents, including family members, medical institutions or even vigilante groups and rebel militias. LGBTI people are subjected to torture and inhuman treatment while in police custody and detainment, or in medical settings, where intersex children are subjected to unnecessary genital mutilations without their parent’s informed consent, transgender people are forced to undergo unnecessary invasive surgeries in order to transition, or homosexual youths are forced into cruel “conversion therapies”. All this violence is clouded by a lack of data, which may lead to the false belief that there is no enforcement of the provision (Botha 2021: 16).

In many countries, being an activist is in itself a dangerous political stance. States curtail freedom of expression via “gay propaganda laws”, that portray depictions of homosexuality as dangerous to children’s development. These laws

² Many others de facto criminalize transgender individuals through offenses such as impersonation, intrusion in women’s spaces or the criminalization of sex work. (HDT 2019).

are used to block any type of content, from informative campaigns on HIV to movies depicting kisses between two same-sex characters or even signs that say “being gay is normal”³. This has turned into a legal Swiss army knife to block manifestations, arrest organizers, and close organizations. Additionally, CSOs regularly face restrictions over their funding and legal status (Mendos et al. 2020: 165-181).

The second point of my thesis is that such state actions are not just a remnant of a backward mentality, waiting to be swooped away by the wind of progress, but are oftentimes a recent operation, as a sign that there is a promotion of an opposite norm at the national and international level. Uganda has introduced the death penalty for homosexual acts only recently; Chad introduced criminalization in 2017, to “protect religious values from the neocolonial imposition of homosexuality from Western nations” (Duffy 2016); Russia introduced anti-gay propaganda laws in 2013. According to Weiss & Bosia (2013), these are mostly political moves, that arise not out of a real necessity of “defending traditional values” from the advancement of LGBTI rights, but as “preventative measures” that conceal nation-building through religion, scapegoating to strengthen power and remove opposition, or resist international pressures.

Authorities build these measures out of widespread homophobic societal discrimination and violence, and at the same time fuel such attitudes in society. As such, many civil society actors oppose the LGBTI norm as well, operating at national and transnational levels. Conservative NGOs, especially in Europe, have produced a rhetoric that constantly works to oppose the advancement of LGBTI rights, or as they call it, “gender ideology”. Building on a rhetorical language created and supported by the Vatican since the 1990s, this movement has emerged in all Western nations, albeit at different times and triggered by different domestic discourses. Since 2012, this anti-gender front has grown in numbers and come to include movements of “concerned parents”, conservative scholars, religious actors,

³ This example is taken from the *Fedotova v Russia* case presented to the Human Rights Committee in 2012. The claimant was arrested and fined for homosexual propaganda because she was protesting peacefully in the proximity of a school establishment.

right-wing populist parties, and even states. Results have gone from boycotting pride parades and petitioning against LGBT-inclusive school curricula, to blocking referenda for marriage equality and passing laws restricting SOGI rights.

Even more so, this anti-gender front has exported its model and discourses in international venues. Financed by Russia, backed by the Holy See, and linked to conservative American networks like the World Congress of Families, actors at the national level have cooperated to build a concerted strategy not only in domestic venues but also bring initiatives at the EU and at the UN, as shown by the Resolutions on “Traditional Values” and on “the protection of the family” brought in the Human Rights Council by a coalition of Christian and Islamic states.

Summing up, this thesis seeks to reconstruct the opposition to the LGBT rights norm as more than a symmetrical backlash brought by backward states. Using a background of theoretical concepts taken from transnational advocacy network theory (Keck & Sikkink 1998) and norm-life cycle (Finnemore & Sikkink 1998; Risse et al. 1999), I aim to picture the discourse on sexuality at the national and global levels as the clash between two contrasting norms, each one produced and pushed by its set of actors (both states and NGOs; both national and transnational) and its own set of rhetorical devices. More specifically, I want to focus on three national instances of the anti-gender movement to explore both the emergence of an anti-LGBTI discourse and the role of institutional, civil society and transnational actors. Given the overall advancement of pro-LGBTI norms worldwide, the anti-gender front can develop as a direct reaction, as happened in many Western European countries, or as an “anticipatory” state policy, also known as “political homophobia” where leaders (mostly of Southern world nations) construct the LGBTI norm as a threat to the wellbeing of children, freedom of expression, national sovereignty, and traditional values (Weiss & Bosia 2013; Nuñez-Mietz & García Iommi 2017), and use LGBTI people as scapegoats. These discourses fuel anxiety from the public but are used for other motives, including building electoral support or national unity, or resisting international and internal criticism. Thanks to the action of transnational groups, this discourse is also exported: if in Europe this “export” is mainly an imitation of similar concepts and strategies across borders, in

Africa is the work of US Evangelical groups that funnel money into welfare projects and political alliances to further an homophobic agenda abroad.

The methodology I follow is, borrowing the definition from Kuhar and Paternotte (2017: 16) “a transnational comparative case study”, focused on the development of the anti-gender discourse in three countries: Italy, Hungary, and Uganda. These cases have been chosen for affinity with their language (I speak Italian and Uganda is an English-speaking country) and for their popularity in transnational media outlets. My study is a qualitative-based genealogy: my sources are academic articles, activist reports, and media reports. This type of methodology has been chosen following some of the sources I have consulted, which generally use this method to extrapolate the transnational similarities from national contexts and at the same time highlight the local peculiarities from the transnational discourse. Moreover, all of these cases are centered on a specific instance of anti-gender and anti-LGBT mobilization because of the discussion over a legislative bill.

A note on terminology

Before I present the chapters, I wanted to clarify some choices on the language I use throughout the thesis. Acronyms like LGBTI or SOGIESC are contingent on the time and place where they are produced and used: in 1900s Europe, the movement was “homosexual”, taken from the medical field; in the 1970s, “gay” became the umbrella term, with lesbian movements forming thereafter out of separatism; over the 1980s, LGB or LGBT assumed the popularity they have today, encompassing transgender and bisexual struggles. Over time, depending on the context or the specific movements, this acronym has taken on other letters: the I for intersex, which defines a person whose sexual characteristics (chromosomes, genitals, reproductive organs) don’t fit neatly into the binary conception of male or female; the A for asexual and aromantic, meaning someone who doesn’t experience sexual and/or romantic attraction; the Q for Queer or Questioning; the P for Pansexual or Polyamorous; the K for Kinky; the 2S for two-spirited, which signifies a particular Native American concept of transgender identity; and finally, a “plus”

sign (+) to include all those who do not fit in the acronym. While lauded for its inclusiveness, others have stated that this list has become too long and confusing, clouding the intra-community power differences. Other fields have used different acronyms altogether: to avoid the association between HIV and the community, most medical documents use the “men who have sex with men” (MSM) and WSW definition to focus on the at-risk behaviors; legal documents have over time used “sexual and gender minorities” or “sexual orientation, gender identity, expression and sex characteristics” (SOGI/SOGIESC).

I am also aware that these definitions are of strictly Western origin: post-colonial queer scholars have mostly pointed out that this universalization of this identity-based “Stonewall model” has come to erase experiences of people who practice same-sex relations without having the cultural need to adopt an identity label, or even indigenous definitions of non-binary gender expressions, such as *hijra* (India and Pakistan), *metis* (Nepal), *fa’afine* (Samoa) and many others.

My choice to use LGBT(I) and SOGI(ESC) is strictly for the sake of clarity and coherence, and because they are the acronyms most used by international human rights organizations. I occasionally use other definitions, but only in respect to the specific context I come to describe. I also chose to focus on those identities whose struggles are most visible in popular debates, so I don’t delve much in intersex issues either. For the sake of clarity, I use the definitions of Sexual Orientation, Gender Identity and Sex Characteristics used by the Yogyakarta Principles, a proposed Convention for LGBTI rights drafted by activists and legal experts in 2006 (and reviewed in 2017). These definitions are as follows.

“Sexual orientation” refers to «each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender» (Yogyakarta Principles 2006: Preamble) which includes identities such as heterosexual, gay, lesbian, bisexual, pansexual, asexual and so on;

“Gender identity” refers to «each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen,

modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms» (ibid), meaning cisgender and transgender identities, either binary or nonbinary.

“Sex characteristics” refers to «each person’s physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features» (Yogyakarta Principles+10, 2017: Preamble), referring to intersex people.

A final clarification refers to the term “queer”. I am aware of the fact that this word, once considered a slur, has been taken back by some strands of the community and is now increasingly used as an umbrella term, or added within the LGBTQIA+ acronym even in EU documents. But I also acknowledge the fact that, in academia and activism, “queer” has come to signify a radical take on matters of sexuality and gender, that tends to refute and question any normative boundaries towards an intersectional view of the oppressions inserted in all spheres of society. While I admire queer theory and I find it a source of inspiration, this thesis doesn’t insert in its theoretical background, so I won’t even use the word “queer” lightly.

Outline of the chapters

This thesis is organized as follows:

The first chapter contains a review of the theoretical basis of this work. I try to define what we mean with norms, how do norms come about on the world stage, and how they get adopted by the global community. I also define the actors that push them, namely Transnational Advocacy Networks (TANs), including their strategies and components. Finally, I explain how some norms may face resistance on global and national arenas, and how this resistance is tied to the emergence of countermovements.

The second chapter is a (rather long) commentary on the emergence of the “LGBTI rights norm” as a part of international human rights. First through a brief

history of the movement over the eras, from the 1900s to the 2016 appointment of the Independent Expert on SOGI violence, passing through homophile groups, Stonewall, the creation of ILGA, 1990s UN conferences, and other milestones. Secondly, I expose the LGBTI norm mainstreamed over UN agencies, treaty bodies, Special Rapporteurs, and other UN bodies. Thirdly, I present the legal framework and the specific history of advocacy over regional bodies: for Europe, the Council of Europe and the European Union; for Africa, the African Union and particularly the African Commission on Human and Peoples' Rights (ACHPR). I decided not to add other regional frameworks for it would seem not necessary given the case law.

The third chapter explores the anti-gender front. It briefly explores some historical milestones, from the Baptist-Burqa alliance (Bob 2012; Buss 1998) between the Holy See, Conservative NGOs and Islamic states to counter sexual rights at the 1990s UN Conferences, to the emergence of anti-gender protests in 2012. I then proceed to define: the components of this network, including religious authorities, state, NGOs, movements, rightwing parties and transnational actors; their strategies, including petitions, mobilizations, lawfare and so on; their languages, meaning their use of populist tropes and of human rights concepts; their framings, or how they paint their fight against "gender ideology" as a protection of the traditional family, of children and of national sovereignty.

The fourth chapter is composed of the three case studies of Italy, Hungary, and Uganda. Italy is a Western country with a sound tradition of LGBT mobilizations, but where Vatican influence over politics has blocked meaningful advancements of rights compared to other Western partners: I will specifically focus on a grassroots movement of conservative Catholics who have over time forged links with transnational actors and populist parties to block norms, including the one in exam, the 2018-2021 Zan Bill over homophobic hate crimes. The Hungarian case focuses on how President Viktor Orban and his government have constructed an anti-gender discourse anticipatorily and from the top-down, using homophobic scapegoating for populist purposes and spreading it thanks to their quasi-authoritarian power over Hungarian institutions, without the need of a pre-existing reaction from the society: in this case, the debate centers over the 2021 "anti-propaganda bill" modeled after the 2013 Russian law. The third case is Uganda,

where US evangelical groups have “exported” anti-gender” discursive campaigns stoking homophobia in churches, society and politics: in this case, the focus is centered on the 2009 “Anti-homosexuality bill” that wanted to introduce the death penalty as punishment for homosexuality.

In the conclusion, I will retrace the steps of the previous chapters and consider whether, in what I have shown in the national contexts, we can really pinpoint the characteristics of a transnational network focused on countering the LGBTI norm and proposing an alternative one.

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Chapter 1.

How do norms come about? The influence of networks and counter-networks over policy.

1.1 The norm life-cycle

The international system has its foundations on a number of shared “norms”. Norms are defined, following Katzenstein, as “collective expectations for the proper behaviour of actors with a given identity [...] rules that define the identity of an actor, thus having constitutive effects that specify what actions will cause relevant others to recognize a particular identity” (1996: 5). Norms have both a prescriptive and evaluative meaning: they establish what actors (be it states, companies, individuals, or international organizations) should do and what should they not do; at the same time, they generate shared images to which other actors must react, be it with disapproval or praise. (Finnemore & Sikkink 1998: 891-892)

When shared by, or imposed on a group of actors, norms produce order and stability, as they regulate actors’ behaviours towards conformity (Waltz 1979: 76; Sunstein 1997:40). The international and regional systems of human rights are an apt example of international norms because they voice widely held ideals on how humans should be treated. Such norms can be enshrined in legal instruments, whose ratification signals the support and commitment of states to uphold them, respect them and be judged over them by expert bodies and other states. Moreover, states can also show their support to international norms by recalling it domestically, be it through statements, policies, and court judgments. Domestic and international norms are tightly connected: some were born as national prescriptions and then diffused internationally, others get incorporated into the domestic fabric, filtered through local debates, under the pressure of the international community. (Finnemore & Sikkink 1998: 893)

Today’s global system of norms supported by states (or at least, formally accepted by most of them) and international bodies is the result of a constant process in which new norms emerge, gain traction, and change previously held standards of

behaviour. This change is particularly difficult to accept for states because it requires them to question their routinized practices and their value system and consider new behaviours, just as it is difficult for every person to change one's daily routines (Keck & Sikkink 1998: 38; Bourdieu 1977: 17-19).

Martha Finnemore and Kathryn Sikkink's model of "norm-life cycle" (1998) is useful to explain how norms reach an international consensus. This model is a three-stage process, composed of "norm emergence", "norm cascade", and "norm internalization".

In the first stage, the norm is actively promoted by some "norm entrepreneurs"⁴ (ivi: 897), either purposefully created for it (NGOs) or emerging from already established institutions (expert bodies, specialized agencies, governments). These actors initially gather the support of a core number of states using various tactics, ranging from crude material leverages to discursive persuasion. The progress of the norm towards a general acceptance can be also sped up by its "institutionalization"⁵: when enshrined in a legal document, especially if binding, it becomes more cognizable and states can be convinced to ratify it to show a sign of their commitment to uphold it at the global and national level (ivi: 900). To advance to the next stage, the norm needs to be backed by a critical mass of nations, with the "tipping point" set at around one third of all states. This may change depending on the presence of some "critical states", including the main violators or those with a record of being moral leaders and desired models of behaviour: the presence of such actors may speed up universal acceptance (ivi: 901). After a norm has "tipped", it enters the "norm cascade stage": its adoption grows rapidly, even with minimal to no pressure, signalling that international influences have trumped any domestic debates and policy (ivi: 903). Finally, in the "norm internalization" stage, the behaviour of states is in total resonance with the norm. Countries have so much advanced, at home and abroad, the concept of what

⁴ The authors also mention the larger concept of organizational platforms, meaning the organizations through which a norm is promoted, and that can shape the framing and the emergence of the norm itself. (1998: 899). This concept will be however explored later in the chapter.

⁵ This sub-stage of institutionalization is helpful, but not necessary (Finnemore & Sikkink 1998: 900).

is wrong and what is right in that special circumstance that the political debate on the norm is practically absent. (ivi: 904)

1.2 Exploring norm entrepreneurs: the emergence of Transnational Advocacy Networks

Norms don't come about by themselves: they need a vessel, or what was earlier mentioned as "norm entrepreneur", meaning individuals and groups that turn long-standing grievances or future risks into claims, act strategically to maximize political opportunities and resources, and eventually work to diffuse international norms and pressure their adoption in the domestic arena (Finnemore & Sikkink 1998: 897, 899, 910; Simmons 2013: 46-47). An often-cited type of entrepreneurs is what Keck and Sikkink (1998) have defined as "Transnational Advocacy Networks" (TANs)⁶, which base their advocacy on networked collective action.

Networks have been long-time objects of sociological inquiry in sociology, as modes of organization with weak hierarchies, apt for exchanges of commodities not easily measurable. (Powell 1990: 295-6, 303-4). Keck and Sikkink describe them as organizational forms constructed over voluntary, reciprocal and horizontal patterns of communication and exchange (1998: 13). In their view, the "commodity not easily measurable" exchanged by actors is information, tactics and a shared language. Depending on their membership, networks are held together by different goals: economic actors like transnational corporations and banks, for example, use their financial resources to pursue instrumental and material goals, influencing policies to foster their financial gains and remove any barrier (Milner 1997); scientists and experts form "epistemic communities" (Haas 1992; Peterson 1992: 149-155) over shared research objects, and use their renowned expertise to influence policy. Activists are held together by shared values, principles and ideals, which may even be far from their personal interests. (Keck & Sikkink 1998: 13, 32)

⁶ Tarrow (2005: 43), on the other hand, also defines them as groups of people or individuals who mobilise domestically or internationally "to advance claims on behalf of external actors, against external opponents, or in favour of goals they hold in common with transnational allies".

Advocates encounter great personal costs to push for norms, especially at the beginning, when new norms enter in a highly contested space. First off, to push for revolutionary issues, they must be inappropriate, and suffer the consequences: suffragettes, for example, chained themselves to posts and went on hunger strikes (Finnemore & Sikkink 1998: 897-898). Additionally, groups of volunteers sacrifice their time and money to organize and participate in protests and events or produce materials; to keep the communication flow constant, they face “transaction costs”, such as travel expenses, the acquirement and maintenance of communication devices, a physical venue to hold regular meetings (Keck & Sikkink 1998: 15). Authorities can impose severe bureaucratic requirements on these organizations, deny them legal status or access to foreign funding, exercise control over their activities, enact raids on their offices, repress demonstrations, confiscate their materials, or tolerate (and even incite) violence over them by third parties. Moreover, leaders and activists may face arrest, societal stigma, and even threats or acts of violence⁷. (Office of the United Nations High Commissioner of Human Rights [OHCHR] 2019: 79-86)

Opportunities to influence the political process open once these barriers are lifted, as people can overcome the fear of personal costs and unite over common grievances, a shared history, evoking solidarity ties to pursue a direct challenge towards authorities to defend their demands, becoming a conscious collective actor with a unique group identity (Tarrow 2011: 31-33; Castells 2012: 218-219).

Since not that long ago, states held exclusive control over the rights of their citizens, and the latter could only find recourse to state-mandated abuses within the boundaries of national institutions (Henkin 1979: 228). After WW2 the international institutions gained power and authority over states, imposing them norms (Keck & Sikkink 1998: 8). TANs allowed citizens to bypass their national borders, link with allies, pressure their governments for change both from inside

⁷ In the case of LGBTI activism, for example, activism may mean coming out as homosexual. When this is forbidden by state laws, activists may be forced into invisibility to survive arrests or violence. Alternatively, they may repurpose their organizations without explicitly mentioning their *raison d’être* for fear of being closed down. (Currier & Cruz 2014: 337-344)

and outside (ivi: 33) and challenge their authorities positions directly in international arenas (ivi: 39).

Early seeds of TANs can be traced in international voluntarism of Church missionary outreach, labour movements and anti-slavery movements (Keck & Sikkink 1998: 18-19; 2000: 35). Dondoli (2019: 16) explains how the global reach of NGOs had already been recognized by article 71 of the UN Charter, in 1945, which identifies them as “any international organization not established by an intergovernmental agreement” (United Nations 1945: art.71)⁸. Only after the 1970s did NGOs benefit from cheaper transaction costs, with activists that could easily travel and communicate across borders as well as maintain spaces online to bypass the monopoly of states in information and the need to maintain physical offices. (Keck & Sikkink 1998: 16-19; D’Amico 2015: 56). Additionally, the civil movements of the 1970s had created a new kind of global civil society: anti-war groups, feminists, labour movements and so on occupied themselves with global problems (Tarrow 1992: 184) and the end of the Cold War increased contacts with other groups but also an increased importance of civil society and human rights⁹ in an international space that no longer had to focus on security concerns (Tarrow 2011: 246; Martens 2004: 1067). Moreover, the establishment of individual complaints mechanisms in international organizations guaranteed individuals and groups some form of recourse over their own states and signalled an opportunity for establishing international standards and bringing pressure on national governments. (Martens 2004: 1068).

In sum, scholars point out that TANs are more likely to emerge when: 1) channels between groups and their governments are blocked or ineffective, meaning that authorities refuse to recognize the rights promoted by some groups; 2) domestic political entrepreneurs believe that networking will further their missions and that international arenas will give them more vantage points to achieve their goals,

⁸ This description of NGOs has been described as inaccurate and reductive by scholars like Anna-Karin Lindblom, which has better defined NGOs as any voluntary, non-profit, non-criminal organization with a formal statute and legal personality. (Lindblom 2005: 52)

thanks to an access to wider publics and more receptive institutions; 3) actors can form alliances in the international arena, that help them bring pressure on their state from below and above. (Keck & Sikkink 1998: 15-16)

These networks are more likely to emerge and succeed thanks to some favorable opportunities in the domestic and international structure. This is the reason why regional groups are more likely to emerge because actors from neighboring states share common struggles, common values and have more chances to get in contact with institutional allies and more importantly to meet and share information, thanks to common events and the movement of activists: this is what Dondoli calls a process of “regional cross-fertilization”¹⁰ (2019: 60)

1.3 Network composition and internetwork relations.

Some definitions of TANs make them appear as homogeneous, fixed actors. Keck and Sikkink call them “horizontal, voluntary, and reciprocal patterns of communication” (1998: 13), an interpretation that paints all actors that compose them as having an equal footing in terms of power and resources. TANs are at the same time mere patterns of interactions between individuals and groups as well as actors with an agency different than the sum of their components, as emerges from concerted actions and framings (ivi: 9-10), a unique “network voice”. Intra-network dynamics can however display great heterogeneity and hierarchies. TANs include “all the actors that mobilize internationally on a certain issue, bound together by shared values, a common discourse, and dense exchanges of information and services” (ivi: 8; Mitchell 1973: 2). These actors may include, under Keck and Sikkink, international and domestic non-governmental and research organizations, local social movements, foundations, media, intellectuals, churches, trade unions, consumer organizations, parts of regional and international intergovernmental organizations, parts of the executive and/or parliamentary branches of governments (1998: 14).

¹⁰ She describes cross-fertilisation as a process of peer learning that takes place among peripheral NGOs in the same region. (Dondoli 2019: 60)

States are generally not recognized as part of TANs: at worst, they are the targets of TAN pressures, at best they can be recognized as powerful allies (Tsutsui et al. 2012: 376; Keck & Sikkink 1998: 12; Joachim 2003: 247-251). States' participation is controversial: their cooperation is required to implement and maintain the international rights human system, their influence can open resources and channels to NGOs, and still, it is states that are the principal violators of human rights (Laviolette & Whitworth 1994: 576-82). Moreover, rights claims can be drawn by seemingly supportive states as “proxy” for other interests in their foreign policy. (Langlois 2020: 2). NGOs are, on the other hand, the centerpiece of transnational networks, as they have a crucial role in introducing new issues, mobilizing actors transnationally, and initiate pressure on states and intergovernmental organizations. (Keck & Sikkink 1998: 11). Several authors have studied the role of NGOs within TANs to establish how these are not quite the “horizontal patterns of communications” described by Keck and Sikkink but are more hierarchical, with some central nodes occupied by larger international NGOs (the so-called gatekeepers) surrounded by an array of smaller, local, peripheral NGOs. (Carpenter 2010: 202; 2011: 76)

Intra-networks dynamics between NGOs are more hierarchical than it seems. Central nodes are occupied by “gatekeepers”, mostly Western-based (Ibhawoh 2007: 79-82), that operate transnationally, have large budgets and a professional staff, and enjoy fruitful contacts with foundations or governmental and intergovernmental institutions (Carpenter 2007: 14-16; Bob 2005: 15). Gatekeepers have sufficient expertise and legitimacy to influence states and international bodies (Bob 2005: 18; Carpenter 2011: 69-74), but they also hold many and exclusive ties with peripheral groups (Carpenter 2011: 69-72; Hafner-Burton et al. 2009: 570-71) with which they hold a mutually beneficial relationship: on the one hand, less powerful NGOs receive access to resources, information, institutional channels, allies, and leverage, to fuel their domestic campaigns (Keck & Sikkink 1998: 25); on the other hand, gatekeepers enjoy a constant flow of reliable, first-hand information coming from many different places in the world without having to maintain staff in various local offices (ibid; Thoreson 2014: 180). Moreover, gatekeepers are also powerful intermediaries that reframe different worldviews and

parochial issues as international problems, to publicize them in global and regional fora (Thoreson 2014: 11), while local NGOs crucially reframe international norms by applying them to domestic problems. (Ayoub 2016: 34). Empowering peripheral NGOs is crucial for the health of the network (Thoreson 2014: 123; Dondoli 2019: 43) because “dense” networks (populated by many different actors with regular connections) are more efficient and enduring (Keck & Sikkink 1998: 32; Wong & Lake 2010: 129).

Gatekeepers can also steer network agenda, selecting which grievances become rightful claims, and which movements deserve to become partners (Carpenter 2007: 643), operating a “fitness selection”¹¹ that favours like-minded movements and issues with most strategic potential (Bob 2005: 4). This procedure may result in a misuse of power against the interest, or even detrimental to local actors (Dondoli 2019: 39; Rubenstein 2014: 204-222). For example, Northern gatekeepers seek Southern partner to evidence the global legitimacy of their claims, while Southern partners seek the resources and influence of Northern allies for their existence and development, and their alliances would suggest a unitary voice. Yet, Northern activists are more keen to be vocal and explicit, while Southern activists have to confront painful colonial legacies of mistrust against Western intervention (Weiss 2013: 149-151), leading advocates to be more cautious and discreet in their work (Currier & Cruz 2014: 337-344). Southern NGOs are thus forced to adopt a “Western label” that does not resonate with their cultural viewpoint to access funding and access granted by gatekeepers. (Dondoli 2019: 35; Bob 2005: 34-35).

1.4 Networks’ tactics and influence

The primary purpose of networks is to engage in what Keck and Sikkink define “boomerang pattern”, the process through which domestic groups seek the help of allies outside of unresponsive domestic channels, to pressure states from the outside

¹¹ Following Carpenter’s work, gatekeepers privilege issues that: match their existing campaign, avoiding new issues unless they help them to remain relevant as actor; are proposed by credible NGOs that strategically frame their claims to match the expectations of the global actors (Bob 2005: 26); are not ill-viewed by other powerful players or allies (Carpenter et al. 2014: 452-53).

and the inside at the same time, and persuade them to change their policy on a specific issue (Keck & Sikkink 1998: 16).

NGOs use several tactics to pressure national authorities, be them institutional (monitoring, lobbying, strategic litigation, more regularly) or not (boycotts, demonstrations, mass protests, more sporadically) (Dondoli 2019: 16), but they don't generally have much material incentives over states. Their preeminent tool is to maximize their influence over information flows. Exchanges of information and the development of a common interpretation of events not only serve as a glue between the actors of a network, but is also used strategically: NGOs carefully select exclusive evidence and powerful stories and present them in a certain way to capture attention and convey a targeted message, in a process called "issue framing". Frames provide an interpretation of a certain problem, deemed unacceptable but largely ignored, break it into pieces and indicate a solution to it: in a way, frames are the building blocks of international norms and standards (Payne 2001: 38-39; Carpenter 2007: 99-102). Framing a problem into a human rights claim is useful to get it into international venues, which rest on a shared global consensus over human rights definition (Chase 2016: 708): NGOs only have to present a unitary frame and go "venue shopping" (Baumgartner & Jones 1991: 1050) for a receptive point of access into the system. Frames also work to orient the general public opinion and, if successful, they enhance the visibility of an issue and mobilize popular support by drawing on people's beliefs and values. (Keck & Sikkink 1998: 21)

Powerful allies such as states and IGOs can significantly expand a TAN's toolbox of moral and material leverages (Risse & Sikkink 1999: 11-17). Material leverages can be either coercions (military actions or economic sanctions) or incentives (aid, access to international organizations, political support¹²) conditional to policy changes. Moral leverages, also known as "social learning" or persuasive tactics, either work to expose the gap between states' commitments and

¹² The authors also later inserted capacity building in the mix, following the reasoning that some governments do not follow through on their human rights commitment not because they don't want to, but rather because they don't have the means to do it. (Risse & Ropp 2013: 15)

their record of violations (“name and shame” strategies) (Keck & Sikkink 1998: 27-29) or use through the participation of states into IGOs to persuade them of the norm appropriateness so much that they perceive it as their own (O’Dwyer 2013: 109).

To evaluate the success of such an influence is no easy business. Scholars have developed several models that explain how a norm gets from being contested to being adopted by the state authorities. Keck and Sikkink for example evaluate the boomerang pattern over consequential “stages of impact” that thanks to sustained pressure by TANS go from the initial attention gathered by a norm just emerged on the world stage, to the adoption of non-binding commitments, the change in institutional practices that facilitate the work of NGOs, and the eventual change in the target policy and behaviour (1998: 28). Risse, Ropp and Sikkink have instead developed a “spiral model” (1999, 2013) that starts from the repression of domestic demands by national authorities, their denial in front of international scrutiny, the concession of small tactical victories that ease barriers over domestic activists, and the eventual binding commitments and rule-consistent behaviour (Risse & Sikkink 1999: 22-34)

Still, a binding commitment (for example a ratification of an international instrument) does not assure, per se, that the state will act in full compliance¹³: many scholars have in fact emphasized the limits of legal rights¹⁴, given how ratification leads at times to unpunished increases in norm violations (Hafner-Burton & Tsutsui 2005). But even if change occurs, it is difficult to establish a clear cause-effect relation with TAN advocacy, given the many factors that influence state behaviour (Dondoli 2019: 6).

Yet some techniques have proved to have more potential than others. Issue frames, for example, are more successful when they rely on credibility (the

¹³ On the difference between compliance and commitment see Risse & Ropp 2013: 10. Authors have furthermore stated that in order to make the step from ratification to rule-consistent behaviour, advocates need to sustain the norm with constant pressure through monitoring, strategic litigation and so on (Risse & Ropp 1999 : 248–250; Risse & Sikkink 1999 : 33).

¹⁴Some have emphasized how legal rights are only tools that have to be used in concert with soft-law instruments, which are on their own a good compromise to enforce some accountability over states who don’t want to bind formally on a norm (Abbott & Snidal 2000: 452; Guzman & Meyer 2010: 212; Wong 2014: 30-33)

information must be reliable and well-documented); when they are timely and dramatic, and generate emotionally-driven attention from the public; when they show that a given situation is not natural or accidental, but the consequence of the deliberate action of an identifiable actor; when they appeal to shared principles of right and wrong, that have more grasp on state opinion than technical explanations (Keck & Sikkink 1998: 22-23). Such evaluations refer to what Snow and Benford call “frame resonance, credibility and salience” (2000: 615-620). In addition, states are more influenced by universalistic claims than parochial ones, and for norms that have been around for a while and already hold a deep consensus (Finnemore & Sikkink 1998: 906-908), so that new issues are more successful when they fit existing human rights norms (Sugden 1989: 93). Two kinds of issues generally receive more attention: those that involve bodily harm, especially when they involve vulnerable individuals and the violators can be readily identified, and those that involve legal equality of opportunity. (Keck & Sikkink 1998: 27)¹⁵.

The success of norms doesn't depend only on the issue itself, or its frame, but also on a states' vulnerability to international pressures. Persuasive tactics, for example, need a lot of time and pressure to work but they are also long-lastingly effective, if they “fit” on national cultures and value system (Risse & Ropp 2013: 14): this is tied to the importance that states attach to their reputation as reliable and respectable members of the international community (Finnemore & Sikkink 1998: 902; Axelrod 1986: 1105; Waltz 1979, 75-76). Furthermore, states that are democratic, strong, and centralized also tend to be more responsive to domestic pressures¹⁶ and their implementation is not constrained by structural factors. (Risse & Ropp 2013: 16-19). Regarding material conditionality¹⁷, it is bound to work depending on states' economical self-sustenance, on the clarity of the norm and its

¹⁵As long as advocates kept talking about “female circumcision”, for example, the issue did not raise much attention, as it was compared with male circumcision, a harmless and revered religious practice; it is only when activists began using the term “female genital mutilation” that people recognized the harm it created to women and girls in many countries (Kouba & Muasher 1985)

¹⁶ Finnemore and Sikkink also point out that states tend to bow down to international pressures during periods of domestic turmoil, that threatens the legitimacy of the elites. (1998: 903)

¹⁷ States like China and Russia, for example, have been described as more resistant to international norms, because of their powerful and self-sufficient military-industrial complex (Risse & Ropp 2013: 20)

violation, on the credibility of the punishments or rewards, and on the domestic actors that block compliance (ivi: 20-21; O'Dwyer 2013: 109).

1.5 Failures of the model: norm polarization, counter movements and norm immunization

The picture that has been painted until this point may lead the reader to believe networks are always successful in their push to influence state behaviour: every norm's life cycle reaches the internalization stage, every government is bound to be socialized into compliance. "World Society" theorists argue that the world will see a proliferation of a set of liberal ideals, and that all states will eventually converge on a homogeneous acceptance of such progressive norms. In their view, such norms are pushed by a network of like-minded states, epistemic communities and NGOs, that carry global norms into domestic contexts to advance this consensus (Boli & Thomas 1999).

First off, norm cascades do not always reach completion (Finnemore & Sikkink 1998: 895). In some cases, the moral, material and political leverages lack enough force for the boomerang model to take force, so that authorities can enact a backlash over international norms. Authorities derive their power not only from their reputation in the international community, but also from the maintenance of domestic security and national identity, along with its whole value system (Risse & Ropp 1999: 262; Jetschke 2010: 34; Jetschke & Liese 2013: 35-37). The perception of threat is particularly important in such discourses, as it is linked to national identity and on the set of cultural values that define the group (Katzenstein 2003: 736): authorities paint the international norms as a foreign danger over their lifestyle, their sovereignty and ultimately their identity, a threat that requires extreme measures of self-defense (Altman & Symons 2016: 72). In former colonial states, authorities frame this threats as "imperialistic pressures" and their backlash as "protection of national identity and sovereignty" in order to build a safe core of internal support that allows them to counter external pressures, which could otherwise turn the people against them. (ibid.). These positions may hide other

political motives and they may also not resonate with the public opinion, resulting in a loss of popularity nonetheless (ibid.)

Nuñez-Mietz & García Iommi (2017) have developed the concept of “norm immunization”, which is what happens when statements block the domestic emergence of a norm by preventively severing every possible national branch of the network. In other words, states “immunize themselves” against an international norm just as humans vaccinate themselves against pathogens before they even get infected. (2017: 196). When the norm cascade approaches the state, counter-movements begin to form within national borders, or show up from abroad, warning the authorities of the immediate danger that is spreading in their country. The “foreign norm” thus becomes a public issue, a moral threat, an intrusive epidemic that is about to impact the identity of the country. Authorities are encouraged to put in place emergency measures, that even though they severely impact the human rights of their own citizens, are deemed necessary to contain the contagion. These measures can be either legal or policy-based, and they can be directed at either the norm itself or the advocacy initiatives to support it (ivi: 199): in however form they may come, proponents of the norm in the country have it much more difficult because they need to knock down these barriers before they get a chance to pressure the state for implementing the international norm. (ibid.)

Immunization can be fallible and reversible, depending on the force of internal and external allies of the norms¹⁸. However, the conservative pushes tend to be more successful the more the norm is felt as “intrusive”: for example, if the norm has acquired a relevant publicity and salience, if it has already spread in neighbouring countries, if it finds contestation within the state, and most importantly if it clashes with cultural values. Moreover, when counter movements are able to influence state policy, for example by gaining the support of powerful allies, have much more potential to succeed in countering foreign pressures (ivi: 200-201).

¹⁸ Be it courts that cancel “immunizing laws” with their sentences, or external actors that exercise significant pressure on the state to retract their policies, or even a turnover in power. (2017: 199)

Contestation can take place at every stage of the norm-life cycle, and depending on the persistence of national authorities this contestation is imported in the international arena (Wiener 2014: 29-30). Bloomfield (2016: 324-326) calls the attention over the role of “antipreneurs”: just as norm entrepreneurs seek to build grievances into international norms, bypassing the barriers imposed by national authorities, antipreneurs enjoy strategic advances when defending domestic norms to protect the status quo and the backlash. The initial stages of states’ resistance can be recognized in the constant attempt to redefine, rearticulate, and clarify the international norm according to their own interpretation, or in the justifications adduced for its own violations of the international commitments (Altman & Symons 2015: 68-69). Justifications, in this sense, take place when an actor accepts responsibility for a determinate action for which it is accused, but denies it has done anything wrong or broken any rules (Cardenas 2007: 27-29; Jetschke & Liese 2013: 36-37). For example, they blame the imprecision of international norms, or they explicitly take a stand against some human rights norms, viewed as attacks on their cultural values and on their state sovereignty (Acharya 2004 : 248, 251).

Some norms and frames act as a bridge between competing factions in an unstable environment, but some others tend to become an ideological battle, in which countries are positioned between twin countervailing forces (Hadler & Symons 2018: 1725). Altman and Symons (2016) have thus developed a “norm polarization” model in which states resist the norm cascade and the external socializing pressures, and eventually reverse it by pushing a rival norm, that contends the international space. These two competing networks thus impact on each other’s tactics and framing, try to gain supporters for their cause, but eventually produce an international impasse: both fields have a considerable core of supporters, and can gather the votes from some “inbetweener” states, but eventually no one has the numbers to advance a significant blow to the other and both have to resort to non-binding statements and resolutions. (Dondoli 2019: 49).

Several authors (Bob 2012; Yamin et al. 2018) also contest the fact that the international discussion over norms is a battle between exclusively progressive CSOs and reluctant states. Quite the contrary, most global issues involve also reactionary countermovements, which although less popular, are as resourceful,

powerful, and ancient as progressive networks (Bob 2012: 2-3). Clashes are generally good for movements: the appearance of a rival boosts attention over an issue, galvanize mobilization, attracts allies, raises funds, and encourages strategic thinking (Bob 2012: 5). The presence of rivals forces actors to think in anticipation and act accordingly, changing one's strategy (ivi: 26). While progressive TANs seek to expand the interpretation of international law, conservatives attempt to undermine the reach of international institutions in order to limit any progressive gain, and construct a counter narrative that strategically uses human rights vocabulary (Yamin et al. 2018). Reactionary networks are not necessarily richer and state-backed: in reality both groups struggle not only over values, but also over scarce power and resources, where both sides aim to gain the favour of states (Bob 2012: 10) and tilt the rules of IGOs in their favour (Busby 2010: 61-63) to advance their claim as the only legitimate one and nullify the other (Bob 2012: 30).

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Chapter 2. Building the SOGIESC norm worldwide

2.1 The LGBTI movement from the WHK to Beijing

The breakout of a LGBTI rights discourse, along with its movement, is generally retrieved in the “Stonewall Riots” that took place in New York on the night of June 28th, 1969 (Wetzel 2001: 18). However, the early seeds of “homosexual rights” have traces that stretch over a century earlier, as does transnational organizing over them.

The birth of a movement was favored by two factors: first, the liberalizing and secularizing wave brought by the French Revolution and Enlightenment in many European countries, which progressively decriminalized homosexual behavior¹⁹; secondly, a shift in medical theory that no longer saw homosexuality as a behavior to be cured and criminalized, but rather as an innate identity (Foucault 1976: 43). The formation of a group identity and the early decriminalization set in motion a movement dedicated at contesting repressive laws (Adam 1987: 2; Adam et al. 1999: 350).

German homosexuals took a leading role: the mobilization against the infamous Paragraph 175 featured figures such as lawyer Karl Heinrich Ulrichs, journalist Karoly Maria Kertbeny²⁰, and sexologist Magnus Hirschfeld, which in 1897 founded the first homosexual organization, the *Wissenschaftlichhumanitäre Komitee* (Scientific Humanitarian Committee, WHK). The WHK was a research centre, but also engaged in petitioning institutions²¹ and awareness-raising

¹⁹ French abolished the sodomy crime in 1791, followed by Belgium, Bavaria, Hannover, the French cantons in Switzerland, Portugal, Spain, Italy, Romania, and Luxemburg. Germany kept the Prussian anti-sodomy law paragraph 175 after unification in 1871 (Hekma 2015: 16).

²⁰ Ulrichs has been called “the first homosexual in the world” (Sigusch 2000) for its role as a proud homosexual activist; Kertbeny is credited for coining the word homosexual in 1869.

²¹Hirschfeld submitted two petitions to change the law, which gathered thousands of signatures including that of Albert Einstein: in 1929 the Penal Reform Committee even allowed the petition,

(Steakley 1975: 30-34) and inspired similar initiatives in other European countries, tracing the foundation of the first transnational homosexual organization (World League for Sexual Reform, WLSR) which held congresses from 1928 to 1935 (Dose & Selwyn 2003: 1-3; Rupp 2014: 31). The vibrant German homosexual movement²² was entirely quashed by the advent of Nazism: Hirschfeld was forced into exile, the offices of the WHK were raided and most of its books were labeled “degenerate” and burned. The Nazis actively persecuted sexual and gender minorities as “antisocial elements” and “enemies of the state” (Giles 2010: 390), interning and killing thousands in concentration camps, in what in what historians have called the “Homocaust” (Consoli, 1984).

World War 2 fostered a “nationwide coming-out experience”²³ (D’Emilio 1983: 24): after 1945, “homophile movements” re-emerged out of bars and homosexual spaces (ivi: 31-32). Governments in both sides of the Iron Curtain saw homosexuals as “national security threats” (Jackson 2015: 33; Adam 1995: 61-62) and repressed them cruelly, forcing these groups into defensive and tactical prudence in their claims and activities. (Engel 2001: 34, D’Emilio 1983: 77)²⁴. The Dutch group *Cultuur- en Ontspannings Centrum* (Cultural and Recreational Center, COC) assumed the transnational leadership in this phase, convening European homophile movements to form the International Committee for Sexual Equality (ICSE) in 1951, an explicit WLSR heir. (Rupp 2014: 30). These groups saw the UN as a target venue and relied on the human rights discourse²⁵: despite being “explicitly ignored” (LaViolette & Whitworth 1994: 567) by the newborn UN

but the reform was never discussed in the *Reichstag* due to the stock market crash. (Steakley 1975: 34)

²² By the end of the first World War, Berlin had become the homosexual capital of the world, both for its nightlife and for a movement that now showcased the first lesbian voices, like Anna Ruling and Helene Stocker, and engaged in its first public protests (Hekma 2015: 22-24).

²³ D’Emilio highlights how the wartime forced exclusive male company on war fields, and exclusive female company at home, rendering same-sex signs of affection to be much more tolerated.

²⁴ The homophile movements were not at all homogeneous, due to the national contexts they operated in (Rupp 2014: 34). The English Homosexual Law Reform Society (HLRS) for example, was an organized single issue interest group, with a separate fundraising arm, that lobbied top levels of parliament (Engel 2001: 72-3)

²⁵ For example, the name of the Scandinavian movement *Forbundet af 1948* [League of 1948], was an homage to the 1948 UN Declarations of Human Rights.

system, they frequently petitioned UN and WHO to seek “human, social and legal equality to homosexual minorities throughout the world”. (Rupp 2011: 1016) meaning decriminalization and depathologization (ivi: 1030).

By the late 1960s, the homophile assimilatory tendencies saw their demise. On 28 June 1969, a police raid on the Stonewall gay bar in New York was met with fierce resistance by trans people, lesbians, gays, and drag queens, (Engel 2001: 40-41), and the ensuing riots signified a turning point in gay history (Armstrong & Cragge 2006: 724-5) that ignited revolutionary groups on both sides of the Atlantic²⁶ (Jackson 2015: 41; Weeks 2015: 211). These movements positioned alongside anti-war, student, feminist and black power groups of the “New Left” (Engel 2001: 41; Weeks 1990: 186) in radical overthrowing of institutions and other “sites of systemic oppression” (Weeks 2015: 47), rather than seeking rights through formal channels. Part of their action was entrenched in a linguistic revolution: they started embracing the word “gay” as an all-encompassing label and saw the “coming out” as an important political and public act (Engel 2001: 43; D’Emilio 1983: 224-5). Plagued by disorganization and identitarian rifts, these movements progressively disbanded or morphed into reformist and hierarchical organizations over the 1970s (Armstrong 2002: 80). Lesbians, for example, decried the marginalization in gay movements, and started lesbian feminist separatist projects (Kissack 1995: 115; Echols 1989: 212; Bonnet 2002: 268; Biagini 2018).

Revolutionary and identitarian tendencies set aside, the 1970s produced an assertive gay movement (Altman 1972: 52) that framed its claims against the state as human rights standards (Helfer & Miller 1996: 85). Thanks to the advances in communications technologies and the possibility to participate in state monitoring at international levels, national movements adopted an increasingly global scope (D’Amico 2015: 58; Mertus 2007: 1038). Moreover, the impact of the global HIV/AIDS epidemic forced the movement to build partnerships with institutional

²⁶ In the US and UK emerged the homonymous Gay Liberation Front (GLF). In continental Europe, the French *Front homosexuel d'action révolutionnaire* (Homosexual Front for Revolutionary Action, FHAR), the Italian *Fronte Unitario Omosessuale Rivoluzionario Italiano* (United Italian Homosexual Revolutionary Front, FUORI!) and the Belgian *Mouvement Homosexuel d'Action Révolutionnaire* (Homosexual Movement for Revolutionary Action, MHAR) all emerged around 1971 (Borghs 2016: 39; Prearo 2015; Girard 1981).

actors (Weeks 2015: 48; Linde 2018: 248), recompose identity rifts and link activists from the Global North and South of the world, leading to the progressive emergence of the latter (Broqua & Calandra 2015: 69).

This transnational tendency was formalized in 1978, when delegates from 17 countries²⁷ established the International Gay Association (IGA, now ILGA²⁸) as a network of political cooperation and exchange (Rupp 2014: 43; Paternotte & Seckinelgin 2015: 211). Early ILGA had a heterogeneous composition, and an unequivocally reformist agenda, as stated by activist Ian Dunn (1978:10): “We are a representative group attempting to win beneficial changes for the gay community within the social system, and are not attempting to ‘overthrow’ that system”. It explicitly focused on strategic litigation over international courts against repressive criminal laws, on petitioning the WHO for depathologization (Paternotte 2014: 125), achieving a consultative status in the UN ECOSOC or inserting SOGI issues within the mandate of major global “gatekeeper” NGOs Amnesty International and Human Rights Watch (HRW). (Linde 2018)²⁹. In its first 15 years of existence, the network actively profited of the post-Cold War visibility of human rights and CSOs in the world stage (Martens 2004: 1065-7) to develop global links and branches, increase in membership and funding, build a professional staff and a common strategy at the national and international level (Linde 2018: 254; Paternotte 2016).

ILGA was no longer a lone player: in 1990, Julie Dorf founded the International Gay and Lesbian Human Rights Committee (IGLHRC, now OutRight), which is a US based NGO that specializes in monitoring and reporting, as well as assistance with asylum claims based on SOGI, and in direct lobbying campaigns such as action alerts and mail bombings (Thoreson 2014; Linde 2018: 251; Sanders 1996: 104; LaViolette & Whitworth 1994: 570) In 2003 ARC

²⁷ Paternotte (2014: 125) lists participant organizations from the British Isles, the Netherlands, Scandinavia, France, Italy, Catalunya, Flanders, but also from Australia, New Zealand, Canada, and the US. He also points out the presence of former liberationist movements like FUORI! and late homophile groups like the COC.

²⁸ The ILGA acronym came to be only after the Lesbian L was added in 1986.

²⁹ While the latter was receptive since the start, advocacy within the former to insert homosexuals within the “prisoners of conscience” report turned out to be rather confrontational, and a result was finally achieved only in 1999 after years of naming and shaming tactics (see Linde 2018).

International emerged as an important actor that works to strengthen and connect actors in the network, train them to produce shadow reports in UN mechanisms and achieve ECOSOC accreditation, and build up legal advocacy (Linde 2018: 252; ARC International 2016).

The first UN mentions of sexual orientation were negative. In 1988, the Subcommission for the Protection of the Minorities debated an ECOSOC-mandated report on “the legal and social problems of gays and lesbians” which, despite inputs by ILGA³⁰, was criticized for its stereotypical and inaccurate views on homosexuality, (LaViolette & Whitworth 1994: 572; Sanders 1996: 88). In 1982, the first case concerning homosexuality was presented to the Human Rights Committee. In *Hertzberg vs Finland*, regarding censorship of “homosexuality” in state radio or tv broadcasts, the Committee ruled that censorships were a reasonably justified measure to protect morals and minors in the audience. (Human Rights Committee 1982: paras. 10.2, 10.4)

2.2 The SOGI norm in the United Nations

2.2.1 Early politicization: the UN Conferences

Although UN conferences produce only soft-law documents, they are important in defining values and goals of the international community and open spaces to civil society that are not available at national level (Baisley 2016: 145; Yamin et al. 2018: 537). LGBTI advocacy thus sought a formal mention of SOGI rights within the fight for “sexual and reproductive rights”³¹ at early-1990s UN Conferences. Lesbian voices within feminist movements had lobbied UN fora since the 1975, so much so that at the 1985 Nairobi Conference the Dutch delegate Annelien Kappeyne van de Coppello called for the first time in UN history for the protection

³⁰ Since ILGA could not express input directly, in absence of consultative status, it voiced them through the NGO Minority Rights Group, which held a consultative status (LaViolette & Whitworth 1994: 572)

³¹ The label of sexual rights denotes range of claims that can be summarized in the need for a free and complete self-determination of one’s own sexuality. This encompasses a discourse on a range of issues like: protection from sexual violence, access to abortion, contraceptives and therapies for sexually transmitted diseases; gender equality in family planning; decriminalization and equality in matters of sexual orientation, gender identity and gender expression. (Miller & Roseman 2011: 323-326)

of equal rights of lesbians (Swiebel 2009: 25; Vance et al. 2018: 226). The presence of accredited LGBT NGOs, as well as positive references from supportive governments, increased at the Vienna (1993) and Cairo (1994) Conferences,³² but their demands eventually got traded off to secure reproductive rights against systematic opposition (Girard 2007: 320-322).

At the 1995 Women Conference in Beijing, eleven LG organizations were accredited to the conference (Sanders 1996: 90) and IGLHRC and ILGA gathered thousands of signatures on their petition to “put sexuality on the agenda”, indicating that it was not only a Western issue (Girard 2007: 331). Supportive states managed to insert references to “sexual orientation” in four paragraphs of the Draft Platform, although “bracketed”³³: two were descriptive diversity paragraphs, one was about anti-discrimination in employment, and another was on preventing persecution (Sanders 1996: 89-90). The conservative front countered harshly, amounting homosexuality to pedophilia and contesting “gender ideology” throughout the document³⁴ (Girard 2007: 336). After heated talks, in which conservative states proposed to trade mentions on sexual orientation with those on the universality of human rights, the pro-LGBT front capitulated and erased all SOGI references from the final text (Baisley 2016: 146).

Activists and researchers highly debate over the experiences on “sexual rights” and UN Conferences. Some like Saiz (2005:19-20) believe that sexual rights is a successful frame because of its trans-issue collaboration, while others like Miller and Roseman (2011: 318) dismisses them for “lacking of conceptual clarity on SOGI issues” (ibid: 326) and being “limited to the soft-law realm” (ibid: 318). Some activists considered the participation in the Conference a victory in itself (Rothschild 2000: 35), as it helped them build visibility, partnerships, state support

³² In 1993, at the World Conference on Human Rights in Vienna, three LGBT organizations (ILGA, the Australian Council for Lesbian and Gay Rights, and EGALE from Canada) were accredited to participate, as well as six other individuals members of associations (Sanders 1996: 99) Overall, 5 governments made positive references (Australia, Austria, Canada, Germany, and the Netherlands) and Canada even tried to add sexual orientation into an anti-discrimination paragraph.

³³ It indicates that there was no consensus on the wording (Sanders 1996: 90)

³⁴ It was a surprise move considering that the concept of gender had encountered no resistance in earlier discussions and was considered an agreed-on concept. (Girard 2007: 336)

and useful UN experience (Saiz 2005: 19-20; Thoreson 2014: 34,37) Baisley (2016: 148) criticized the choice of lobbying UN Conferences, given that their highly contested nature and their consensus-based approach complicates the development of new norms, and the strategy of “coattail riding”, given that SOGI issues were the weakest link in the sexual rights paradigm, the easiest trade-off bargain to secure women’s rights (ibid).

2.2.2 LGBTI NGOs in the Economic and Social Council

The Economic and Social Council (ECOSOC) has been called the “UN’s civil society gatekeeper” (D’Amico 2015: 67) given its role among the UN Charter Bodies as intermediary with NGOs to promote human rights. Organizations can influence the ECOSOC process depending on their status: roster, special and general consultative status, with the latter being the most influential³⁵. Applications and statuses are reviewed by the “NGO Committee”, although their decisions must be approved at the ECOSOC plenary. (ECOSOC 1996)

ILGA finally gained roster ECOSOC status in 1993 after years of auditioning, but quickly lost it when US conservative groups publicized that among ILGA members featured some “pro-pedophilia” groups such as North American Boy Love Association (NAMBLA)³⁶. Despite the expulsion of these groups, ILGA quickly lost state support and was eventually suspended and expelled by the ECOSOC in 1994 under US motion. (Sanders 1996: 100-2). ILGA eventually regained status in 2011, alongside other LGBTI NGOs. The review process in the ECOSOC for LGBTI organizations resembles a tug of war: conservative states like Russia, Egypt and Pakistan indefinitely delay the process at the NGO Committee or reject their application outright (Thoreson 2014: 201-207), only for pro-LGBTI

³⁵ General consultative status NGOs are multi-issue major INGOs; Special Consultative status NGOs have particular competence in a few fields of the ECOSOC; Roster organizations can make an occasional and valuable contribution to ECOSOC. The three groups can attend ECOSOC meetings. Organizations with general and special consultative status have the right to submit written statements to the ECOSOC. Only NGOs with general consultative status can make oral presentations during meetings. see for reference ECOSOC 1996: artt.22-32.

³⁶ The attack inserted in a strategy of conflating pedophilia with homosexuality that had already took place during the 1995 Beijing Conference (Girard 2007: 336)

states to sidestep their decisions at the ECOSOC plenary (Dondoli 2019: 92; Linde 2018: 255). According to the ECOSOC website, out of 6494 accredited NGOs 18 are LGBTI-focused (17 with special consultative status and one with roster status)³⁷. The LGBTI group at ECOSOC includes global gatekeepers such as ILGA, IGLHRC and ARC International, regional actors such as ILGA-Europe and the Asia Pacific Transgender Network (APTN) or issue-specific such as InterPride and the Global Alliance for Trans Equality (GATE), and national associations with enough capacity thanks to the help of their governments.

2.2.3 Political Bodies: Human Rights Council and General Assembly

In April 2003, the Brazilian delegation took activists and fellow supporting states by surprise by proposing a resolution on sexual orientation and gender identity at the Commission of Human Rights, later Human Rights Council (HRC³⁸), expecting little opposition (Girard 2007: 342-3). The resolution expressed “deep concern at the violations suffered by individuals on the basis of their sexual orientation” (United Nations Human Rights Council [HRC] 2003) and called on states to pay due attention to their rights, recalling the application of the universality of human rights set forth in the UN founding documents. NGOs and states quickly rallied whatever support they could for a stronger resolution that would’ve included gender identity and a report by the High Commissioner of Human Rights (Dondoli 2019: 67). The opposition, guided by the Holy See and states of the Organization of

³⁷ International Wages Due Lesbians (1998); Coalition of Activist Lesbians (Australia) (1999); Lesbian and Gay Federation in Germany (2006) Danish National Association for Gays and Lesbians (2006) ILGA - Europe (2006); Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL, 2007) Coalition Gaie et Lesbienne du Québec (2007); COC (2008); Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales (2009); Associação Brasileira de Gays, Lésbicas e Transgeneros (2009); IGLHRC-OutRight (2010); ILGA World (2011); Australian Lesbian Medical Association (2013); Homosexuelle Initiative Wien (2013); Allied Rainbow Communities International (ARC, 2014); Global Action for Trans Equality (GATE, 2023) ; Asia-Pacific Transgender Network (APTN, 2023); Interpride (2023). All are available in the ECOSOC website <https://esango.un.org/civilsociety>

³⁸ The Commission of Human Rights changed its name after its restructuring in 2006, and is now known as Human Rights Council, I have thus decided to keep the acronym HRC.

Islamic Cooperation³⁹ (OIC), mobilized en masse, arguing that “there were no gays in their country” and that this was an issue that was to be left to domestic debates. Thanks to intensive lobbying, they first forced a postponement vote (Girard 2007: 344), and in the following session, they forced Brazil to retire the resolution, threatening to boycott an important trade summit and mobilizing domestic Catholic actors (ivi: 347).

This initial failure provoked internal divisions and accusations of Westernness or tactical ingenuity (ivi: 346-348). This disunited front risked a severe blowback: the resolution that adopts the report of the Special Rapporteur on Extrajudicial Executions (EJE Resolution), which included a mention on “sexual orientation” and was adopted without a vote since 1999, had to be voted every time from 2002 onwards. (ivi: 352). This first attempt served as a springboard for NGOs, which set to mainstream SOGI issues in all UN events and mechanisms and to look for a multi-regional coalition of states as the new champion of a HRC resolution, a choice made to avoid dependence on the lead of a single country and demonstrate that SOGI rights are not solely a Western issue (ivi: 350).

In the meantime, the network decided to release several written statements that, although lacking legitimacy, gathered increasing support for the issue. (Dondoli 2019: 69-71). New Zealand’s statement delivered at HRC in 2005 was backed by 32 countries, the 2006 Norwegian statement by 54, the 2008 Argentinian statement at the General Assembly by 66 states, and the 2011 HRC Colombian statement by a record 85 states. (Jordaan 2016: 305).

The statements all followed the same matrix: by recalling the principles of universality and non-discrimination present in international treaties, the work undertaken by UN and regional expert bodies, and on the previous statements, they expressed concern at evidence of violence and discrimination based on SOGI and urged States to protect and promote the human rights of LGBTI persons, and the

³⁹ The OIC is an organization that represents 56 states worldwide and aims to guarantee “the interests and development of Muslims in the world” <https://new.oic-oci.org/SitePages/CommonPage.aspx?Item=1>

UN bodies to increasingly integrate SOGI issues in their mandates (Girard 2007: 351; Dondoli 2019: 71)

The backlash was once again furious: after Argentina submitted its 2008 statement (for the first time at the General Assembly and not in the HRC) on behalf of 66 states, a Syria-led counter delegation of 54⁴⁰ members, issued a counterstatement that rejected the insertion of SOGI rights, worried for the forced introduction of “new rights” not present in binding conventions, and for the possibility that this would lead to the “legitimization of pedophilia” (Syrian Delegation 2008). The erasure of SOGI references in the 2010 EJE resolution was avoided only at the UNGA after fierce lobbying from the US and from ILGA. (Dondoli 2019: 97; Thoreson 2014: 185)

2010 was a crucial year for the LGBTI front. Under the leadership of Barack Obama, the United States turned into a major promoter of SOGI rights in their foreign policy, after years of ambiguity (Lau 2004: 1706-1708): this commitment was formalized not only in aid conditionality measures against African states, but also in the “gay rights are human rights” speech pronounced by Secretary of State Hillary Clinton in Geneva (US Mission Geneva 2011). Under US lead, 47 among states and NGOs formed the LGBTI Core Group at the UN⁴¹, which regularly raises awareness on the issue through side events and policy documents and negotiates support and common language for resolutions on SOGIESC. (Trithart 2021: 23). Third, the OIC front was dealing with internal divisions in the wave of Arab revolutions, and thus was mostly absent during the debates (Freedman 2013).

Despite the favourable conditions, finding a coalition of Southern States to lead a SOGI resolution proved difficult⁴². Around 2010 South Africa, an African leader with a sound history of LGBTI rights promotion, emerged as a perfect

⁴⁰ They initially were 57, but later Rwanda, Fiji and Sierra Leone revoked their vote and supported the 2011 HRC Colombian Declaration.

⁴¹ The LGBTI Core Group is composed by 33 states, the European Union, the UN OHCHR, as well as two NGOs (IGLHRC and HRW). See also the website of the Core Group on <https://unlgbticoregroup.org/history/>

⁴² Sponsoring a resolution requires lots of personnel, resources and will, to host side events and fend off opposition and pressure. (Jordaan 2016: 300-301)

sponsor, but its need to maintain friendly foreign policy relations with other African states, mostly on the opponent side, severely hampered its commitment (Jordaan 2016: 301). After much pressure, the South African-led 2011 HRC Resolution 17/19⁴³ was adopted with 23 votes in favor, 19 against and 12 abstentions. It signified a big gain, and not only for the symbolic value of being “the first resolution on SOGI” but also because it mandated a detailed report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and a panel on SOGI issues. (Jordaan 2016: 302; HRC 2011). The issue still gathered backlash: opposing states walked out of the room during the panel, accusing the supporters of “fueling discord among members” and “insulting Islamic values” (Gennarini 2012).

The South African ambiguity was evident in the follow-up process, where many states felt it was “taking the issue hostage” (Jordaan 2016: 303). After three years of delays and repeated calls for a regional dialogue (which never took place), South Africa stepped out, leaving the group in disarray, and losing the positive momentum, while the conservative front tabled several resolutions on the protection of the family or on “traditional values” which put the advancement of LGBTI rights at risk (Dondoli 2019: 102-107)

Finally, in 2014, four Latin American countries (Brazil, Chile, Uruguay, and Colombia, also known as LAC4) stepped forward and successfully won the adoption of Resolution 27/32, (25 in favor, 14 against, and 7 abstained, but with tight votes on key amendments⁴⁴). The resolution was eventually weaker than the previous one, as it only called for another once-off report from OHCHR. (HRC 2014)

The debate also engaged NGOs: while Northern activists pushed for structural measures like a dedicated Special Rapporteur to guarantee regular reports on SOGI (ILGA 2016), local activists like the Coalition of African Lesbians warned that a confrontational approach may have sparked backlash, and instead preferred

⁴³ The resolution was cosponsored by 46 states and presented by Brazil because South Africa was not a state member of the HRC in 2011.

⁴⁴Five out of the seven hostile amendments were rejected 21-16 (seven abstentions), while the other two were rejected 21-17 (six abstentions) (Jordaan 2016: 305)

an incremental, dialogic approach in line with South African arguments (CAL 2016). African activists accused NGOs engaging in UN fora to be Western-centric and male-centric, ignoring and marginalizing Southern perspectives at the UN level (Karsay 2014: 26-30).

In 2016, pressured by a petition endorsed by ILGA⁴⁵, seven Latin American states (also known as the LAC7⁴⁶) tabled a resolution at the HRC to establish a Special Rapporteur on SOGI rights violations. Opposing states (guided by Russia, China, plus OIC and African states) filed eleven contested amendments and tried to force a disabling vote, but eventually the Resolution passed with 23 votes in favor, 18 against and 6 abstained (ILGA & ARC 2016). The mandate of the Independent Expert on violence based on SOGI (IESOGI) was renewed twice, in 2019 and 2022.

In 2019 the HRC adopted without a vote the South African resolution to “End discrimination of women and girls in sports” which explicitly expresses concerns on discriminatory sport regulations that force intersex athletes to undergo harmful medical procedures to participate in professional competitions. (ILGA, 2019)

Engagement on political bodies has been bittersweet. Lobbying and drafting have increased INGO’s visibility and know-how, the SOGI norm has gathered a core of supportive states (as evidenced from in-favor votes, statement co-sponsors, and the establishment of the LGBT Core Group) as well as numerous mentions and concrete commitments (the establishment of a dedicated special rapporteur, and OHCHR reports), that point to a growing acceptance of the norm and, eventually, on enough support for a binding UNGA convention.

Some authors are more wary of such progress. While states take ownership of the progress of SOGI rights in political bodies (Mutua 2007: 588), their support and leadership are extremely volatile, leading them to trade off SOGI rights for more pressing issues (Jordaan 2016: 305). To gain binding resolutions, advocates must

⁴⁵ The petition was pushed forward by ILGA and was supported by 628 NGOs from 151 states, the 70% coming from outside of the West (ILGA 2016). Notably, the Coalition of African Lesbians opposed, voicing the need for a broader mandate on sexuality and gender that would’ve included other people oppressed for their sexuality, such as people with HIV and sex workers (CAL 2016)

⁴⁶ Brazil, Argentina, Costa Rica, Mexico, Uruguay, Chile, Colombia.

step into the General Assembly, but SOGI rights currently fuel a deep polarization (Hadler & Symons 2018: 1725) making progress a dead end (Baisley 2016: 160): with states entrenched over two sides, no one has enough numbers to advance a binding resolution, and both camps must resort to symbolic yet non-binding statements (Miller & Roseman 2011: 369; Butler 2000: 358). At least for now, the lower threshold offered by the Human Rights Council and dialogic processes like the Universal Periodic Review (UPR) provide more opportunity to build support, mainstream the issue and develop a body of soft law norms (Dondoli 2019: 77; Cowell & Milon 2012: 345-346).

2.2.4 The Universal Periodic Review

The 2006 reform of the HRC introduced the Universal Periodic Review (UPR), a periodical state-led dialogic process in which states mutually review their human rights commitments, considering the government's own report, NGO shadow reports and OHCHR factsheets. The UPR has been praised for its potential to advance human rights through a non-confrontational process, for its engagement of civil society⁴⁷, and for fostering dialogue at the domestic level (Cowell & Milon 2012: 341). The process also encourages voluntary participation, receptiveness, follow-up, and honest reporting (Koendjiharie 2018: 16). However, some critics argue that increasing global polarization and regional differences may turn UPR into a mutual praise exercise or a double standard on regional partners' pressures (Abebe 2009: 13). Despite high promises (Cowell & Milon 2012: 345-346), SOGI rights are a marginal issue in the UPR: they are regularly raised only by a handful of Western states (mostly in the WEOG, GRULAC and EEG groups) and mostly directed at African and Asian states, which almost always reject them outright. According to the UPRInfo database, over the first three cycles of the UPR states have submitted 2658 recommendations on SOGI (2.9% of all the recommendations), increasing in each session. The acceptance of SOGI recommendations is low (38%) but growing. Although the dichotomy of states

⁴⁷ NGOs can participate even though they do not have a consultative status: this helps them set up visibility and know-how at the international level, giving them instruments to strategically challenge laws at the domestic level (Koendjiharie 2018: 17)

reviewing/under review still follows a West vs rest binary, Asian states increasingly feature as reviewers.⁴⁸

2.2.5 Treaty Bodies

Although none of the UN binding treaties contains a SOGI reference, treaty bodies have been considered the earliest and leading advocates on the issue at the UN (Baisley 2016: 139). Treaty bodies' work is expressed through different instruments, such as General Comments (which advance the scope and guide interpretation of the treaty provisions), Concluding observations on State reports (which serve to periodically evaluate implementation by states that have ratified the treaty), and, for those states that have ratified the attached Optional Protocols, Individual Communications coming from citizens over violations committed by their States over rights protected by Treaties' provisions. Treaty bodies' outputs are not binding, but are still considered authoritative subsidiary sources of law, (Lau 2004: 1700; Tyagi 2011: 43-44) and their heterogeneous composition of experts is furthermore regarded as a sign of objectivity and neutrality (Tyagi 2011: 50, 55, 310).

2.2.5.1 *Individual communications*

So far, treaty bodies have decided on 30 cases regarding sexual orientation and gender identity, with many others still pending, and 21 times have found the state in violation of claimants' rights⁴⁹. The United Nations Human Rights Committee has dealt with more than half the communications, followed by the Committee against Torture (CAT), the Committee on the Elimination of Discrimination against women (CEDAW) and the Committee on the Rights of the Child (CRC). The other treaty bodies have not yet issued anything on the matter. The cases presented are only indicative of the range of issues covered by the Committee, but over time the CCPR and the other treaty bodies have also decided on other issues such as

⁴⁸ This data is available at the UPR Info database at <https://upr-info-database.uwazi.io/en/library/>

⁴⁹ This is as of late 2023.

criminalization of female same sex acts, non-refoulement, or due diligence to investigate on hate crimes.

The most groundbreaking and famous decision was *Toonen vs. Australia* (UN Human Rights Committee 1994), where the Committee found that Tasmanian provisions against consensual, private same-sex relations between adults infringed the right to privacy and freedom from discrimination under ICCPR articles 2 and 17. Not only the CCPR historically included sexual orientation under the ground of “sex”⁵⁰ (ivi: para 8.7), but in its confutation of Australia’s defense lines, the Committee also reiterated that non-enforcement does not equal decriminalization, as it does not guarantee it won’t be enforced in the future (para 8.1); that it prevented access to health and fostered the spread of HIV (para 8.3, 8.5); and that the justification of “protecting public morals” was not reasonable enough to infringe someone’s privacy (para 8.2).

In *Joslin vs. New Zealand* (UN Human Rights Committee 2002), the Committee ruled that marriage laws restricted to heterosexual couples did not violate article 23 of the ICCPR (right to marriage) as this explicitly refers to “women and men” (para 8.2). In a concurring opinion, two members of the Committee clarified however that in certain circumstances, (for example, concerning differences in benefits) the consequences of preclusion from marriage could constitute an infringement to article 26 (ivi: 15). These views were reflected in *Young vs. Australia* (UN Human Rights Committee 2003) and *X. vs Colombia* (UN Human Rights Committee 2005), where the CCPR found that same-sex couples were discriminated against on the ground of “other status” and unreasonably excluded from socio-economic benefits that were instead granted to unmarried heterosexual couples.

Deciding over several cases against Russia and Belarus in the 2010s, the Committee reversed its views on freedom of expression expressed in *Hertzberg v Finland* (UN Human Rights Committee 1982). In *Fedotova vs Russia* (UN Human

⁵⁰ Notably, Australia asked for guidance on the inclusion of sexual orientation within the “other status” ground, but received no fruitful response (para 8.7) and it has been debated by scholars that this insertion within the ground of “sex” is not faithful to the text of the decision (Sanders 1996: 95)

Rights Committee 2012) the State justified restrictions of the freedom of expression “to protect the morals, health, rights and legitimate interests of minors” from “homosexual propaganda⁵¹”(para.8), yet the Committee found this restriction unreasonable, exaggerated and discriminatory on the ground of sexual orientation (para. 10). This pattern was reiterated in subsequent rulings to defend freedom of assembly and of association.⁵²

In *G. vs Australia* (UN Human Rights Committee 2017), the Committee ruled that requiring the annulment of one’s marriage in order to claim for legal gender recognition is a violation of the right to privacy (which was found to include one’s gender identity) and discriminatory on the basis of gender identity and marital status (the same certificate was not denied to unmarried trans people).

2.2.5.2 General Comments

General Comments allow treaty bodies to clarify state obligations, but also to advance and update their meaning over time (Gerber, Kyriakakis & O’Byrne 2013: 97-102). They are recognized as “quasi-judicial” instruments, which carry an enormous political and moral weight (Otto 2002: 11).

Since the Committee on Economic, Social and Cultural Rights (CESCR) first did it in 2000, all ten human right treaty bodies have inserted SOGIESC issues in at least one of their General Comments and General Recommendations⁵³. CESCR, the Committee for the Elimination of Discrimination Against Women (CEDAW), and the Committee of the Rights of the Child (CRC) have elaborated on the issue frequently and extensively, going further than a simple mention (Gerber

⁵¹ The claimant, Fedotova, was arrested for standing outside of a school with signs that recited “I’m homosexual and I’m proud” and “homosexuality is normal” (2012, para. 2.3)

⁵² See for example Human Rights Committee cases: *Alekseev v. Russian Federation* Communication No. 1873/2009, (25 October 2013), [CCPR/C/109/D/1873/2009](#); *Praded v. Belarus* Communication No. 2092/2011 (10 October 2014), [CCPR/C/112/D/2029/2011](#) and *Androsenko v. Belarus* Communication No. 2092/2011 (30 March 2016) [CCPR/C/116/D/2092/2011](#).

⁵³ They are the same thing: some treaty bodies call them in one way, some in another.

& Gory 2014: 421-422)⁵⁴. Activists and scholars have appreciated both the breadth and specificity of the issues highlighted by treaty bodies, which for example called on the elimination of conversion therapies (CRC 2016: para. 34), criminalization of same sex-relationships, and the evidences of violence and discrimination over a wide range of contexts. Treaty bodies have also used General Comments to explicitly include SOGIESC matters into their mandates. CESCR General Comment no.20 (2009, para.32) explicitly includes SOGI within the treaty grounds of discrimination. Others have relied on intersectionality to recognize that LGBTI children, women, and disabled people may be suffer compounding vulnerabilities hindering their access to human rights protection. (CEDAW 2010: para.18; CRC 2016: paras. 33-34; Committee of Rights of People with Disability [CRPD] 2016: para. 5).

2.2.5.3 Concluding observations

Concluding Observations are issued by treaty bodies during their periodic state reviews and may come in the form of advisory recommendations to guide implementation, as praises for best practices, or to raise awareness on particular issues emerged out of public debates. (Eide & Letschert 2007; O’Flaherty 2006).

SOGIESC inclusive mentions and specific recommendations have grown tremendously over the last two decades. O’Flaherty & Fisher (2008) found out that between 2000 and 2006 they were mentioned in only 15% of the countries under CCPR review (13 over 84). In Gerber and Gory’s analysis, conducted between 2003 and 2013, the same percentage had risen to 33.8% (Gerber & Gory, 2014: 5). According to ILGA, which collects and reports data on treaty bodies since 2014, in the 2014-2019 period nine treaty bodies had made 675 in 385 Concluding Observations (Kirichenko 2020: 9), with the issues appearing in nearly every review more than one time. Decriminalization and anti-discrimination measures are still the most frequently cited topics of recommendations, but experts have addressed many more other issues, including legal gender recognition, awareness-

⁵⁴ Ironically, the HRCtee General Comments have been treating the issue rather marginally, only mentioning the issue in the last three instances, despite extensive lobbying by advocates over the years.

raising initiatives, sexual education curricula, and intersex genital mutilation (Gerber & Gory 2014: 408). Scholars (ivi: 413) have also noted how a development of concrete, country-specific, and measurable recommendations, in line with OHCHR guidelines (ibid.) has contributed to the length and detail of recommendations as well as on the increase of follow-ups (Kirichenko 2020: 9-10).

Over the years, many have criticized Treaty bodies' approaches to SOGIESC. Concluding observations and General Comments have been accused of lacking specificity (Gerber & Gory 2014: 435) and courage (Saiz 2005: 18). Regarding the impact of CCPR "case law", for Baisley (2016: 141-143), the "responsive" and "contextual" character⁵⁵ of the decisions highlight how little control the Committee has on framing the issue and thus of bringing real change. This is evidenced by how the authoritativeness of their decisions and recommendations is frequently undermined by states, which either disregard them (ivi: 143) or vehemently reject them, accusing experts of "overreaching" or "creating new norms" (Miller & Roseman 2011: 352, 356). Others have accused the CCPR decisions of adopting a dangerously hesitant approach focused on the unreasonableness of violations, that leaves the door open for "reasonable" morality issues to justify criminalization and discrimination (Cowell & Milon 2012: 343; Winer 2008: 115), with the risk of undermining the universality of human rights norms (Zanghellini 2008: 146). Moreover, Abrusci (2011: 39-31) also called out the incoherence of the judgments on sensitive issues like family rights. Nevertheless, scholars and advocacy groups hold in great reverence the work of treaty bodies on the matter, because despite its gaps has consistently addressed a wide (and increasing) range of violations of human rights inflicted against sexual and gender minorities, effectively mainstreaming the issue, and placing it within binding treaties (Saiz 2005: 8). For advocates, this meant bypassing the tortuous process of "creating" norms within political venues by finding footholds in already binding treaties: a helpful discursive tool in both domestic reform and international debates (Thoreson 2014: 193-194).

⁵⁵ Here, she means that the Committee only decides on cases that are brought to them and only in relation to the facts at hand, and only after an issue has been brought over to them.

2.2.6 Special Procedures

Special procedures⁵⁶ have had also been mainstreaming SOGI issues and LGBTI rights violations under the wide scope of their mandates (Baisley 2016: 141). After Special Rapporteurs Radhika Coomaraswamy (Violence Against Women) and Asma Jahangir (Extrajudicial Executions) started to bring it up in their reports in the late 1990s (Altman & Symons 2015: 76; Baisley 2016: 141), many others have followed their example, highlighting topics such as the death penalty, hate crimes, torture in medical institutions and prisons, the vulnerability of LGBTI human rights defenders, and the discrimination suffered by sexual and gender minorities in their access to health, housing, education and so on.

Even though activists engage hugely with Special Procedures (Thoreson 2014: 40, 45, 188-190), their opinions are authoritative but not binding (McGoldrick 2016: 15), and their work on SOGIESC is highly scrutinized by opposing states, which have frequently accused them of overstepping their mandate, and intruding on matters that fall entirely under state sovereignty and out of the scope of international norms (Miller & Roseman 2011: 363-5).

The 2016 HRC resolution 32/2 established the mandate of the Independent expert on protection against violence and discrimination based on SOGI (IE-SOGI), renewed in 2019 and 2022. There have been three mandate holders until now, although only Costarican jurist Victor Madrigal-Borloz has been in office long enough to leave a mark⁵⁷. The work of the Independent Expert has been focused on mainstreaming and dialogue: he frequently collaborates with UN entities and other mandate holders and has addressed a wide breadth of topics in its annual thematic reports at the HRC and at UNGA; he holds regular consultations with LGBTI civil

⁵⁶ Special procedures (which include Special Rapporteurs, Independent experts, and Working groups) are independent human rights experts or groups that, under the mandate of the Human Rights Council, and with the support of the High Commissioner of Human Rights, report and advise on human rights. They may be thematic (meaning they deal with specific topics like freedom of expression or housing) or country-specific. They can undertake country visits, report on individual cases of particular concern, respond to specific requests for advice, and contribute to the development of human rights standards through their periodic reports presented at HRC and UNGA sessions.

⁵⁷ The first one, Thai professor Vitit Muntarbhorn, resigned after one year for personal reasons; the third one, South African scholar Graeme Reid, has been appointed only recently in late 2023.

society groups; he has undertaken four country visits to date and engaged with state parties regularly, even with the ones that do not support his mandate, calling out their discriminatory practices but also praising positive developments (Trithart 2021: 4).

2.2.7 Secretary General

Starting with Ban Ki Moon⁵⁸, United Nations Secretary Generals have been regarded as impactful SOGIESC advocates for their sapient use of their platforms and their focus on gross violations and on the universality of human rights norms. (Baisley 2016: 157-160; Karsay 2014: 9-10). The Korean diplomat first addressed SOGI rights in a series of speeches in 2010, reminding states that their commitment to binding human rights norms applied to LGBTI people too, in virtue of the universality of their scope and their primacy over cultural values (United Nations Secretary General [UNSG] 2010). In subsequent speeches, he reiterated its commitment to remedy the “painful neglect” of SOGI issues in human rights practice (UNSG 2011; 2012; 2013) and recalled them in every possible occasion, even in front of opposing states (UN News Centre 2010) who have in fact criticized him, albeit more subtly⁵⁹. As proof of his commitment, in 2014 he granted UN staff in same-sex couples the same benefits of their heterosexual peers. (Trithart 2021: 16).

His successor, Antonio Guterres, has been described as more “lukewarm” and absent in its approach on SOGIESC rights. However, he has recently emphasized the importance of respecting LGBTI rights in the responses to the COVID-19 pandemic and developed a strategy to mainstream SOGIESC rights in UN’s work and UN staff issues. (ivi: 17).

2.2.8 High Commissioner of Human Rights

The same degree of praise has been dedicated to the High Commissioner of Human Rights (Trithart 2021: 3, Winer 2015: 105). Although earlier Commissioners Mary

⁵⁸ South Korean diplomat, he has served as Secretary General from 2007 until 2016.

⁵⁹ When the United States proposed an UN Security Council statement to thank him for his work on SOGIESC issues, Russia blocked it. (Nichols 2016).

Robinson and Louise Arbour had already publicly supported SOGI rights⁶⁰, encouraging activists and urging states, UN bodies and major INGOs to take a stand (Arbour 2006), it is during Navi Pillay's mandate (2008-2014) that the issue rose to prominence. She also stressed in her speeches the insertion of SOGI rights within the universality of human rights, condemning gross violations of bodily integrity and the instrumental use of cultural traditions (United Nations High Commissioner for Human Rights [UNHCHR] 2008; 2010) . Her mandate took a decisive turn in 2011, when she drafted the HRC-mandated report on "Discriminatory laws and practices and acts of violence against individuals based on their SOGI", repeated in 2015 (UNHCHR 2011; OHCHR 2015). Said reports draw on UN, regional, state and NGO sources to highlight in detail an extensive catalog of discriminatory practices, recommending highly specific actions to State parties and highlighting best practices undertaken by authorities. Building on that report, she created in 2013 a public awareness campaign called "Free & Equal", designed to develop education materials to combat violence and discrimination. It has produced so far three extensive factsheets (on 2012, 2015 and 2019) that delve deeper on the reports, restate the applicable human rights provisions and recommends concrete actions⁶¹. Despite usual criticism from opponents (Altman & Symons 2015: 77) the campaign has been lauded for its specificity (Winer 2015: 107) and for the explanation of LGBTI terminology (Baisley 2016: 154).

Her successors⁶² have brought her work forward, using key speeches, campaigns on the Free & Equal website, and their supervision of the work of Special Rapporteurs, to further mainstream the matter in UN venues, bringing to the fore marginal topics like intersex rights (UNHCHR 2015; OHCHR 2019) and LGBTI vulnerabilities during the COVID-19 pandemic. (OHCHR 2020)

⁶⁰ Mary Robinson was one of the original drafters of the Yogyakarta Principles (although she was not a mandate holder anymore then); Louise Arbour had addressed the issue during the Montreal Conference. (Arbour 2006)

⁶¹ The materials of the campaign are accessible from their website: <https://www.unfe.org/>

⁶² Zeid Ra'ad al Hussein (2014-2018), Michelle Bachelet (2018-2022) and Volker Turk (2022-ongoing)

2.2.9 United Nations Agencies

Many UN agencies started dealing with SOGI issues in response to HIV/AIDS but have since then moved on from the “health paradigm” to expand their scope⁶³. After it removed homosexuality from its classification of diseases in 1990, the World Health Organization (WHO) heavily campaigned against sodomy laws, exposing their role in healthcare discrimination against LGBTI people⁶⁴ (Trithart 2021: 4). The United Nations Development Programme (UNDP) is the leading financer and interagency coordinator of SOGI projects⁶⁵, and it has undertaken data collection and awareness raising initiatives as well. UNESCO and the ILO have on their side produced factsheets and research projects on topics like, “homophobic violence in education settings” (UNESCO 2016), and “discrimination in the workplace” (ILO 2016) that have received praise from activists. (Sanders 1996: 96; Miller & Roseman 2011: 339).

Despite UNDP’s efforts, and the pressure from NGOs, LGBTI issues still have a weak normative basis and are disappointingly absent⁶⁶ from the Sustainable Development Goals (SDGs) (Dondoli 2019: 100). Still, an unprecedented 12-agency statement committed to advance SOGI rights in practice, explaining how SOGI-based violence and discrimination impair the achievement of SDGs (OHCHR 2015b) and agencies have produced guidelines on SOGI rights advancement in the context of SDGs (Park & Mendos 2018).

Although LGBTI issues are still considered a “blind spot” in the humanitarian sector, (Trithart 2021: 8; Margalit 2018), the UN High Commissioner on Refugees (UNHCR) is a notable exception, as it has unequivocally inserted

⁶³The leading role on HIV/AIDS advocacy was undertaken by UNAIDS after 1998.

⁶⁴ It has although been criticized for being slow in addressing issues like “conversion therapies” and Intersex Genital Mutilation (IGM) (Trithart 2021: 16)

⁶⁵The programs started in 2010 with “Being LGBT in Asia” and later expanded with other projects in Africa, Caribbean, and Eastern Europe, receiving political and financial support from NGOs, governments and NHRIs. (Trithart 2021: 17). See also UNDP, “Being LGBTI in Asia and the Pacific,” available at <https://www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/being-lgbt-in-asia>

⁶⁶ Dondoli (2019: 100) also points out, however, that the LGBT NGOs lobbying efforts were low-stakes, searching for a modest entry point in the debate rather than an explicit mention.

sexual orientation and gender identity within “grounds of persecution” in its guidelines (UNHCR 2012), as well as developing practice on needs assessment of LGBTI asylum seekers.

Overall, UN agencies have been reliable partners for the LGBTI cause, providing financial and educational resources to NGOs at all levels, actively involving them in their work (Dondoli 2019: 100; Karsay 2014: 19) and routinely condemning violence and discrimination based on SOGIESC, even though their authoritative status is questionable (Miller & Roseman 2011: 340). However, they face many difficulties. LGBTI initiatives lack personnel, funding and long-term strategies, and rely on the dedication of officials (Trithart 2021: 13) and external contributions, notwithstanding the constant opposition from state authorities.

2.3 The European human rights system

Europe has been recognized as “the most advanced region for LGBT rights” (Ayoub & Paternotte 2014: 13). All European states have abolished sodomy laws, and many have put in place measures to combat discrimination and violence, or even recognized same-sex marriages. Secondly, European institutions of the Council of Europe and the European Union have been the first to formally highlight the violations of human rights suffered by LGBTI people and have subsequently recognized legal protections against any discrimination and violence based on SOGIESC, even enshrining them in binding treaties (ibid). Third, LGBTI activism was, since the early 1900s, predominantly European, both in its composition and in its targets. In Europe, activists first organized transnationally, linking the idea of Europe to a safe space for LGBT rights (Ayoub 2013: 284).

2.3.1 Council of Europe

The Council of Europe (CoE) was founded in 1949, to facilitate a closer unity between like-minded countries of Europe. It currently has 46 members⁶⁷, out of which 27 are members of the EU. In 1950, it established its human rights system

⁶⁷ (Russia’s membership was suspended after the invasion of Ukraine in 2022)

by adopting the Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights (ECHR).⁶⁸. The European Court of Human Rights (ECtHR) interprets and monitors the enforcement of the ECHR. The Court can issue final, binding judgments based on individual communications from individuals or groups, or it can issue non-binding advisory opinions on general subjects that can be used as a guide for implementation. The persuasive authority of its judgments, which have been cited even by non-European national and regional courts, have gained it the reputation of “the “world court of human rights.”” (Attanasio 1995-1996: 16).

In adjudicating the cases, the ECtHR weighs three interpretative criteria. The “margin of appreciation” principle awards national authorities a high degree of autonomy in assessing the legitimacy and necessity of their interferences in individuals’ rights (although only on specific issues). The ‘consensus analysis’ principle draws an often-sketched overview of the status of member states’ legislation on a specific matter (Johnson 2013: 77-81). The ‘living instrument principle’ aims to render the ECHR provisions “flexible enough” to be practical and effective even when dealing with present-day” situations. (Ammaturo 2019: 579).

The ECtHR is considered as sort of an “activist court” for the breadth of LGBT issues covered and for its specific focus on HR. (Van der Vleuten 2014: 119). The Court is perceived as accessible and transparent, and its judges have a distinct professionalism on human rights (ibid 125), which is probably the reason why SOGI rights activists have aimed at it since early years (Rupp 2011; 2014). Already in the 1950s, German homosexual citizens petitioned the Court against the infamous “paragraph 175”, but their claims were blocked and dismissed by the European Commission of Human Rights⁶⁹ and the German restrictions as justified by the “protection of health and morals” (Girard 1986: 7).

⁶⁸ Ratifying the ECHR was a condition to accepting members into the CoE, thus, all members of the CoE have ratified the ECHR.

⁶⁹ Not to be confused with the EU Commission or the CoE Commissioner on Human Rights, the Commission was a special body of the COE that “filtered” the admissibility of cases brought before the Court. It has been abolished by the 1998 ECHR Protocol 11, which mandated an enlarged Court to decide directly on admissibility.

Lodging a successful application to the ECtHR is not easy: the large majority of cases presented do not manage to overcome the so-called “admissibility hurdle”⁷⁰ (Blaga 2021). In this regard, NGOs have acquired a significant role in helping individuals bring forward their claims, and by using “strategic litigation” (Johnson 2016: 179) they have privileged (or even created) certain complaints as part of an advocacy campaign⁷¹.

The *Dudgeon v UK* decision of the ECtHR remains a “watershed event” (Sanders 1996: 78) in international human rights law for lesbian and gay people. The UK had decriminalized same sex activity in 1967, but the old law had remained in place in Northern Ireland. Dudgeon, an activist, successfully challenged the law: in Strasbourg, the UK was not able to reasonably show how criminalization was justified for “protecting public health and morals”, given it had already been repealed in England and Wales, it was not enforced in Northern Ireland, and the divided Ulster’s public opinion on the issue. The decision, although debated⁷² stated that criminalization of homosexuality interfered with individuals’ privacy under art. 8 (ECtHR 1981: paras. 165-168), in a similar fashion with what the CCPR would have come to decide on *Toonen v Australia* over a decade later. This decision was repeated in *Norris v Ireland* (ECtHR 1988) and *Modinos v. Cyprus* (ECtHR 1993), where the ECtHR agreed that the sole existence of this legislation, although unenforced, constantly affects LGBTI persons’ private life, in a negative way” (ECtHR 1988: para.197; ECtHR 1993: para.24). These three seminal cases sent an important symbolic message: that litigation on gay rights was winnable. (Bell 2002: 90; Mos 2014: 637).

Over time, the Court has come to rule not only over infringements of the right to privacy, but also on discriminatory practices. Contrary to the CCPR, the

⁷⁰ Applications must be submitted shortly after having exhausted all domestic remedies and be compatible with ECHR provisions. Ammaturo points out how in 2016 alone, 82% of applications (38,502 applications) were inadmissible under Article 35 ECHR. (2019: 579).

⁷¹ NeJaime (2003: 516) has criticized the strategic litigation instrument as it sometimes aims to advance a cause at the detriment of the specific interests of the complainant.

⁷² There were six dissenting judges, with some emphasizing that major faiths and states considered homosexuality as a penal offense and as an unnatural practice (ECtHR 1981 para. 171)

ECtHR has never found it necessary to discuss whether sexual orientation is included within the ground of “sex” or on “other status” (Abrusci 2011: 12), but has reaffirmed judgment after judgment how discrimination based on sexual orientation is never acceptable under ECHR’s article 14 (Graupner 2005: 117), and that it is as serious as discrimination based on other grounds such as sex or race (*Vejdeland et al. v Sweden* , European Court of Human Rights [ECtHR] 2012: para 55). Judgments have relied heavily on the “living instrument” principle, requiring a high threshold of reasonableness for any justification⁷³, thereby narrowing states’ margin of appreciation (*X et al. v Austria*, ECtHR 2013: para 99; *L & V v Austria*, ECtHR 2003: para 37).

The Court has been far more ambiguous over issues like family rights and legal gender recognition. While recognizing how an extension of family and marriage rights to same-sex couples would be perfectly in line with ECHR provisions, given the evolution of social attitudes and the legal developments of many countries, the Court has left the interpretation of article 12 to states, recognizing an absence of a regional consensus on the issue (*Schalk & Kopf v Austria*, ECtHR 2010: paras. 57-60). In a similar fashion to CCPR rulings, it has however called out states for their discriminatory practices in regards to the denial of civil unions (*Oliari et al. v Italy*, ECtHR 2015) and adoptions (*EB v France*, ECtHR 2008; *X v Austria*, ECtHR 2013) to same-sex couples, especially when the same rights were granted to unmarried heterosexual couples or single individuals, or whenever it found the regional consensus turning against the states’ perception⁷⁴ (McGoldrick 2016: 29; Abrusci 2011: 15).

The Court has also ruled on the issue of legal gender recognition. Noting that self-determination of gender identity is a crucial part of one’s enjoyment of their private life (*AP, Garçon & Nicot v France*, ECtHR 2017: para 123) and that

⁷³ In a series of rulings in 2013, the Court awarded primacy of protecting against SOGI discrimination over the respect for religious beliefs (especially in case of refusing services). (Abrusci 2011: 15; McGoldrick 2016: 29)

⁷⁴ The Court still maintained however some margin of appreciation to states in some cases, such as when the treatment of same-sex couples was considered discriminatory in confront to married couples see for example *Gas and Dubois v. France*, ECtHR 2012b)

the denial of legal gender recognition leads to social and legal difficulties (*Goodwin v UK*, ECtHR 2002), the ECtHR ruled that any administrative barrier or forced medical requirement in the process of changing gender markers in one's documents invaded their rights to privacy and physical integrity (*X and Y v Romania*, ECtHR 2021). The Court has also addressed how, notwithstanding the increased acceptance of legal gender recognition procedures in Europe, issues that infringe on individual's bodily integrity transcend evaluations of regional consensus. Some have though noted that the Court still finds other invasive requirements, such as psychological evaluations and the annulment of marriage, to be perfectly in line with ECHR (GATE 2023: 35).

The other Council of Europe bodies - mainly the Parliamentary Assembly, The Committee of Ministers, and the Commissioner of Human Rights - have also made a substantial contribution to the development of SOGIESC rights in law, policy, and practice within the space. (Holzhacker 2014: 46).

The Parliamentary Assembly of the Council of Europe (PACE) has been the first and most vocal of these bodies to address the issue⁷⁵. The Assembly adopted its first, historic resolutions over the rights of gays and lesbians in 1981. Following the recommendations issued by a report of the Committee on Social and Health Questions (known as Voogd report), they: called on the World Health Organization to remove homosexuality from its classification of diseases; urged member states to decriminalize homosexual acts and apply equal ages of consent for homosexual and heterosexual acts; asked for equal treatment for gays and lesbians in employment. (Parliamentary Assembly of the Council of Europe [PACE] 1981).

The Assembly and the Committee of Ministers have times and times over reiterated their firm opposition to any discrimination and hate against members of the LGBTI community, basing their concerns on states' obligations under the ECHR (Holzhacker 2014: 44-45). The Committee of Ministers has notoriously adopted a landmark set of recommendations in 2010, urging states to adopt measures on topics including hate crime legislation, freedom of assembly, access to employment,

⁷⁵ It has 324 representations from the 47 Member States of CoE and works to monitor, investigate, and promote human rights among its members.

education, healthcare, and housing, discrimination in sports, and the right to asylum. The Committee reminded states that, although LGBTI people were not mentioned in the text of the ECHR, the “grounds of discrimination list is open-ended” and there’s nothing that prevents their inclusion in practice, as demonstrated by the case-law of the Court (Committee of Ministers, 2010: 1).

Resolutions issued by CoE bodies have addressed specific problems faced by each community under the LGBTI acronym. It has for example emphasized the increased vulnerability of lesbian, bisexual and transgender women to gender-based violence (PACE 2010: para. 5); it has called on states to address transphobic hate crimes, and to stop forcing surgical interventions on transgender people as requisites for their legal gender recognition (PACE 2015⁷⁶) it has expressed concern on the genital mutilations performed on intersex children without their (or their parents) fully informed consent (PACE 2017: para. 7.1).

A significant importance is given to research activities⁷⁷. The most notorious piece of research is the 2011 report titled “Discrimination on grounds of sexual orientation and gender identity in Europe”. Published by then Commissioner of Human Rights Thomas Hammarberg⁷⁸, it is the largest study ever made on homobitranphobia: it assesses the current state of CoE laws and practice, as well as the detailed situation of SOGI rights in CoE countries, and it has been hailed as an amazingly useful instrument for activists and organizations (McGoldrick 2016: 24). CoE bodies’ study reports have touched on issues like access to same-sex civil unions, intersex rights, bullying, or transphobic discrimination⁷⁹. Moreover, SOGIESC issues have been mainstreamed in the monitoring mandate of the European Commission against Racism and Intolerance. (ECRI 2014).

⁷⁶ first resolution to ever recognize transgender identity

⁷⁷ The importance of data collection can also be gathered from specific recommendations of the PACE to member states. See for example PACE 2010: para 16.13

⁷⁸ The CoE appoints a commissioner for human rights who functions independently within his human rights mandate and periodically reports on the activities of the office to the Committee of Ministers. Thomas Hammerberg has been hailed as the frontrunner for LGBTI rights, given its regular speeches at civil society events (Holzacker 2014: 44)

⁷⁹ Human Rights and Gender Identity. Strasbourg: Council of Europe, 2008. <https://rm.coe.int/16806da753>

Another important way in which SOGIESC rights have been mainstreamed is through constant dialogue with states. It is useful to remember that many member states of the Council of Europe still apply overtly discriminatory laws on SOGI matters (Abrusci 2011: 17), despite the accession to the organization mandates the respect to ECHR provisions and its case-law⁸⁰ (Winer 2015: 120). The institutions of the Council of Europe have in many occasions voiced their concern on the practice of some countries or on specific episodes. Notable examples include the frequent recommendations to Serbia or Turkey for their limitations on pride parades, or the numerous concerns raised over Russia's anti-homosexual propaganda" law. Since 2014, states are also assisted in their implementation of anti-discrimination provisions by the so-called "SOGI Unit" working under the mandate of the Committee of Ministers⁸¹

Finally, the CoE has explicitly referenced SOGI in two of his binding treaties. The 2007 Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse explicitly refers to non-discrimination on grounds of sexual orientation, and the 2011 Convention on Preventing and Combating Violence against Women and Domestic Violence was the first to ever prohibit discrimination based on both sexual orientation and gender identity.

Overall, the Council of Europe has been recognized as a global leader of the advancement of the rights of LGBTI people, both in Europe and worldwide (Holzhacker 2014: 44). It has been the first organization to positively address the rights of lesbians and gay people, thirteen years before the UN CCPR published its landmark decision on *Toonen v Australia* and thirty years before the first resolution from a United Nations political body. It's also notable how, in their research, statements, recommendations and judicial decisions institutions, the institutions have covered a considerable range of issues with incredible detail, both in regard to country-specific issues or to thematic, Europe-wide topics. It has enshrined SOGI

⁸⁰ However, there has been continuing controversy when Romania and Lithuania were granted accession without having previously reformed their anti-homosexual criminal laws in the 1990s (Sanders 1996: 82)

⁸¹"Homepage." Sexual Orientation and Gender Identity. Accessed September 16, 2022. <https://www.coe.int/en/web/sogi>

rights in its binding documents and ECtHR decisions have been referenced even by extra-European national and regional courts.

Critiques of queer scholars do agree that the work of CoE bodies (and of the ECtHR in particular) have greatly contributed to the visibility and protection of human rights of LGBTI people in Europe, but they also point out that even though institutions have increasingly recognized an array of rights for LGBTI persons, thus admitting them fully as part of their citizenry, this came at the price of “taming their diversity” (Ammaturo 2015: 1154), constructing instead a version of the European LGBTI citizen that is “essentialized, privatized, victimized, and respectable” (Duggan 2003: 50). This means a vision that privileges an innate, fixed, identity-based view of sexuality and gender, which focuses on obtaining individual and negative rights, and that aims at societal integration rather than radical transgression⁸². This interpretation supposedly has different aims. First, it points at depoliticizing a group of oppressed people, atomizing them into a series of individuals victims of discrimination and making them dependent for institutional protection in the form of anti-discrimination policies, which treat the symptoms without being able to address its structural causes (Bell and Binnie 2000: 3). Secondly, it counters this prototype of the “LGBTI citizen”, perfectly integrated in their society, with the “subjugate queer inhabitants” of other (Eastern) European or non-European countries, (Ammaturo 2015: 1152) thereby painting a fracture between tolerant, civilized, European states, and the other “backward countries” (ibid). By advancing this so-called “Pink agenda”, the Council of Europe bodies thus try to paint itself as the enforcer of SOGIESC rights and definitions worldwide (ibid; , for example by depicting asylum seekers as “trophies of the west”, saved by

⁸² The notion of a private and victimised homosexual was crucial in *Dudgeon v UK*, which focused on individuals who suffered great distress from the intrusion on their private life (Ammaturo 2019: 582-583); the identity-based paradigm could be taken from the choice of words in PACE res. 1728, whose paragraph 1 states that "sexual orientation is a profound part of the identity of. . . every human being," and that "[g]ender identity refers to each person's deeply felt internal and individual experience of gender. (PACE 2010, para.1), and on the words used by the Commissioner of Human Rights in his report (he uses gay rather than homosexual, and persons rather than people" (Ammaturo 2019: 14-15); Regarding respectability, Ammaturo refers to the notions of same sex unions, on the “passing” of transgender people in *Goodwin v UK* (ECtHR 2017: para. 11,16)

oppressive states⁸³ (ivi: 1156), or by painting the more “experienced” Western partners as necessary for the organization of pride parades in oppressive Eastern Europe (Davydova 2012: 33).

2.3.2 European Union

The European Community (and later the EU) was primarily focused on questions of economic integration. But that began to change in the early 1990s, as the EU continued toward closer political integration, and questions of employment, social policy, and rights issues rose on the agenda. In March 1984 the Parliament adopted, after a heated discussion, the report “On Sexual Discrimination in the Workplace” (also known as Squarcialupi report) which deplored anti-homosexual discrimination in the workplace and called on the Commission to combat this infringement of free movement (Ayoub & Paternotte 2020: 3). IGA activists were aware of the limited legal impact of the report, which was in fact largely ignored by the Commission, but nevertheless acknowledged its symbolic value (Ayoub & Paternotte 2014b: 236). Another key Parliament Report on “The gay and lesbian rights in the European Community” (also known as the Roth Report) was produced, with considerable input from ILGA and COC, in 1993 (Ayoub & Paternotte 2020: 3-4), calling upon the Commission to recommend for abolition of all criminalizing and discriminatory provisions, including age of consent laws and unequal treatments on social security, parenting, and marriage (Lau 2004: 1702). According to Sanders, the Parliament reiterated in its views the particular importance of equal treatment of same-sex couples in the context of residency and free movement, one of the tenets of the European Community (1996: 84). The Commission initially swept the issue under the rug, (Bell 2002: 91-92) fearing that the Council would never accept it.

In the 1990s, however, increasingly powerful NGOs like ILGA and Stonewall started to knock on EU doors, presenting LGBTI equality as a relevant issue in the developing European community, especially under the increasingly

⁸³ At the same time, however, it has been pointed out how asylum seekers have to “prove” their gayness” in the assessment process, and are asked if they could escape persecution by being “discreet” in their native countries

important focus on social issues (Swiebel 2009: 22). In 1992 the Commission approved its Charter on Sexual discrimination in the workplace, which constitutes the first EU-wide formal recognition of homosexuality⁸⁴. LGBT organizations also held important meetings with the then commissioner for social affairs Vaso Papandreou, (Ayoub & Paternotte 2014: 13), and in exchange they received granting for important research projects, including the first study on lesbian and gay rights in the European Union (Waaldijk & Clapham 1993).

As the LGBTI issues gained traction over EU bodies, it was although obvious how no real change would come without ensuring a legal basis for SOGI issues first. The planned reform of the EU treaties offered a one-of-a-kind opportunity (Swiebel 2009: 22). Recalling the Roth Report, in 1996 the EP called for a renewed extension of the grounds of discrimination included in the treaties that would explicitly mention sexual orientation (European Parliament 1996: para 4.5). The same year, the issue was brought up at the intergovernmental conference on Treaty Reform where after heated debates, and opposition of some member states (Beger, 2004: 37–38), it was finally adopted, mostly thanks to the heavy lobbying of the LGBT network (Beger 2004: 23-24). The inclusion of “sexual orientation” under the non-discrimination grounds of article 6a of the Treaty of Amsterdam (TFEU) was not only a “symbolic first” (European Union Agency for Fundamental Rights [FRA], 2009: 3). By enshrining the protection of homosexuals in a binding treaty, it also mandated states and EU bodies to actively protect and promote SOGI rights in their work, both in their internal and foreign policy. (Holzhacker 2014: 47). Guarantees in EU law were reinforced in 2009, when the Lisbon Treaty reforms incorporated the Charter of Fundamental Rights of the European Union into the EU binding framework: the Charter’s article 21 explicitly mentions sexual orientation as a ground for protection of the discrimination⁸⁵.

After Amsterdam, the cooperation between NGOs and institutions intensified, with the view of adopting an anti-discrimination package. This was

⁸⁴ However, many groups were not satisfied as they thought this failed to consider the widely variable levels of discrimination in the different member states (LaViolette & Whitworth 1994: 573).

⁸⁵ In 2010, following this, the primary responsibility for LGBTI issues shifted from the Social Affairs to the Justice Commissioner.

eventually prepared by Commissioner for Social Affairs and Employment Padraig Flynn, and included a framework directive on discrimination in employment, alongside a 5-year CSO project funding program (Paternotte 2016: 396). The European Council Directive 2000/78/EC, hailed as the “crown jewel” of the LGBTI work in the EU (Swiebel 2009: 23), requires all member states to prohibit ‘sexual orientation’ discrimination in public and private sector employment and vocational training (Wintemute 2005: 190). In 2008, the Commission submitted a draft directive to extend prohibition of SOGI discrimination to education, social security, health, goods and services, which to this day still hasn’t reached a Council agreement, with some member states that keep blocking ratification for “cultural incompatibilities” (as in the case of Poland and Lithuania) or economic reasons (Germany) (Thiel 2015: 76)⁸⁶

With some legal basis put in place, the Court of Justice of the EU (CJEU) has had the ability to touch upon the issue several times, especially in relation to discrimination based on SOGI in the areas of employment and pension benefits (McGoldrick 2016: 32). Its “activist” role on SOGI rights has been frequently compared to that of the other European Court, the ECtHR: and while it’s true that these Courts are intertwined in a “mutual dynamic” where they frequently cross-reference (Holzhacker 2014: 50) each other, the CJEU relies on a much more limited legal basis⁸⁷ (Van der Vleuten 2014: 132). Some like Wintemute have criticized the subordinate role of the CJEU in this dynamic, stating that “has done nothing for LGBT individuals ... unless the ECtHR had already provided some protection” (ivi: 139). Others have instead emphasized how the CJEU’s engagement with the issue goes a long way, and how the ECtHR rulings help to expand EU guarantees in non-EU European states (Holzhacker 2014: 50). The CJEU indeed has some limitations, given that it cannot “create law” from scratch on issues like

⁸⁶The European Parliament has repeatedly requested a “roadmap” for LGBT rights ranging from antidiscrimination to marriage rights (European Parliament 2014), but given that its scope goes beyond the horizontal framework directive, it has not found the support of the Commission or the Council.

⁸⁷ Van der Vleuten (2014: 125) also explains how the CJEU emits preliminary rulings concerning EU law only when asked to do so by a domestic court. Accordingly, when some EU rule is applicable to a LGBTI case, individuals and groups are entitled to submit a claim via their own national court, which will ask the Court to provide a clarification. Subsequently the domestic court decides on the case.

the right to marry (European Court of Justice [ECJ] 2001: paras. 42-44) and instead bases its judgments on a “consensus analysis” much like ECtHR, (ECJ 2003: para 67). However, it has stretched its judgments to include not only discrimination of LGBTI people in the workplace but also unequal pension benefits afforded to same-sex couples (ECJ 2008; ECJ 2011), discrimination arising from gender reassignment (ECJ 1996) and the “discreet principle” used in asylum assessment procedures (ECJ 2013).

The European Union bodies have reinforced the respect for SOGIESC rights as part of the EU values in their foreign policy actions. First off, candidate countries for accession to the EU have been mandated to show significant progress on their recognition of SOGIESC rights, as a prerequisite to a successful advancement of their accession procedures (Lau 2004: 1702). This has been largely thanks to the European Parliament Intergroup on Lesbian and Gay rights, which since 2001 has amassed a critical number of votes in the Parliament to exert a significant pressure on candidate states to reform their laws. (Holzhacker 2014: 48-49; Swiebel 2009: 24; Sloomaeckers et al. 2016: p. 52). For aspiring countries, the integration of SOGI anti-discrimination measures may be a small price to pay compared to the economic benefits of joining the EU market: however, once states have acceded, they at times retreat on these provisions⁸⁸, as in the recent cases of Hungary and Poland. (Thiel 2015: 78)

The EU foreign policy strategy to streamline SOGI rights can be mainly taken from the actions of the Council of the European Union. In 2010, it published the “Toolkit to Promote and Protect the Enjoyment of all Human Rights by (LGBT) People” (Council of the European Union, 2010) addressed at the EU bodies, states, and NGOs. The document is based on the notion that the EU is based on “the value of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities”,

⁸⁸ Thiel points out the example of Croatia, which mere months after its accession in 2013 passed a law that banned same-sex marriages (Thiel 2015: 78)

and that these foundations commit the Union to promote and uphold these values, including the promotion of human rights, in their external action (ivi: p.2)⁸⁹.

The EU institutions have time and time again committed to promote and protect the enjoyment of all human rights of LGBTI people, and have asked on states to mainstream this strategy in all of their foreign policy instruments, including aid conditionality, public statements, and human rights monitoring (Council of the European Union, 2013), and to raise the issue not only on bilateral relations but also in their presence within other international organizations such as the UN and the CoE (ivi: 13–14).

And if it's true that the European Parliament had raised the issue of abuses of gay rights in third countries since 1983, (Stavridis & Jancic 2017: 103-104) the recent condemnation of Russian laws have shown (at least in the eyes of some) how members of Parliament feel the EU as the guarantor of LGBT rights worldwide (Ammaturo 2015: 1159-60).

In terms of research, the EU has mostly mandated the European Union Agency for Fundamental Rights (also known as Fundamental Rights Agency or FRA) to “provide assistance and expertise to relevant institutions, bodies, offices and agencies of the Community and its Member States, when implementing Community law relating to fundamental rights” (FRA 2008: 5). The agency has published several reports on the legal and social problems related to homophobia across Europe (FRA 2008; 2009), and even more importantly, it has undertaken two historic EU-wide LGBT surveys (in 2011 and 2019). (McGoldrick 2016: 32) on discrimination and violence based on SOGIESC in the EU.

In conclusion, LGBT human rights at the EU have moved from being a simple demand of “equality of treatment” related to freedom of movement and workplace discrimination (Beger 2004: 23) but have been mainstreamed through various institutions and topical areas, and have become a part, albeit a still highly controversial one, of the normal policymaking process (Swiebel 2009: 25).

⁸⁹ The toolkit further enables its addressees to respond to any violation of LGBTI rights worldwide, and to its structural causes, and encourages them to offer any kind of support to local LGBTI CSOs

Critics have however spoken of “equality hierarchy” or “policy asymmetry” when speaking of the EU approach to SOGIESC rights. Swiebel, for example points out how “older” discrimination grounds (like sex, race, or religion) have been covered by EU equality provisions, more extensively than the newly introduced grounds, which are only covered in workplace discrimination (2009: 23). Scharpf (2002: 17) and Van Vleuten (2014: 130) emphasized also how LGBTI rights are only included in those policies that advance market efficiency, (namely, equal access to the labour market): every social policy that goes beyond that, and especially those that do not apport significant market benefits, are ignored and constrained. Markus Thiel adds another component to this interplay between economic assessments and LGBTI rights claims: the resistance of member states, and their control of EU institutions (2015: 76-77). For him, the success of LGBTI demands in the EU arena depends on the legislative power of the EU institutions, vis à vis states’ pushbacks. For example, the European Parliament and the Commission have been the most receptive and proactive supporters of LGBTI rights in the EU⁹⁰, but their impact on states’ implementation is weak; on the other hand, the Council has been less open to CSOs’ influence, and the difference between States’ views on the matter have stalled any meaningful advancement of LGBTI rights, as shown by the 15-year blockage of the expanded anti-discrimination directive. (Thiel 2015: 83)

2.3.3 European LGBTI activists and the idea of Europe

European institutions have become the guarantors of SOGI rights, but these norms do not flow freely. They require actors – and the channels that connect them – to mobilize and to validate the norms that need to be implemented by states and

⁹⁰ The EU Commission is the guardian of EU treaties, and since the Lisbon treaty in 2009, consideration of rights in legislation is more and more stable. However, the Commission while being vocal has little impact on states’ compliance. It does however include and consult with advocacy groups regularly, and funds their work (Thiel 2015: 83) The EP is the most receptive and proactive, also given the presence of the LGBTI intergroup, but alas it has little impact on states and only assists in making amendments or raising issues

international institutions (Ayoub 2013: 300). Ayoub and Paternotte (2014: 7-8) have described Europe as a birthplace of homosexual thinking and of homosexual activism, from Hirschfeld to the Amsterdam treaty, passing through homophile groups, gay liberationists, and LGBTI NGOs. Not only this, but thanks to short geographic distances and efficient transport networks, European LGBTI activists have been the firsts to consistently work across borders, displaying the first seeds of transnational advocacy in the early twentieth century (Hirschfeld's WLSR) and continuing throughout the years, first with ICSE and eventually with IGA/ILGA in 1978 (Ayoub & Paternotte 2020: 6).

The current European network of LGBT activists is now composed of a myriad of interlinked domestic movements, transnational LGBTI organizations, and sympathetic policy elites. These networks are brought together thanks to new political opportunities provided by the EU's multi-level framework. They all share resources and information, in order to act out a concerted strategy and framing for promoting the visibility of LGBT people (Ayoub 2013: 285). The main actors in the EU political space at the moment are ILGA-Europe (born in 1996) and the Parliament Intergroup for Gay and Lesbian Rights, founded in 1997 and currently the largest thematic intergroup in the Strasbourg hemicycle, with 157 members coming from 5 political groups and all 27 countries. The Intergroup has been essential in framing the problems of same-sex couples as integral barrier to the free movement of people (Swiebel 2009: 24-25) and in pushing for LGBTI rights to be part of EU treaties and accession requisites (Thiel 2015: 78; Ayoub 2016: 59-60). It has also economically supported the participation of institutional figures at pride events (Ayoub 2016: 75).

Other powerful NGOs are more group specific. Transgender Europe (TGEU) for example, founded in Wien in 2005, is now a federation of over 200 member associations in over 50 countries in Europe and Central Asia, is a European Commission partner, and is devoted to monitoring and organized advocacy on

trans-specific themes⁹¹. Organization Intersex International Europe (OII Europe), founded in 2012 in Stockholm, reunites European intersex rights organizations (currently 25 members). Its activities include awareness-raising and, training of professionals, national and international institutions. The International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization (IGLYO) was established in 1984 and currently reunites 95 member organization in 45 countries to advance policies specific to LGBTQI students and youth.

By most accounts, the relationship between the EU and LGBT activists is harmonious, where activists see Brussels as an ally in a struggle against sometimes-hostile domestic governments. LGBTI activists use formal avenues of insider lobbying to address EU institutions rather than protest it (Marks & McAdam 1996), and they are funded by the European Commission to keep feeding in information and lobbying over LGBTI issues through EU institutional channels (Ayoub 2013: 286).

ILGA-Europe is the epitome of this relationship between LGBTI activism and the EU institutions. Right from its foundation in 1978, ILGA had a European scope and targeted the EU: it lobbied EP members, tried to secure a core number of friendly parliamentarians, and then switched its focus on the European Commission in order to obtain critical anti-discrimination laws (Paternotte 2015: 394). Since it recognized the EU bodies as allies in the fight against repressive states, it aimed to secure formal recognition and meaningful engagement within their channels: it thus moderated its strategies, employing non-confrontational tactics of lobbying and framing LGBTI issues as human rights issues⁹² (ivi: 392-3). During the 1990s, ILGA gained increasing visibility in the EU space, and its contacts with allied institutions opened new opportunities for securing important commitments in the upcoming EU treaties (Paternotte 2016). ILGA however had also enlarged its scope

⁹¹ TGEU's most famous reports pertain to its Trans Murder Monitoring Project. Published each year on Transgender Day of Remembrance (20th November), they catalogue every transgender person killed in the world that year.

⁹² This did not happen without some internal opposition: some members denounced this hierarchical character of the organization and the shift from confrontational tactics to moderate lobbying, concerned that this would quash internal debates in favour of a unitary voice (Lopez 1987: 27).

to the global level, working at the UN and in other regions. A regionalization process was thus necessary, not only to erase any critique of Eurocentrism in its work, but also to allow an European-focused ILGA section to seize effectively the opportunities offered by the EU institutions (Paternotte 2015: 394-5). This is how ILGA-Europe came to be in 1996. The subsequent legal developments endowed ILGA-Europe with the status of official partner of the Commission: this means not only an easier access to institutions, but also access to large and recurrent funding, which allowed it to professionalize its staff and increase its influence in policy activities (Lahusen 2004: 57).

ILGA-Europe now gathers 422 organizations from 49 countries, employs 15 staff members, and thanks to its various funding sources⁹³, has a budget that outpaces that of other regional ILGA branches, and even of the ILGA global division itself. (Paternotte 2016: 390). It is now recognized as one of the most successful and best connected NGOs in Brussels (ibid), and as the most instrumental actor for LGBTI rights in Europe, not only for its lobbying in institutional venues (Ayoub & Paternotte 2014: 13), but also for its capacity building activities directed at empowering local members. (ivi: 10). Its strategic framings have played a crucial part in mainstreaming SOGIESC issues into EU social policy (ivi: 14; Bejer 2004: 23).

Ayoub and Paternotte (2014, 2014b, 2020) have also emphasized the relationship between LGBT activists and Europe under a different light. Since Hirschfeld, activists have seen Europe not only as a common geographical space of influence, but also as a set of values and normative commitments, which could be used to hold member states accountable for their violations of LGBTI rights (Ayoub & Paternotte 2014: 7); in other words, could a state really consider itself European if it violated the basic rights of its citizens? This reasoning pre-dates any motivation to address European institutions as allies (ivi: 9).

⁹³ is funded by the European Commission, the Dutch Government, the US Department of State, Open Society Foundations, the Sigrid Rausing Trust, Arcus Foundation, and Freedom House, as well as by two national LGBT organizations (the Dutch COC and the Swedish RFSL)

Moreover, when applied to an eastward enlargement of Europe (either ideal or formal), activists have tried to recreate this idea of Europe as a guarantor of LGBTI rights through their work on the ground, even outside the borders of EU membership. ILGA's work has thus expanded Europe eastwards, by "creating an imagined community that links LGBT rights with European values" (Ayoub & Paternotte 2014b: 231). While institutions and other NGOs mainly referenced to LGBTI rights in the Soviet bloc by expressing concern⁹⁴, ILGA had established eastward-looking ties with other movements way before 1989, building on the Communist characters of some of its member organizations: universal human rights and European values were depicted as "tools to penetrate the Iron Curtain" (ivi: 238), and advanced through funding and capacity building. By granting these Eastern movements access to EU Commission funding, and by sharing their discursive framing with them, ILGA engaged in "Europeanization"⁹⁵, giving them the tools to successfully advocate their cause with their governments (Ayoub 2013). The recognition of LGBTI rights in these countries, both legally and socially, was linked by activists with a successful European integration (Ashman 1989: 11). Being in Europe meant, for states, social responsibilities and an attention to SOGI issues: this kind of framing was constructed to present the issue as "less foreign" and more appealing to governments in line for accession to the EU markets. (Ayoub & Paternotte 2014b: 242; Ayoub 2013: 280). For example, when speaking of the mobilization for SOGI rights in Poland, Ayoub (2013: 290) highlights how Western and Eastern movements' collaboration was key to its success. This was not only meant to show that the issue was not "foreign" as it actively involved many Polish figures, but also to emphasize the strength of activist links in Europe, favoured by the uniquely European free movement of people, and by common grievances of

⁹⁴ One of the first European Parliament Resolutions condemned the Soviet Union for its treatment of sexual minorities; IGLHRC's first targets were to denounce the situation of LGBTI rights in the Soviet Union.

⁹⁵ Scholars broadly define Europeanization as 'processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, and shared beliefs and norms, which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic discourse, political structures, and public policies' (Krizsan & Popa 2010: 382)

being LGBTI people. (ivi: 299) Structurally, Western movements brought funding, visibility, and protection (ivi: 296).

This hegemony of an NGO-led, rights-based European LGBTI discourse risks however to overshadow some claims and modes of organizing, to create new hierarchies among activists, and to paradoxically reinforce a distinction between the “modern West” and the “homophobic East” by targeting both states and peoples as “non-European”. First off, the major LGBTI movements in the European space have undergone what scholars have called “NGOization” (Lang 2013: 62; Seippel 2001:123): they have moved from being loosely organized, voluntary, horizontally-structured movements to hierarchical and professionalized NGOs, with extended contacts with institutional actors. This last form no longer employs activists who base their confrontational tactics on personal values, but rather experienced, knowledgeable and highly skilled staff, which feeds technical and policy-oriented views directly into the institutions, thanks to their in-house lobbying (Ruzza 2004: 12)⁹⁶. European activists may be forced to NGOize due to the political structure of the EU: if the objective is obtaining easier access to influence the institutions in Brussels, lobbying is much less expensive and much more effective than demonstration campaigns (Paternotte 2016: 391).

In the name of efficiency, larger NGOs have thus privileged local organizations who adopt this kind of structure, creating an implicit hierarchy between those who are deemed “ready” to work transnationally, and those who are not. This also means that some organizations are able to access funding from larger NGOs, and are thus able to monopolize the discourse domestically (Ayoub & Paternotte 2014: 14; 2014b: 248). Secondly, larger organizations have been accused of embracing “normalization as the ticket for success” (Thiel 2015: 79; Stein 2012: 189). They have dropped any reference to sexual rights in favour of LGBTI anti-discrimination framings (Ayoub & Paternotte 2014:14); they have adapted to an heteronormative “formal equality” of rights, instead of pushing for “substantive

⁹⁶Activists are required to have a set of competences and skills that include legal knowledge, technical and scientific expertise, public relations skills, a detailed understanding of the policy process and the development of personal contacts with members of the civil service, elected representatives and the press’ (Ruzza, 2004, p. 12).

equality” and a radical subversion of societally constructed binaries (Thiel 2015:79). Thiel further points out that this normalization is related to institutionalization. Queer political tactics involve a radical critique of the capitalist society, which is not viewed with favour by powerful actors such as media, businesses, and EU institutions (ivi: 86): in order to be viewed as reliable partners and receive attention and funding they have to link any claim of social equality with market benefits (mostly an increased participation in the workforce). This makes LGBTI activism dependent on EU money to survive (ivi: 87). Thirdly, the European LGBTI project has been accused of being predominantly white and homo-centric. Lesbian voices were long absent, intersex and trans issues have only recently found their own channels, bisexual activism remains weak (Ayoub and Paternotte 2014b: 247) and the experiences of LGBTI people coming from ethnic and religious minorities have rarely featured in the mainstream discourse (Ayoub & Paternotte 2020). These internal hierarchies and schisms put in great risk a concerted push for LGBTI rights (Thiel 2015: 81-82). Fourth, this idea of Europe linked to LGBTI rights has been at times used to depict “sexual others” both within and without EU borders. Internally, migrant communities, and muslim communities especially, have been portrayed as more homophobic and less deserving of a place in Europe; Externally, LGBTI rights are used to define “common enemies” at the borders, such as Russia and Turkey (Ayoub & Paternotte 2014: 16).

2.4 The African Union

The African continent is one of the places where the SOGIESC norm still hasn't gained prominence. As of 2023, over a half of all African states prohibit by law any same-sex activity⁹⁷. In three of them (Uganda, Nigeria, and Mauritania), it is a crime punishable by death, while six others apply life in prison as a maximum penalty. Only a handful of states have adopted anti-discrimination provisions in their legal frameworks, and even less countries have in place laws that prohibit LGBTIphobic hate crimes and hate speech. South Africa stands out as the only country that grants

⁹⁷ It is important to recall that nearly none of the provisions criminalize “being gay” per se, but the rather punish homosexual conduct, although one could point out that criminalizing homosexual relations impedes LGBTI people to live their life freely, effectively erasing a part of their identity.

full marriage equality, legal gender recognition and constitutional protection against discrimination to its LGBTI citizens, although many have questioned the implementation of these measures (Brown 2012)⁹⁸. Even in countries that have adopted accepting stances on SOGIESC issues, social prejudices remain prevalent in many countries. LGBT people face exclusion in their access to education, healthcare (including HIV-related care), work, and services, and are also denied recognition of their voices in the political sphere. This climate has many adverse effects on both the socio-economic security and on the physical wellbeing of individuals and forces them to hide as a protection against abuse. (Izugbara et al. 2020: 101).

The African human rights system is considered the youngest among the regional bodies. It was established in 1981 when members of the Organization of African Unity (AU⁹⁹) adopted the African Charter on Human and Peoples' Rights (AfCHPR): compared to the regional systems, it is however also the one who has addressed the SOGI issue the least. Although scholars (McGoldrick 2016: 37) and activists (GATE 2023: 25) have stressed how SOGI rights could be inferred from the wording of the AfCHPR, especially from articles 2 (non-discrimination), 3 (equality of everyone before the law) and 4 (right to life and bodily integrity), pointing at how they refer to "every individual" and employ non-exhaustive list of grounds of discrimination, the reality is that the Charter contains no explicit protection for sexual orientation and gender identity (McGoldrick 2016: 37).

2.4.1 The African Commission on Human and Peoples' Rights

The Charter establishes the African Commission on Human and Peoples' Rights (ACHPR), whose jurisdiction is acknowledged by all member states, and who has over time been the main SOGI advocate in the area, albeit ambiguously. The ACHPR consists of eleven members, chosen among African personalities of the highest reputation in the field of human rights, elected by the African Union (AU)

⁹⁸ South Africa formally guarantees the right to legal gender recognition, but puts in place unduly restrictive prerequisites (Chiam et al. 2020: 53)

⁹⁹ Since 2001, the Organization of African Unity (OAU) has changed its name into African Union (AU). I'll use the AU acronym from now on to avoid confusion.

Assembly and nominated by AU member states. Its mandate is to promote and protect the human rights enshrined in the Charter¹⁰⁰, either through its evaluation of individual complaints, its review of state reports (which includes consideration of NGOs' shadow reports, provided they obtained observer status), as well as by supporting the activities of Special Rapporteurs and fact-finding missions¹⁰¹. The Commission also regularly interprets the Charter, either in periodic General Recommendations or after an explicit request from states, other organs, individuals, or groups. These recommendations are not legally binding but have been used to expand the breadth of the rights enumerated in the Charter: this for example has been the case regarding the right to food, the right to shelter, and the inclusion of people with disabilities within protected populations. (GATE 2023: 26).

Despite long years of pressure from NGOs, the African Commission has paid little attention to SOGI issues. McGoldrick (2016: 38) has pointed out how this has much to do with how civic space is overly restrictive for African LGBTI activists, and how individuals have been discouraged from bringing forth individual complaints for fear of receiving backlash or establishing negative precedents. The admissibility criteria for individual communications mandate for their authors to state their explicit name (or the name of their organization): this puts activists at great personal risks, especially in countries where same-sex conduct is criminalized and any trace of SOGI discourse is severely censored¹⁰².

For example, in 1995 a petition asked the ACHPR to open an inquiry into Zimbabwe's laws and policies on same-sex activities, but the largest LGBTI organization in the country quickly called for its withdrawal, in fear of severe reprisals by the government (Sanders 1996: 97). Zimbabwe's president Robert Mugabe did in fact initiate a cruel anti-homosexual campaign later that year, in which he said that "homosexuals don't have any rights at all" and that "homosexuality isn't part of African culture" (Associated Press 1995).

¹⁰⁰ Art 45 African Charter of Human and People's Rights

¹⁰¹ Art 46 African Charter of Human and People's Rights

¹⁰² According to the latest info from ILGA World's Database, 25 African Countries out of 54 have some legal barriers over freedom of expression of LGBTI people. <https://database.ilga.org/legal-barriers-freedom-of-expression>

In 2005, under the concerted input of major actors like IGLHRC and CAL, NGOs started looking for a strategy to insert SOGI issues in the African machinery. (Ndashe 2011: 17). They started introducing, with the help of friendly groups with observer status, shadow reports about LGBTI people in countries like Cameroon, Uganda, and Zimbabwe. (ivi: 18-19). The Commission did question the states on issues like criminalization, hate crimes, and access to HIV-care, but eventually agreed with the states' position on the criminalization of homosexuality as in line with states' protection of public morals. (Cowell & Milon 2012: 345).

The LGBTI African network built an active presence in the ACHPR NGO Forum: it grew in numbers (in one session of the NGO Forum, LGBTI organization made up a third of the participants) and expertise, thanks to UNDP funding and help from ILGA, IGLHRC and ICJ. (Ndashe 2011: 19-20). It also proposed a wide array of resolutions to the Commission, asking for it to acknowledge, condemn and monitor acts of violence and discrimination. It explicitly focused on criminalization, violence, and all the policies that impeded the work of Human Rights defenders and that denied access to HIV-care based on SOGI. (ivi: 22-25).

At the same time, the observer status of CAL became a rally point for activists. Despite pressure from activists and friendly groups, the Commission deferred its decision for 2 years, but eventually friendly Commissioners introduced the issue at the 2009 session, stating there was “no impediment in the application” and CAL “met the necessary criteria” for obtaining observer status. The following discussion got heated: state delegates accused proponents of trying to introduce rights that were not included in the Charter and were contrary to African values (Ndashe 2011: 27). These same concerns were repeated in justifications for the denial of the observer status to the CAL (Vilakazi & Ndashe 2010) and keep being repeated every time LGBTI NGOs try to advance their application at the ACHPR (Human Rights Watch 2022).

Friendly commissioners, however, developed over time some seeds of accepting practice¹⁰³, that culminated in 2014 with the adoption of the Resolution

¹⁰³ For instance, in 2011 the Commission adopted a definition of the concept ‘vulnerable and disadvantaged groups’ in the Principles and Guidelines on the Implementation of Economic, Social

275 on “Protection Against Violence and Other Human Rights Violations Against Persons on the Basis of their Real or Imputed¹⁰⁴ Sexual Orientation or Gender Identity”. The resolution is quite short in comparison with other regional instruments (Winer 2015: 123), as it is composed by only 4 articles and seven preamble paragraphs. Recalling the Charter articles on non-discrimination, right to bodily integrity and freedom from torture, it condemns acts of violence and abuse committed by state and non-state actors on LGBTI individuals. It also urges states to ensure investigation, prosecution, and punishment, and to refrain from engaging in any abuse, as mandated by the African Charter.

In the years after the resolution, it looked like the SOGI tide had turned in Africa. An increasing number of states adopted positive reforms, repealing criminal laws and adopting anti-discrimination measures, and national courts upheld the rights of LGBTI persons and activists, mostly referencing the Resolution (Izugbara et al. 2020: 105-106). The Commission assumed the role of “Champion of SOGI” rights in the region. It stressed its importance at various meetings¹⁰⁵ (African Commission of Human and People’s Rights [ACHPR], 2016) and mainstreamed the issue by using all of its instruments: while frequently emphasizing the vulnerability to torture and abuse experienced by LGBTI individuals and human rights defenders (Izugbara et al. 2020: 106), it called on states to end the criminalization of same-sex conduct, and effectively ensure all the guarantees to protect them from violence and discrimination in all fields. During this climate, the Commission even granted CAL the observer status in 2015 (ACHPR 2016: 41).

The ACHPR “SOGI period” was harshly quashed by the reactions of states in the AU Assembly, which requested it to “take into account the fundamental

and Cultural Rights in the African Charter, as including ‘lesbian, gay, bisexual, transgendered and intersex people’. (ACHPR 2011).

¹⁰⁴ This is important because in many states in Africa convictions on the ground of homosexuality are made on mere suspicion and accusations based on trivial things like their hair or the way they walk (Botha 2023: 21-25).

¹⁰⁵ On 3 November 2015, a joint dialogue on sexual orientation and gender identity was held between the African Commission on Human and Peoples’ Rights (African Commission or ACHPR), Inter-American Commission on Human Rights (IACHR), and United Nations (UN) human rights mechanisms in Banjul.

African values, identity, and good traditions, and to withdraw the observer status granted to NGOs who may attempt to impose values contrary to the African values” (International Justice Resource Center 2018). The ACHPR finally bowed to pressure and revoked CAL’s status in 2018: every application from LGBTI NGOs since then has been rejected, citing as reasons how they “do not protect the rights covered in the Charter” and “pursue aims contrary to African values”. This forced backtracking of ACHPR has been met with fierce critiques by civil society actors (Human Rights Watch 2022)¹⁰⁶

The African context does not present, at the moment, much space for progress of LGBTI rights. Scholars have highlighted the opportunities to advance SOGIESC issues via the interpretation of key articles of the Charter and other sources of international law (Izugbara et al. 2020: 108; McGoldrick 2016: 38-40) and lauded the ACHPR brief but valuable introduction of soft-law foundations for SOGI rights (Ibrahim 2015), as well as the recognition of LGBTI people’s vulnerability to violence and abuse, especially in the context of HIV/AIDS (Izugbara et al. 2020: 106) . However, the Commission does not draw its interpretative improvements from a regional background of increased tolerance and respect for SOGI rights, but is rather opposed by a majority of states which still retain (and at times even worsen) criminalizing laws and repressive legislation, and use their power in AU’s political bodies to undermine any attempt of discourse undertaken by the ACHPR (GATE 2023: 27), calling on the “protection of morality” and of “African values” to block any minimal progress.

2.5 The Yogyakarta Principles

In 2006, after a decade of heavy lobbying in UN spaces, many activists felt frustrated from the inability of UN political bodies to produce what Louise Arbour called “an instruments that meets the normative work of states with the interpretative work of the international expert bodies” (Arbour 2006). They thus

¹⁰⁶ The denial of observer status departs from national legislative and judicial improvements, denies the fundamental right to participation and expression, and deviates from its own standards established in cases (*NGO Forum v Zimbabwe* ACHPR 2006: para 169) and resolutions (ACHPR 2014; 2017), and rejects the observance of international law (as stated in ACHPR art 60).

perceived the need for an explicit and consistent articulation of how international human rights apply to LGBTI people (Langlois 2020: 6; O’Flaherty & Fisher 2008: 232), and took the matter into their own hands.

Activists first gathered in July 2006 at the International Conference on LGBT Human Rights in Montreal, with the aim of “summarizing the main demands of the LGBT movement in the broadest, comprehensive and global level” (Swiebel 2006: 1). The resulting Montreal Declaration was though an aspirational and utopian document, grounded on abstract values rather than on international law. In other words, it served better as a vision for activists than a concrete program for policymakers. (Thoreson 2009: 327).

In November 2005, however, a coalition of NGOs, under the leadership of ARC, the International Service for Human Rights and the International Commission of Jurists, had selected a group of esteemed international human rights experts¹⁰⁷ to draft the Yogyakarta Principles (YPs). The document was drafted between 2005 and 2006, finalized over a three-day Conference in Yogyakarta, Indonesia and was launched in March 2007 in Geneva, after the main session of the HR Council (O’Flaherty and Fisher 2008: 273)

The 29 principles "reflect the existing state of international human rights law in relation to issues of sexual orientation and gender identity." (Yogyakarta Principles 2007: 7). Their aim has different ramifications: to map SOGI rights violations in the most detailed and extensive way possible; to clearly spell out how universally recognized human rights standards apply to LGBTI people, in virtue of their humanity; to detail states’ obligations to effectively ensure these rights are guaranteed (Thoreson 2009: 330; O’ Flaherty & Fisher 2008: 233). Most of the principles are direct rephrasing of the International Bill of Human Rights¹⁰⁸. The

¹⁰⁷ The 29 experts, coming from 25 countries over 6 continents, included former UN High Commissioner for Human Rights Mary Robinson, treaty body members, Special Rapporteurs, national judges, lawyers and professors of the highest tenure. The geographic diversity of the drafters, and breadth of their experience over international regional and domestic human rights, and the choice of Indonesia (an Asian and Muslim country) as a final venue had the purpose of defying any critiques that SOGI rights are Western only. (Brown 2010: 840)

¹⁰⁸ 15 principles are based on ICCPR provisions and 7 are based on the ICESCR; Other principles are drawn from other sources, like “the rights to seek asylum” (Principle 23), the right to participate

first two principles also reaffirm the "universality, interrelatedness, interdependence and indivisibility of all human rights" and restate the anti-discrimination principle found in many treaties. By using the exact same terminology, form and content of agreed-on binding norms, the drafters hope to highlight how there's a "SOGI gap" in international instruments and, eventually, to advance SOGI rights by acting on convincing similarities (Brown 2010: 824). Other notable sections are the introduction, which contains glossary on sexual orientation and gender identity, and the additional recommendation at the end, directed at UN agencies and other IGOs and NGOs, to disseminate and put into practice the Principles. The principles also contain detailed state obligations, with an extensive list of law and policy measures to guarantee implementation, formulated in the style of Treaty bodies' recommendations (O'Flaherty & Fisher 2008: 235; Brown 2010: 837).

NGOs like ICJ and ISHR were instrumental in disseminating the principles worldwide, in view of mainstreaming their incorporation into soft-law at various levels (Brown 2010: 843) and to serve not only as inspiration for future resolutions, but also as interpretative tools for international courts and treaty bodies in their monitoring work (ivi: 869-871). At the international level, the principles were launched at UNHRC and UNGA sessions (Sanders 2008: 6-7). At the first event, the High Commissioner of Human Rights described them as a "timely reminder" of how it's unthinkable to exclude LGBTI people from human rights protection, just as it is to do so on other grounds such as race or religion (Arbour 2007). The principles have since then acquired a certain influence, having been frequently praised and referenced by UN Special Rapporteurs (O'Flaherty & Fisher 2008: 239), treaty bodies, agencies (Human Rights Watch 2007) and officials (Brown 2010: 825-6). Many states also endorsed them from the start: after the launch at the Human Rights Council session, over 30 states made positive references to the Principles and commending them to the attention of other UN bodies (ARC International 2007: 2), while others also explicitly referenced the Principles during the first cycle of the UPR (O'Flaherty & Fisher 2008: 240), or incorporated them

in public life (principle 25), the right to promote human rights (27) and the right to effective remedies (27) (Brown 2010: 836)

in their foreign policy strategies) and their national anti-discrimination programs (ivi: 243; Brown 2010: 872). Finally, their online availability, the translation in different languages (mostly because of local NGOs efforts) have greatly increased their global reach (O’Flaherty & Fisher 2008: 238). Supported by this intensive publicity, grassroots activists could cite them as an authoritative source in local debates, applying them in their own domestic strategies (ARC International 2007: 4), and using them to lobby for governments’ statements and reforms (Thoreson 2014: 331) or strategic litigation in domestic courts (Brown 2010: 825-6)

At the regional level, they have found increasing support in Europe, where they have been promoted by the EU Parliament’s Intergroup on Gay and Lesbian Rights, and from the Council of Europe’s Human Rights Commissioner (which has seen in them a useful tool in its country monitoring duties). Moreover, both the OAS resolution and the African resolution on SOGI take clear inspiration from the Principles (ivi: 869-871).

In 2016, the ISHR and ARC International launched the YP+10 process to review and update the Principles, taking into account significant developments in international law and gaps in the original document that had been identified. A second expert’s meeting, convened in Geneva in September 2017, reunited 33 experts, mostly from non-western states, which produced nine Additional Principles and more than 100 Additional State Obligations with a new list of expert signatories. The new document also expands the ‘SOGI’ terminology from the original Principles, to ‘SOGIESC’, including intersex and gender-diverse people.

The debate over what the Yogyakarta Principles represent, and what is their true weight in international fora, can be indicative of the larger debates that cross the LGBTI movement in search of a common global strategy. Many have praised the Principles for their “tactical modesty” (Thoreson 2014: 328), as they are grounded on the most basic and agreed upon human rights provisions, rather than on utopian ideals (Long 2008: 3), and do not ask for new, “special” rights, but tend to avoid sensitive issues like same-sex marriages (Brown 2010: 855-6). Given the notorious reluctance of states to fully endorse sexuality issues, this strategy aimed to achieve recognition of SOGI rights more easily, by “laying the groundwork” in

international law. (Thoreson 2014: 329). In this regard, the Principles have been recognized as the quintessential evidence of the discursive shift of the LGBTI transnational network, which definitely moved from a broader “sexual rights” framework to a narrower “SOGI rights” framework (Roseman & Miller 2011: 326) focused on adjacency claims and non-discrimination (ivi: 338). The Yogyakarta process has also been praised for its de-Westernization of SOGI discourse (Dondoli 2019: 74), as evidenced by the presence of non-Western drafters and by the empowerment of local NGOs in the dissemination phase, which allows them to adapt the Principles to their local demands and strategically use them as tools to advance their demands in local, regional and international fora (Braun 2014: 898). Brown (2010: 884) also mentions how the use of terms like “sexual orientation” and “gender identity” (in opposition to “Western” concepts like the LGBTI acronym and the identities it enclosed) were a choice that the drafters hoped would give them more applicability.

Some scholars tend to be cautious on conferring the Principles an highly authoritative character. Brown, for example, points out how references to authoritative norms and the drafters’ reputation may not be enough for them to be considered as more than a mere declaration of ideals (Brown 2010: 845). Although some states have used them for inspiration, others have contested their excessive reach¹⁰⁹, or outright opposed them (the latter is more the case of OIC countries). Critical voices have emphasized how these small successes must be weighed against the risks that adopting a restricting, normative, Western-based and state-led discourse may entail on the credibility of the LGBTI movement and discourse everywhere. In other words, many have warned that enshrining concepts like “sexual orientation” and “gender identity” in international law requires them to be fixed over time and a central part of people’s identity (Stychin 1995: 155). This assumption risks to present an homonormative, identity-based view of sexuality as the natural, universal experience of all sexual and gender minorities (Waites 2009: 142-143). Critics further illustrated how this view transforms LGBTI rights into an

¹⁰⁹ Brown (2010: 835) points out that, especially in the case of socio-economic rights, the Principles do not adopt ICESCR’s concept of “progressive realization” of rights mindful of states’ available resources, but rather asks for all rights to be guaranteed in the present.

useful “neo-imperialistic tool” available to Western states, which can use them as a “civilization marker” to justify interferences in the domestic affairs of states deemed as “backwards” for their opposition to SOGI rights. (Stychin 2004: 967-968). States are also more persuaded of a narrow, neoliberal framing of LGBTI rights that is detached from other sensitive sexuality issues (Saiz 2005: 20-21), and invisibilized sexual minorities (like sex workers): this way, they can ignore radical reforms on sexuality issues and still present themselves as SOGI rights advocates (Gross 2017: 166-168). One final critique comes from non-Western perspectives. Yogyakarta principles are accused of presenting sexual orientation and gender identity solely in terms of “identity”, rather than as “behaviours”: a concept that is essentially Western (ivi: 165). In other words, Western advocates present themselves as “being homosexuals”, while non-Western concepts are more generally focused on “engaging in homosexual relationships”. This is further explained by Egyptian activist Hossam Bhagat, which pointed out that in his country “people don’t get arrested for who they are but for what they do; conduct is the issue” (quoted in Girard 2007: 350).

Overall, these critiques recognize the value of the Yogyakarta Principles in securing some legal gains on the international arena, which has proven to be particularly reluctant to any sexuality discourse. The importance of avoiding states’ opposition and laying a groundwork is not questioned: they however ask advocates to problematize on their strategies and to be mindful of the risks associated with maintaining a narrow focus that is not indicative of the complexities of human sexuality (Waites 2009: 153)

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Chapter 3. The anti-gender countermovement

The picture just painted may lead to believe that the spread of SOGI rights is inevitable. It is indeed true that the LGBTI network and its allies have scored considerable gains at the domestic and international level over the years. More and more countries have reversed their anti-sodomy provisions, and some others have gone even further by enshrining specific anti-discrimination provisions in their legislation or in their Constitutions. Some have enacted measures to facilitate the legal gender recognition of transgender and gender diverse individuals, and some other even allowed same-sex couples access to civil partnerships, marriage equality or adoption of children. And while Western states have oftentimes been described as leaders in these developments, a policy growth of this kind has become a global phenomenon with non-Western leaders as well (Velasco 2020: 125). Anti-discrimination clauses mentioning LGBTI people can be found in the constitutions of Bolivia, South Africa and Nepal; some of the most liberal laws for legal recognition of gender identity can be found in Argentina and Bangladesh; and in 2012, Taiwan became the first Asian country to introduce marriage equality for same-sex couples (Chappell 2017).

The path to LGBTI rights has however not flown in the same direction everywhere: a decrease in decriminalization worldwide has been coupled, in the last 30 years, with contractions and retrenchments. (Velasco 2023: 7; Encarnacion 2014: 96) Hadler and Symons, for example, note that the period between 2005 and 2014 has seen more states re-criminalizing same-sex activities than in the 60 years prior to that (2018: 1724). Some states extended the scope of their anti-sodomy laws to LGBTI women (Botswana in 1998, Tanzania in 2004, the Maldives in 2014); some increased the penalties (Uganda or Nigeria in 2014), or revived colonial laws, like the Supreme Court of India did in 2013 (Friedman 2014). Some others started persecuting LGBTI activism, like Russia, Algeria, Lithuania and Nigeria around 2013.

Western countries have also featured staunch opposition to any LGBT norm: some US states have enacted bills that deny transgender individuals access to facilities of their chosen gender (so-called “bathroom bills”) or that ban LGBTI-themed content in public libraries and events (so-called “don’t say gay” bills); countries in Eastern Europe have held referendums to curtail LGBTI rights; (Voss 2018: 2); Protests in France and Italy have drawn thousands to counter same-sex marriage equality law proposals, and similar numbers of “concerned mothers” have flocked social media and online spaces in the UK to protest against a Gender Recognition Act that would’ve eased some requirements for legal gender recognition of transgender people (Baker 2021). The acceptance of LGBTI identities in public opinion surveys seems to have also declined in some places, leading to believe that a homophobic wave is on the rise in some regions and countries: this all contributes to a hostile climate against gay people, and may incite violence or even more rights restrictions (Inglehart et al. 2017; Reid 2016).

Many scholars have expressed their views on the gap between the advancement of SOGI rights at the global level and the rise of homophobic attitudes and policies at the same time. Some have interpreted homophobia as emerging from private attitudes, a “social disease” coming from prejudiced mindsets. (Bosia & Weiss 2013: 12) Martha Nussbaum, for example, states that it is linked to a visceral response of “disgust” (2010: 13) and disorientation, which turns into a public policy in virtue of a consequential common fear of “contamination”. Following a similar thread, many have turned their eyes to public opinion surveys, searching for any structural element in society that can explain its “backwardness” in terms of SOGI rights (Bosia & Weiss 2013: 12; McGoldrick 2016: 64). Some scholars have pointed at age, predicting that the generational change brought by today’s younger cohorts of voters will eventually eliminate negative attitudes against homosexuality and rebuke any possible manifestation of it at the ballot box (Egan & Sherrill 2009: 15). Others have followed Inglehart’s theories that link economic growth and social security with an increase in support for minorities’ rights and thus in a decline of homophobia, “no longer necessary for survival” in a postmaterialist society

(Inglehart et al. 2017: 1338). Regarding the role of religion, surveys¹¹⁰ have shown that countries with advancing SOGI rights recognitions have seen a decline in the importance of faith in the lives of their citizens, indicating a “fade of Catholicism” even in widely-known religious countries like Spain or Argentina (Pew Research Center 2012), while in other parts of the world a rise in the role of religion such as Orthodox Christianity in Russia, or Islam in some parts of Africa and Asia can explain how state laws conform to *sharia* teachings or Church actors increasing their political power. (Pew Research Center 2014). Finally, the advancement of democracy and political participation has been linked to more protections of marginalised groups and to the development of a robust civil society (Encarnacion 2014: 99; Ayoub & Page 2020: 706).

A different approach focuses on how LGBTI norms, as well as LGBTI identities, have been diffused all over the world thanks to several carriers such as transnational advocacy networks, media, cultural products, and the action of think tanks and intergovernmental bodies (Bosia 2014: 262; Bosia & Weiss 2013: 7-10; Encarnacion 2014: 94). Stychin, for example, contends that the globalization of human rights as universal markers of civilization and modernity has gone hand in hand with the globalization of a “Stonewall model of sexuality”, focused on identity over behaviour and on gay liberation, assumed as a universal paradigm of sexuality. (Stychin 2004: 954). In this context, state-sponsored homophobia is seen as a local backlash countering a perceived imposition of a Western meaning of sexuality over a domestic one that is more fluid (Massad 2007). This imposition has also been described in terms of homonationalism or pinkwashing, according to which Western countries use SOGI rights as a tool for security or economical reasons, or to cover up their own abuses of human rights (Bosia & Weiss 2013: 18-19). These theories generally feature societal attitudes and state policy as consequential, but more importantly, they see homosexual rights going in one direction only, so that

¹¹⁰ The Global Divide on Homosexuality is a periodical survey by the Pew Research Center that asks around 40.000 respondents in 30 countries all over the world about their opinions on homosexuality and LGBTI rights.

any retrenchment has to be caused by a development deficit, or as a local backlash to globally imposed norms or a local emerging LGBTI movement.

Many scholars have criticized this explanation, though. Weiss and Bosia for example, have developed the concept of “political homophobia” as a purposeful political strategy employed by state actors and social movements, unrelated to the local demands or the provocation of the domestic LGBTI movement, but rather constructed to rally domestic legitimacy against external pressures, secure gainful transnational connections, or fend off opposition (Bosia & Weiss 2013: 2). In this framework, both conservative state actors and social movements move alike: scholars like Svatoňová or Korolczuk, for example, have pointed out how “anti-gender” mobilizations in Eastern Europe have emerged even in the absence of a prominent and successful LGBTI movement (Svatoňová 2022: 113; Korolczuk 2015: 52) or a religious background (Svatoňová 2021: 139); Weiss, on the other hand, explains how countermovements in Malaysia (2013: 154-155) and the Philippines (ivi: 158) did not focus on the advancements of the LGBTI movement at home, nor to their specific requests - namely, anti-discrimination measures - and instead constructed a “homosexual spectre” that either focused on the danger of same-sex unions or on the threat of a foreign contagion. In sum, these actors are involved in anticipatory moves that tend to neutralize the SOGI advancements at home before they even happen (Kuhar & Paternotte 2017: 254).

Some assume that this reaction is a Church-led attempt to push back religion into society, fighting the secularization trend that would oust it away from power with a “new evangelization” (Schooyans 2000: 139), while some other ingrain it in an anti-feminist reaction (Kuby 2014), theorizing some sort of symmetry between the two camps (one for and the other against the LGBTI norm) (Scheele 2016: 3-4). These attempts would be, again, misleading (Paternotte 2020; Kováts 2018: 533), because they do not capture the fact that these conservative movements are not just a reaction aiming at reestablishing the *status quo ante* the advancement of LGBT rights, but rather have a proactive agenda of measures they want to be implemented nationally, exported transnationally and promoted at the international organizations, through a network that comprises states, domestic movements, and international NGOs (Altman & Symons 2015: 62; Hadler &

Symons 2018: 1726). In this way, this anti-gender movement challenges the SOGI norm-life cycle domestically and internationally, producing an alternative based on the family and traditional values (ibid).

Scholars from Eastern Europe have theorized anti-gender mobilizations as just a symptom of a larger project. They looked at the rise of conservative, anti-gender movements and discourse in concert with the rise of far-right populism (Kuhar & Paternotte 2018: 13-14; Kováts 2017; 2018; 2018b), stating that the two camps, while not the same, share an “opportunistic synergy” through which they serve mutually of their galvanizing discourses and of their high platforms in their rise to power (Graff & Korolczuk 2022: 24) and that the opposition to “gender” is a “symbolic glue” that unites and federates actors with otherwise different aims (Grzebalska et al. 2017).

Finally, a separate strand of this last literature has defined the “backlash” explanation a “comfortable position” for scholars and activists (Kováts 2017: 183). This stems from the fact that this anti-gender/populist coalition has been recognized as a “nationalist neoconservatism answer to the failures of the neoliberal consensus” (Chetcuti 2014: 253), thanks to which the right shifts the societal discontent over socioeconomic hardships (produced by neoliberal economic policies) into cultural questions such as the imposition of gender ideology over traditional values (Wimbauer et al. 2015: 42). By defining these policies and mobilizations as a simple backlash to a certain issue, these scholars argue, activists do not delve into a reflection of the interconnection between some forms of feminist and LGBTI discourse and the neoliberal socioeconomic fabric (Kováts 2017: 183-184).

3.1 Genealogy of a counter-movement

Scholars tend to agree that a concerted countermovement against “gender” and LGBT norms emerged during the UN conferences of the mid-1990s (Buss 1998, 2004; Girard 2007: 334; Case 2011, 2016). Such organization did not come out of the blue: it was preceded by various local reactions to an emerging homosexual norm (Bob 2012: 40)

For starters, homosexuality has historically been linked to conspiracy, recruitment, anti-nationalism, and a threat to civilization (Stychin 1998: 9). Already in the 13th century, the Vatican considered “sexual violations of the natural law” as one of the few crimes justifying military intervention (Muldoon 1979: 5-13). In 1950s USA, homosexuals were pictured as communist sympathizers and security threats, because due to their “weak morality” they might divulge secret information out of carelessness or coercion (Johnson 2013: 56-58; Blasius & Phelan 2997: 244). In that witch-hunt climate, which actively searched for any internal enemies, homosexuals were not only an easy target -already at the margins of the law, nonetheless- but one that could be easily constructed as a threat: homosexuals were perceived to be everywhere, hiding in plain sight, and actively recruiting (Engel 2001: 27-28; Johnson 2013: 63). During the Eisenhower presidency, the State Department actively went on a hunt and fired more than 5000 alleged homosexuals (Johnson 2013: 61-2)¹¹¹. This “lavender scare”, as David K. Johnson defined it (2004), was also “exported”: the State Department blackmailed the United Nations administration, threatening to cut funding if UN homosexual employees were not to be ousted (Johnson 2013: 64), and extended a similar pressure on allies like the UK, Canada (Whitaker 2000: 200-202) and France, who even went on to recriminalize, in a way, homosexual activity (Jackson 2009: 37-50).

Early gay liberation victories in the 1970s were met with a Christian conservative movement, who saw in feminist and gay movements a threat to American traditional values (Fetner 2001: 414). In 1977 Anita Bryant, a small-time celebrity in TV advertisements, formed “Save Our Children inc.”, an association that actively campaigned to overturn any anti-discrimination bill that made its way in local councils, first in Dade County in Florida (where she lived) and then in many other cities in the US, obtaining a flurry of victories on the way (Engel 2001: 46).

¹¹¹ This includes federal employees and military dischargement, but does not include the many homosexuals who worked in private and contracting agencies, or in regional governments and universities.

Bryant famously stated that “as a mother I have to protect my children from their evil influence...they want to recruit children” (Fetner 2001: 411).¹¹²

The AIDS crisis subjected gay people to a “moral onslaught” (Weeks 1991: 97). Surveys showed a stark decrease in acceptance of homosexuality among the British population during the 1980s (ivi: 101) and the Conservative government formalized this “homosexual threat” in the infamous Section 28 of the 1988 Local Government Bill, which forbid any local authority to “promote homosexuality” (Blasius & Phelan 1997: 773). In The US, conservative politicians constructed AIDS as a consequence of homosexuals “violating traditional values” and “declaring a war against nature” (Engel 2001: 50). In 1987, the Helms amendment prohibited the use of public funds to “promote homosexuality” in any HIV awareness-raising initiative. Even in the 1990s and early 2000s, the US adopted several initiatives, such as the Defense of Marriage Act (1996) and the Don’t Ask Don’t Tell Policy (1994) that curbed LGBT rights in defense of religious values¹¹³ (Lau 2004: 1704-1706).

Other scholars have focused on a “Vatican genealogy” of the anti-gender discourse (Paternotte 2015; Case 2016; Buss 1998). Since Paul VI’s papacy (1963-1978), the Vatican has constructed its own vision of sex and sexuality, opposite to gay and feminist movements, based on the notions of “sexual difference” and “complementarity”. In other words, men and women have equal dignity, but due the natural order draws them to their social roles and to unite in heterosexual, procreative families, based on marriage. This vision finds its apex under John Paul II: sexual difference and complementarity are, in his view, undisputable divine truths, confirmed by biology (Pope John Paul II 1988) and so heterosexuality is the

¹¹² This also inspired proposals such as 1978’s California Prop 6 (also known as Briggs initiative) which sought to prohibit homosexual teachers from being employed in public schools. This proposal was defeated after a massive counter campaign, to which even governor Reagan participated (Fetner 2001: 414).

¹¹³ In 1996, the Congress passed the Defense of Marriage Acts (DOMA), which defined marriage as “only the legal union between a man and a woman as husband and wife”; In the 1990s and 2000s, the government adopted a practice of “Don’t Ask Don’t Tell” , which barred openly LGBTI people from serving in the military; In the same period, the US government was forced to retire its support to ILGA in the UN, as well as voice its opposition towards the Brazilian resolution (Lau 2004: 1075-1077).

natural union between two groups that are ontological different.

The Vatican divides between “good homosexuals”, chaste and discreet, affected by an “objective disorder” of which they are not responsible, who deserve compassion as human beings (Congregation for the Doctrine of the Faith [CDF], 1986; Pope John Paul II, 1994), and the open, politicized, homosexuals, whose any request for rights recognition, such as same-sex marriage or right to adoption, is unfounded according to anthropology, biology and religious teachings (CDF 2003). In 1985 Cardinal Joseph Ratzinger, president of the Congregation for the Doctrine of the Faith and later Pope Benedict XVI, associated the negation of sexual difference as a way to homosexuality, and accused feminists and LGBT activists of eradicating any anthropological truth on sexuality (Ratzinger & Messori 1985).

The anti-gender camp has also produced its own genealogy of the gender threat, pointing to either the 1970s sexual revolution and the French Revolution as key precursors of this “radical egalitarianism” (Kuby 2014), or to the cultural global revolution that established, after the end of the Cold War, a post-religious world where sexuality is no longer subject to religious dogmas but as a political element, part of human rights and democratic debates (Peeters 2006: IV; Schooyans 1997: 46; Fassin 2012: 285-288).

The peak moment of the emergence of an anti-gender strategy is to be found in the Holy See’s effort to counter sexual and reproductive rights, that reunited islamic actors and Conservative NGOs in the UN Conferences of Cairo in 1994 and Beijing in 1995. In the lead up to Cairo, Vatican actors presented the Conference as a struggles against the “enemies of humanity” (abortion, homosexuality and feminism) (Navarro Valls 1994) rallying conservative movements and pursuing diplomatic alliances with Islamic countries such as Iran and Egypt (Reese 1996: 263; The Independent 1994). While this last alliance, called by scholars “Baptist-Burqa network” (Bob 2012: 41) or Unholy Alliance (Correa 2018: 8) failed to unite them on abortion and contraception grounds¹¹⁴ (Girard 2007: 324), it eventually found them on the same side opposing same-sex marriage (Blackwood 2007: 298).

¹¹⁴ Both Girard (2007: 324) and Buss (1998: 354) explain that the Catholic vision of abortion is way stricter than that of Islamic teachings.

In Beijing, the Vatican strategy was to contest key feminist concepts, like “equal rights” and “gender” and replace them with their own notions of “equal dignity” and sexual difference”, and challenge the representativeness of feminist groups in women’s rights discourses, painting their opposers as “too radical” or not radical enough” and presenting themselves as the only actor who had the interests of women at heart (Buss 1998: 344, 352). The Holy See presented itself with a progressive, professional face: the head delegate was a Harvard law professor, Mary Ann Glendon (Reese 1996: 265).

Conservative actors succeeded in “bracketing” the term “gender” in the preparation process to the Conference (Baden & Goetz 1997: 11). Gender was seen as threatening: it could lead to an acceptance of homosexuality and a fluid conception of sexuality, not anchored to biology (United Nations 1996: Chapter IV, para.12). It actively filed its own interpretation of the term as “grounded in biology-based sexual identity” (ibid.). This move took activists by surprise, as they had to spend much of their time explaining the meaning of gender to delegates and to themselves as well (Girard 2007: 338; Buss 1998: 345). While gender had appeared uncontested in previous international fora (Fried & Landsberg-Lewis 2001: 111), it was mostly used in statistical reports rather than policies, de-linking it to any radical conception (Baden & Goetz 1997: 4-7; Correa 2018). Moreover, the relationships between “gender” as a social construct and “sex” as a biological underpinning are heavily debated among feminist scholars¹¹⁵, and were consequently presented incoherently by the activists present at Beijing (Baden & Goetz 1997: 17). The impasse in Beijing was eventually sidestepped by defining gender “as in ordinary, generally accepted usage” (United Nations 1996: Annex IV, para 2-3).

¹¹⁵ Over the decades of feminist activism and production, there have been several interpretations of the relation among sex, gender and sexual orientation, which according to anthropologist Nicole Claude Mathieu can be grouped in three categories. The first is the “naturalist” interpretation, which sees sex as an unchangeable anatomical fact based on nature, of which gender and heterosexuality are seen as natural and universal derivations. The second interpretation is culturalist, which sees sex as biologically determined and gender as culturally determined. The third interpretation, developed in the 1980s from scholars like Judith Butler, Christine Delphy and Joan Scott, is “constructivist”: gender creates sex as a political category falsely naturalized and made into an unreachable norm, that serves to reiterate social disparities as “natural”. (Mathieu 2013)

The Baptist Burqa network being sidelined, the Holy See found an ally in conservative NGOs. (Otto 1996: 26). Groups like the Coalition for Women and the Family (CWF) were behind the production of several pamphlets, which circulated heavily among delegates. One of them warned that “gender feminists”¹¹⁶ and homosexuals promoted the idea of gender fluidity disconnected from biological sex, going as far as stating that there were 5 genders out of which one could choose freely¹¹⁷. Another questioned sexual orientation to include “pedophilia, incest, adultery”, “unhealthy behaviours leading to HIV” and overall be “contrary to traditional values, morality and religion” (Girard 2007: 337). The same pattern of debate was repeated in the +5 reviews of the conferences, respectively in 1999 and 2000 (Correa 2018) and in the drafting of the 2000 Rome Statute of the ICC (Bob 2012: 65-66). The Holy See flooded the field with conservative NGOs and used “shared morality” and the “threat to sovereignty” to court developing countries (ivi: 45-6; Correa 2018).

This anti-gender front has since then embarked in a “theoretical production” that would serve as a “conceptual toolbox” for later mobilizations (Garbagnoli & Prearo 2018: 46-49; Paternotte 2015: 140-141). In an attempt to “reveal” the true meaning of words that had been ideologically altered (Lopez-Trujillo 2005: 7), the Pontifical Council for the Family (PCF) reunited in 2003 over 70 scholars to publish a “Lexicon”, a sort of dictionary with over 90 voices including “gender” and “sexuality”. (PCF 2003). Several of these authors, like Dale O’Leary, Tony Anatrella, Michael Schooyans, Gabriele Kuby, Marguerite Peeters, have constructed gender as an unscientific ideology, (Schooyans 1997: 46), a project by radical feminists and global elites infiltrated in the UN (Peeters 2006: 16; O’Leary 1997: 26) and aiming at cultural hegemony (O’Leary 1997: 11) and calls thus for a defensive reaction from the Catholic world (Schooyans 2000: 139; Kuby 2012: 78).

¹¹⁶ Gender feminism is a terminology that found prominence in the work of feminist scholar Christina Hoff-Sommers, which countered “equity feminists” (which respected the natural roles and virtues of women, advocating solely for equal legal and civil rights) and “gender feminists” (which sought to subvert the natural order” (Hoff-Sommers 1995)

¹¹⁷ The notion of 5 genders is a misreading of feminist scholar Anne Fausto-Sterling, which in 1993 had provocatively theorized a post-binary sex classification including hermaphrodites. (Fausto-Sterling 1993: 20-24)

The books of such authors are translated and published in many countries, promoted in allied media, and presented in many events and conferences all over Europe (Garbagnoli & Prearo 2018: 52-55; Kuhar & Paternotte 2017: 12), both in academical settings (like the 2011 Congress on Gender Ideology at the University of Navarra), where anti-gender discourse presents a professional, scientific and non-ideological face (Garbagnoli & Prearo 2018: 49), and in events at local parishes, where leaders can recruit, educate and mobilize masses of Catholics into political mobilization (ivi: 51).

2012 is generally recognized as a turning point in anti-gender mobilizations over Europe (Kuhar & Paternotte 2017: 256; Kuhar & Zobec 2017: 34; Norocel & Paternotte 2023: 124). Conservative mobilizations had already took place in earlier years in Spain, Italy, Slovenia and Croatia to counter proposals on same-sex marriage, civil partnerships and sex education in schools (Kuhar & Paternotte 2017: 255) but since 2012 many more actors activated and used “gender ideology” as a buzzword in their protests. Thousands marched in France under the slogan “Manif pour tous” to oppose a bill on same-sex marriage (Fassin 2014); in the UK, Germany, and the Czech Republic, concerned parents staged protests and picketed in front of schools to oppose sex education programs (Graff & Korolczuk 2022: 114); in Estonia and Croatia, they flooded petitions and referendums (Datta 2019: 69-70) in Eastern European countries, like Poland, Slovakia, and Bulgaria, the institutions overturned the ratification of the Istanbul Convention on Violence Against Women (Buyuk et al. 2020).

This was not restricted to Europe: in Latin America, the “opposition to gender ideology” has been a major point within the Peace Agreement referendum in Colombia (Schmidt 2020), in rulings of the Peruvian Supreme Court (Monge 2022), in the campaign that brought Bolsonaro to power in Brazil and in the violent attacks against Judith Butler in Sao Paulo in 2017 (Jaschik 2017); in Africa, it has stoked the revival and worsening of anti-sodomy laws thanks mainly to the action of American evangelicals (Kaoma 2009).

These campaigns did not emerge everywhere at the same time, as they were ignited by different triggers ranging from same-sex marriage to sex education

curricula depending on the specific political opportunities at the local level (Kuhar & Paternotte 2017: 256; Norocel & Paternotte 2023: 124). They also did not assume the same shape everywhere, both in the actors and in the tools and strategies used: in some cases, it was a bottom-up movement that took it to the streets or to the polls in reaction to a proposed government policy, and in others, it was the result of a top-down government campaign “preventing” the emergence of a foreign threat to the national community (Norocel & Paternotte 2023: 124); in some cases, the campaign had a massive influence from religious actors (of different faiths, depending on the national context) or far-right populist parties, while in some other cases it was mainly composed of small groups of “concerned parents” largely detached from religious movements.

While explaining the emergence, success and specific discourse of a mobilization using national factors might be useful, scholars warn against using a “methodological nationalism” (Paternotte 2015: 140) for it may confuse many into thinking them as isolated local phenomena. By focusing instead on their similarities, one would find that their discourses share a “common core” (Graff & Korolczuk 2022: 20) that is overall coherent across contexts and adaptable to local situations. Tracing the similar slogans and iconography of these groups¹¹⁸, one would also find that they indeed observe and emulate each other, constructing a shared discourse and a traveling repertoire of actions and strategy (Kuhar & Paternotte 2017: 253; Svatoňová 2021: 138).

Not only do the leaders of these movements have intense direct personal contact, facilitated by the internet and social media but also by participation in each others’ initiatives (Graff & Korolczuk 2022: 42) but they also increasingly organize congresses and transnational organizations to elaborate future steps and produce the institutional arm of a European and global anti-gender movement (Graff & Korolczuk 2022: 44-47; Kuhar & Paternotte: 270-271). Activists from several countries ignite their mobilizations strategically, such as in correspondence of the

¹¹⁸ For example, the name and iconography (the symbol of parents and children holding hands, as well as the pink-blu-white colour pattern) of “La Manif Pour Tous”, the original french anti-gender campaign, has been replicated in several other countries such as Italy, Germany, and Finland (Kuhar & Paternotte 2017: 269)

2014 European Elections, and they also set up international branches that can exercise lobbying directly in Bruxelles, Strasbourg or Geneve to oppose pro-LGBT norms and instead produce their own anti-gender policies at the UN, Council of Europe and European Union (ibid.; Ciobanu 2020) or even support local anti-gender campaigns financially and technically (Rivera 2019; Datta 2018; 2019).

3.2 Actors of the anti-gender TAN

Regarding the actors, the picture is somewhat varied. Some highlight the role of the Church, reporting the anti-gender mobilization as part of a “New Evangelization” strategy to regain influence in public sphere, especially in the Western world, inciting Catholics to mobilize (Paternotte 2015; Robcis 2015). Others prioritize the role of radical right and populist parties in using anti-gender discourses as a neoconservative response to the welfare erosion brought by neoliberalism and austerity measures, a sort of retrenchment into the traditional world (Chetcuti 2014: 253; Wimbauer et al. 2015: 43). However, both religion, the rise of the populist right, political homophobia and a movement of conservative parents have to be looked at simultaneously (Kuhar & Paternotte 2017: 9; Kováts 2018b: 75; Grzebalska et al. 2017). The number and type of actors differ greatly among contexts: in some cases, only a couple of organizations lead the anti-gender camp, while in others many different actors, with competing agendas share the field (Kuhar & Paternotte 2017: 261; Velasco 2023: 1393-1395). The list may include, but not be limited to: existing conservative movements, like religious congregations or anti-abortion groups, that revive their discourse; newly established civil initiatives by concerned citizens and political parties; powerful actors like intellectuals, media figures, and more importantly, politicians and political parties, that may use the anti-gender discourse to gain more power and eventually have it become the official government policy (Kuhar & Paternotte 2017: 260). This array of movements mostly resembles a set of “empty shells”, with very little staff each, in which leaders and their family members hold board positions in many of them (ivi: 261).

3.2.1 Intellectuals

As explained earlier, most discursive tropes and framings of the anti-gender network have been developed by a rather small array of scholars and intellectuals, in the period that sets apart the UN Conferences of the 1990s and the mobilization that took place since the 2010s.

Among these scholars, some are particularly worth mentioning for their international reach: namely Dale O’Leary, Michael Schooyans, Marguerite Peeters, Tony Anatrella and Gabriele Kuby.

Dale O’Leary, a US journalist and delegate at the Beijing Conference for the pro-life NGO Family Research Council¹¹⁹, was the first to sound the alarm¹²⁰ about “gender feminism” taking over the UN (O’Leary 1997: 26) and seeking to mainstream in every policy a “gender perspective” according to which the sexual difference between men and women is an artificial social construct that needs to be eliminated (1997: 161). She exposed her ideas first in a 1995 leaflet called “Gender: the deconstruction of women” which was held in high regard by Vatican circles (and especially by then Cardinal Joseph Ratzinger) (Case 2016: 165), and then expanded into her best known book, *The Gender Agenda* (1997).

Michael Schooyans, a Belgian priest and theology scholar is credited with introducing the notion of “gender ideology”. In his 1997 book *L’Évangile face au désordre mondial*, he compares gender as an ideology similar to Nazism or Communism, which emerged out of radical feminist circles and found her way into the UN carried by sympathetic NGOs (Schooyans 1997: 35, 46). Gender ideology is thus defined as political and temporary (contrary to sexual difference, complementarity, and heterosexuality, which are eternal and natural facts) but at the same time potentially destructive, as it aims to rip out any natural law or religious foundation from the international human rights corpus, which would rest solely on itself, in a vicious circle that would lead to chaos (Prearo 2020: 75-77)

¹¹⁹ For a thorough history of Dale O’Leary, see: De Guerre, 2015

¹²⁰ She notably compared the “gender threat” as a giant balloon that, expanding indefinitely inside a room, risks to suffocate everyone who’s inside, but which could be easily popped by a sharp pin, namely, the exposing of the threat of gender agenda (1997: 213).

These are both echoed by Marguerite Peeters, a Belgian-American who founded the Dialogue Dynamics think tank and works in Africa on international aid and as a Vatican consultant. In her works, gender is one of the paradigms of a “new global ethic” that spread since the end of the Cold War and has managed to impose the ideological interpretation from “a minority at the seat of the global governance” as a norm in and of itself (Peeters 2006: 2), based on non-discrimination and unrestrained freedom of choice, under which speaking of sexual difference or picturing homosexuality as a sin is a punishable violation (ibid).

Tony Anatrella, a French priest¹²¹ and psychotherapist, author and curator of the French edition of the Lexicon, particularly active in the French anti-PACS front in the late 90s¹²², and in the 2013 protests, where he toured French universities and local parishes to spread the danger about “gender ideology” and “homosexual marriage” (Garbagnoli & Prearo 2018: 55). He is famous for his support of “conversion therapies”, as he sees homosexuality as a mental disorder, and for his warnings against gender ideology being “worse than Marxism” (Anatrella, 2011) and “being imposed on African nations in exchange for essential aid” (ibid.).

Gabriele Kuby is a German sociologist mostly known for her personal ties to Joseph Ratzinger and her role as a touring spokesperson of the “anti-gender” movement, especially in Eastern and Central Europe, who she considers to be the last frontier of resistance against gender ideology (Kuby 2014).

3.2.2 Religious actors

The Catholic Church surely plays a role in the anti-gender mobilization. First, as an historical initiator during the 1990s UN Conferences. Secondly, as a discourse producer, either through the mouth of the Pope itself, as shown by the genealogy of the discourse on sexual difference and then gender ideology (Case 2016; Kuhar & Paternotte 2017: 10), or through connected institutions like the Congregation for the Doctrine of the Faith, the Pontifical Council for the Family or the Opus Dei, or

¹²¹ Anatrella has, since 2018, been suspended from practicing his ministry after having been accused of sexually abusing several children during counseling sessions.

¹²²PACS (pacte civil de solidarité) was a bill allowing same-sex civil partnerships that was passed in the National Assembly in 1999, amidst fierce contestations.

even through the mouths of local bishops and priests who mobilize people into anti-gender protests (Svatoňová 2021: 140-142; Kuhar & Paternotte 2017: 262). Third, the Church uses its prestige, money and spaces in order to give a platform (Béraud 2014: 346) to other actors of this mobilization: not only by financing and presenting the works of conservative scholars, but also by hosting “conferences on gender” in local parishes, through which protest leaders educate and recruit common people into their ranks by exposing the “dangers of gender ideology” (Garbagnoli & Prearo 2018: 52). Fourthly, religion is an important value for many of these movements and their leaders: even though they paint themselves as aconfessional and based on common sense, they mostly come from a religious background and make it their duty to translate their religious beliefs into laws and policy (Yamin et al. 2018: 539).

And yet, the Church is not a monolithic actor. Not only because we might encounter religious actors who are not conservative (Yamin et al. 2018: 539), but also because religious communities have different levels of reach and power on public opinion, depending on the context. The Catholic Church seems to be a powerful figure in countries like Poland, where it maintains a prominent role as the sole “custodian of national identity” (Philpott 2007: 511; Borowik 2002: 248-249) and as a historical actor of national resistance against foreign invasions (ivi: 239-241), which is now being translated as a defense from EU-imposed gender ideology (Ayoub 2014: 345). Similarly, the Russian Orthodox Church has had a deep and fruitful connection with President Putin, gaining a powerful role in the “defense of traditional values” strategy (Kuteleva 2023: 4; Moss 2017: 195). On the contrary, in states where the Church does not have such a prominent public role (like Germany and Belgium) or where its reputation has suffered from financial and sexual scandals (like in Ireland and Slovenia), religious actors have been more marginal (Kuhar & Paternotte 2017: 263).

Homophobia and anti-genderism have been a point of convergence of various religious communities at the domestic and international levels. Despite several evidences of the decadence of the Baptist-Burqa network at the international

level¹²³, Muslim groups have participated in several anti-gender initiatives, such as in the UK and Slovenia (Ferguson 2019; Ayoub 2014:347). At the UN, the Vatican has consistently featured a united front against pro-LGBT initiatives, alongside the Orthodox Church, with whom has promoted the resolutions on “traditional values” and “protection of the family” (Moss 2017: 208), and with Islamic countries, which consistently define LGBT rights as an insult to Islam (WND 2003). This portrayal of an interconfessional movement resembles the LGBTI TAN’s self portrayal as a cross-cultural movement with universally recognized claims (Velasco 2023: 11).

3.2.3 States

Many states can be said to have introduced homophobia and opposition to gender ideology as part of their official state policy. Orban’s Hungary and Kaczynski’s Poland surely feature as prominent opposers of gender ideology in the European Union, as have been Bolsonaro’s Brazil or Trump’s USA in the past (or even 1950s USA, as shown earlier). Yet I would like to focus only on two main state actors who have undertaken a leading international role: the Holy See and Russia. As for the former, its Permanent Observer status at the UN¹²⁴ gives it a unique positioning among religious confessions: in the UN, the Vatican has maintained a position that opposes the official use of “sexual orientation” and “gender identity” as sources of uncertainty in international law, though maintaining its opposition to any form of discrimination and violence against LGBT people (Holy See 2008).¹²⁵

Putin’s Russia has deployed its policy on “traditional values” since the 2000s as a double-edged sword: domestically, it protect the regime’s legitimacy and

¹²³Graff & Korolczuk (2022: 5) for example point recently at anti-Muslim discourses employed by Christian conservatives as a friction point, while Girard recalls the points of divergence regarding abortion and poligamy at the Beijing and Cairo conferences (2007: 324-326)

¹²⁴ The Holy See has never applied for state membership to the UN, but since 1964 it holds a so-called Permanent Observer Status, a special diplomatic courtesy shared only with Palestine (Crawford 1979: 156). This position allows it to attend the sessions in Geneve and New York and draft formal statements, a privilege that has increasingly used in the last years (Coates et al. 2014: 117). Its status has been greatly contested over the years (Bob 2012: 50-51).

¹²⁵ This double-edged position is consistent with the doctrine of the “good homosexual/bad homosexual” presented earlier, that has been expressed for example in 1994’s opposition to the European Parliament Resolution on SOGI Rights (Pope John Paul II 1994) and in the 2016 Apostolic Exhortation *Amoris Laetitia* (Pope Francis 2016: paras. 250-251)

justifies attacks against “foreign agents”, such as LGBT and feminist activists, sneaking Western norms against Russian morals; externally, it is used to present Russia’s moral superiority against a decadent West. (Wilkinson 2014: 370-71). Russia doesn’t feel threatened by “gender ideology”, nor sees itself as a part of the West or Europe. Gender ideology is rather a symbol of Western decadence that could never catch on in Russia’s “morally superior society”(Moss 2017: 198-200). Russia’s role, here, is to act as a “savior” of neighboring countries in Eastern Europe that risk being involved in Western gay culture as they get closer to the EU¹²⁶, also termed “Gayropa” by Russian propaganda (Ayoub & Paternotte 2019: 9). Russia has also assumed the role of international leader in defense of “traditional values” unifying a camp of states against Western and European actors at the UN. This has resulted in heavy pushback against SOGI rights, “which the majority of the world’s population does not accept” (ARC 2016: 9) and in the drafting of several Human Rights Council resolutions, on “Traditional Values” and on “Protection of the Family”. In Western Europe, this also results in sustained contact between Russian top figures and anti-gender actors. Leaders of the French movement La Manif Pour Tous have been invited to Moscow in 2013, alongside conservative leader Marine Le Pen (Moss 2017: 207; Romain & Vaudano 2022); Russian diplomats have also featured in conferences in Germany, and in Italy, as well as involved in a secret meeting with Italian and Austrian far-right politicians (Langer 2013; Shekhovtsov 2017; Wiederwald 2019).

3.2.4 Conservative movements

In many European countries, the anti-gender discourse is initiated by a galaxy of small to medium-sized movements, which can mobilize great numbers of people in their initiatives. These movements present themselves as extra-confessional and extra-ecclesiastic, although they proudly display their religious background: in other words, while their discourse is based on religious values, they are rather autonomous from Church cadres in their organization and discourses, and they at times take it on themselves to renew and popularize the Church message in society

¹²⁶ This is in fact one of the justifications used by Putin in the early stages of the Russian invasion on Ukraine (Edenborg 2022)

(Prearo 2020: 32). These neocatholic movements act at the intersection of conservative currents within the Church and far-right nationalist and identitarian political parties (ivi: 35). They present themselves as groups of “common people”, not financed or directed by any elite lobby, which reunites “spontaneously”, united by a common sense of the importance of the family and traditional values. (Prearo 2020: 194). They generally boast their character of openness to any confession, establishing what Yann Raison du Cleuziou calls “a catholics’ non-catholic mobilization” (2019: 190-191), which allows them to promote high participation, both in number and variety of participants. (Prearo 2020: 233). Parenthood is also increasingly utilized as a political identity: organizations present themselves as initiatives of parents concerned about the best interest of their children, or worried about the constant attacks on the (singular) family. The French La Manif Pour Tous is fairly notable for this reason: they downplay their religious origins to present themselves as a citizen’s movement, with discourses that appeal to anti-capitalism, nationalism and parenthood (Graff & Korolczuk 2022: 120). Their symbol, widely copied by several other movements in Europe, is a stylized figure of a mum and dad holding hands with a baby, and so are their colors: pink and blue, to represent masculinity and femininity, and white, representing children’s purity and innocence (Kuhar & Paternotte 2017: 270). Others go even further, by linking traditional families as the fundamental unit of society, a nexus of solidarity, the last frontier of social cohesion against the threat of aggressive individualism and market consumerism (Graff & Korolczuk 2022: 123-126). Scholars like Cornelia Möser, though, highlighting the different links between LMPT and French neofascist groups, assume that this politicized parenthood is just a “smokescreen” for the proliferation of an extensive far-right project (2020: 120)

3.2.5 Political parties

Political parties and politicians, especially those coming from the center-right and the far-right are indeed key allies of these movements. Their support is not certain nor fixed, as seen when Spain’s Partido Popular retired its support to anti-gender mobilizations after the failure of the anti-abortion policy initiative: however, on the contrary, other parties have adopted anti-gender ideas and elevated them as parts of their party agenda, and eventually of government agenda once they have risen to

power (Kuhar & Paternotte 2017: 261). While on one hand, this may entail policy measures like a ban on same-sex marriages, anti-propaganda laws, or restrictions of the right to parenting and abortion, these laws have included, especially in Eastern Europe, “welfare chauvinist policies” (Cinpoes & Norocel 2020). In fact, the welfare devastation brought by the collapse of the Soviet bloc and the adoption of EU neoliberal economic measures, coupled with anti-discrimination and gender mainstreaming policies, has turned many governments towards a “return to traditionalism” and a “retrenchment into family values” as a response to increasing precarization and erosion of social security systems (Norocel & Paternotte 2023: 125; Graff & Korolczuk 2022: 117).

The links between far-right populist parties and anti-gender civil society movements has been described in various ways. Kuhar & Paternotte speak of them as “two sides of the same coin”, that are to be interpreted as distinct political projects which may converge or compete in certain moments and contexts (Kuhar & Paternotte 2018: 13-14). Authors like Massimo Prearo, Elzbieta Korolczuk and Agnieszka Graff instead focus on the mutually favorable exchange between the two: by using formulas such as “double party-movement exchange” (Prearo 2020: 173, 185) or “opportunistic synergy” (Graff & Korolczuk 2022: 7) they explain how the frequent meetings co-organized by the two camps, and the sharing of public spaces, have benefited both. Populist parties adopted a repertoire of discourse and framings able to mobilize these movements as voter pools for the party candidates and support their rise to political power, while conservative movements enjoyed an institutional outlet that could legitimize them as political actors, increase their influence and eventually find their claims turn into policies (Graff & Korolczuk 2022: 24; Prearo 2020: 185).

3.2.6 International networks

All these actors just mentioned are increasingly interlinked in regional and global networks, in which they meet and establish a concerted strategy to mobilize protests domestically, oppose pieces of legislation that emerge nationally and in international fora, and produce at the same time a vision of international law that responds to their own vision against homosexuality, abortion, and gender

mainstreaming. The number of players, organizations, funds, think tanks, and spokespeople that navigate through these networks is astronomical, and even more are the links among them. With some INGOs as Chinese boxes containing several others through more or less kept-secret links, and individuals holding board memberships in numerous different organizations at once, the anti-gender network has resembled some scholars “a conspiracy” (Graff & Korolczuk 2022: 47; Rivera 2019: Datta 2018), so I’ll just delve on a couple of widely known actors and briefly mention some others.

The leading, most influential (Human Rights Campaign 2014: 1; Southern Poverty Law Center [SPLC], ND) anti-gender organization is the World Congress of Families (WCF). Born in 1997 as the brainchild of Allan C. Carlson, already founder of US think tank Howard Center for Family Religion & Society (since 2016 International Organization for the Family, IOF), and Russian scholars (Human Rights Campaign 2014: 8) its aim is “to forge a truly international pro-family movement” (Bob 2012: 42). The IOF, which has been listed as a anti-gay hate group by the Southern Policy and Law Center (SPLC, ND) has over 40 partners worldwide and thousands of member individuals. Its main instrument of influence are International Conferences, held almost every year¹²⁷, which “unite and equip leaders, organizations, and families to affirm, celebrate, and defend the natural family as the only fundamental and sustainable unit of society.” (IOF, nd). In fact, among the thousands of delegates that flock the Congresses, various famous faces pop up: not only famous activists like Ignatio Arsuaga, Alexey Komov or Brian Brown (I’ll return to them later) but also far-right politicians and institutional speakers. In the 2017 meeting in Budapest, for example, Hungarian President Viktor Orban was the key speaker; the same happened in 2019 in Verona with *Lega* leader and Deputy Prime-Minister Matteo Salvini. Other popular faces include Moldovan Prime Minister Igor Dodon, Polish Family Minister Elzbieta Rafalska, her Hungarian counterpart Katalin Novak, *Fratelli D’Italia* leader Giorgia Meloni (currently Prime Minister) and the leaders of conservative national NGOs like the

¹²⁷ The WCF has held 14 international Conferences from 1997 to 2022 in various cities in North and South American, Europe, Africa and Oceania, and several others regional meetings held worldwide, attended by thousands of delegates from all over the world.

French Ludovine de La Rochiere (La Manif Pour Tous) or the Italians Massimo Gandolfini and Jacopo Coghe (Graff & Korolczuk 2022, 45-55; Rivera 2019). Thanks to its several links with institutional actors and affluent funders, including Russian oligarchs Konstantin Malofeev and Vladimir Yakunin, the WCF has been involved in the development of anti-homosexual and anti-abortion legislation in Russia, Eastern Europe, Australia and Africa (Human Rights Campaign 2014).

Another powerful network is Tradition, Family and Property (TFP). Founded in 1960 by Brazilian conservative and landowner Plinio Correa De Oliveira, it originally sought to counter any progressive voices within the Catholic Church, any challenge to a “traditional” (heterosexual, patriarchal, procreative) vision of the family, and Communism (Datta 2019: 71). After the fall of Communism and the primacy of conservative voices in the Vatican curia, the network, who had already opened up regional branches in several countries worldwide, focused all its energies on countering sexual and reproductive rights (ibid: 76). The TFP has been described as “chameleonic”(ivi: 81), able to assume a range of different shapes depending on the national context, from local cultural organizations to rich branches earning millions of Euros in membership fees and able to exert influence in EU and UN fora. (ibid.). Belonging to the TFP can be deduced by a group’s iconography (a lion rampant, or a crusader motif), its leadership (many affiliates are lead by a small and interchangeable cadre of men), and its partnerships with the US Liberties Institute¹²⁸ and far right parties (ivi: 81-84). TFP is involved in a myriad of different activities. It organizes events that bring together politicians, aristocrats, and conservative Church representatives (ivi: 80, 92); exerts conservative pressure on the Vatican (ivi: 87)¹²⁹; engages in training and youth outreach, either via its own *Institute d’Etudes sur les Sciences Sociales*

¹²⁸ The Leadership Institute is a US-based teaching institute dedicated at teaching conservatives how to succeed in politics, government and the media (Montgomery 2017).

¹²⁹ This type of actions has recently reignited with the election of Pope Francis: in 2017, for example, a group from the Italian TFP signed a worried letter of “correction” concerning the Pope’s *Amoris Laetitia* apostolic exhortation (Pentin 2017)

(IESS)¹³⁰ or through partnerships with the aforementioned Liberties Institute (ivi: 82-83); it engages in fundraising, petitions, mail-bombing and public campaigns (ivi: 83,93). In recent years, thanks to the Polish group Ordo Iuris, it has become a norm entrepreneur, by engaging in strategic litigation at the international, legal and national level, and even in the production of alternative legislation, such as the Convention on the Rights of the Family, an answer to the Istanbul Convention. (ivi: 93-94). Over time, TFP affiliates have been accused of being a cult, indoctrinating children, and funding para-military fascist groups in various countries all over the world (ivi: 88-91; Rivera 2019).

Several NGOs operate internationally with a specific role. Some for example are committed to establish their interpretation of international law based on the “protection of the family as the fundamental unit of society” by using their ECOSOC consultative status to advance resolutions and statements in UN fora and opposing abortion and gay rights proposals. Such is the case of US-based advocacy groups like the Center for Family and Human Rights (C-FAM) or Family Watch International (FWI), founded in 1999 by Sharon Slater, notorious for its backing of anti-sodomy bills in Nigeria, Kenya and Uganda (Throckmorton 2012). These actors engage in coalition building: FWI founded in 2008 the UN Family Rights Caucus, a coalition of NGOs, religious leaders and policymakers (Velasco 2023: 12). In 2015 both these groups cooperated in the establishment of the “Group of Friends of the Family” a coalition of 25 states dedicated to “work at the UN as an informal voluntary association of like-minded countries committed to promote the family -heterosexual- as the natural and fundamental unit of the society (Yamin et al. 2018: 551).

Others are focused on legal advocacy, namely lawfare initiatives and strategic litigation at national, regional or international human rights bodies. Such groups include Alliance Defending Freedom International (ADF International), which holds offices in various countries and has European headquarters in Vienna,

¹³⁰The IEISS is a private university based in the Lorraine region in France, that focuses on “leading a reflection on European culture with an emphasis on its Christian roots , thus responding to John Paul II’s call for an evangelization of culture”.

or the American Center for Law and Justice, which operates internationally through regional branches like the in Europe (ECLJ), East Africa (EACLJ) and Slavic countries (SCLJ) (ivi: 545), or even Ordo Iuris, a TFP Polish group that submitted policy proposals in the Council of Europe (Datta 2019: 78).

Others, even, focus on campaigning in the online sphere, like CitizenGo. CitizenGo is a multilingual petition platform, founded in 2013 by Spanish activist Ignatio Arsuaga, which facilitates petitions in 50 countries. Its website, available in around a dozen languages, boasts over 12 million registered users in 2020. The organization has been involved in campaigns to oppose depenalization of homosexuality in Kenya, or EU directives that require member states to provide sex education curricula and ensure safe abortions (Estrela Report) (Rivera 2019: 10). The platform benefits from extensive links with far-right parties, especially Vox in Spain, and affluent funders including company executives and businesspeople, guaranteeing it an estimated revenue of tens of thousands of euros per month (Feder 2014).

The anti-gender TAN relies on a small group of interchangeable individuals, worthy of mention to highlight the many connections between the movements. Take for example Luca Volontè, the Italian CEO of *Fondazione Novae Terrae*, which finances anti-gender initiatives with allegedly illicit funds coming from Russia and Azerbaijan¹³¹: he is also chairman of the anti-choice think tank Dignitatis Humane Institute, and board member of CitizenGo (Rivera 2019: 16-17). Or even Alexey Komov, a Russian TV personality and associate of Russian oligarch Konstantin Malofeev, is also a CitizenGo board member and frequent face at WCF events: he is very active in Italy, where in association with Lega leader Matteo Salvini has founded the Lombardy-Russia and Piedmont-Russia cultural associations, two necessary links between businessmen of the two countries, and involved in several bribery scandals (Shekhovtsov 2017). Other names worth mentioning are Brian

¹³¹ Alleged because during the same years in which *Fondazione Novae Terrae* devoted thousands of Euros to CitizenGo or other anti-choice and anti-gender organizations, Volontè, then president of the European People's Party in the Parliamentary Assembly of the Council of Europe, was under investigation for laundering illicit funds coming from Azerbaijan and Russia, which earned him the nickname of "laundromat". There is no certain link, though, between the two cash flows. (Feder & Nardelli 2017)

Brown, president of the IOF and the US National Organization for Marriage and member of CitizenGo, or Sophia Kuby, Gabriele Kuby's daughter, which simultaneously works for ADF International and European Dignity Watch in the area of EU public affairs¹³².

Many of these actors have featured as part of elite supergroup network Agenda Europe. This name came up in 2013 and was initially just an anonymous conservative blog, which rallied anti-SRR sympathies thanks to its vitriolic language against EU policies. (Datta 2018: 8). However, a 2017 massive leak of documents, and subsequent journalistic reports by ARTE Tv channel and scholar Neil Datta uncovered several secret meetings¹³³ that had taken place since 2013 to establish a concerted strategy against abortion, contraception, gender mainstreaming and LGBTI rights. The first of these meetings was convened in London in 2013 by conservative activists Gudrun Kugler and Terence McKeegan, both former employees of the Holy See delegation at the UN, and reunited over 20 anti-abortion leaders and consultants. The meetings then took place every year in a different country, growing in size and reaching over 100 delegates from 30 different countries in 2017 (Datta 2018: 9). These members include: aforementioned international actors such as Komov, Volontè, Arsuaga and Sophia Kuby; politicians working at the national, EU and CoE level, mainly pertaining to center-right, Christian and far-right groups¹³⁴; national leaders of conservative NGOs such as La Manif pour Tous, ProVita Romania, Ordo Iuris, Hazte Oir; rich financiers including Mexican billionaires, aristocrats heirs to the Habsburg family, and Russian oligarchs. (ivi: 22-25). The most interesting document in Agenda Europe is its manifesto, called Restoring the Natural Order: an Agenda for Europe. This

¹³² More information on Sophia Kuby can be found in her bio section in the ADF website <https://adfinternational.org/advocacy-team-and-advisorycouncil/sophia-kuby-bio/>.

¹³³ The document convening the initial meeting, which took place in London in 2013, explicitly states that the meeting is "strictly confidential" and that documents do not have to be divulged, and even in the other meetings the documents state that journalists are not allowed and guarantee the anonymity of the participants (Datta 2018: 7, 10). When the leaks came out, the organizers denied any secrecy by stating that these were just unreviewed drafts that had to be checked before publication (Graff & Korolczuk 2022: 56-57).

¹³⁴ The list can be found in Datta 2018: 20-26

manifesto starts from the premise that all “human laws” must be based on a “natural order”, divine, and unchangeable and that the sexual revolution and its immoral products (abortion, contraception, and homosexual rights) will lead the Western civilization towards self-destruction unless stopped. The Manifesto then goes on to outline its targets, namely contraception, divorce, abortion, assisted procreation, the depenalization of sodomy¹³⁵, and anti-discrimination laws, (Datta 2018: 13-14). Agenda Europe calls for a strategy that incessantly contests and tries to reverse legislation and court decisions at any level, and at the same time appropriates of the language of human rights to produce strategic alternative arguments, such as the “right of conscientious objection”, “the discrimination based on religion”, “the rights of the parents to decide on their own children’s education”; which “contaminates” the key words of the LGBTI and pro-choice actors via campaigns that muddy their meaning towards the general public; and finally, which infiltrates through politicians and NGOs inside international organizations, thus gaining access to lobbying and influence, as well as funding. (ivi: 16-19). This strategy has concretely taken place in at least 16 initiatives that saw Agenda Europe’s influence, including national referenda on the abolition of same-sex marriage (Croatia in 2013, Slovenia and Slovakia in 2015, Romania in 2016) policy proposals to limit the right to abortion (Spain 2014, Poland in 2016), opposing the ratification of the Istanbul Convention (Bulgaria, Croatia and Poland between 2016 and 2018), or petitions at the European level to “define marriage as heterosexual” (Initiative Mum, Dad, & Kids) or revoke funds to pro-choice groups (One of Us Initiative), with various degrees of success.

3.3 Strategies

The actions and discursive devices employed by the anti-gender TAN follow a two-moment process. First, the actors involved oppose “gender” or “the LGBT norm”, by delegitimizing its proponents, misconstruing their narrative, and fabricating them as an impending threat on civilization and societal values against which a

¹³⁵ All those behaviours are deemed immoral to human dignity, because they detach sex from procreation and procreation from sex. The group denounces any form of contraception and abortion in every occasion, as well as openly promote the criminalization of homosexuality (Datta 2018: 13-14). Anti discrimination laws, on the other hand, are targeted as “limiting freedom of speech”

coalition must form. Secondly, they propose an alternative discourse, which they euphemize and spread as much as possible, based on their own few distinctive values and positions, by them constructed to seem universally agreed-on principles. This entire strategy is sustained by a wide support enticed by using multiple languages, switching from scientific, anticapitalist, or human rights discourse to conspiracy-filled populism depending on what best serves the local context (Graff & Korolczuk 2022: 20). Furthermore, they explicit this strategy in different concrete actions that range from direct democracy (via an impressive use of referenda and petitions) to street protests, media campaigns, academic production as well as in-house lobbying, strategic litigation and legislative initiatives. The anti-gender front also uses several framings, the two main ones being the “protection of the natural family” (and of children) and the “protection of national sovereignty” (often used with an anti-colonialist nuance).

An important reminder to the fact that political homophobia and anti-genderism are not simple backlashes to a SOGI norm, but a much more concerted political project that goes beyond reinstating the status quo ante, comes from the construction of the “gender” threat.

When these actors use terms such as “gender theory”, “genderism” and “gender ideology” they are not referring to a specific discourse in feminist academic circles, but they use it as a buzzword, an “empty, open signifier” that can be filled with a plurality of instances and views that, by falling under the same label, are portrayed as unitary and coherent, when in reality they portray diverse, even competing positions. (Kováts 2018: 533; Garbagnoli & Prearo 2018: 36). Also, gender is a category used not only in academia and feminist activism, but in politics and law as well, with meanings that oftentimes don’t overlap: framing the “genderists” as an unified front, even by deforming their meaning, allows anti-gender actors to attack many of their opponents at the same time (Garbagnoli & Prearo 2018: 18). The threat of gender comes not only from strands of feminist scholarship and activism that seek to deconstruct an essentialist approach between sexuality and social hierarchies (Hennig 2018: 7): gender is also the ideological matrix of a series of policy reforms, including SOGI rights, access to abortion and contraception, sex education, new reproductive technologies, protection against gender-based violence

and many (Kuhar & Paternotte 2017: 5). Moreover, grouping this many issues under one label allows “gender” to be used as a “symbolic glue” that federates many actors altogether, despite their different agendas (Grzebalska et al. 2017).

The gender threat is purposefully fabricated and pumped by state and social actors, in a strategy that is unrelated to any significant development of activist groups or locally situated instances of policy reform, and much more connected to political goals. Scholars in Eastern Europe thus highlight episodes of anti-gender discourse appearing not in reaction but in anticipation, as a subtle way to frame a bigger rejection of EU norms (Svatoňová 2021: 139-40; Hodzic & Bjelic 2014), and so do Weiss and Bosia, noticing instances of homophobia used by leaders in the building of a nationalist sentiment against foreign sanctions or to get rid of political opponents (Bosia 2013: 40-44). The moral panic that is fueled into the society by anti-gender campaigns serves to build up a supportive public opinion in order to influence the national and international legislative framework.

3.3.1 Actions

Gender is, first of all, an epistemological threat reproduced in academies and universities. Gender theory is deemed ideological and unscientific, as it denies the essentialized sexual difference and complementarity, presented in contrast as self-evident truths grounded in biology (Kuhar & Paternotte 2017: 6; Graff & Korolczuk 2022: 60). “Gender scholars” like Simone de Beauvoir, Monica Wittig and Judith Butler are deemed as militant activists, their ideological differences mashed together, and at times they are physically attacked¹³⁶. Gender departments are either denounced as waste of public money, as did the Hungarian government when in 2018 it announced its plan of closing them altogether, or as ideological nests of Marxists, which should be purged: this last framing led to the initiative of *Ordo Iuris* group in Poland, which demanded university directors to provide a “blacklist”

¹³⁶ Butler, for example, has often been the target of misogynistic, homophobic and antisemitic slurs, as well as accusations of “witchcraft” and a “pedophile”. During a trip to Brazil in 2017, where she was to feature as a speaker in a conference, anti-gender activists organized a petition to deny her access to the country or revoke her credentials for the conference, and staged protests where an effigy of her dressed as a witch were burned at the stake. In the airport, she and her partner have been harassed and assaulted by a group of anti-gender activists. For the full story, see Jaschik 2017.

of gender scholars (Graff & Korolczuk 2022: 61-62) or on the repeated threats received by Swedish scholars, both online and offline¹³⁷.

The strategy is not just aimed at chipping away the credibility of gender studies and scholars, but also at replacing them with an alternative knowledge production, legitimizing a new pantheon of intellectuals through an extensive literary production and promotion in a flurry of conferences (Kuhar & Paternotte 2017: 265). This part of the strategy includes anti-gender academics being pushed into public universities and sheltered from hate-speech complaints or the establishment of their own academic institutions, such as TFP affiliates IESS and Liberties Institute. The aforementioned Lexicon is also the cornerstone of this alternative knowledge production, aimed at dismantling the cultural hegemony of gender and revealing the true meaning of “gender concepts” (Garbagnoli & Prearo 2018: 31).

Anti-gender activists take concrete action in a variety of settings. In their view, the ideological matrix of gender theory manifests itself in a multitude of policies, against which every concerned citizen must mobilize and voice its opposition. Policy initiatives to legalize same-sex marriage, for example, have been the main catalyzer of protests happening in France from 2012 to 2014 and again in 2016 -with organizers claiming over a million people taking it to the streets in Paris- (AFP 2013), as well as in Italy and Spain earlier on. The proposed ratification of the 2011 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (also known as the Istanbul Convention) drew fierce protests in several countries of Central and Eastern Europe, which managed to stall the ratification or even withdraw from the Convention (Buyuk et al. 2020). Others manifested against anti-discrimination and hate speech legislation, claiming these laws infringe on their freedom of expression (Kuhar & Paternotte 2017: 32). Initiatives of “concerned parents” have taken place in several countries in order to protest against the insertion of sex education curricula; in other cases,

¹³⁷ In 2018, a fake bomb was planted by anti-gender activists on the doorsteps of the National Secretariat for Gender Research in Gothenburg, after months of death threats and rape threats received by students and scholars online (de los Reyes et al. 2017)

they have pressured institutions to retire books or movies considered dangerous to their children's development, even setting up "anti-gender phone lines" to denounce gender initiatives (ProVita & Famiglia 2020); and some other even called for parents to keep their children home for days in protest (Kuhar & Zobec 2017: 37-39).

These protests display several degrees of violence: groups like the *Veilleurs* in France and the *Sentinelle* in Italy are profoundly non-confrontational, as they stage silent stand-ins to protest against hate speech laws (Kuhar & Paternotte 2017: 1); others are markedly violent, with some staging attacks on Pride marches in Poland, Serbia or Georgia, or setting schools on fire as a protest against a sex education curriculum in Belgium (Stroobants 2023). Violence is a part of the anti-gender discourse: scholars like Gabriele Kuby regularly use wartime vocabulary with terms like "invasion" "threat" and "resistance", and Polish groups frame Prides as "an effort of LGBT activists to invoke provocation and pose as victims", thus requiring violence as self-defense (Graff & Korolczuk 2022: 106).

The impressive use of direct democracy instruments, such as referenda and petitions is worth mentioning. Democratic instruments can be used by foes of the LGBT community to undermine SOGI rights just as much as progressive actors do to advance them: take for example the infamous 2008 California Prop 8, only one of the flurry of state-constitutional amendments banning same-sex marriage in early 2000s USA; or the referendums attempting to ban same-sex marriages in Slovakia (2015, failed), Slovenia (2015, successful), Croatia (2013, successful), Romania (2018, failed). In all these cases, mobilizations have fueled popular sentiments of fear and anger (Stern 2014; Benveniste et al. 2016: 12; Datta 2018).

The internet has been an important space of mobilization: not only do conservative movements find there information channels, but also develop online communities where they forge identities and shared discourses that activists copy-paste and distribute (Prearo 2020: 29). They also are spaces of mobilization, where activists can coordinate demonstrations, boycotts, mailbombings and petitions, especially thanks to multilingual platforms like CitizenGo (Kuhar & Paternotte 2017: 265; Graff & Korolczuk 2022: 45). The campaigns also feature space in

traditional media outlets, which oftentimes also feature disinformation about LGBTI people and events (Ayoub 2014: 352).

Anti-gender movements feature extensive lobbying at national and transnational levels: they have become authorized voices in the political realm, influential in policy decision, like *Ordo Iuris*, which has had a defining role in drafting many policies in Poland and in Europe (Graff & Korolczuk 2022: 44; Datta 2019: 92-95) or American Evangelical organizations, which have become close counselors of authoritarian leaders and have spoken to national parliaments (Human Rights Campaign 2014: 18). As already mentioned, many actors of anti-gender movements have “infiltrated” institutional spaces and become members of governments or Parliaments. Other movements employ what Prearo calls a “pre-political strategy” (2020: 165), not affiliating with any political party but “indicating” which candidates best represent their claims - and which others don’t - and at the same time “contaminate” the programs of each party with their claims (ivi: 165-175).

Anti-gender actors have also extensively engaged in lawfare, both at domestic and transnational level: they block and contest the policies proposed within legislative bodies, and they call out any court decision opposed to them (Datta 2018: 18) delegitimizing them so they can advance an alternative framework and their own policies (Velasco 2023: 2). This is particularly evident at the UN, where the SOGI resolutions have faced intense opposition (Voss 2018: 8-9), consisting in walkouts during panel discussions or floods of amendments that would transform any SOGI rights policy into general non-discrimination resolution, or that would affirm the primacy of national cultural values over international norms: all attempts to devoid them of their original purpose and turn them into what Clifford Bob calls “zombie policy” or “non-policy” (Bob 2012: 33). When this is not possible, the network strikes directly against the institutions, accused of being “controlled by the gender lobby”, “opaque and unaccountable”, “usurpers of people’s sovereignty” (Bob 2012: 61; Datta 2018: 18). Special Rapporteurs have been notoriously subjected to critiques of “overstepping their mandate” (Roseman & Miller 2011: 363-364). Soft law developments of SOGI norms have been

demeaned as non-binding, not having any value in international law, and as nothing more than ideological interpretations falsely portrayed as norms (Bob 2012: 61-2).

Lawfare also involves producing counter policies, mostly based on the “protection of the traditional family” or on “traditional values” framework, but also extending to the notions of “human dignity” (related to abortion rights) or “freedom of religion” (to allow conscientious objection and counter the anti-discrimination framework) (Datta 2018: 29-32). For example, conservatives have organized an anti-Yogyakarta conference in 2004 (so even preceding the actual Yogyakarta): the International Conference for the Family. This was backed by a UN resolution, preceded by preparatory meetings, attended by hundreds of governmental and nongovernmental delegates (from groups such as C-FAM, WCF, Family Watch International and so on) and drafted a formal Declaration of the Rights of the Family (Doha Declaration), which reaffirmed the “right of men and women” (only) to marry and the family as the “natural and fundamental group unit of society.” (Doha Declaration 2004) In the UN Human Rights Council, Russia and the OIC backed several resolutions on the protection of the family (2014, 2015) and on the protection of traditional values (2009, 2011, 2012)¹³⁸. In Europe, Ordo Iuris has proposed a Convention on the Rights of The Family, to counter the 2011 Istanbul Convention (Ciobanu 2020). Finally, groups of trans-exclusionary radical feminists (TERF)¹³⁹ have drafted a “Declaration on Women's Sex-Based Rights”, which “reaffirms women and girls' sex-based rights, and challenges the discrimination we

¹³⁸ A/HRC/RES/12/21 Promoting Human Rights and Fundamental Freedoms through Better Understanding of Traditional Values of Human Kind (HR Council, 2009); A/HRC/RES/16/3 Promoting Human Rights and Fundamental Freedoms through a Better Understanding of Traditional Values of Humankind (HR Council, 2011); A/HRC/RES/21/3 Promoting Human Rights and Fundamental Freedoms through a Better Understanding of Traditional Values of Humankind: Best Practices (HR Council, 2012); A/HRC/RES/26/11 Protection of the family (HR Council, 2014); A/HRC/RES/29/22 Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development (HR Council, 2015)

¹³⁹ TERF or Trans-exclusionary Radical Feminism, is a term that defines a strand of radical feminism contrary to transgender policy advancements and “gender theory”. They call themselves gender-critical, as they see TERF as an insult or a misconception. They generally inscribe themselves within the “feminism of difference” stream. (Smythe 2018)

experience from the replacement of the category of sex with that of ‘gender identity.’”¹⁴⁰ .

3.3.2 Languages

The anti-gender TAN relies on a wide array of languages. They make good use of populist frames to spike deep emotions of anger, fear, and moral panic (Kuhar & Zobec 2017: 35), but also utilize and subvert notions that are usually associated with the liberal/progressive field, such as human rights and feminism. This way they contest the cultural hegemony of their opponents and resignify their own terms (Peeters 2011: 221; Datta 2018: 17). The anti-genderists have thus claimed to found a “new feminism” that is truly representative of all women, in contrast to “gender feminists” that strip women away from their natural roles as mothers, leading them to dissatisfaction (Graff & Korolczuk 2022: 32). They have even reappropriated some anti-capitalist discourse, by portraying “gender” as a product of the extreme individualism and unrestrained freedom of choice typical of neoliberalism market fundamentalism (Case 2011: 805; Carnac 2014: 137).

3.3.2.1 Populism

According to several scholars “populism” has become an overused buzzword, so much so that it has become an insult against any political opponents, in a sort of “anti-populist hysteria” (Müller 2016: 16; Mudde & Kaltwasser 2017: 1-2), but in fact populism and anti-gender activism share a wide variety of discursive tropes. Populism has been described as a “thin-centered ideology” that divides society in two groups: “the pure, innocent, common people” which is idealized, and the “corrupt elites” which are demonized (Mudde & Kaltwasser 2017: 8; Mudde 2007: 23). The “elite” category, although by definition restricted, comprises many actors in populist discourse: top cadres of government, military and businessmen, as well as key figures in political parties, religious communities and media, or any actor who is able to affect top-level decisions (Best & Higley 2018: 3). This category has recently extended to actors of civil society such as NGOs, think tanks and intellectuals, who are portrayed as privileged and corrupt due to their involvement

¹⁴⁰ The declaration can be found on <https://www.womensdeclaration.com/en/>

with the aforementioned elite actors (Graff & Korolczuk 2022: 36). In the anti-gender discourse, the “gender lobby” thus includes LGBTI and women’s rights activists, politicians, and supranational institutions: in sum, a globalist liberal elite that aims at erasing any sexual difference, any biological truth, the traditional family, and eventually the nation (Svatoňová 2022: 113; 2021: 144).

The anti-gender actors employ the classic “populist toolkit” (Wodak 2015: 1-5; Kuhar & Paternotte 2017: 14-15). First off, a binary division between “us”, a majority of (normal) people, concerned about the future of the family and the nation, silenced by accusations of “homophobia” and “discrimination”, and “them”, the elites, privileged and foreign, who impose their desires and interpretations on the common people (Bosia & Weiss 2013: 21). This is also called “gender fatigue” or “victim-perpetrator reversal”, meaning that those who portray themselves as discriminated against (LGBTI people asking for societal inclusion and legal equality) are actually the perpetrators (the gender lobby) and forces the whole society to forego their necessities and comply to their desires instead¹⁴¹ (Kuhar & Paternotte 2017: 15; Ayoub & Paternotte 2019: 10; Garbagnoli & Prearo 2018: 37). Gender lobbyists are thus not a legitimate political opponent, but mortal enemies (Kováts 2017: 178), while conservative actors portray themselves both as part of the common people, not payed by any lobby, and as saviours of oppressed people and national values against international elites¹⁴² (Graff & Korolczuk 2022: 7; Kuhar & Paternotte 2017: 264). By appealing to common sense and scientificity (ivi: 15), anti-gender actors assume the role of truthspeakers and defenders of freedom of speech, oppressed by the hysteria of political correctness (Peeters 2006: 2; Wodak 2015: 64-66).

This discourse is also grounded in nationalism: not only are LGBTI people historically framed as antinational elements and security threats, but they are also

¹⁴¹ One of the slogans of the French mobilizations, for example, was “the priority is work, not gay marriage!” (Garbagnoli & Prearo 2018: 37).

¹⁴² As previously shown, though, this presentation as grassroots movements of common people contrasts with the backing of affluent funders and transnational actors (Yamin et al. 2014: 553; Prearo 2020: 212-215)

portrayed as foreign agents, antithetical to the national fabric¹⁴³. To cite a few examples, Polish campaigners chanted “lesbians and gays are ideal citizens of the EU, healthy Poles are not like that” (Gruszczynska 2007: 100), Russian propaganda states that its society rests on “community” and “common values”, contrary to European “individualism” and “tolerance” that are conducive to the gender contagion (Moss 2017: 198), and in many of the anti-gender discourses in non-anglophone countries, “gender” is never translated from English, in order to maintain its foreign aura (Garbagnoli & Prearo 2018: 32-33). Moreover, gender ideology is an imperialist project conducted by international organizations or multinational corporations, who seek to impose their narrow special interests and preferences against those of the common people (Graff & Korolczuk 2022: 95-96; Ayoub & Paternotte 2019: 10).

Secondly, anti-genderists employ the so-called “politics of fear”: they construct one or more threats to societies and blame minority groups of them, turning them into scapegoats with the help of stereotypes and exaggeration (Wodak 2015: 1; Svatoňová 2021: 144). LGBTI people are not numerically or politically a force in any of these society, let alone a threat: but they fit as perfect culprits in the assault against morality and religion (Weiss 2013: 163). This resonates with people’s deep-rooted anxieties about the future of society, of their families and their children (Kuhar & Zobec 2017: 35).

Thirdly, gender is painted as a covert political project explainable through conspiracy theories of variable intensity. Anti-gender intellectuals explicitly compare “gender ideology” as a totalitarian project, akin to “Marxism and Fascism” (Kuby 2016: 42), which though tools of “social engineering” aims to erase any constraint of the natural order, leaving men and women free to choose their gender several times (ibid). This new world order based on gender produces a society without families and nations, detached from nature, where a mass of “disjointed

¹⁴³Scholars have outlined te similarities between the current demonization of LGBTI people and the antisemitic discourses of the 19th and 20th century: Jewish people were in fact pictured as conspirators, perverse, demonical forces connected to global elites. And in fact, anti-gender voices paint George Soros and Judith Butler (both Jewish) as the financier and leader of the gender elite (Graff & Korolczuk 2022: 98-99).

individuals” become obedient and malleable consumers, exploitable for profit by state and financial elites (IOF 2019; Kuby 2016: 278). Some voices go as far as identifying gender as a neo-malthusian plot - meaning a global conspiracy to reduce births and mankind - and eventually associate it with theories of Great Replacement, where white Europeans are set to be replaced with immigrants (Svatoňová 2021: 140; Graff & Korolczuk 2022: 104). Authors warn against the fact that the real intentions of gender ideologists are cloaked under banners of equality and freedom: Dale O’Leary for example speaks of it as a “submarine ideology”, that reveals itself as little as possible (1997: 21) while others use the metaphor of a “Trojan horse” carried by supranational entities (Anatrella 2011: 3; Peeters 2006: 16).

Populism is also viewed, especially in Eastern Europe, as a response against the “neoliberal failure” of the European project, which came to be bureaucratic, elitist, led by the influence of corporations and NGOs and prioritized the imposition of civil rights over economic stability (Grzebalska et al. 2017). Conservative protests create thus a space where disappointed people can feel empowered and vent their anger and insecurities against politics (Grzebalska 2016). Populist parties bank on this sentiment by presenting as defenders of families and nation, forms of traditional community posed as last frontiers against the evils of globalized capitalism (Graff & Korolczuk 2022: 60). They engage in “welfare chauvinism”, which combines generous welfare policies directed at families with conservative discourse (ivi 2022: 117; Cinpoș & Norocel 2020).

3.3.2.2 *Human rights*

3.4 Issue framings

The anti-gender network’s discursive strategy is based on two main frames (Yamin et al. 2018: 541; Velasco 2023: 10; Kuhar & Zobec 2017: 36) the defense of family, which includes the protection of children, the primacy of heterosexuality, sexual difference and gender hierarchies; and the defense of national sovereignty, which includes nationalist and anticolonial discourse. These two mainframes are quite interconnected: the definition of family as a foundational bloc of society, essential for the reproduction and survival of an homogeneous nation, tends to be common in nationalist discourses (Ayoub 2014: 345; Hennig 2018: 7; Kuteleva 2023: 6).

3.4.1 Protection of the family

The (singular) acceptable definition of family (also known as “traditional” or “natural” to deem it as the only legitimate option) (Velasco 2023: 11) is the heterosexual one, according to the anti-gender TAN. Moreover, this definition also entails a set of clearly prescribed gender roles and hierarchies, and normative behaviours, such as marriage, procreation and the division of tasks at home, based on biological sexual difference (Hennig 2018: 7; WCF 2019). The protection of the “traditional family” has featured in anti-gender lobbying at the UN, based on the notions of family and (heterosexual) marriage found in the UDHR and the International Bill of Rights¹⁴⁴. Under the leadership of the OIC, the network has pressured the Human Rights Council to adopt a resolution on the protection of the family twice: in 2014 and 2015. The first one asks states and international bodies to promote, protect and assist “the family” as the fundamental unity of society, entirely responsible for the growth and well being of children, but does not entail a definition of “family” (McGoldrick 2016: 12) and in the requested panel discussion, SOGI rights NGOs stress the need for the recognition of the diversity of families (Office of the United Nations High Commissioner of Human Rights [OHCHR], 2014: paras. 23-25). The second attempt resulted in a longer, more elaborated document which featured, among others, mentions of: the strain suffered by families due to the financial crises; single-headed, child-headed and women-headed households; the socioeconomic disparities between men and women in the home environment (United Nations Human Rights Council, 2015). These mentions were a clear attempt to silence previous critiques. Yet, when presenting the report tabled by the resolution, the UNHCHR stated that the concept of family must be understood in a wide sense, and that children of same-sex couples must not be discriminated against (UNHCHR 2016: paras. 24-26).

Gender thus undermines at once the constitutive identity of men and women, their sexual difference, their complementarity explicated in marriage, their natural roles (Peeters 2013: 9) By eliminating its anthropological basis, this proves

¹⁴⁴ The UDHR states clearly the marriage as heterosexual in its article 16. This has been reiterated in ICCPR’s individual communication on *Joslin vs New Zealand*.

to be a fundamental threat to the the family (Pope Francis 2016: 56) and thus to society and mankind in general, that, lacking its foundation, would suffer a “demographic winter” (Bob 2012: 44). The threat of same-sex marriages and families are frequently brought over, even as possibilities in a slippery slope of LGBTI rights, because the anti-gender TAN is mindful of the strong cultural resonance and popular sentiment this discourse brings (Fetner 2008: xviii)

The traditional family is also pictured as a the last frontier of solidarity and social cohesion, a defense against rampant market individualism and consumerism (Graff & Korolczuk 2022: 124): the erosion of the traditional families is thus linked to signs of social collapse, such as the growth of criminal activity (Fundacja Mamy i Taty 2019). Consumerism and gender ideology are accused of exploiting and commodifying women, depriving them of their motherhood through the use of surrogacy (IOF 2019), and erasing any concept of “mother” and “father” based on biology to promote a neutral “parent 1”/“parent 2” label (Meloni, speech at WCF 2019 in Graff & Korolczuk 2022: 122).

The anti-gender TAN alternative to this “neoliberal consensus” (Chetcuti 2014: 253) is thus firmly based on the importance of the family. The network opts first for a “rebranding”: discards the anti-gender label and adopts that of pro-family, with leaders presenting as family men and women and parading their partners and children (Graff & Korolczuk 2022: 117-119). Secondly, it promotes policies of “welfare chauvinism” that combine handouts and tax breaks for families (ivi: 117) while limiting the beneficiaries to heterosexual couples, preferably married and with children (ivi: 127).

Gender is also painted as a threat to children. This is a particularly resonant frame, because it is grounded on the bodily integrity of vulnerable communities, enticing societal fears and mobilizing masses, especially of parents, into action (Kováts 2017:177; Kuhar & Paternotte 2017: 275). It is also grounded in the “best interest of the child” principle, which has a firm support in international law (Velasco 2023: 1395). Gender ideology imposes a wide array of dangers to children: Eastern European countries like Bulgaria and Czechia have recently panicked over stories of children taken away from their families by social services under suspicion

of abuse, just to be adopted by same-sex couples in Norway or the Netherlands, where they are sexually assaulted or serve as organ banks (Svatoňová 2021: 135-136; Vladimirova 2019; Svatoňová 2019). Russia has, in this regard, served a “saviour of children” role, by passing a law that explicitly bans the international adoption of Russian children from countries where adoption is open to same-sex couples (Moss 2017: 206)

Gender has also “leaked” into public schools, with sex education curricula and certain textbook materials who have come under fire for “promoting homosexuality” (Kuhar & Zobec 2017: 31-34). According to anti-gender campaigners, sexual education spreads inappropriate information about sex to children who are not yet developed to comprehend it fully: this hypersexualizes children and renders them as easy prey of homosexuals (reinforcing the old trope equating homosexuality and pedophilia) (Graff & Korolczuk 2022: 105; Kuhar & Zobec 2017: 38). Teachers and textbook materials, as well as some cartoons and comics destined for children audiences, are also accused of “promoting gender ideology”, indoctrinating pupils without their parents’ consent. This trope of is a legacy of Anita Bryant, who famously warned about homosexuals “want to recruit your children and teach them the virtues of being an homosexual” (Fetner 2001: 411), and has been nowadays extended to gender identity, with kids being taught that there are 5 genders, that they can take hormones to transition, and that they can dress however they like (Kuhar & Zobec 2017: 37-39)

Parents in these campaigns mobilize for their right to educate their children according to their religious and cultural beliefs, as stated in internationally agreed documents, and they frame gender ideology as an attempt of the state and elites to interfere in their family and private lives (Kuhar & Zobec 2017: 38-41). Graff & Korolczuk argue that these conservative movements strive for a “non-intrusive, socially conservative welfare state” (2022: 128), that promotes pro-natalist policies and offers high-quality social services to in-groups (excluding out-groups such as refugee and non-normative families), while respecting the autonomy of parents in the upbringing and education of their children.

3.4.2 National sovereignty

National sovereignty and self-determination are norms that attract a great deal of respect in the international arena, as they were the foundations of the wave of independentism that remodeled the face of international politics after World War 2 (Velasco 2020: 133). It is thus not a surprise that many actors reframe their opposition to LGBTI rights as a defense of national sovereignty and values against the imposition of norms they feel as foreign and antithetical to their culture (Gross 2017: 161, ARC 2016: 59-64). National sovereignty also entails, for these actors, that norms regulating sexuality must be determined at the national level, following the specific religious and cultural values of the nation, and not mandated by any international norm to which countries have not agreed on (Girard 2007: 346; Altman & Symons 2018: 65).

In the definition of the national community and the building of a national sentiment, sexuality has a major role. The national corpus is imagined and constructed as homogeneous, and doesn't accept any deviation from the "normal" standards set by traditional values and religion that constitute one nation's own specificity and particularity that sets it apart from other nations, and are a basis for its self-determination (Stychin 2004: 555; Hennig 2018: 7). This is the reason why states such as Pakistan and Russia have proudly declared that there are no homosexuals in their countries (Girard 2007: 346; Moss 2017: 198).

The identity building of the nation through a single definition of sexuality also includes an active struggle to defend the community values against foreign and internal threats. For Stychin, homosexuality is "historically linked to conspiracy, recruitment, opposition to the nation" (1998: 9), and sexuality is a form of escape from family and locality that empowers citizens and weakens sovereignty (2000: 603), while for Conrad sexuality and gender are threatening to local narratives, because they are not confined to local borders and rather challenge the fixity of national social categories (2001: 25). Political homophobia is thus first directed inwards, in a search & destroy mission to eliminate any internal enemies that

threaten the process of identity building¹⁴⁵ (Bosia & Weiss 2013: 2-3; Sleptcov 2018: 142). It is then directed outwards: political homophobia is reframed as a defense of the nations' sovereignty against a foreign intrusion, namely, homosexuality and gender, in the guise of a blend of supranational entities, Western states, or multinational corporations (Graff & Korolczuk 2022: 96-97; Stychin 2004: 957). This nationalist project is the face of larger objectives in international politics: establish a state's authority in the face of external pressures, like Eastern European states against European Union policies (Graff & Korolczuk 2022: 27); search for strategic alliances and funds to cover for eventual sanctions (Bosia 2013: 32) or act as the leader of the global conservative front, as in the unique case of Russia (Edenborg 2018: 73).

This interpretation of gender as a foreign invasion has a massive appeal in states who liberated from European colonization. Vatican sources and anti-gender scholars (Anatrella and Peeters in particular) have spoken many times of gender as an "ideological colonization", used by Western powers and Western-led organizations (EU, UN, WHO and so on) to destroy tradition and weaken national identity (Pope Francis 2015; Newsome 2016; Anatrella 2011: 3; Peeters 2013: 79). The Vatican position is summarized by Vietnamese cardinal Van Thuan:

"gender ideology is a new Western colonialism imposed upon the rest of the world. Among its many negative aspects, the old colonization had also heroic feats, as it was animated by a desire to export something significant, while this new western colonization is nothing but the export of nothing"¹⁴⁶ (Osservatorio Cardinale Van Thuan 2012: 20)

Western homosexuality is either presented as aggressive and violent, like an invasion from a colonizing army, or as weak and degenerate, like the contagion of a Western disease onto African and Asian values (Bosia 2013: 43). In the rhetoric of Robert Mugabe, former Zimbabwe president and virulent enforcer of

¹⁴⁵ This internal search for enemies is also the excuse that some leaders have used when they accuse their political opponents of homosexuality in order to strengthen their rule. For key examples in Zimbabwe and Malaysia see, for example, Bosia 2013: 40.

¹⁴⁶ Translated from the Italian by myself

homophobic legislation during his nearly 40-year tenure, the erasure of any trace of homosexuality equated to the elimination of any remnant of colonial era, and with it, any degenerate influence on a “mythologized, precolonial, “pure” African (hetero) sexuality” (Stychin 2004: 956). Dr. Teresa Okafor, director of the ultra-conservative Nigerian NGO Foundation for African Cultural Heritage (FACH) and frequent speaker at WCF events, also says that the destruction of the family operated by Western powers is particularly disruptive for developing African nations, “where families, and not the state, organize society” (Okafor in Graff & Korolczuk 2022: 101).

One of the most contested instruments of foreign imposition is aid conditionality. In 2016, Pope Francis deemed it “unacceptable that international bodies make financial aid to poorer countries dependent on the introduction of same-sex marriage laws” (2016: 251). In the years between 2011 and 2013, the so-called “gay conditionality” (Rao 2012) has been a constant feature in UK and US foreign policy. Speaking at the 2011 session of the Commonwealth intergovernmental meeting, British PM David Cameron announced that his government would retire aid from countries that criminalize homosexuality, unless they reformed (Associated Press 2011), and reiterated it in 2013, saying that the UK wanted to “export gay marriage worldwide” (Hope 2013). African and Asian leaders did not take this lightly. Tanzanian PM Mizengo Pinda and his foreign minister Bernard Membe stated that homosexuality runs against their moral standards and they would not legalize it (Mbutia 2011), and so did the Presidents of Liberia (Ford & Allen 2012) and Ghana (BBC News 2011). The Ugandan delegation accused Cameron of having a neocolonial mentality, and of “treating Ugandans like children” (BBC News 2011b). Similar responses awaited US President Barack Obama and his secretary of State John Kerry during their 2013 tour of Africa (Encarnacion 2014: 302). However, in that period several Western countries and international development agencies, such as the World Bank and the UN Development Program, adopted similar foreign aid policies (Bergenfield & Miller 2014).

The attempts of tying LGBT rights and development - what Rao (2015: 41) has termed “homocapitalism” - had the intent of picturing homophobia as an

avoidable cost on national economies. Several critiques from the progressive side, however, warned these governments that their policies were achieving the opposite effect. African activists stated that these cuts in aid could trigger state retaliation over activists¹⁴⁷ and further scapegoating of local LGBTI communities (Pambazuka News 2011; Onishi 2011). The years after 2011 saw in fact a worsening of homophobic violence and anti-sodomy laws in many parts of the continent (Gross 2017: 152). Moreover, this gay conditionality may reinforce African leaders' propaganda, that paints LGBTI rights as western impositions and distracts attention from other pressing socioeconomic issues (Alimi 2015; Biruk 2014: 469).

It is important to point out that what leaders call "African values" are actually, more often than not, a colonial legacy, specifically a British one (Kirby 2013: 75; Gupta 2008). It is not a surprise, then, that out of 61 countries criminalizing homosexuality worldwide, half are Commonwealth members (Lennox & Waites 2013: 1). Moreover, one must not forget the role that Western conservative religious groups, like US evangelicals, have contributed greatly to the reignition of homophobic policies in African countries (Lybarger 2013). This "Western blame" justifies British leadership in fighting against homophobia worldwide: as Britain brought these laws on African ground on the first place, it has now the responsibility to remove it (Tatchell 2011; Gevisser 2013). Some others have though recognized in this a link between the recognition of LGBT rights and the nationalist project, a sort of reverse political homophobia¹⁴⁸: states use LGBT rights to portray themselves as democratic, tolerant and advanced, asserting a moral superiority over "backward" countries that criminalize LGBT people; they justify

¹⁴⁷ This phenomenon was observed also in the early 2000s in Asia and Africa. Critiques of imperialism stung groups working for LGBTI rights in these countries, including feminists and AIDS groups that had worked on SOGI issues but had not featured them as primary objectives of their advocacy. The accuses affiliation with LGBTI claims put these groups on the defensive, forcing them to distance themselves and couch their actions on sexual and gender minorities in less revealing discourse (Rothschild 2005)

¹⁴⁸ I use this expression to highlight the similarities between the strategies of political homophobia and the strategies of the Western states to develop LGBT rights globally, but actually scholarly literature has already develop concept like homonationalism, homoglobalism and pinkwashing (Rao 2015; Gross 2014; Puar 2013)

intervention in foreign countries with the export of LGBTI rights¹⁴⁹; they use them in their propaganda (Rao 2017: 16-17).

Finally, it's important to notice that this rhetoric of gender as a "Western ideological colonization" has caught on in Eastern Europe as well. Some scholars have noticed how the export of "European values" and the "white saviourism" of Western European countries has not faded after the end of colonialism but has been redirected towards Eastern Europe, especially in the context of EU eastward enlargement after the fall of the Soviet Union (Stychin 2004: 963). LGBT rights, which were gaining ground in the 2000s as part of the corpus of European values, became thus a marker of Europeanness that separated the Western "advanced" countries and the backward, homophobic Eastern European countries that needed to catch up (Ammaturo 2015: 1152; Ayoub & Paternotte 2019: 8-9). SOGI rights were thus formalized in accession criteria, and former communist countries had to reform their legislations if they wished to enter the single market. This top-down enforcement of legal rights, on the background of a low societal acceptance of the LGBTI community, and weak LGBTI activism, made them sound even more like a foreign imposition (O'Dwyer 2013: 119; 2018: 14). Polish conservatives, for example, felt they had a place in the EU, but did not think the EU (and especially his laws over sexual minorities) had a place in the cultural and value system of Poland (Ayoub 2014: 349). Back to today, the Visegrad countries are those in which anti-gender discourse has reached loci of power: case in point, as of 2020 there were over 80 towns in Poland that proudly called themselves "LGBT free-zones" (European Parliament 2019). This retrenchment into the "traditional family" and the growth of anti-gender protests is seen as a response to the failed promises of the neoliberal, elitist, bureaucratic reform brought by the EU, which instead destroyed the welfare system and job security while imposing legal rights on societies without an ounce of public support (Zacharenko 2019). In the discourses of the anti-gender intellectuals like Gabriele Kuby and Marzena Nykiel, Eastern Europe thus becomes

¹⁴⁹ Some scholars have also noted some sort of hypocrisy in the Western export of LGBTI rights: meaning that while some nations, like Uganda, get bashed in aid conditionality, other countries with similar anti-sodomy records, like Russia, Saudi Arabia and Nigeria remain ignored. (The Economist 2014)

the last frontier of resistance against the decadent malady that has taken the West and destroyed its Christian foundations. (Kuby 2014; Nykiel 2014), with the latter going as far as drawing parallels between the current “resistance to gender ideology” in Eastern countries and the resistance to the Ottoman siege of Vienna in 1683 (Nykiel 2014: 305). In this new moral geography of Europe, the picture portrayed by Western European progressives is reversed: Russia and Eastern Europe, somewhat immune to the totalitarian and neo-Marxist gender ideology after having overcome the totalitarian rule of Soviet communism, have now become, in the eyes of conservative campaigners, the only true saviors of Christian and traditional values, that need to save Europe from its self-destruction. (Kuby 2014; Moss 2017: 202).

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Chapter 4. National instances of the anti-gender movement

4.1 Italy: A textbook anti-gender movement

The Italian case is quite peculiar: Italy is a longstanding, proud member of the same Western bloc that anti-gender discourse decries as hopelessly decadent, and it has an important tradition of feminist and LGBTI movements, going back to at least the 1970s. And yet, Italy is particularly resistant to LGBT norms, given that it is the only country in Western Europe not to recognize same-sex marriage, or punish homophobic hate speech. Italy seems to be particularly conducive to the development of a radical anti-gender discourse, so much so that it has been defined as a “productive laboratory” for anti-gender strategies (Garbagnoli & Prearo 2018: 9) or even as a “lighthouse” in safeguarding the traditional, Catholic, family values against a totalitarian Europe (Garbagnoli 2017: 164; Repubblica 2016). This subchapter deals with the development of an Italian anti-gender discourse, which unites the Vatican, conservative movements, and populist parties, united by their opposition to LGBT norms, and to one in particular: the so-called Zan Bill set to introduce punishments for homophobic hate crimes.

4.1.1 Solving the political diaspora of Catholics: the CEI and the March for Life

First off, the Vatican has a primary role. Despite a steady decrease over the years, Italy is still one of the most religious countries in Europe (Harris 2019; Pew Research Centre 2018), and Catholic values are still influential in societal attitudes regarding sexuality (Lasio et al. 2018: 502-503). Thanks to the legitimacy held within Italian society, the Vatican has the opportunity to impose a “legislative silence” on any deviation from the heterosexual norm: this results in a situation of “repressive tolerance”, whereby decriminalization rests on a general absence of

LGBTI issues in the work of state actors, which delegate the regulation of sexuality to the Church. (Lasio & Serri 2019: 693).

During the 20th century, the Holy See had exercised its influence on Italian politics thanks to the direct channel offered by the hegemonic party *Democrazia Cristiana* (Christian Democratic Party, DC). When DC dissolved in 1994, the Catholic voice in politics was no longer unitary, but dispersed among several parties and candidates (Lavizzari 2020: 72), with oftentimes ambiguous stances over what the Church defines “non-negotiable principles” (Congregation for the Doctrine of the Faith [CDF] 2002). The LGBTI rights advancements in Italy and Europe are a symptom of an increasing secularization of society and a “sexual democracy” (Fassin 2012: 285-288) in the political arena: in the Italian context, the proposals over “assisted procreation” (L.40/2004) and civil partnerships (DiCO bill)¹⁵⁰, sustained by center-left governments, are thus countered with a direct entry of the Vatican, and especially of the Italian Bishops’ Conference (CEI) in Italian politics, without any party mediation (Melloni 2006: 1062-1063). This model is particularly successful at first: the L.40/2004 was struck down with a referendum; the DiCO bill is met with an oceanic protest convened in Rome in May 2007, called “Family Day”, which reunites nearly all Catholic associations in defense of “Christian, traditional, natural family” (Prearo 2020b).

Even though CEI heads boasted these results as evidence that the Church could still mobilize, on its own, Catholics to act politically (Prearo 2020: 98-99), this was really just the beginning of an extra-ecclesiastic turn of political Catholicism, which would be since then dominated by radical grassroots movements of Catholic inspiration, but autonomous from the control of the Church, post-DC parties, or traditional pro-life associations (Prearo 2020: 34-35), all accused of being too entrenched in power-plays and political negotiations over the “lesser evil” to defend the “non-negotiable principles” (Cascioli 2013; Palmaro 2013). This breakout is set to be not just a temporary experience of contestation,

¹⁵⁰ The law on assisted procreation was presented in 2000 by Alessandro Cé, a Lega Nord MP; the DiCO bill, inspired by the French PaCS, was instead brought by the chairs of the center-left. The center-left government of Romano Prodi, despite a consistent Catholic presence in the majority parties, endorsed both of these projects. (Prearo 2020b)

but a way to stimulate a Catholic militancy that “reaffirms” a zero-tolerance, integralist religious thinking by strategically using the democratic and legal tools of civil society (Prearo 2020: 124). Starting from the 2012 March for Life, held in Rome, activists portray themselves as a proud grassroots mobilization, that refuses any connections to party and political sponsors (Agnoli 2012) and is, unlike the 2007 Family Day, not just a top-down event called by Vatican leaders for their opportunity (Amato 2012). Even though it still is a predominantly pro-life demonstration, the 2012 March is thus earmarked as the start of the anti-gender movement in Italy (Prearo 2020: 127)

A distinctive trait of this new form of mobilization is, of course, the emergence of the “gender” discourse. The notion of “gender” already emerged in Italy thanks to the Lexicon, in 2003, and in a 2007 publication of the *Scienza & Vita* association (Science & Life)¹⁵¹. Yet the notion of “gender”, voluntarily used in the English form to show a purported foreign origin of the concept (Bencivenga 2012: 25), remains insignificant until at least 2013, when anti-gender actors adopt this Vatican concept and use it as their new battlecry (Garbagnoli 2017: 154), expanding their rhetoric over the pro-life issue and remodeling homophobic discourses in a seemingly innocent “defense of the family and rights of children” way (ivi: 160).

4.1.2 Building an anti-gender network

The movement gradually builds its numbers, organization and anti-gender rhetoric in two particular events: the annual March for Life in Rome and the periodical conventions organized by the associations. During the March, this heterogeneous galaxy of actors expresses itself as a critical mass, an energetic plurality that coalesces around a common cause (Agnoli 2012). During the Conventions, actors develop the tropes of anti-gender discourse and organizational strategies. The

¹⁵¹ It’s an organization created in 2005 after the Referendum of L.40/2004, and chaired by Massimo Gandolfini, now one of the leaders of the anti-gender movement. *Scienza & Vita* would also participate in 2011 to the Anti-gender conference at the University of Navarra, a crucial moment in the definition of the anti-gender discourse in Europe (Prearo & De Guerre 2016)

public includes heads of associations, but also politicians like Eugenia Roccella (Fratelli d'Italia), Carlo Fidenza (Fratelli d'Italia), or Alessandro Pagano (Lega), friendly journalists like Costanza Miriano or Maurizio Belpietro, and foreign guests, such as Alexey Komov, Ludovine de la Rochere and Tugdual Derville, heads of the French *Manif pour Tous*. (Prearo 2020: 154-155 Garbagnoli 2017: 161).

The first two years after the March for Life are dedicated to the construction of the anti-gender cause and the definition of its main actors. Alongside longstanding Catholic movements like Massimo Gandolfini's *Scienza & Vita* or TFP branch *Alleanza Cattolica* (Catholic Alliance) new actors emerge as operative tools of the anti-gender movement (Prearo 2020: 152). This is for example the case of *Giuristi per La Vita* (Lawyers for Life), founded by lawyer Giovanni Amato as a legal advocacy association like the American ACLJ, and *Notizie ProVita* (ProLife News, later *ProVita Onlus*), a monthly paper created by Toni Brandi, which serves as the main news outlet of the movement, denouncing every infiltration of "gender ideology" in the public discourse. (ivi: 148-151).

2013 also saw the birth of an important actor: *La Manif Pour Tous Italia* (LMPTI)¹⁵², originated as mere support of the French protests by French Catholics resident in Rome and quickly turned into the Italian branch of the French movement by a group of "friends", namely Filippo Savarese, Jacopo Coghe and Maria Rachele Ruiu, all members of the Neocathecumenal way, and financier Luca Volonté. The French character shows up in the membership, name, colors and symbols (respectively pink white and blue and a stylized family with kids)¹⁵³, but mainly in the strategical placement. LMPTI is not only extra-political and extra-ecclesiastical, but also extra-catholic, given that despite its evident roots it claims to be "open to everyone who cares about the family", regardless of their political and religious background: it is, in the words of Raison du Cleuziou, a "non-catholic mobilization

¹⁵² From 2015 onwards the association will change its name in *Generazione Famiglia*, (Generation Family) and since 2019 will unite with *ProVita Onlus* (former *Notizie ProVita*) to form the most popular anti-gender association in Italy, meaning *ProVita & Famiglia* (ProLife & Family).

¹⁵³ Savarese and Coghe recall many times the contacts between the French movement and the Italian branch, including the meetings between the leaders and the granting of the permission to use the symbols (Pezerat 2016)

of Catholics” (2019: 190-191), that presents its claims under the mantle of “common sense” rather than on religiously dictated morals, thus expanding its militant base.

Another French copycat is the *Sentinelle in Piedi* (Standing Vigils, taken from the French *Veilleurs*), a series of mobilizations to protect “freedom of expression” from manipulations and restrictions such as bills against homophobic hate speech (Garbagnoli 2017: 162). In hundreds of events, Sentinels occupy a public square, silent and standing one meter apart, reading mostly dystopic fiction. Even if silent, organizers convey their message by attracting media and exploiting their apparent “peacefulness” against any counter-protester, which can be marked as “violent” and “intolerant” (ibid.).

The French model proves particularly useful for the next stage of the movement. When in 2013 the French activist Tugdual Derville speaks at the Alleanza Cattolica Convention in Milan, he leaves Italians some advice. First, the movement structure has to be pyramidal: a myriad of flexible, voluntary local associations with a single national leader, even better if led by a charismatic figure, that conveys a unitary movement voice vis-à-vis authorities, politicians and media. Secondly, it has to present itself as open to everyone, with a rhetoric based on common sense more than religion. Third, its communication structure must be based on clear and everyday language and rely on emotional impactful slogans. (Prearo & De Guerre 2016). Fourth, spread the anti-gender message concretely at the local level through standardized small-scale meetings. (Prearo 2020: 155).

4.1.3 Mobilization and coordination in anti-gender conferences

Starting from 2013, the movement had to react to several threats coming from the political arena, such as the DDL Scalfarotto, concerning the criminalization of homo-transphobic hate crimes (2013), the DDL Fedeli, which introduces “gender

education¹⁵⁴” in school curricula (2014), and the publication of several booklets titled “Education on Diversity” at school” by the National Office against Discrimination (UNAR). Calls for coordination of the existing actors, in view of a concerted mobilization, resulted first in the association “*Vita è*” (Life is), founded among others by Gandolfini, Amato and Toni Brandi, and finally, after the 2015 Family Day, of the Comitato Difendiamo i Nostri Figli (Committee to defend our children, CDNF): together with LMPTI, it acts as a recognizable face that represents the anti-gender movement in its interactions with the political arena and media, especially thanks to its charismatic leader, Massimo Gandolfini (Lavizzari 2020: 80; Prearo 2020: 164-165).

One of the most important tools of recruitment and mobilization has been the hundreds of “anti-gender conferences” that have taken place since 2014. These meetings, hosted in small-town local churches, usually gather a small audience of parents, but are also systematically uploaded on Youtube to reach thousands. They follow a precise scheme where the speaker (or speakers) presents itself as a commonsense family man and as a scientific expert¹⁵⁵ and goes on to cite a round of academic works to irrefutably disprove the foundations of gender ideology. At this point the public is often confused and annoyed, but the speaker incites them to mobilize against every instance of gender theory. The speaker leaves the room with three keywords: Knowledge-Participation-Action. (Prearo 2015).

Two other movements of mobilization concern the action in schools and during the impressive “Family Day” gatherings of 2015 and 2016. Schools become a battleground for newly incited anti-gender activists, and a particularly successful one (Trappolin & Gusmeroli 2021; Lavizzari 2020: 103): in 2014, protests of a front of “concerned parents” succeeded in blocking UNAR strategies and taking down elementary school books; in the same year, a mobilization circulated in Whatsapp groups asked parents to take their children off school for a couple of days per month; moreover, the associations have established anti-gender phone lines to denounce

¹⁵⁴ The Fedeli law proposal, carrying the name of PD’s MP Valeria Fedeli, aimed at combating gender stereotypes in schools, including those linked to gender identity.

¹⁵⁵ Gandolfini is a neurosurgeon; Amato is a lawyer.

any infiltration of “gender ideology” in schools. (Garbagnoli 2017: 165). In recent years, CitizenGo Italy, now lead by former LMPTI leader Savarese, has promoted a campaign called “Stop gender in schools”, which involved a petition and a “Freedom Bus” that traveled over major Italian cities displaying slogans (Trappolin 2022: 125). Regarding Family Days, they were revived in 2015 under the leadership of Gandolfini. They are an apex moment of mobilization that brings over 400.000 people to the street, despite the fact that most of the mainstream Catholic world, CEI included, does not participate (Garbagnoli 2017: 163-164). The religious world is mostly present in the leaders of the NeoCathecumenal Way, while the 2016 version is much more political and oriented against the Cirinnà bill on same-sex civil partnerships. In either occasion, the discourse from the podium and in the stands is filled with conspiracy theories and homophobic stereotypes (Prearo 2015b; 2017).

4.1.4 Institutionalization: from the pre-political strategy to the World Congress of Families

The institutionalization of the anti-gender movement takes force after 2016, profiting off political opportunities like the 2016 constitutional referendum and elections at the local, national level, but still refusing to engage in the electoral competition. Gandolfini himself, in a series of interviews in 2018, explains his “pre-political strategy”: although not the CDNF nor its leader intend to run for office, they “contaminate” the political arena by asking all parties to subscribe a commitment to Family Day values, insert them in their programs and perhaps nominate movement personalities; and they subsequently orient the Catholic electorate towards parties and candidates that deserve their vote. (Guerra 2017; Gandolfini 2018; Prearo 2020: 166-174)¹⁵⁶. Movements and parties are intertwined

¹⁵⁶ Gandolfini is notoriously reluctant to endorse specific formations which he deems “divisive”: this is the case of Adinolfi’s Popolo della Famiglia, whose electoral run was a failure (Gandolfini 2018); or neofascist formations such as CasaPound or Forza Nuova, despite their history of support

in a “two-way political exchange”, where parties intervene within movement frames (to promote their programs and electoral candidates) and movements intervene within party frames (to insert their demands into political programs) (Prearo 2020: 185). Commitment pacts proposed and signed by right wing leaders are symbolically hailed as a sign that the anti-gender discourse can act as a “symbolic glue” (ivi: 187-188) to piece together that “political diaspora of Catholics” (Prearo 2019: 31-32). This institutionalization also results in a translation of the anti-gender rhetoric, that shifts into a milder and less threatening “pro-family” one (Prearo 2020: 196)

This strategy works particularly well thanks to the success of right-wing populist parties such as Meloni’s *Fratelli d’Italia* (FdI) and Salvini’s *Lega*. They both use religion as an identity marker, a populist rhetorical tool to distinguish the in-group and out-group (Spini 2018: 67). Salvini and Meloni in particular use religious markers (the rosary, the invocations to Mary, the constant identification as Christians in front of their crowds) as political instruments (Prearo 2020: 256-259). Salvini in particular has, since its election as leader in 2013, remodeled its party and his own image from a regional to a nationalist one, “in defense of the nation, the Christian identity and traditional family” (Donà 2020: 162). Thanks to its victory in the 2018 election and its presence in the first Conte government, Lega brings anti-gender actors in power positions: Lorenzo Fontana leads the Ministry of Family, while Family Day founder Simone Pillon holds top spots in Senate Commissions presiding Justice and Youth Affairs¹⁵⁷.

When in 2019 the World Congress of Families holds its 13th edition in Verona, this is the culmination of a 7-year-long project of movement, party, and international actors (Prearo 2020: 14; Lavizzari & Siročić 2022: 13). Personalities such as Luca Volontè, Alexei Komov, Roberto De Mattei and Massimo

to the anti-gender movement (repeatedly denied by Gandolfini). On the neo-fascist connections with the anti-gender movement, see the blog “Playing the Gender Card” by Yadad de Guerre.

¹⁵⁷ Pillon is also the proponent of a bill that would have drastically reformed the discipline on divorce and child custody, eliminating judicial checks, contested by lawyers, psychologists and UN rapporteurs.

Introvigne¹⁵⁸, for example, have over the years exploited their presence in international networks to finance and build the anti.-gender movement in Italy. Despite some withdrawals and several critiques from government partners¹⁵⁹, the event is promoted by the city and regional administration, as well as from the Ministry of Family (all held by Lega), and several right-wing actors like Pillon, Meloni, Fontana are present, with Salvini leading the pack hailed by the crowds (Camilli 2019b). The city of Verona itself is not a coincidental choice: it has been for years considered an ideological laboratory for the Italian far-right and has hosted several anti-gender Conventions (Siviero 2018). Anti-gender NGOs can use this platform to showcase their strength to national and international partners: all movement actors take the podium and feature as co-organizers (with Brandi and Coghe acting as president and vice-president of the event), boosting the pro-family rhetoric at its core (Pavan 2019: 324). The event, however, is surrounded by critiques: the Vatican refused to adhere, as it “agrees with the contents but not on the form”, yet still sent a representative and had even recently spoken fondly of the Congress (Annicchino 2019), but most importantly the city is taken over by a feminist mobilization that reunites over 100.000 activists from all over Italy and the world, alongside unions and left-wing parties, under the slogan “Verona, transfeminist city” (Camilli 2019c; Cossutta 2021: 102-105).

4.1.5 The DDL Zan and the anti-gender triumvirate

While the WCF is an apex of the anti-gender mobilization, the opposition to the DDL Zan can be regarded as the apex of its institutionalization. Italy has a problem

¹⁵⁸ Volontè has had a role in financing and facilitating the emergence of LMPTI, and the subsequent nomination of Filippo Savarese as head of CitizenGo Italia (Prearo 2020: 212-215); Komov is generally regarded as the link between Lega and Putin’s Russia (Rivera 2019 18-20); Introvigne (former OSCE representative against religious discrimination) and De Mattei (former advisor to the Italian foreign ministry) are active members of Alleanza Cattolica, a TFP branch in Italy (Datta 2019: 94)

¹⁵⁹ Forza Italia leader and European Parliament president Antonio Tajani has retired its presence after several critiques; The government has retired its patrocination of the event and M5S leader Luigi Di Maio has called the participant “fanatics” and “idiots”. (Camilli 2019)

with homotransphobic violence: it is the leader in Europe for transphobic murders (Gay.it 2022); the LGBTI association Arcigay reports that 134 instances of homophobic violence made it in the news during 2020 (Arcigay 2020), but obtaining precise estimates of hate crimes is difficult, especially because of the total absence of policy and law provisions criminalizing this specific offence (Guerra 2021). Italy has a framework offered by the 1993 Mancino Law, that punishes discriminatory violence and hate speech, but only covers sex, nationality, race and religion; and while since 1996 several bills have been presented to add SOGI as grounds of discrimination, they have all failed to reach the debate stage in Parliament (Il Fatto Quotidiano 2021), lagging behind several Italian regions and going against EU calls (Castigliani 2021). The first draft of the Zan Bill (C.569) is presented in May 2018, by Democratic Party (PD) deputy Alessandro Zan, former president of Arcigay Veneto, alongside four other proposals¹⁶⁰ which would then be united into one over the following months. The bills remain substantially ignored until the majority switches from a center-right (with Lega and the populist 5 Star Movement, also known as yellow-green majority) to a center-left (with PD and M5S), always with Conte as PM. In July 2020, a unitary text (C.107) reaches the Chamber. The debates lasted over 3 months in a deeply polarized climate (Il Post 2020): the right-wing parties presented over 800 amendments, with clear obstructionist intents. MPs defined the bill as a “muzzle” on freedom of expression, even theatrically putting one on during the final vote, while Meloni and Salvini defined the measures as “not necessary”. The text was further modified to also add disability as a protected ground and some clarifications on the notions of sex, gender, gender identity and sexual orientation. The text eventually passed with 265 in favour and 193 against.

The approved text contained ten articles: the first contains definitions of gender, sex, gender identity and sexual orientation¹⁶¹, the second and third

¹⁶⁰ C. 107 Boldrini, C. 868 Scalfarotto, C. 2255 Bartolozzi and C. 2171 Perantoni.

¹⁶¹ Sex is “biological or on registries”; gender is “any external expression, be it in or not in accordance with the social expectations based on sex”; sexual orientation is “the sexual or romantic attraction towards a person of the same or different sex, or both”, and gender identity is the self-identification of one’s gender, either conforming or not to one’s sex and with or without having begun a transition process.

expanded the protected grounds of the articles 904-bis and ter of the penal code, dealing with hate propaganda and incitement, while protecting freedom of expression when not conducive to violence (art.4). Article 5 extends the protected grounds against hate crime and hate speech present in the Mancino Law; Article 6 adds said grounds to the definition of “vulnerable categories” in the penal code; the last 4 articles institute public initiatives for the “National Day against Homophobia, to be held on May 17th¹⁶² (art 7), a national strategy to prevent discrimination in all spheres (art.8), the institution of anti-violence centers (art.9) and a tri-annual statistical evaluation of homotransphobic violence (art. 10).

Despite instances of homophobic violence reported in the media (Lepore 2021), and a public campaign from several famous personalities (Vanity Fair 2021; Il Post 2021) the Senate discussion is yet again stalled in the Senate Justice Committee, lead by League hardliners Andrea Ostellari and Simone Pillon, which delay the Committee exam until forced to do so in late April 2021 (Ricciardi 2021). The majority changes again, and includes right-wing (except FdI) and left-wing parties with Mario Draghi as president. The proposal stays hostage of the Committee until July, and the right-wing opposition tries to delay it many times. First, it tried to group it with other “diluted” proposals, coming from right-wing senators (il Post 2021b; 2021c), then it called for an absurd number of consultations (initially 255, then reduced to 70).

The auditions feature the entire spectrum of anti-gender actors and discourses. Gandolfini, Brandi, Coghe and De Mattei are all invited by Pillon (Riformato 2021), yet their discourses seem to be the least extravagant. Former prosecutor Carlo Nordio defines sexual orientation as an “ambiguous concept”, that “may condone pedophilia”; many others cite the “threat of gender theory” in schools, or envision a totalitarian descent. (Foderi 2021; Guerra 2021b) Several feminists, like Marina Terragni, Silvana De Mari, or even Arcilesbica president Cristina Gramolini take the stand denouncing the concept of gender identity, which would lead to “sexual self-identification”. They also present several menacing

¹⁶² The date of May 17th has been chosen because it is the day in which the WHO removed homosexuality from the list of diseases

scenarios, where self-identified trans women invade women-only spaces (like prisons, public bathrooms) to rape them, compete unfairly in women's sports categories, or even take advantage of "pink quotas" in society¹⁶³. These discourses are taken from, or transported over, social media debates. Left-wing voices speak of the bill as a necessary "defense" of victims and of Western, democratic values (De Blasio et al. 2022: 98-100; Il Manifesto 2020), even though some warn about crystallization of fluid concepts and of a useless use of criminal repression to change deep-seated cultural norms (Dominijanni 2020). Right-wing parties, on the other hand, argue that the law is divisive, unnecessary, a sneaky insertion of gender ideology, and against freedom of expression and women's rights, boasting the newly formed alliance with feminist actors (De Blasio et al. 2022: 101-103).

The Vatican surprisingly aligned with the anti-gender movement. While CEI already sent a note saying that the bill would limit priests' freedom of expression (Il Post 2020), in June the Vatican Secretary of State sent a note to the Italian Government which claimed that the Zan Bill would violate the Vatican-Italian Agreements of 1984, menacing a diplomatic conflict (Viafora 2021). When the bill appeared in July for its Senate debate, it encountered intense filibustering of over 1000 amendments and even the opposition parties which had previously voted in favor. ProVita & Famiglia also sent an appeal to all senators to vote against the bill (Marcolivio 2021): this was received by the Vatican, which sent another note detailing the Pope's opposition to "gender theory" (Prearo 2021). When the League proposed a motion of non-procedure (the so-called *tagliola*, beartrap) in October 2021, and gained a majority over it, the Bill died under a round of applause from the seats of the center-right. (Guerra 2021c).

How will the anti-gender movement progress after this victory is yet to see, but the current conditions only favour its strengthening. The electoral victory of the right-wing coalition in the 2022 elections has brought many movement actors in the government (Alliva 2022; 2023). At the same time, these victories have incited the

¹⁶³ These actors are known as Trans-Exclusionary Radical Feminists (TERF), and include several feminists of the "difference" current, including trans lesbians. Their role will not be discussed, if not briefly, in this thesis, so I suggest to read the volume *La Terra non è Piatta* (Cirillo et al. 2021)

Vatican to take a more decisive anti-gender stance, praising the 2022 March for Life and inviting Gandolfini to a private audience (Giansoldati 2022). What started as an extra-catholic, extra-party, extra-ecclesiastic breakout has gone on to benefit all actors involved, given that this triumvirate of movements-Vatican-populist parties openly perpetrates the anti-gender stance from power positions (Lavizzari & Siročić 2022: 13; Prearo 2021).

4.2 Hungary: anti-gender discourse from the top-down.

Hungary was once held as a fertile ground for LGBTI rights, reaching legal milestones even before some Western states. Flash forward to 2023, after 15 years of “illiberal democracy” under populist right leader Viktor Orbán, Hungary vehemently curtails LGBT rights at home and blocks their advancement in EU venues. How did this shift happen? This subchapter will be dedicated to the exploration of the anti-gender discourse in Hungary in the lead-up to what many consider its apex, the 2021 “anti-pedophilia bill”, to show how the *Fidesz* government developed anti-gender discourse as a populist, government-led rhetorical tool of political homophobia, without a prior grassroots anti-gender movement.

4.2.1 LGBT rights advancements in early post-communism

Communist countries of the Soviet bloc have generally been accused of state and social repression of homosexuality, a “bourgeois degeneracy” according to some, expressed in criminalization and police harassment. (Altman 1971: 227). Not all Warsaw Pact countries, however, shared Stalin’s hard punishment of same-sex relations¹⁶⁴: Poland had decriminalized homosexuality in 1932, Hungary and

¹⁶⁴ By removing all the Czarist era laws, the Bolsheviks in 1922 had decriminalized homosexuality, and generally adopted a liberal position in support of private, consensual same-sex relations between adults. The Soviet Union even sent delegates to Germany to cooperate with Magnus Hirschfeld. Stalin overturned the early attitude of the Bolsheviks and in 1933 re-criminalized homosexuality under the infamous article 121 of the Soviet Penal Code, which punished any homosexual act with

Czechoslovakia in 1962, Bulgaria and East Germany in 1968, much sooner than many other Western countries (Szulc 2017; Wesolowsky 2021). However, a triangle of state police, secret services, and the KGB, used their powers to detain, interrogate and blackmail homosexuals in these countries, to recruit them as informants or build up the forced labor population (Szulc 2016; Gruszczynska 2007: 2).

State surveillance and societal discrimination forced LGBT activists into homophile-ish underground networks and clubs (O’ Dwyer 2018: 49; Owczarzak 2009: 423-424), and started to emerge in the public sphere only in the late 1980s, especially in reaction to the spread of HIV/AIDS (Greif 2005: 150; Chetaille 2011: 121-123). After 1989 the nascent LGBT movements were further strengthened, in their capacity and public influence, by the links with Western NGOs and EU pressures. (Ayoub & Paternotte 2014: 237-238). A successful mix of accession conditionality and the desire of “fitting in” the European community made governments approve progressive laws even in discordance with public opinion on homosexuality (O’Dwyer 2018: 14).

The earliest Hungarian LGBT movements in the 1990s, Homérosz and Lambda, were Budapest-centered and inward-looking, mostly dedicated to community building and service provision, mainly in the fight against HIV/AIDS, and although they promoted events and petitions, they lacked significant institutional influence.¹⁶⁵ (Riszovannij 2001: 152-153). Homosexuality was not a salient issue in the political sphere, yet LGBT rights advanced through the progressive judgments of the Constitutional Court and the absence of significant far-right or Church opposition (Buzogány 2008: 8). In 1995, the Court mandated the Parliament to revise the civil partnerships law to grant same-sex couples equal

up to 5 years in prison and hard labour in gulags. Homosexuality would be decriminalized in Russia only in 1993, to join the Council of Europe, alongside many other former Soviet republics and satellite Warsaw Pact states. (Szulc 2017). For a history of homosexuality in early Soviet Union, see Healey 1993.

¹⁶⁵ Homérosz was founded in 1988 and institutionally funded for HIV-related services. The group famously started the so-called “Pink Picnics” starting from 1992, annual gatherings of the LGBT community that took place in the hills just outside Budapest. These gatherings would go on to form the bulk of the Pride marches that take place on the city street since 1997. (Spike 2021). Lambda was born from a Homérosz split in 1991, and was much smaller and informal, but had some reach thanks to the publication of the monthly journal *Mások* (Others). (O’Dwyer 2018: 175-176)

access, and in 1999 recognized sexual orientation as a protected ground in the Constitutional anti-discrimination open clause. These developments proved to be way more progressive than not only domestic public opinion, but also many Western states. (Long 1999: 250-251). The political environment proved also conducive: From 1990 until 2006, it featured the center left (composed of socialists MSZP and liberal SZDZ) and center right (composed of moderate MDF and Christian Democrat KDNP) alternating in government spots. Fidesz and his leader Viktor Orbán (which rose to government in the 1998-2002 period), were much different than now: they emerged in anti-communist contestations and were liberal and pro-European in ideology¹⁶⁶. In a magazine-survey in the 1990s, Orbán was one of the few leaders not to respond negatively towards same-sex marriage (Buzogány 2008: 8).

In the early 2000s a mix of EU leverages, Western NGO ties, and sympathetic leftist governments advanced the LGBT claims politically. The Háttér group, born in 1995 from the ashes of Homérosz, became more professionalized and influential in institutional lobbying and public campaigns. It cultivated ties with other NGOs to organize the increasingly participated Budapest Pride and develop legal campaigns. It succeeded in passing anti-discrimination legislation that included gender identity (1999), removing discriminatory age of consent laws by Constitutional Court judgment (2001) and in passing of same-sex partnership law in 2007. Right before Orbán took power, Hungary had one of the most progressive framework in the entire Europe, even though in acute discordance with societal attitudes (O'Dwyer 2018: 188; Hoferle 2022: 22).

The economical “shock therapy” imposed by the West to restabilize the Magyar economy, in view of accessing the EU, had disastrous consequences for society, eroding any sign of welfare spending and pushing for massive emigration towards Western Europe, aided by the freedom of movement. Orbán changed his rhetoric to appeal to the conservative, nationalist voices emerging from society: his

¹⁶⁶ *Fidesz* was born as a student movement (*Fidesz* is the acronym of Youth Democratic Union) in the later years of the communist regime; Orbán was noted by George Soros, who saw in him a leader of a new, liberal and European-aligned Hungary, and financed his studies at Oxford (Hoferle 2022: 16)

aim was to “reunite the right” under his own leadership, both in Parliament and in street protests, against a congregation of “Brussels bureaucrats” and socialist-liberal governments that had “betrayed” the nation by stealing their wealth and erasing their traditional values. (Hoferle 2022: 22-23). Under the auspices and the tolerant eye of Fidesz, these protests grew increasingly more frequent and violent, featuring episodes of hooliganism and repeated physical assaults against Pride parades and LGBT activists. Out of these protests emerged paramilitary groups and neo-nazist parties such as Jobbik, who quickly became the main Fidesz competitor from the right and engaged in campaigns to curtail rights to LGBT activists, in view of promoting a “Faggot-free Hungary”. (O’Dwyer 2018: 183-185; Hoferle 2022: 21-23).

Between the neonazis of Jobbik and a widely unpopular center-left, festered with scandals and unable to respond to the 2008 financial crisis, Fidesz emerged as the most reliable option. In 2006 it came close to winning the elections, and in 2010 it won in a landslide, securing a parliamentary supermajority that allowed it to amend the constitution as it pleased. Jobbik coming in second place in the general election also meant an outstanding power of the populist right over any decision regarding minority rights. (Horvath et al. 2012: 318; Spike 2021; O’Dwyer 2018: 184-185).

4.2.2 Building an illiberal democracy

The massive constitutional review allowed Orbán to construct what the leader himself defined an “illiberal democracy” centered on the ruling party and its leader. Through a series of authoritarian reforms and quintessentially demagogic rhetoric, Orbán managed to bend Hungarian politics and society to its will, uprooting every stream of opposition and replacing it with a governmentally controlled substitute. This began with the elimination of every institutional balance over the executive: thanks to a favorable electoral law and sapient gerrymandering (Scheppele 2014), the Fidesz-KDNP ticket has managed to maintain a two-thirds majority in the National Assembly, which has allowed it to repeatedly amend the Constitution to pass laws once deemed unconstitutional. Fidesz also prevented the opposition from

setting up committees in Parliament, and bills are usually submitted by individual MPs using a fast-track procedure, thus avoiding any debate or consultation (Sata & Karolewski 2023: 7; Grzebalska & Pető 2018: 170). The influence of the Constitutional Court has been curtailed, and its judges replaced with party loyalists (Szikra 2014; Körösényi 2019); the same happened with institutional watchdogs like the Equal Treatment Authority, once the most vocal actor in defense of LGBT rights, now abolished and replaced with a government-friendly ombudsman (ILGA Europe 2020). Civil servants in key positions have also been fired en masse and replaced by party loyalists (Sata & Karolewski 2023: 8)

Fidesz also exerts significant power over national media. The state media authority has been known to arbitrarily censor the opposition, and Fidesz has over time used several tactics (punitive taxes, denial of license renovation, and even police raids over anti-regime outlets) to force opposition media to loyalty or to failure. Fidesz now controls 90% of outlets, including newspapers, TV and websites, and uses them to control the public narrative, excluding opposition leaders and slandering them with false information (Sata & Karolewski 2023: 5-6; Makszimov 2021; LSE 2017). Similar mafia-like tactics were used to seize control of rich corporations and force rich businessmen to loyalty (Beauchamp 2018).

Civil society has been especially under attack: starting from 2014, NGOs have been demonized as “foreign agents” funded by Western governments, EU institutions, and the omnipresent George Soros. The war on NGOs featured police raids, accusations of tax fraud, punitive denial of funding and legal status, and culminated in the 2017 “foreign agents law”, which mandates any CSO who receives even small amounts of funding from abroad to display a “foreign funded label” on any material and campaign. (Butler 2017). Through the redistribution of state funding, Fidesz also set up its own bogus NGO sector. Public protests have been ridiculed, curtailed by police repression, banned by decree, and subjected to attacks from far-right paramilitary groups. The government has furthermore replaced traditional direct democracy instruments with “National Consultations”: these are questionnaires submitted periodically to the citizens, which have no legal basis, but serve as a plebiscitary tool to claim that the government enjoys overwhelming public support. In truthfulness, these consultations are set to suggest

a “right” and “wrong” answer, and are inserted in massive billboard and media campaigns riddled with misinformation. (Körösényi 2019; Hoferle 2022: 36).

The main discursive tools of Viktor Orbán are taken directly from the demagoguery, populist playbook. The Prime Minister appears frequently on national TV and radio shows, wording all his political messages in an apolitical, non-technocratic everyday language. His speeches often use catchy slogans, appeal to emotions, and rely on fake news, confident that his interviewers will never debate him (Sata & Karolewski 2023: 12). Orbán oftentimes presents himself as “the voice of the people”, constructing “us vs them” and “majority vs minority” dynamics that are in reality crafted to its liking. The definition of a homogenized people is based on exclusionary identity politics: anywhere from the Constitution to social policies and the government’s communication strategies, Christian conservative Hungarians in heterosexual marriages - the bulk of Fidesz voter base - are prioritized, while religious, political and sexual minorities are secondary citizens. (Sata & Karolewski 2023: 9-10)

These binary divisions of society play out in the periodical definition of one or more “common enemies” of the Hungarian nation. This label has been stamped over time in campaigns against immigrants, NGOs, EU delegates, or George Soros. All these actors have been constructed as out-groups, foreign to the Hungarian majority, incompatible with national values, and eventually as threats seeking to impose their will by stomping over Hungarian values and sovereignty. (Gera 2023: 108-109; Grzebalska & Pető 2018: 166). These active scapegoating campaigns, fueled by fake news and conspiracy theories which oftentimes couple various enemies together (Körösényi et al. 2020) have allowed the government to mobilize support in electoral runs and justify oppressive policies as “emergency measures” necessary to combat the foreign invasion (Grzebalska & Pető 2018: 166; Chotiner 2021; Beauchamp 2021).

Following this train of thought, analysts have pointed at the fight against gender ideology that culminated in the 2021 “anti-pedophilia” bill as just another strategic scapegoat, brought up just when Orbán needed it. Faced with a tough electoral run against a united opposition, and constant pressure from the EU over

violations of the Rule of Law, it also feared declining public support. After the COVID-19 pandemic, the threat of illegal migrants had decreased, while socioeconomic conditions had worsened: Orbán wanted to follow the example of other leaders and stoke homophobia to distract from economic recession and gain popular support (Kottasová 2021; Than 2021).

4.2.3 Tracing the roots of Hungarian anti-gender discourse

But while gender ideology has indeed been a late-comer in the list of scapegoats, it would be unfair to claim that it was absent from the Hungarian social and political debate. First of all, the Hungarian public opinion has proven time and time again to be one of the least LGBT-friendly in the EU, scoring rates of acceptance significantly below EU-average: a 2019 Eurobarometer survey found out that only 48% of Hungarians believe homosexuals should have equal rights, over 60% oppose same-sex marriage, and 72% oppose legal gender recognition for transgender individuals (European Commission 2019). This is in line with its Eastern European neighbours, although Hungary features lower religiosity and a lesser role for the Catholic Church than Poland or Romania (Chotiner 2021).

Strands of violence and hate speech have constantly emerged around Pride or Pride-related events, since the early 2000s: the far-right holds counterprotests regularly since 2007, and over the years there have been several incidents involving launches of eggs, stones, flares, as well as violent assaults by neonazi groups directed at Pride participants and LGBTI-friendly establishments. (Renkin 2009: 20-30). Prominent figures from Jobbik, KDNP, and Fidesz have oftentimes called Pride marches “shameful”, “repulsive” “provocative” and “a Western degeneration foreign to Hungarian values” (Rédai 2012: 59).

Tropes of anti-gender discourse began to circulate in Hungary around 2010, thanks to the translation of literature like the Lexicon and Gabriele Kuby’s works. The threat of “gender ideology” was first brought up over the content of high school

history books and kindergarten education curricula promoting gender equality, accused of “dangerously denying sexual differences” imposed on kids. (Felix 2015: 66-67; Kováts & Pető 2017: 119-120). Powerful MPs like Zsolt Semjén (leader of KDNP and deputy PM) and Katalin Gombos (Jobbik) alerted the public over a “Trojan horse effect” of gender mainstreaming coated in equality terms but leading to the collapse of family, the economy, and society (Felix 2015: 75) while web media like kuruc.info pushed conspiracy theories of gender ideology as a “Zionist plot” to turn the gay identity against the nation (Kuruc.info 2014).

The threat of gender ideology as a foreign imposition over Hungarian sovereignty is interlinked with the opposition to EU norms. Alongside the countries of the Visegrad group¹⁶⁷, especially Poland, the Hungarian government has constantly used its veto power at the European Council to block EU-wide proposals on LGBTI rights. This opposition materialized on a wide variety of issues, from EU-wide recognition of same-sex marriages to informal documents about LGBTI+ anti-discrimination (Gennarini 2015; Duffy 2016; Vella 2018), or proposals of gender equality in the digital sphere (Herszenhorn & Bayer 2018).

To Budapest, LGBTI rights and identities are essentially foreign: several politicians have defined rainbow flags, gender identity, or even the definition of gender contained in the Istanbul Convention to be at odds with Hungarian values (Kovács 2020). Not only foreign but imported and imposed through NGOs funded by “Brussels bureaucrats” and Soros (Semjén 2014): a sneak attack on national sovereignty against which the government feels entitled to paint itself as the defender of Hungarian freedom and traditions (Felix 2015: 69-70).

4.2.4 The anti-gender discourse as an anti-EU, family mainstreaming tool

¹⁶⁷ The Visegrád group also known as V4, is composed by Hungary, Czech Republic, Slovakia, and Poland. Over the time, it has come under fire for stopping EU progressive legislation, especially on human rights (Hoeflerle 2022: 53).

Orbán and neighboring leaders have many times called for a remodeling of EU values. There have been reiterated calls for an “originalist” interpretation of EU treaties, avoiding any progressive definitions of gender (Van der Burchard 2020) and for Christianity as a standing point of EU action. This is clearly expressed in the Fidesz website: “We believe that as a European nation we can only be successful if we respect Christian values as the foundation of our culture and identity and reject Marxist and reject Marxist and progressive ideologies that want to strip us of our roots.” (Hoeflerle 2022: 41). Despite the low religiosity of Hungarians, (Chotiner 2021) Orbán holds up Christianity as a bedrock of the Hungarian nation and Western civilization: any advancement of LGBT+ rights leads thus to a collapse of European civilization (Nyyssönen 2019: 105). Orbán advances a “Central European tradition”, opposed to Western culture: while the first has forged a sense of belonging to the traditional family, to the nation and Christianity in the resistance to the Soviet oppressor (Hoeflerle 2022: 55) the second has lost its original values and instead taken on an oppressive role, not much different than Soviet leadership, denying freedom and sovereignty while hiding behind claims of progressiveness and equality (ivi: 53).

The traditional family, understood in the heteronormative and procreative sense, has been the centerpiece of this Hungarian model from the start. In 2011, the Family Protection Act¹⁶⁸ already defined family as “a marriage between a man and a woman”, thus denying any family structure different than this: in response to a judgment of unconstitutionality, the government then used its supermajority to enshrine this norm in the Constitution. (Gall 2013: 22). This family policy has an important natalist component, responding to the fear of demographic decline of the country due to massive emigration and low birthrates (Feder 2017): this is why, under the leadership of Family and Social Affairs minister Katalin Novák, the government has undertaken a series of reforms collected under the name of “family mainstreaming”, in direct opposition to Western “gender mainstreaming” (Juhász 2012: 29). Childbearing has been painted as the greatest aspiration of a woman’s

¹⁶⁸ The Family Protection act also mandates education curricula to “prepare towards family life” and media guidelines to “protect family values” (Felix 2015: 73).

life and as a “contribution to the nation survival” (Orbán 2017; Kováts & Petó 2017: 123). These family policies include both welfare measures such as tax breaks and longer parental leaves¹⁶⁹, and tighter access to abortion, divorce and domestic violence (Hoferle 2022: 42). Under the family mainstreaming view, LGBT norms run counter to natalist policies and thus weaken the country (ivi: 56).

The prioritization of family politics and national values against the “gender ideology” impositions of a decadent West bears striking similarities to the Russian discourse. And while this communication choice may be more of an affinity than an imposition, there sure are links between Moscow and Budapest. According to various scholars, Moscow has used natural resources and funding to far-right parties and NGOs in order to block the advancement of Western liberal norms in the EU (Klapisis 2015: 35-36; Hanley 2017: 152-153), and Hungarian top figures in parties, institutions, and CSOs have had numerous meetings with the Kremlin (Bonny 2019: 21-22). Russian ties have also been crucial in the key spots for Hungarian personalities in transnational networks. Katalin Novak has been an active participant of WCF meetings since at least 2014, and Budapest was even the site of the 2017 global summit, an edition praised for its success (International Organization for the Family [IOF], 2017); she is joined in this by Edit Fridvalsky, which coordinates several conservative, government-funded NGOs and founded the Hungarian CitizenGo branch. Both Novak and Fridvalsky have benefited from contacts with Russians Natalya Yakunina and Igor Beloborodov, who are themselves connected with Russian oligarchs and WCF funders¹⁷⁰. (Bonny 2019: 26-27).

¹⁶⁹ Although these policies generally are aimed to favour those worse off, the low flat-tax rate actually benefits the wealthiest citizens (Juhász 2012)

¹⁷⁰ Igor Beloborodov is a spokesperson for RISI, a Russian governmental organization with ties to oligarchs. It is currently the main link between Hungarian governmental figures, Russia and the World Congress of Families. Natalya Yakunina, on the other hand, is the wife of oligarch Vladimir Yakunin, also close to WCF and Russian government. (Bonny 2019: 26-27)

4.2.5 The anti-propaganda bill and the apex of political homophobia

So far in this subchapter I have highlighted several instances in which Orbán has curtailed LGBT rights and employed an anti-gender discourse, even partaking in conservative networks. Then why do many still point at the “anti-propaganda” bill as a definitive moment in the definition of “gender ideology” as the newest common enemy? How is the salience different than in previous years?

First, Orbán has shifted its vision of LGBTI Hungarians. In the 2010s, the leader pitted “good homosexuals”, who respected the country’s familial and religious values and could live safely in their dignity and diversity, against “provocative activists” corrupted by the EU discourse. Orbán also used a form of homonationalism to contrast the inflow of Muslim immigrants, when these were the main scapegoat in the government strategy (Fábián & Szilli 2015). Now, the Hungarian PM claims that the community has “gone too far”, plagued by gender activism, and irredeemable. (About Hungary 2021).

Second, the governmental attacks on LGBTI rights have increased in the years following the WCF Budapest summit in 2017. In 2018, the government discontinued funding to gender studies university departments, considered ideological, anti-Christian, and counter to demographic policies (Pető 2020: 10-11)¹⁷¹; in 2020, it introduced several Constitutional amendments that prohibited transgender individuals from changing their gender on legal documents (which only show “birth sex”) and banned adoptions from same-sex couples; the same year, it refused to ratify the Istanbul Convention due to the definition of “gender” in the document, and abolished the Equal Treatment Authority, the most vocal defender of LGBTI rights in the country (ILGA Europe 2020; Beauchamp 2021).

The Hungarian “anti-propaganda” law of June 2021, and the relative campaign around it, is coated in the definition of “LGBTI propaganda” as a threat

¹⁷¹ The decision forced universities like ELTE to close its program, while the Central European University, a leading institution in Europe, often accused by the government to be a Soros-funded ideological tool, was forced to relocate its gender studies program abroad (Vida 2019; Thorpe 2018).

to children, imposed through the intrusion of Brussels-funded NGOs in media and education curricula. The spark of such a massive campaign appears to be the publication of a children's book, "Wonderland is for Everyone", edited by the LGBTI NGO Labrisz, which retells popular fairytales introducing LGBT characters. In a radio interview, Orbán commented on the book saying "Hungary is a tolerant and respectful country but there is a line that cannot be crossed [...] leave our kids alone" (Bolcsó 2020). The book attracted the rage of the entire right-wing field. Dóra Dúró, leader of Mi Hazánk, made hateful comments about the book and publicly destroyed a copy in a paper shredder; CitizenGo started a petition calling for a boycott, which led to massive threats against library staff and promotion events; local administrations banned the books in kindergartens and elementary schools, and government members said educators may face criminal charges if they use it in classrooms (Háttér 2020) or if they did not feature a disclaimer about the "depiction of behavioural patterns that differ from traditional gender norms" (Cain 2021).

In June 2021, the majority got into action. What started as a series of amendments to enforce stricter penalties against pedophiles abruptly changed 5 days before the final vote, without space for discussion. The opposition boycotted a vote that already saw a crushing majority of Fidesz and Jobbik (157 in favor, 1 opposed). The law is significantly broad: it forbids LGBTQ-friendly sex education in school, and considers any showing of LGBTI symbols outside of a school as amounting to pedophilia (BBC News 2021); bans TV stations from airing daytime content "popularizing" LGBTQ identity, and forces them to change rainbow-themed packaging; prohibits films or ads targeted to minors from representing same-sex relations or gender-affirmation surgeries, (Rankin 2021). Proposals of sanctioning "portrayals of deviant sexual behaviour" or "gatherings that offend decency" had already emerged in the National Assembly and local councils several times since 2012, mainly from the seats of Jobbik and Mi Hazánk, but always got rejected. (Felix 2015: 73-74; Budapest Times 2014)

National and European-wide opposition mobilized immediately. 160 NGOs, unions, embassies and companies demanded an end to the proposal, and so did a petition with over 35.000 signatures and the over 10.000 people in protest outside

the Parliament. Activists and opposition leaders recognized this bill as homophobic and appealed to European leaders to speak up. (Dunai 2021; Renkin 2021). European outrage was clear: the prime ministers of Germany, France, Belgium, Netherlands and Luxembourg opposed the bill as “not in line with EU values” (BBC News 2021), and later gathered 18 countries to sign a statement of condemnation passed in the EU Council (Euronews 2021). The Parliamentary Assembly of the Council of Europe (PACE) issued a condemnation; the Council of Europe Commissioner of Human Rights, alongside the UN Independent Expert on SOGI, voiced their concern for the possible discrimination of LGBTI people (Office of the United Nations High Commissioner of Human Rights [OHCHR] 2020; Council of Europe Commissioner for Human Rights 2021; PACE 2021; European Commission 2021; European Parliament 2021) the President of the European Commission, Ursula Von der Leyen, initially shared her concern on Twitter and later identified in Hungarian actions a breach in EU legislation on SOGI-based discrimination and freedom of expression (2021). Ahead of the football match between Germany and Hungary, held in Munich during the 2021 European Championship, UEFA turned down a request from the city administration to light the stadium in rainbow colours: in response, fans waved rainbow flags and the German captain wore a rainbow armband (Ward 2021).

Prime Minister Orbán quickly dismissed any critiques. In a series of interviews and op-eds, he explained that the law “concerned the rights of children and of their parents, not homosexuals” and that “the Hungarian government actively respects and protects homosexual rights” (Al Jazeera 2021; Bahgat 2021). His Foreign minister Szijjártó repeated this in Brussels, stating that the law “protects children from pedophiles and makes it an exclusive right of the parents to educate their kids in matters of sexual orientation, but it doesn’t say anything regarding adult homosexuals” (Euronews 2021). The Hungarian Conservative, a government-friendly magazine, denied that the law would censor TV shows or movies, but supported its efforts to protect children from “potentially harmful influences [...] until they are old enough to make the best decisions for themselves” (Orbán, T. 2021)

However, submerged by critiques, under serious investigation from the EU for several breaches of the Rule of Law, facing an election in which he feared a loss in popularity over Covid-19 handling, scandals, and a drying out of the grip of “migrant threat” over public opinion, Orbán announced a National Consultation on the matter to be held in April 2022. This time, Orbán’s rhetoric turned way more violent. As with other National Consultations, a massive media campaign erupted in the streets of the major cities, warning against “sexual propaganda” imposed on children (Than 2021). Orbán’s rhetoric mixed the protection of parent’s rights to educate their children as they please, with a sense of national sovereignty against foreign imposition: “These are Hungarian children, and we want to raise them the Hungarian way, as Hungarian parents see fit” (Orbán V. 2021). According to Orbán and other campaigners, the other European nations, and the “LGBT lobbies” force their malicious plans on Hungary: threatening funding restrictions, they want to allow LGBTQ activists into schools. (Orbán V. 2021b); this allows them to rally their base with wartime rhetoric and present themselves as a democratic force (expressed in the Consultation) against an elite-imposed norm (Gera 2023: 122). The referendum held in April 2022 featured four questions, which many identified as biased (Hoeflerle 2022: 36), such as: “Do you support the unrestricted exposure of minors to sexually explicit media content that may influence their development?”¹⁷². Even if the opposition managed to boycott the vote and render it invalid for lack of turnout, the plebiscitary support within the invalid votes was held as a success by the government (ivi: 48)¹⁷³.

LGBTI NGOs already warned about a spike in hate crime assaults, with perpetrators feeling justified because they had the State on their side (Háttér 2022), and in fact, the rates of prosecution following the report of incidents are very low (RTL 2021). LGBT youth are by far the most vulnerable, given that any contrast to

¹⁷² The four questions are, in detail: 1. Do you support holding information events on sexual orientation to minors, in public education institutions without parental consent? 2. Do you support the promotion of gender-reassignment treatments to minors? 3. Do you support the unrestricted exposure of minors to sexually explicit media content, that may influence their development? 4. Do you support showing minors media content on gender changing procedures?”

¹⁷³ Following the referendum, the Hungarian National Election Committee fined 16 civil society organisations, for having campaigned against the referendum. (Amnesty International 2022)

homophobic bullying has been deleted from education curricula (Hoferle 2022: 56). Far-right websites have published lists of LGBT-friendly teachers, and many other education professionals reported fear of even bringing up the topic of LGBTI identities (Háttér 2022). In the media environment, pro-LGBT tv shows have been forcefully taken down by police raids, and LGBT-friendly pundits are fired from state-aligned media. (Makszimov 2021; Goldblatt 2021).

To sum up, Hungary came late to the “anti-gender” game for an evident reason: the government did not need to push on it for its rhetoric. A local bottom-down movement would have had nothing to protest against, because the government had already started to bring down any LGBTI rights advancements gained before 2010. Although the Hungarians are generally conservative, a weak local Church and a civil society aligned to the will of the ruling party could not foster a grassroots movement: except for occasional instances of anti-gender tropes in public policy and party discourse, no significant strategy was developed. When the force of other scapegoats dried out, and Orbán’s rule felt under threat due to EU pressures, LGBT+ rights assumed the role of a common enemy, and Fidesz used every authoritarian tool built over the years (control of the media and judiciary, parliament supermajority) to push for state homophobia. This rhetoric serves not only internal purposes such as boosting electoral turnouts and strengthening family mainstreaming, but is used by Budapest to resist EU pressures and gain a fruitful ally in Moscow.

The local opposition has over time been weakened, but there seems to be some space for hope. LGBTI NGOs have lost funding after the “foreign agents law”, and an enormous amount of media coverage. The political opposition is divided, and even in a “tough election” as that of 2022, Fidesz gained an absolute majority. Pride parades, however, have increased in participation: from a few hundreds activists in 1997, marches now regularly number tens of thousands of participants, including institutional figures and activists coming from other parts of Europe to claim LGBT rights in spite of assaults and counterprotests. Furthermore, events over Pride season have also begun to take place in cities other than Budapest. Public opinion attitudes also show encouraging feats: a 2021 global poll by Ipsos found that 16 percent more Hungarians support same-sex marriage than in 2013 and

17 percent more support equal adoption rights, one of the highest increases among polled countries.

4.3. Uganda: a foreign-directed anti-gender discourse

Africa is the continent whose countries tend to be most homophobic, at least in terms of criminalization. As of 2024, over half of the African states¹⁷⁴ have laws in place that make homosexuality a criminal offense, with some even going as far as applying the death penalty. One of the most notorious cases of state-sponsored homophobia is in Uganda, which has scaled up its efforts in violently persecuting homosexuality causing serious concern and outrage across the world. Most African leaders, including Ugandan President Yoweri Museveni, rebrand homophobic policies as anticolonial tools: in their discourses, homosexuality is not only immoral and contrary to religious precepts, but also foreign, un-African, and consequentially imported and imposed. However, historians have pointed out how homosexuality was tolerated in pre-colonial Africa, and it was British colonialism that introduced the concept of state homophobia. A secondary export of homophobic discourse happened since at least the late 1990s, with American evangelicals fueling a need for stricter punishments from local politicians, even anticipating the growth of a significant LGBT movement or legislative gains.

4.3.1 State homophobia as a British colonial legacy

Among the European colonial empires that have occupied Africa, Britain is the one that has left the most a distinct homophobic legacy: Former British colonies are

¹⁷⁴ 31 jurisdictions out of 54 states, corresponding to the 57% of African countries. One also has to consider regional codes who may differ in their criminalization of homosexuality. It's also interesting to notice that as of 2024 there are 61 countries in the world which criminalize homosexuality, so African nations compose half of all the criminalizing nations in the world. Data taken from ILGA World Database

more likely than not to retain anti-sodomy laws on their legal codes, even after gaining their independence (Bernhard et al. 2004: 243). Other imperialistic powers such as Germany, France, or the Netherlands have left fewer traces over their colonies, even when they extended their criminalization of homosexuality in Africa (Han & O'Mahoney 2014: 7-8). France, the biggest rival to British rule over Africa, is cited as the manifestation of an opposing trend: having decriminalized homosexuality in 1791, it had exported depenalization in other colonial powers such as Italy, the Netherlands, or Spain during the Napoleonic campaigns, thus leaving a less severe influence in most of former French, Dutch, and Italian possessions¹⁷⁵ (Aldrich 2002: 3-4; Frank et al. 2009: 533).

Britain has punished “sodomy” and “buggery” since the Middle Ages, first through Church codes and then with state laws, but these definitions had been plagued by vagueness: as any sexual pleasure, they were considered sinful and polluting, but encompassed acts including bestiality, pedophilia, or even sex with Jews and Saracens. (Gupta 2008: 13-15). Their codification in colonial penal codes was an experiment born out of necessity: British authorities feared that soldiers and administrators, without wives at hand, would turn to sodomy, particularly in areas where the vice was considered endemic (Hyam 1990: 161; Aldrich 2003: 13). Secondly, colonizers had a missionary aim to reform the perverse Africans and inculcate Christian morality onto them (Gupta 2008: 16).

The British Empire ruled its colonies through two models of legal codes: the Indian Penal Code (IPC) and the Queensland Penal Code (QPC), both of which specifically criminalized male homosexuality under “unnatural offences”. Section 377 of the 1861 IPC reads as follows:

Section 377: Unnatural offenses – Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or

¹⁷⁵ Portuguese-speaking countries such as Cape Verde or Mozambique are generally regarded as gay-friendly, even though they officially decriminalized recently (respectively in 2004 and 2015); the Netherlands only decriminalized sodomy in 1809, after the Napoleonic takeover, but had already lost South Africa to the British 3 years before: under British rule, a Dutch version of anti-sodomy laws spread to neighbouring Namibia and Zimbabwe, which still retain traces of it. German Speaking countries such as Cameroon or Tanzania were taken over by the French or the British after World War I. (see Long et al. 2003)

animal shall be punished with imprisonment for life, or with imprisonment ...for a term which may extend to 10 years, and shall be liable to fine.

Explanation – Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this Section.

(Indian Penal Code, 1860)

In subsequent years, the IPC was imposed on all other imperial colonies; the scope of sexual acts was expanded beyond “penetration”, at times even com and the absence of factors of age or consent made it so that consensual same-sex relations were indistinguishable from pedophilia or rape (Gupta 2008: 19). The QPC was introduced in 1899 and gradually replaced the IPC, depending on the will of the local administrators (Morris 1974: 6). Under its section 208, it eliminated any reference to penetration - retaining only a vague “carnal knowledge against the order of nature” - and introduced the felony against a “passive homosexual”, one who “permits another to have carnal knowledge of him against the order of nature”.

Historians have demonstrated how precolonial Ugandan cultures was, if not accepting, at least tolerant of homosexuality, as did other cultures in Eastern and Southern Africa (Tamale 2003: 18; Murray & Roscoe 1998: 270-271). Yet the experience of colonialism had ingrained a homophobic tendency even in the new leadership, and the anti-sodomy provisions present in the 1950 penal code remained intact even after the independence in 1962, with Museveni raising in 1990 its maximum penalties from 14 years of jail to life imprisonment. The punishments are set out in sections 140 to 143 and include a copy-paste QPC-style anti-sodomy provision (140), an additional felony for attempted sodomy (141) and another penalty for “acts of gross indecency”¹⁷⁶, be it committed, attempted or procured.

The cultural hegemony of Christian missionaries under British rule constructed homosexuality as “morally inferior to heterosexuality” (Robinson

¹⁷⁶ “gross indecency” was a late-1800s amendment to the IPC, introduced first in Britain by MP Labouchere, which served to expand the scope of acts and persons included in anti-sodomy provisions. More specifically, its vagueness allowed to persecute acts committed in private, even between two women, and even without penetration. It was used as a blanket felony to target anyone suspected of homosexuality (Gupta 2008: 20-21)

2016: 1) and as un-african (Thoreson 2014: 16), even molding pre-colonial concepts of “family” and “protection of community children” to their support (Strand & Svensson 2023: 5). Ugandan society still is overtly homophobic: as shown in surveys from the Pew Research Center, 96% of Ugandans do not accept homosexuality, in line with other East African societies (Pew Research Center 2013). These attitudes are seated in a profound religiousness of African societies (Mbiti 1969: 1; Pew Research Center 2010) and several leaders have inserted political homophobia in a mix of anti-colonialist and religious frames, to build support and remove internal and external opposition. Zimbabwe President Mugabe’s homophobic campaigns famously called homosexuality “a colonial import”, “un-African” and “worse than bestiality” (Stychin 2004: 956), as did Presidents of Kenya, Zambia, and Nigeria, which spoke of LGBT people as a dangerous sign of moral decay, un-african and anti-Christian, whose promotion must be punished (Long et al. 2003: 23,39).

Yoweri Museveni has been president of Uganda since 1986, reestablishing stability in power after the brutal dictatorship of Idi Amin and among dissident militias¹⁷⁷. He has used political homophobia as an instrument of nation building and as an excuse to the failure of HIV/AIDS programs (Bosia 2013: 45; Gupta 2008: 3). Museveni has been in line with other leaders in cracking down on homosexuals as a foreign danger to Christianity and African nations (New Vision 2008). He increased the maximum penalty sodomy to life imprisonment, and he and his ministers used their power to target homosexual activists, spy on them, raid their homes and offices, arbitrarily arrest them and torture them (Long et al. 2003: 50-51; Human Rights Watch [HRW] 2006).

Even in this climate, some LGBTI organizations emerged, especially in the most tolerant climate of the capital Kampala (Mac 2012). In 2003, trans lesbians Kasha Jacqueline Nabagesera and Victor Mukasa founded Freedom and Roam

¹⁷⁷ Idi Amin was the dictator of Uganda from 1971 to 1979. His presidency was plagued by the massive ethnic cleansing perpetrated towards Christians and Hindu minorities, with over 80.000 people killed. Regarding the dissident militias, in the subsequent Civil War emerged Joseph Kony’s Lord Resistance Army, based on an idea of making Uganda a theocracy, who has been a terrorist threat employing child soldiers from there onwards (Bosia 2014: 267; Lybarger 2013).

Uganda (FAR Uganda) (Mac 2012; Houttuin 2011); in 2004, FAR Uganda cooperated with other associations and personalities to found the network Sexual Minorities Uganda (SMUG), which coordinates lobbying at the national level, attracts funding and attention from Western actors such as IGLHRC¹⁷⁸ and Human Rights Watch (Thoreson 2014: 64-5; Long 2007), and pressures international bodies such as the ACHPR. The network and its actors have experienced an outstanding level of violence, not dissimilar to that which prompted them to start one in the first place¹⁷⁹: their offices subjected to vandalism and police raids, activists' names and addresses stamped in newspapers. In 2005, the police raided the home of Victor Mukasa, seizing papers and arresting one of his friends (Yivonne Ooyo) overnight, subjecting her to harrassment (Sharlet 2010). Mukasa fled to South Africa in exile and returned only in 2007, when activists held a press campaign in Kampala as part of a global scale awareness campaign called "Let us live in peace" (Ekine 2008).

How did such a small movement provoke the need for such a backlash? There are mainly two reasons, one connected to US government aid and the other to the takeover of Ugandan Church by groups of American Evangelicals, especially the supergroup known as "The Family", which have influenced society and politicians towards stricter homophobic policies.

4.3.2 The US neocolonial influence through Evangelical groups

Uganda is first of all a massive recipient of US funding in Eastern Africa. Military aid, of course, as it is a crucial ally in regional stability operations against terrorism and armed militias, but mainly humanitarian aid, especially directed at HIV/AIDS prevention. (CRS 2023). Since the George W. Bush administration, USAID (The main US development agency) and PEPFAR (the Presidential Emergency Plan for

¹⁷⁸ Victor Mukasa has notably been a regional broker for IGLHRC in the area (Thoreson 2014: 64)

¹⁷⁹ Victor Mukasa, a trans man, was famously moved to start its activism after he was kidnapped and submitted to "corrective rape" for a week (Sharlet 2010)

AIDS Relief) have poured hundreds of millions of dollars¹⁸⁰ into making Uganda a “faith-based initiative” (Bosia 2013: 48), where government dollars are filtered through American conservative religious foundations and directed at local institutions, actors and programs that openly discriminate LGBTI people, or promote abstinence-only AIDS prevention programs (Kaoma 2009: 12; PEPFAR 2009:3). This US funding has favoured many US Christian conservative groups to set up shop in Uganda, replacing progressive actors in their influence on politics and society (Boyd 2019). Kaoma (2009: 14) calls Ugandan homophobic tide “a collateral damage of US culture wars”: seeing that the battle for LGBT rights on US soil as lost, conservatives shifted their efforts towards the soon-to-be leading pole of global Christianity, that is, Africa, and every LGBT rights gain in the US reflects inversely in Uganda.

It is important to break down what we mean with “American Evangelicals”: in African studies, this term has acquired a significance that is more political than denominational, as it reunites strands of Protestant, Anglican, and Catholic confessions; megachurches like Mike Bickle and Lou Engle’s Pentecostal International House of Prayer, or Rev. Rick Warren’s Saddleback Church; neoconservative Catholics like the Institute of Religion and Democracy, or Mormon associations like Sharon Slaters’ Family Watch International (Kaoma 2009: 6).

Following the idea that “Christians are the most persecuted group in the world”, and that religious freedom had to be protected at all costs, Evangelicals scaled up their missionary efforts during the Cold War to support right-wing totalitarian leaders worldwide (Sharlet 2010b). The most influential Evangelical lobbyists in Washington are known as “The Family”, a secretive group that over time has entangled itself with US foreign policy, finding supportive Congressmen from both sides of the aisle (NPR 2009; Sharlet 2010b). After the Cold War, evangelical groups started networking more and more and got increasingly focused on lobbying the UN, thanks to ECOSOC-status holders C-FAM and WCF. Their agenda, as I have already explained in the previous chapter, is focused on the

¹⁸⁰ The Ministry of Health has claimed that over 80% of AIDS -related funding come from foreign sources (Bosia 2013: 47)

“protection of the family” and on an originalist view of human rights which did not allow for progressive interpretations (McAlister 2022: 158-162).

Evangelicals bet on African countries to legitimize their power in the face of mainline Churches. The demographics of Christianity are changing: not only there will soon be more Christians in the South of the world than in the North, but Southerners are likely to be more committed (Pew Research Center 2011), and African ministers are bound to have greater influence (Kaoma 2009: 7). Starting from the 1998 Lambeth Conference of Anglican bishops, the issues of marriage equality and ordination of LGBT clergy (proposed by some progressive Western bishops) have been used by evangelicals to present homosexuality as contrary to the Scriptures and un-African, and progressive actors as “imperialistic” (Kaoma 2009: 7). They managed to develop a fracture in international episcopal conferences and oust mainline churches from Uganda (McAlister 2022: 167; Kaoma 2013: 80-81). American Megachurch leaders Rick Warren (Saddleback Church) and Lou Engle (International House of Prayer) are frequently cited as instigators of this breach, as they built a huge following among people and bishops. (Lybarger 2013; Kaoma 2009: 13).

Evangelicals have funneled millions in Uganda, at least half of all their African spending (Namubiru 2020). As progressive churches, they sponsor schools, orphanages, universities, and social welfare projects; they provide scholarships to ensure that African clergy receives conservative training, and loans to poor Africans; they fund radio broadcasts to overwhelm local opposition (Kaoma 2009: 8; Hearn 2002: 54-55). Conservative funding is more palatable because it is more generous, unrestricted (they don’t need accountability), and highly personal, making many believe that some bishops do it for “personal gain” (ivi: 10-11). Evangelicals use family values and see homosexuality as foreign (ivi: 13-14). Ugandan Archbishop Orombi has accused homosexuals of “rich people taking advantage of poor Africans to rule them into their club” (Kaoma 2009: 22), while other leaders have been denying pre-colonial evidence¹⁸¹.

¹⁸¹ Rewriting pre-colonial Uganda, Church leaders blamed the import of homosexuality on Arab influences, and responded to evidence of homosexuality in Kabaka Mwanga’s (king of Buganda in

The conservative groups also aim to influence politicians. This is not unheard of, especially in the region: American advocacy groups like ACLJ, Human Life International and Family Watch International have all lobbied in Zimbabwe, Kenya, Nigeria and Namibia to block the emancipation of women's and LGBT rights (Kaoma 2013: 94-96). The Ugandan President and his First Lady are regular attendees of WCF regional conferences, where Communications Director Don Feder urges activists to do "the opposite of what the West suggests" (HRC 2014: 18; Mayah & Obidike 2011). The two are also members of the American Family and of his Ugandan counterpart, the Fellowship (also known as Family Life Network Uganda or FLNU), created by Stephen Langa. Together with David Bahati, proponent of the 2009 Anti-Homosexuality Bill, the three of them regularly host the annual National Prayer's Breakfast, meeting with influential lobbyists and US politicians¹⁸². Moreover, popular religious leaders oftentimes address the Parliament or groups of politicians in private meetings (Lybarger 2013).

4.3.3 The 2009 Anti Homosexuality Bill

Around 2007, coincidentally with the return of Mukasa from exile, the level of "homosexual threat" in public discourse started to rise. Just after the conference James Nsaba Buturo, minister of ethics and integrity, said "we know who they are¹⁸³" and ordered their arrests (HRW 2007). In the same year pastor Martin Ssempe, a renowned anti-gay activist and promoter of "abstinence rallies"¹⁸⁴,

the 1880s) court by rebranding him as a deviant homosexual who executed some Christian martyrs who refused to satisfy his appetites (Kaoma 2013: 79-80).

¹⁸² The National Prayers' Breakfast is an annual multi-day lobbying event hosted by the Family, to which every US president since Eisenhower has taken part (Sharlet 2010b). After partaking to a US Prayer Breakfast, Museveni established an African version since 1990, inviting fellow leaders (Kaoma 2013: 91).

¹⁸³ Besides Mukasa, conference activists had their face covered.

¹⁸⁴ Ssempe is famous for his abstinence-only HIV prevention campaigns. He is a fervent opposer of the use of condoms and the inclusion of homosexuals in AIDS programs. He is a frequent presence in TV, newspapers, and social media, and in his conferences, he often uses gay porn videos and vegetables to demonstrate "homosexual perversions" (Huffpost 2010; Mac 2012). He has received hundreds of thousands of dollars for his educational institutions such as Makerere University

posted addresses, names and pictures of LGBT activists online, inciting violence against them; the tabloid Red Pepper also published a list of 45 alleged gay men, “to show the nation how fast the terrible vice of sodomy is eating up our society” (ibid). Hundreds of people roamed the streets threatening punishment for LGBT people. (HRW 2007b). In 2008, Victor Mukasa and Yvonne Oyoo won their case for the fact of 3 years prior, as the Court ruled that the rights of privacy, due process and freedom from torture had been violated, and that Ugandan Constitutional Rights apply to LGBT people as well (World Organization Against Torture - OMCT, 2008). Finally, in 2009, Buturo attacked a UNICEF toolkit directed at teenager peer-mentoring, which normalized adult homosexual relations, saying that UN agencies and Western NGOs want to export homosexuality among Ugandan children (Nuñez-Mietz & García Iommi 2017: 204). As media discourse fueled public resentment, the opposition to homosexuality was not only a religious imperative, but had become a national security measure: Uganda had become a state under siege (Sadgrove et al. 2012: 112).

This threat level increased the need for tighter legislation, and American Evangelicals ignited the flame. In March 2009, Stephen Langa and FLNU hosted a 3-day seminar called “Exposing the Truth about Homosexuality and the Homosexual Agenda”, which was attended by thousands including religious leaders, law enforcement, and government officials. The main speaker was Scott Lively, president of Abiding Truth Ministries, known for its ties to the WCF and Moscow and for its book “The Pink Swastika”, in which he blames homosexuals for the Holocaust (Southern Poverty Law [SPLC], ND). Using American anti-gay rhetoric, Lively warned Ugandans of the “radical homosexual agenda”, which, just like it had in the US, uses money and propaganda to destroy the traditional family and Christian values to replace it with sexual promiscuity, leading to increased pedophilia, divorce, violence and STDs. (Kaoma 2013: 81-83). Convinced, attendees voiced the need for new legislation, given that the existing provisions were outdated in the face of an international threat on Ugandan values. (ivi:84). On

(Sharlet 2010). In the West he is mostly famous for a video in which he confronts SMUG director Pepe Julian Onziema in TV, or for a video of his conferences called “Eat da poo poo”, where he shows coprophilia pornography. Both videos have become popular memes on social media.

his blog, Lively later recalled the conference as a “nuclear bomb against the gay agenda” (Gettleman 2010).

MP David Bahati, known for its connections with The Family, proposed an initial draft of the legislation in October 2009. The initial draft explicitly aims at strengthening the state capacity to resist internal and external threats to the traditional family, and to protect the values of Uganda and Ugandan youths. The draft would add felonies such as: “aggravated homosexuality”, punishable with death, if committed against a minor, a disabled person, or committed by a person living with HIV, or a serial offender; partaking in a same-sex marriage, punishable with life imprisonment; promotion of homosexuality, by individuals or organizations, punishable with up to seven years imprisonment; failure to report a crime of homosexuality within 24 hours, punishable with up to three years in jail and a fine. In its final sections, the draft provided that any international legal instrument with provisions contrary to the document, including those who use “sexual orientation” or “gender identity”, are to be considered void in Ugandan legislation. (Nuñez-Mietz & García Iommi 2017: 206; Mac 2012).

The sole introduction of the draft boosted the media campaign against homosexuality. In 2010, the tabloid *Rolling Stone*¹⁸⁵ published a list of “100 top-homos in Uganda” with the title “Hang them! They are after our kids!”. SMUG leaders eventually sued the newspaper and won the case, but when some months later SMUG communications director David Kato was murdered in his home, activists quickly linked the killing to an homophobic revenge (Rice 2011; Lybarger 2013). The International Commission of Jurists also pointed out that the bill was used by authorities to harass, arrest and threaten organizations and activists (ICJ 2012).

The bill fueled an unprecedented opposition. Government officials in Canada, US, Germany and France, as well as representatives of the EU and the OHCHR, openly voiced their concerns and threatened to withhold funding (Geen 2009; Eleveld 2009; Smith 2010; European Parliament 2009). The representation of the Holy See

¹⁸⁵ There is no correlation with the American magazine of the same name.

at the UN also joined in the dissent (Bob 2012: 52). Under NGO and media pressure, top Evangelical figures retracted their support: Scott Lively and Lou Engle agreed that the death penalty was “too harsh, while rev. Rick Warren and Don Schmierer called the bill “absolutely horrible” and “un-Christian”, cutting ties with Ugandan promoters. David Bahati was asked by the US Family to never attend Prayer Breakfasts again. (Sharlet 2010b; Gettleman 2010; NPR 2009b).

Despite Bahati’s commitment, the bill was stalled for two years, with Museveni and his ministers scared of a severe backlash in foreign policy (Sadgrove et al. 2012: 115). Eventually, a revised version, that eliminated the death penalty and the mention towards international law, was passed in 2013 and signed into law in 2014 (BBC News 2014). Yet the opposition grew even stronger. The White House imposed targeted sanctions on some health programs, enforced visa restrictions on Ugandan officials, and stopped military exercises (Reuters 2014); other governments followed suit, together withholding over 110 million US\$ in aid (BBC News 2014); the World Bank suspended 90 million dollars in funding towards maternal health (Long 2014)¹⁸⁶. SMUG eventually challenged the law on court, and in August 2014 the Constitutional Court struck it down on procedural grounds (BBC News 2014b). The government did not appeal, concerned by a potential trade boycott: Museveni said the current legislation was sufficient and that eventually a new law would be considered that did not criminalize consensual adult homosexuality (Biryabarema 2014; Bariyo 2014).

Similar provisions reappeared in the Sexual Offences Act, passed in May 2021, but President Museveni vetoed it in August, citing redundancies in legislation and potential foreign policy implications (Odoi-Oywelowo 2021). In 2022, SMUG was ordered by the Ugandan Government to immediately shut down (Sands 2022), and in 2023 the Government passed an Anti-Homosexuality Bill that was even more strict compared to the 2009 draft proposal. This bill sets again the death penalty for

¹⁸⁶ Not all voices in the West promoted these aid cuts: Scott Long, for example, said that aid conditionality on health programs would only hurt the most vulnerable (Long 2014); Others pointed out that the sanctions were mostly symbolic, given the strategic military importance of Uganda (McCormick 2016); some others warned that pushing on Uganda would lead it towards alliances with China or Russia (The Economist 2014; Monitor 2014).

aggravated homosexuality, raises jailtime for other penalties¹⁸⁷, and adds additional punishments for minors and teachers. In an initial draft, “being LGBT”, without acting upon it, was criminalized (Biryabarema 2023). The law has received international outcry and several groups have already started petitioning against it in the Constitutional Court (Okiror 2023), while in August a 20-year old man was the first to be prosecuted for aggravated homosexuality and faces the death penalty. (BBC News 2023).

¹⁸⁷Anyone promoting homosexuality, for example, would have faced 7 years under previous legislation, while now the maximum penalty is 20 years. Attempted homosexuality and same-sex marriages now face 10 years of jailtime, and “failure to report” is now punished with 5 years imprisonment.

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Conclusion

The core of this thesis stems from the attempt to disprove a common assumption, that sees the so-called “LGBT rights norm” (a set of principled proscriptions bound together by the ideal of non-discrimination based on sexual orientation and gender identity; (Nuñez-Mietz & García Iommi, 2017: 200) to inevitably reach a uniform and global acceptance among the international community of states over time, and that sees the current resistance to the norm as a localized backlash from “backwards states” that will eventually bow down to the unstoppable wheel of progress, represented by the NGO-led LGBTI transnational advocacy network, or LGBTI TAN.

First off, can we affirm that the LGBTI rights norm is a successful, globally accepted norm? In the last century, more than two thirds of states have decriminalized homosexuality, with some taking extra steps to ensure protection from discrimination and equal rights to members of the LGBTI community; At the international and regional level LGBTI issues have achieved a widespread and constant mainstreaming, thanks to the increasingly frequent, specific and transversal referencing by the “expert bodies”¹⁸⁸, which have captured the intersectionality of the abuse suffered by LGBTI people and have managed to anchor the LGBTI rights norm to existing binding conventions in international laws (Baisley 2016: 139, 157-160; Karsay 2014:19); the same can be said about the regional level, with European actors being the leader advocates and the other continents following. (Thiel, 2015: 83; van der Vleuten, 2014: 119). Even in political bodies, the SOGI rights front has gained over time a significant number of state sponsors, as evidenced by the growth in signatories of the UNGA statements, on the approval of several Human Rights Council resolutions and on the growth of LGBTI NGOs in the ECOSOC.

¹⁸⁸ I use this term to refer broadly to all those bodies that are not “political” or composed by states delegates, but by experts serving in their own capacity: namely, in the UN I refer to Special Procedures, Treaty Bodies, UN agencies, Secretary General and the High Commissioner of Human Rights.

And yet, many other evidences point to the LGBTI rights norm being stuck, unable to achieve global acceptance and, instead, fueling norm polarization (Altman & Symons, 2015; Baisley, 2016: 160; Dondoli, 2019: 49). Every progressive push still faces a lot of resistance in international political bodies, by a consistent fringe of states, forcing the pro-LGBTI front to withdraw any projects of a push for a binding convention (which would be void) in favour of a soft-law based mainstreaming made of statements, expert-bodies interpretative opinions, and non-binding resolutions at the Human Rights Council¹⁸⁹ (Miller & Roseman, 2011: 369). This situation is repeated in the African Union, where the initiatives of the African Commission, although important, are non binding and face the opposition of the state delegations. Even in the EU, where the principle of non-discrimination based on SOGI is a binding norm, any attempt at expanding states obligation in this regard is blocked by a fring of hardliners in the EU Council (Thiel, 2015: 75.77, 83; van der Vleuten, 2014: 119) The LGBTI rights norm, thus, is still a national discourse. And a look at the national contexts evidences how an increasing number of states is rolling back on LGBTI rights, worsening their stances, introducing harsher penalties on same-sex acts or on LGBTI individuals' freedom of expression, or blocking any proposal of advancement (Hadler & Symons, 2018: 1724). This signals two things: first, the norm is stuck and unable to go forward against this resistance. Second, and more importantly, there is an opposite, counter-push against the LGBTI norm that is developing within states and in the international arenas.

In fact, not only a grand coalition of states ranging from Russia to the Holy See, from Iran to Uganda, has consistently attacked every single mention of LGBTI rights that has appeared at the UN, from the 1990s onwards; they have produced an opposite, rival norm that condemns the internationalization of LGBTI rights as a threat to specific cultural and religious values, to national sovereignty (thus undermining the universality of human rights) and a potential slippery slope towards the dissolution of the traditional family based on heterosexual marriage. Explicit examples of this counter-norm are the Syrian statement at the 2008 session

¹⁸⁹ Which due to its lower threshold necessary to obtain a majority, is seen as an easier field to win resolutions, which have though been extremely tight fights

of UNGA, the Doha Declaration on the Family, the HRC resolutions on Traditional Values and Protection of the Family, or the several proposed instruments by anti-gender actors in European institutions; in domestic contexts, state leaders have used the rise of LGBTI rights in the global stage to justify an anticipatory hardening of their laws, even in absence of any domestic movement, in what Nunetz-Mietz and Garcia Iommi (2017) call “norm immunization”, while Weiss and Bosia (2013) call this “political homophobia”, pointing out that the scapegoating is used for ulterior motives such as fending off external pressures or adversaries.

Having established that the international field is subject to two countervailing forces (Hadler & Symons, 2018: 1725) driving an impasse over LGBTI rights, I have turned to explore the norm entrepreneurs, or transnational advocacy networks, that drive these two pushes: the LGBTI rights norm and the “anti-gender” norm. A part of the literature, especially the one focused on UN processes, has painted a picture of the LGBTI TAN formed by NGOs against a repressive push coming from state actors. This has clear historic roots: the LGBTI TAN emerged when civil society organizations sought redress in international venues by the abuse they faced in domestic contexts, and has over time built a global movement united by a shared values and discourse, by taking advantage of political, institutional and technological opportunities, not unlike other issue movements in the 1990s. (D’Amico, 2015:66; Martens, 2004: 1067-1068).

Membership is mostly represented by NGOs, thus resembling a textbook definition of a TAN, with big gatekeeper NGOs, like ILGA, OutRight and ARC International, driving the discourse at the international level and diffusing it at the domestic level through national partners, and other actors that control minor nodes of the network, due to their specific expertise in regional matters (like ILGA Europe) or community (like GATE and TGEU) (Linde 2018: 256-259). They are also joined by parts of international organizations: UN bodies like the Secretary General, the High Commissioner for Human Rights, treaty bodies and special rapporteurs have been vocal supporters of LGBTI rights, and have used their privileged position to actively insert LGBTI rights as part of the human rights system (Baisley 2016: 139, 157-160); the European Court of Human Rights, as well as the EU Commission and the EU Parliament (especially through the Intergroup

on LGBTI rights), as well as the African Commission on Human and People's Rights (although much less successfully), have done the same in their regional contexts. (Thiel 2015: 83; Izugbara et al. 2020: 106). Furthermore, although their space in TAN membership is questioned in the literature, states have introduced and fought for SOGI rights at the UN, introducing them first in UN conferences and then tilting the floor in favour through HRC resolutions, GA statements, and ECOSOC hearings, amassing over time a number of supporters that now officially feature in the UN LGBTI Core Group. (Baisley 2016: 149-155)

All these actors share information and interpretative frames, which can be summarized in the aforementioned "LGBTI rights norm". The choice to attach LGBTI rights to existent human rights standards, and to the most egregious violation of human rights, as exemplified by the "tactical modesty" (Thoreson, 2014: 328) of the Yogyakarta Principles, is aimed at enhancing their credibility and universality: a state is more inclined to respect what's already formally committed to, and whose refusal would expose it to virulent critiques, rather than a new norm resembling an external imposition. The character of universality is also reinforced by the choice of Southern leaders, in an aim to deflect critiques of eurocentrism (Dondoli, 2019: 74). Regionally, other frames have also been accosted to make the issue more palatable. To advance the norm in EU institutions, the prohibition of SOGI-based discrimination was framed as the minimum standard to guarantee the freedom to move, live and work in every country of the Union, a pillar which has much resonance in the Brussels bubble (Swiebel, 2009: 22-25); the connection between LGBTI rights and European values was then used as a soft conditionality to convince states to change their laws during the enlargement process (Ayoub & Paternotte, 2014: 242); in Africa, the LGBTI rights norm has been connected to the prohibition of violence and to the prevention of the spread of HIV. (Izugbara et al., 2020: 106).

The LGBTI TAN checks all the theoretical requirements of a transnational advocacy network: its emergence follows a boomerang pattern; its membership is mainly composed of NGOs, and is held together by sharing information, resources, and a common frame across national partners. The countermovement of

conservative actors opposing the LGBTI rights norm, or “anti-gender TAN”¹⁹⁰, is less evidently a network: it’s difficult to trace a clear emersion of a discourse detached from a symmetrical, reactionary opposition to the LGBTI norm, or to see a common thread of discourse or recurring actors that unite the different national contexts. And yet, all the elements of a TAN are present, albeit in a peculiar way.

One way to look at the emergence of such a rival network is by looking at its historical milestones as parts of a parallel discourse development, rather than as localized reactions to the LGBTI norm. The word “gender”, which had gone uncontested in international venues until then, starts to emerge with its threat component in the UN Conferences of the 1990s, as part of the reaction against “sexual rights” led by the Holy See, the OIC and conservative NGOs (Bob, 2012: 41; Otto, 1996: 26). The development of a discourse against “gender” unfolded over the 1990s and the 2000s, moving in parallel with the recognition of LGBTI rights in several parts of Europe, with an extensive Vatican-funded theoretical production against the “gender conspiracy”, a plot by ideological elites that aims to rip out natural law and religious tenets from international law, and impose this perverse view on states and societies (Paternotte, 2015: 140–141; Prearo, 2020: 53–64). The two milestones of this period are the publication of the Lexicon in 2003, that sees many of the “anti-gender scholars” reunited by the Vatican to compile a dictionary to disprove “the lies of the gender theory” (Lopez-Trujillo, 2005: 7), as well as the Congress on Gender Ideology of the University of Navarra in 2011. The next stage of the TAN starts around the 2010s, when anti-gender movements sprout all throughout Europe, contesting every instance of LGBTI rights advancement in law and policy.

It is now possible to trace a more “textbook” emergence of the anti-gender TAN: social movements in Western Europe, connected to the right wing and to religious communities, but mostly presenting an apolitical, aconfessional face of “common citizens” and “concerned parents” (Prearo, 2020: 32), see the progressive

¹⁹⁰ This name has been used for the sake of brevity, but is not entirely accurate: “gender” is a label that is grounded mainly in the European context, and even though it has spread to Latin America, it’s still lacking some force in the African and Asian context, where researchers tend to talk more of “political homophobia” (Weiss & Bosia 2013)

granting of LGBTI rights as an oppression of their rights and their way of life: being their national channels blocked by progressive actors, they search for allies internally (populist right parties, religious leaders) and internationally (states like the Holy See and Russia or international organizations like C-FAM, IOF, or TFP), for funding, guidance and support in institutional venues. This model of emergence is generally typical of countries in Western Europe, where there are norms in protection of LGBTI rights and established LGBTI advocacy groups: it follows a bottom-up process, where anti-gender CSOs build their platform thanks to an environment composed of religious actors, far-right parties and international networks that provide them funding and strategies. Another type of process takes place in countries that don't have advanced SOGI rights or a powerful LGBTI movement, and yet still use "gender" or its declinations as an impending threat over the sovereignty of the nation, its traditional values and its citizens, being imposed by multinational elites (be it the EU, the US, or big corporations) or spreading like a contagion from neighbouring countries. This model of emergence is much more top-down than the other, as ruling leaders in non-democratic states generally start it, but it's not a reaction, as it is anticipatory, resembling what Nunetz Mietz and Garcia Iommi call "norm immunization" (2017): leaders use this discourse to further other political and financial motives, and it's based on alliances with other powerful states (like Russia for states in Eastern Europe) or international networks (like C-FAM or IOF in Uganda).

Another way to interpret the anti-gender front as a TAN is by looking at its membership. When we look at mobilizations in domestic contexts, the range of variance in actors, trajectories, and specific triggers may lead to assume that they are isolated instances, but to think this would be to fall in what Kuhar and Paternotte have called "methodological nationalism" (Paternotte, 2015: 140). A quick zoom-out will show that the main actors of these movements have, in reality, a rich exchange of framings and strategies, both intra and internationally. The anti-gender TAN is not a series of isolated bubbles, but it's a polymorph that takes advantage of different opportunities, resources and actors to advance its claims. Internally, there is a consistent role of religion, be it through a direct role of Church leaders (like in Poland or in Uganda) or hidden behind movement of "concerned parents"

that are not Church-directed but base their militancy on religious tenets (Raison du Cleziou 2019: 190-191) and in other spaces there is a convergence of different religious confessions. (Kuhar & Paternotte, 2017: 263). There is also a strict and mutually beneficial relationship with far-right parties: the anti-gender front serves as a voter base and as a discourse producer for political leaders, which in turn take conservative claims or anti-gender spokespeople in loci of power. (Graff & Korolczuk, 2022: 24; Prearo, 2020: 185).

It is when we zoom out of the national level that we start to see some recurring faces. In fact, actors in different countries speak frequently to each other, as evidenced by the frequent trips of “scholars” like Tony Anatrella and Gabriele Kuby, or by the contacts between La Manif Pour Tous’ Tugdual Derville and Ludovine de la Rochere and Italian activists, or even by the American evangelicals like Sharon Slater, Lou Engle and Rick Warren traveling over Africa and South America. The big international networks also allow for frequent exchanges: their events and annual congresses are participated by activists from all over Europe or worldwide, alongside far-right leaders and affluent funders, as well as the trainings offered by the TFP-led Liberties Institute and IEES (Datta, 2019: 80–81; Rivera, 2019). Despite the impressive number of NGOs, most of them are “empty shells” run by a small interchangeable cadre of individuals, which hold multiple offices in different countries, like the Italian Luca Volontè, IOF’s president Brian Brown, Russian Alexey Komov or CitizenGo CEO Ignatio Arsuaga, (Rivera, 2019). These international networks are also places where the TAN organizes strategically, coordinating action and frames at the domestic and international level. As evidenced by the case of Agenda Europe, actors of the conservative TAN have been meeting frequently to organize a common frame and have been developing action like the various referendums against the Istanbul Convention or against same-sex marriage, or lawfare initiatives (Datta, 2018). Russia, with its “traditional values agenda” and its “anti-gay propaganda law” has been frequently painted as a saviour of European peoples from the advance of a Western gender conspiracy, and has taken a leading role in this context: both through the contacts and funding of oligarchs like Malofeev, or through direct state action in the UN, presenting several

resolutions on the Protection of the Family or Traditional Values. (Ayoub & Paternotte, 2019: 161).

The anti-gender TAN can also be recognized through its recurring framing. Again, on an initial look the “anti-gender” label might point to just a symmetric reaction to the “gender norm”, and the diversity of targets and strategies across national contexts might make us return to the aforementioned “methodological nationalism”. However, one has to bear in mind that the communicative structure of this block always starts from a delegitimization of the opposite position: using a mix of registers ranging from populism to the human rights language, the proponents of the LGBTI norm are painted as the elites and as colonizers, and their positions as unscientific, as ideological impositions of norms that are not binding in international law and are not accepted by the people, leading to a slippery slope to complete chaos: a legitimization of perversion like pedophilia and incest, a demographic winter, social engineering, or a complete wreck of traditional values, societies, and international law. (Bob 2012: 43-46; Graff & Korolczuk 2022: 7). This prepares the field for their own positions to be displayed: the anti-gender TAN presents itself as universal and credible, based on common sense and representative of the popular sentiment, especially of colonized nations (Buss 1996: 344-345; Pope Francis 2015): to further this image even more, they sometimes “hide” their religious motives by presenting as “apolitical” and “aconfessional”, bringers of a message that travels across religious confessions. They sapiently use frames that incite an emotional response, like the protection of children and of traditional values against foreign invaders; they also use human rights language, attaching their demands to principles such as “the best interest of the child” or the respect of cultural values inscribed in the Vienna Declaration, and advancing initiatives under the banner of the protection of the family and of traditional values. (ILGA & ARC 2016: 9-10).

The use of “anti-gender”, although evocative, might thus be misleading¹⁹¹: gender is, like the network, polymorphic: a buzzword that adapts to mobilizations

¹⁹¹ And in fact, anti-gender actors have started to present themselves as “pro-family”

against topics ranging from sex education curricula in schools to same-sex marriages and violence against women, and at the same time a symbolic glue that federates different actors (Grzebalska et al., 2017; Kováts, 2018). That “anti” prefix is just a reactionary preamble: in reality, it hides an agenda aimed at removing sexuality from the political discourse and from international human rights law, and to base human rights and sexuality regulation according to religious tenets and cis/heteropatriarcal view of gender roles and behaviours, all while handing more and more power to states rather than IGOs to legislate over it.

The fourth chapter serves to capture the common features in the anti-gender TAN among national contexts, allowing us to see both the polymorphic character and the common core of the network. The lead actor, the initial trigger and the political opportunities for the TAN to advance its claims are different. In Italy, the movement follows a bottom-up trajectory where conservative NGOs take stock of the decline of the Vatican in organizing Italian political life by emerging as a radical voice and partnering up with rising far-right parties, coming to the spotlight in times of contestation against pro-LGBTI rights initiatives; In Hungary, Orbán’s came to power amidst huge popular discontent against the EU, which brought welfare destruction and “imposed” LGBTI rights advancements as a conditionality. And yet, he didn’t start its anti-gender campaign until much later: in the hollowed-out civil society space of Orbán’s Hungary, the anti-gender discourse has been top-down, anticipatory and instrumental, with the ruling party scapegoating the LGBTI community to streamline welfare reforms and boost electoral support by using the full force of anti-democratic propaganda instruments established over the years (Sata & Karolewski 2023: 7-12) In Uganda, the movement has been not only top-down and anticipatory, but fueled and directed by the outside: notwithstanding the presence of a small but fierce domestic LGBTI movement, the insertion of a virulent homophobic rhetoric has been fueled by US Evangelical groups, which have inserted themselves in an already homophobic climate (imported by the British Empire IPC), fortifying the links with political leaders by administering US governmental funding in a clientelar way and furthering a right-wards global shift of the Christian missionaries. (Kaoma 2009: 8, 14)

There are, though, similarities. In every one of these cases, the movement uses a similar mix of populist language tropes, religious and sovereignty markers, painting themselves as common people fighting against an elite. The Italian movement is based on Catholic circles, and although it distances itself from the Church, it still very much revolves around the idea of glueing back together the Catholic electorate to protect the Christian identity (Prearo 2020: 31-32; Donà 2020: 162); Orban uses “Central European Christian roots” as a guiding light, even though Hungary is not a religious country (Hoeflerle 2022: 55; Chotiner 2021); Uganda’s Scott Lively push heavily on the un-biblical character of homosexuality, as a justification for repression and as a scaremonger tactic (Kaoma 2013: 81-84). Another deeply recurring frame has been that of national sovereignty, against globalist and Western oppressors: Fidesz rhetoric oftentimes pushed on the threat of a Soviet-like dictatorship, this time led by the “Brussels bureaucrats”, coupled with conspiracy-favourite Soros, in view of dismantling the national identity (Felix 2015: 69-70); in Uganda, the attempted shift of the Anglican Church to approve LGBTI ministers has been deemed “un-african”, and every push to revert their laws has been deemed a colonialist attempt (Kaoma 2009: 7). All three contexts have also boosted the frame of “protecting children and traditional families” from the evil spread of the LGBTI propaganda. (Garbagnoli 2017: 160-165; Euronews 2021; Kaoma 2013: 86-87)

Finally, some recurring international figures have been moving throughout the three contexts. Certainly the WCF, which has held annual conferences in Budapest and in Verona, and regional conferences in Africa which Museveni and his wife have religiously attended (Human Rights Campaign 2014). The WCF has two main souls: one is US-based and is led by Brian Brown, but sees the frequent participation of figures like Rick Warren and Scott Lively, which have been instrumental in fueling homophobic discourses in Africa (SPLC, ND). The second one is Russian-based, and has exercised its influence in Italy (through Alexey Komov among all others) and in Hungary (through Beloborodov and Fridzvalsky), with a third component of French, Spanish and German NGO leaders who have been many times received by Putin or his associates (Rivera 2019; Bonny 2019: 26-27; Moss 2017: 207).

The influence of these networks in the common strategy can be taken by specific instances: the Hungarian “anti-propaganda law” mimics the “anti-propaganda law” introduced in Russia in 2013, and so does the rhetoric on “the last frontier”(Bonny 2019: 26-27) against the dictatorship of gender; the homophobic push in Uganda has markedly increased after the conferences held in Kampala with Scott Lively; the “anti-gender conventions” in Italy have boosted the anti-gender movement thanks to the inputs of French activists Tugdual Derville and of the model by LMPTI, taken directly by the French movement (Prearo 2020: 155).

Recapping all, the international arena is way more complex and populated than some might think, and the discourse over the LGBTI rights norm is the living proof of it. Instead of being a progressive norm launched towards global acceptance, it is stuck between two countervailing pushes coming from networks which resemble each other but advance opposite (although not necessarily symmetrical) norms. Both are composed of powerful international NGOs that draft the common strategy and interpretative frames to be translated in the national contexts; Both chip away at each other’s credibility and paint themselves as reliable and representative, in order to gain institutional access and state and societal support; Both reframe their image in anticipation of the other’s reaction, while trying to defuse every attempt of advancement from the other side (Bob, 2012: 26). Both even use the human rights language at their advantage and paint themselves as universally representative, across cultures and religions. But here’s the catch: while one uses it to gain a progressive interpretation of international instruments where, for historical reasons, LGBTI people are ignored, the other aims at maintaining an interpretation that regresses the universality of human rights, retrenching it into a nationalistic and religious based conservative foundation. (Yamin et al., 2018)

Updates and ways forward

In the end, I would like to present some ways forward to this research and some views on what the future may hold. First, I believe it would be fascinating to evaluate the “success” of a norm in international arenas and test if its acceptance changes depending on the proponent, the issue, the framing, or other variables. A problem with this would be how to measure success and especially how to measure it in a field (SOGI rights) where the frequency of proposed norms is not statistically significant: maybe placing the research in a closed context like the UPR (where, additionally, NGOs, states and expert bodies interact), could mitigate some of these problems. A second way forward would be to continue evaluating the domestic and transnational arenas as connected battlefields between the anti-gender and the LGBTI TAN. This time, advancing a case study would be aimed not at showcasing examples of the network in action, but as examples of the interaction between the networks at the national level, a closed context.

As a last thought, I imagined it would be interesting to predict the landscape of this struggle in the upcoming years. The anti-gender front is currently on the advance: and whenever they are in power alongside far-right parties, they are reverting on LGBTI rights. Meloni’s Italy is a prime example: her government has taken a firm stance against “gender theory” by the mouth of the PM and the minister of the family Eugenia Roccella (Il Sole 24 ORE, 2024; Marcelli, 2023; Vanity Fair Italia, 2024). And while on national soil it has canceled the parenting rights of lesbian mothers, leading the country to a record low in ILGA’s annual LGBTI rights ranking (Godi, 2024), in international venues like the G7 or the Council of the EU it has made every effort to block references to LGBTI rights (Celletti, 2024; Giuffrida, 2024), frequently siding alongside Orban. Putin’s Russia has continued to harden its stance, decreeing the “international LGBTI movement” a “terrorist organization”, and instructing to create a national agency dedicated at conversion therapies (Dixon, 2023; Reuters, 2024). In Africa, not only Uganda still retains the harshest “anti-gay bill” of its history, but Ghana is also increasing the penalties for consensual same-sex acts and for LGBTI activism (Fabricius, 2024). At the same

time, the Pope continues to talk about “gender ideology” as one of the worst threats to humanity (Zengarini, 2024). The recent European elections have showed a shocking rise of far-right parties, with candidates that frequently flaunted their homophobic views (Gill, 2024), and the upcoming elections in the US and France pose a legitimate concern for the future of LGBTI rights, as well as for the rights of any community that is subject to marginalization. With the anti-gender front advancing to power roles, we’ll see if the progressive TANs will find a symbolic glue to counteract this push that risks to strike their rights out of the window.

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