



Rainbow Rewind 2023: What are the new laws affecting our communities?

A briefing note by ILGA World <https://ilga.org>

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Foreword

As the curtains draw on the tumultuous world stage of 2023, we reflect upon **a year of unprecedented intensity, marked by monumental strides and considerable setbacks**. In this briefing note, ILGA World invites our readers to embark on a retrospective journey through the legal landscapes that have shaped the rights of lesbian, gay, bisexual, trans, and intersex (LGBTI) communities in 2023.

Through a collection of bills, laws, judicial decisions, and public policies, we strive to offer a panoramic view of the year gone by to celebrate our victories and candidly confront our defeats. We honour this dual purpose because the canvas that we paint not only portrays the successes and challenges of the past but also sets the stage for the opportunities that lie ahead.

The guiding principle behind this note is the fundamental belief that an informed community is a resilient community. Today, we present the world with **a snapshot of the global legal landscape on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) issues filtered through the lens of the categories tracked in the [ILGA World Database](#)**. This note does not claim comprehensiveness; rather, it selectively illuminates many of the most salient developments.

As always, we caution against reducing the evaluation of our communities' quality of life to legal developments alone. The lived experience on the ground, the pulse of our communities, is a complex tapestry made of multiple threads. Legal victories or defeats are but one dimension of the intricate mosaic that demands a comprehensive examination.

As we delve into this analysis, it is crucial to recognise that this wealth of information is the result of ILGA World's Research Team, whose members remain committed to the mission of keeping our communities informed by continuously navigating the currents of legal evolution.

The information that follows, is a testament to the resilience, the determination, and the unwavering pursuit of justice of our member organisations and our communities at large. It is a candid portrayal of the victories we relish, the challenges we confront, and the intricate dance between progress and setbacks that defines our collective journey. Nothing more... nothing less.

Note: Data in this briefing note cover from 1 January until 30 November 2023

Global overview

Criminalisation of consensual same-sex sexual acts

The global trend towards decriminalisation of consensual same-sex sexual acts continued in 2023 with the addition of 2 UN Member States to the list of countries that repealed their criminalising provisions. Legislative advancements were observed in Singapore, while in Mauritius it was the Supreme Court that rendered a decision in favour of decriminalisation. Consequently, the tally of UN Member States retaining criminalising provisions diminished from 65 to 63.

The Cook Islands, an affiliated territory of New Zealand, similarly revoked its sodomy provisions and one UN Member State (Venezuela) put an end to the criminalisation of consensual same-sex sexual acts within its military forces. Additionally, efforts to decriminalise were monitored in at least 3 UN Member States (Sri Lanka, Lebanon, and Namibia).

Notwithstanding these positive developments, a significant setback occurred when Uganda joined the list of UN Member States imposing the death penalty for consensual same-sex sexual acts. As demonstrated in ILGA's latest publication, "[Our Identities under Arrest](#)" these provisions are far from dormant, and they have been actively applied in 2023 to arrest, prosecute and sentence people of diverse SOGIE in more than 60 countries.

Furthermore, ILGA World monitored numerous regressive legislative initiatives, debates, and deliberations, within the Middle East and African regions, particularly in Bahrain, Ghana, Iraq, Kenya, Niger, and Tanzania. Of particular concern are bills with expansive scopes that extend beyond criminalising sexual acts to encompass the very identification as LGBT (Ghana) and others proposing heightened penalties, including the imposition of the death penalty (Iraq).

In 2023, multiple judicial proceedings and rulings were centred on the issue of criminalisation of consensual same-sex sexual acts. Regrettably, a substantial proportion of these cases yielded unfavourable outcomes, with some still pending resolution. [Read more](#)

Freedom of expression

Legal debates around freedom of expression regarding sexual and gender diversity have become a critical battleground for our quest for equality. On a global scale, 2023 was marked by a considerable number of regressive initiatives, with a proliferation of bills and policies across various regions. Even though there is a notable overlap, these initiatives are extending well beyond criminalisation jurisdictions, including North and South America, as well as Europe.

These measures target a spectrum of issues, including gender nonconformity, public advocacy, media regulations, school curricula, and even rainbow symbolism. These measures are often presented as efforts to protect children from "depravity", or to safeguard "family values", and to combat the so-called "promotion" of homosexuality or the LGBT agenda. These arguments, discussions, and implemented measures constitute a significant dimension within the contemporary legal discourse which is highly relevant to our advocacy work at the local and international levels.

By the close of 2023, no fewer than 54 UN Member States maintained legal barriers to freedom of expression, explicitly or implicitly engaging with matters related to sexual orientation, gender identity, gender expression, and sex characteristics.

While there were limited instances of positive legislative actions, the prevailing overall trend in 2023 was the consideration or effective implementation of new formal barriers, coupled with enforcement of existing regulations. Significantly, novel regulations and coordinated initiatives

aimed at restricting SOGIESC issues in the media were identified in at least five UN Member States. Moreover, ILGA World documented new efforts to systematically exclude content concerning sexual and gender diversity from educational settings and libraries, either by law or policy in at least nine UN Member States. Additionally, new instances of authorities confiscating or investigating rainbow-coloured items were recorded in at least five different UN Member States in 2023, with such actions being prompted by a belief that these objects were employed to "promote homosexuality." [Read more](#)

[Freedom of association](#)

The fundamental principle of freedom of association, particularly for civil society organisations dedicated to addressing issues of sexual, gender, and bodily diversity, has faced escalating constraints in recent years. As of the conclusion of 2023, no fewer than 58 UN Member States have retained provisions with legal barriers to the formal registration and effective operation of LGBT organisations.

In 2023, there were two noteworthy victories in the advancement of freedom of association in Kenya and in Eswatini, albeit met with localised resistance. Notably, much of this progress was achieved through litigation before the courts rather than legislative channels.

The majority of developments documented within this category predominantly manifest as negative measures, further constraining or impeding the existence of a space wherein civil society organisations can actively work towards advancing equality. These measures are compounded by the restrictions on the right to freedom of expression detailed above. [Read more](#)

[Protection from discrimination](#)

ILGA World systematically monitors legal protections against discrimination related to sexual orientation, gender identity, gender expression, and sex characteristics across specific domains: (1) constitutional protection, (2) goods and services, (3) healthcare, (4) education, (5) employment, and (6) housing.

As of the conclusion of 2023, constitutional protection based on "sexual orientation" is provided by 12 UN Member States, while 77 countries extend some form of employment discrimination protection on this basis. Notably, protections based on "gender identity" are comparatively less prevalent, with 46 UN Member States offering such employment protection. Protections for "gender expression" and "sex characteristics" exhibit the lowest prevalence, with 20 and 18 UN Member States respectively providing employment protection based on these grounds.

Antidiscrimination protections, spanning diverse domains and encompassing various grounds, were enacted in at least seven UN Member States: Bulgaria, Cuba, Japan, Moldova, Spain, the Netherlands, and Colombia (via a decision of the Constitutional Court). Moreover, in six UN Member States, bills were introduced with the intent of expanding discrimination protections, potentially to be adopted in 2024.

However, efforts to backtrack protections and concrete instances of regression were also observed in some jurisdictions, particularly in Georgia, the Community of Madrid (Spain), the United Kingdom, and the United States. [Read more](#)

[Hate crime laws](#)

These provisions either establish standalone criminal offences explicitly targeting harm inflicted due to the victim's sexual orientation, gender identity, gender expression, or sex characteristics or

introduce legal measures granting the judiciary the authority to enhance penalties when the crime is motivated by these attributes. These enhancements, commonly known as “aggravating circumstances”, can be applied to specific crimes like murder and assault or extend broadly to encompass all offences outlined in a Penal Code.

In 2023, there was limited progress in this category, with only one UN Member State joining the list of countries with hate crime laws (Bulgaria). Notably, this addition pertained specifically to crimes motivated by “sexual orientation”. Additionally, the US territory of the Northern Mariana Islands adopted a new hate crime law for crimes motivated by SOGIE. At present, at least two jurisdictions (South Africa and Queensland, Australia) are actively deliberating on bills aimed at addressing hate crimes. [Read more](#)

[Hate speech / Incitement to violence, hatred, or discrimination](#)

Laws addressing the incitement of hatred, violence, or discrimination exhibit significant diversity in both language and scope. Some statutes explicitly focus on “hate speech” or language directly inciting violence, while others employ a more comprehensive set of terms, such as vilification, debasement, or humiliation of specific social groups, either through overarching legislation or specific statutes regulating broadcasting services.

Noteworthy developments were relatively sparse for this category, with major strides observed in only two UN Member States (Bulgaria and Brazil), each with distinct scopes of protection. Additionally, two UN Member States are presently in the process of considering bills on the matter. [Read more](#)

[Regulation of so-called “conversion therapy”](#)

The term “conversion therapy” serves as the umbrella term for any sustained effort aimed at altering a person's sexual orientation, gender identity, or gender expression. For additional information on the emerging legal debates and discussions read ILGA World’s report “[Curbing Deception](#)”.

Encouragingly, three UN member states—Cyprus, Iceland, and Spain—successfully enacted legislation to curtail these unscientific and harmful practices at the national level, elevating the total of UN Member States with nationwide regulations to 13, an increase from the 10 recorded in 2022. Moreover, more regulations were instituted at the subnational level in the United States and Mexico, further contributing to this positive trajectory.

The favourable trend persisted, with at least eight UN Member States discussing bills regulating “conversion therapies” during 2023. [Read more](#)

[Same-sex marriage and civil unions](#)

In 2023, a persistent trend of legalising same-sex marriage and other forms of civil unions continued, with four UN Member States—Andorra, Estonia, Nepal, and Slovenia—joining the list of countries where same-sex marriage is now legal. The addition of four nations to this list is relatively uncommon, having occurred only in 2013 and 2017 prior to this instance.

Furthermore, Bolivia made strides by allowing same-sex civil unions, and progress at the subnational level continued in Japan, with more prefectures legalising same-sex civil partnerships. Throughout 2023, ILGA World monitored bills for same-sex marriage and the recognition of registered partnerships and civil unions in at least eight UN Member States.

However, less encouraging developments emerged from four other UN Member States—India, Lithuania, Panama, and Suriname—where judicial claims for same-sex marriage were rejected. Notably, Namibia stood out as a particular case, where a positive court decision on the matter triggered substantial backlash, ultimately leading to the introduction and approval of regressive bills. Finally, in at least one jurisdiction, the British Virgin Islands (United Kingdom), the initiative to hold a referendum on same-sex marriage appears to be progressing. [Read more](#)

[Adoption by same-sex couples](#)

Several states and jurisdictions have recognised the human right of same-sex couples to establish a family, enacting laws that allow them to adopt children. Two UN Members—Liechtenstein and Estonia—along with the non-UN Member Taiwan, passed legislation affirming the right of same-sex couples to jointly adopt children in 2023.

However, regressive policies, bills, and laws related to adoption were identified and monitored in several UN Member States. [Read more](#)

[Restrictions on interventions on intersex minors](#)

In recent years, informed debates regarding surgical interventions on intersex minors have garnered increased attention. However, these medically unnecessary and non-consensual interventions remain legal in the vast majority of UN Member States worldwide.

In 2023, Spain emerged as the sole new UN Member that enacted protections at the national level. Additionally, the Australian Capital Territory made history by becoming the first subnational jurisdiction in the country to pass legislation safeguarding the human rights of intersex individuals and deferring irreversible and non-urgent medical procedures until individuals are old enough to make their own decisions. Furthermore, in 2023, bills aimed at restricting interventions on intersex minors were introduced before legislatures in at least 3 UN Member States. Simultaneously, regressive legal developments were tracked in at least 3 other UN Member States.

By the close of 2023, only 8 UN Member States had progressive measures on this matter, with two more countries imposing restrictions in at least one subnational jurisdiction. [Read more](#)

[Legal gender recognition](#)

In 2023, several UN Member States saw significant advances in legal gender recognition (LGR), ensuring positive steps towards the full participation of transgender and gender-diverse persons in society: 3 UN member states—Spain, Finland, and New Zealand—enacted legislation allowing gender marker change based on self-identification (Self-ID). Additionally, in continuing this positive trend, 8 different jurisdictions saw progress in laws, policies, or judicial decisions effectively removing mandatory surgical requirements to amend gender markers on IDs.

Legislative attempts to allow for LGR based on self-ID or with simplified requirements and procedures were also monitored in at least 6 different jurisdictions.

In contrast to these positive developments, several UN member states have introduced legal measures to restrict or outlaw legal gender recognition throughout 2023.

By the end of 2023, there were at least 22 UN Member States where LGR is based on Self-ID. In 16 of these, Self-ID is available nationwide, while in four it is available in some subnational jurisdictions only. Additionally, two more UN Member States offer LGR based on Self-ID only for non-binary gender markers. [Read more](#)

Annex

Criminalisation of consensual same-sex sexual acts

In 2023, 2 UN member states (and 1 non-UN member state) decriminalised consensual same-sex sexual acts between adults. Additionally, 1 UN Member State put an end to criminalisation within its military forces.

- [Singapore](#). In January, the amendment to the Penal Code was officially gazetted after having received assent from Singapore's President, thus officially repealing Section 377A, which punished "acts of gross indecency" between males.
- [Mauritius](#). In October, a decision of the Supreme Court established that Section 250(1) of the Criminal Code was unconstitutional and violated Section 16 of the Constitution in so far as it prohibited consensual acts of sodomy between consenting male adults in private and should accordingly be read to exclude such consensual acts.
- [Cook Islands](#) (New Zealand). In April, the local parliament repealed Section 155 of the Penal Code, which criminalised "sodomy".
- [Venezuela](#). In March, the Supreme Court struck down Article 565 of the Military Justice Code, which prohibited "sexual acts against nature" among members of the military forces.

Other attempts have also been made to decriminalise consensual same-sex sexual acts between adults, but they have yet to pass. One judicial challenge to criminalising provisions in Namibia was heard in 2023 is expected to yield a final decision in early 2024.

- [Sri Lanka](#). A bill to decriminalise consensual same-sex sexual acts was introduced in April. The bill seeks to amend Sections 365 and 365A of the Penal Code to decriminalise consensual same-sex sexual acts and "gross indecency".
- [Lebanon](#). In July, a bill was introduced to repeal Article 534 of the Penal Code, which punishes "sexual intercourse against the order of nature". However, shortly after an expedited law proposal with the opposite aim was introduced to further criminalise the "promotion of homosexuality and sexual deviance" explicitly criminalising "indecent" or "unnatural" same-sex sexual acts.
- [Namibia](#). In October, legal arguments were heard in the case challenging the constitutional validity of provisions criminalising consensual same-sex acts before Namibia's High Court. The final decision is expected in May 2024.

Among the most concerning instances of effective backtracking came from Uganda, where capital punishment is now the legally prescribed penalty for acts of "aggravated homosexuality".

- [Uganda](#). In May, the Anti-Homosexuality Act (2023) was enacted. The law prescribes the death penalty for "aggravated homosexuality" triggered by factors such as prior convictions for same-sex acts or if the victim contracts a "terminal illness". Additional provisions encompass landlords potentially facing up to seven years' imprisonment for permitting premises to be used "for homosexuality", a ten-year sentence for intending same-sex marriage, a "duty to report homosexuality", and even court-ordered "conversion therapy" following conviction.

Moreover, ILGA World monitored numerous legislative initiatives, debates, and discussions within the Middle East and African regions. These efforts are directed towards the criminalisation of consensual same-sex sexual acts or the enhancement and broadening of existing provisions.

- [Bahrein](#). Local media reported on a proposed law to toughen penalties for "sexual deviance" and to explicitly criminalise consensual same-sex sexual acts. The proposed law aims to

address “practical challenges” in prosecuting cases related to sexual deviance, while also criminalising the promotion and defence of such behaviour.

- [Ghana](#). In July, the parliament unanimously advanced an exceptionally regressive bill to its third and final vote. This stringent bill introduces alarming provisions, such as heightened penalties for consensual same-sex intercourse and the mere act of publicly identifying (“holding out”) as lesbian, gay, transgender, transsexual, non-binary, queer, pansexual, bisexual, or even an ally of the LGBT+ community, leading to potential imprisonment of up to three years, among other troubling measures. Worryingly, the bill also imposes a “duty to report” on any person in whose presence any offense under this act is committed.
- [Iraq](#). In July and August, multiple legislative efforts aimed to effectively criminalise so-called “acts of sexual deviance”. Among such acts are “homosexual relations”, which would be punishable by death or life imprisonment. “Acts of effeminacy” as well as the “promotion of sexual deviance” are also prohibited under this bill.
- [Kenya](#). In February, a bill was introduced to amend the definition of “family” contained in the Constitution and the Penal Code. If passed, the bill would impose harsher penalties for consensual same-sex sexual acts. Those found guilty of such acts could face imprisonment for at least 10 years for “homosexuality” or even the death penalty for “aggravated homosexuality”.
- [Niger](#). In January, Niger's President pledged to criminalise same-sex acts, with penalties ranging from 10 years to life imprisonment or the death penalty for same-sex marriage participants. The proposal was later officially confirmed by the Presidential Communication Office. After the coup d'état in July, the transitional military government announced intensified measures against “the promotion of LGBT rights” in the country.
- [Tanzania](#). In early 2023, Tanzania witnessed an increase in discussions within the government, parliament, and among political and religious leaders to further criminalise consensual same-sex acts among adults. In March, the head of the women's wing in the government proposed severe penalties, including castration. Other MPs advocated for the death penalty and mass exams to “identify homosexuals”. These discussions paralleled the government's enhanced measures to restrict freedom of expression regarding sexual and gender diversity (see relevant section below).

In 2023, numerous legal proceedings and rulings focused on the criminalisation of consensual same-sex sexual acts. Unfortunately, a significant portion of these cases yielded unfavourable outcomes, and some are still awaiting resolution.

- [Jamaica](#). In March, a constitutional challenge against Jamaica's sodomy laws was adjourned.
- [Malawi](#). The case of Jana Golani (a trans woman convicted for engaging in sex “against the order of nature”) completed its hearings and is now awaiting a final decision from a panel of three judges from the High Court acting as a Constitutional Court. The decision will determine the constitutionality of Sections 153, 154 and 156 of the Penal Code.
- [Malaysia](#). In August 2023, the Federal Court began hearing a legal challenge against certain Shariah law provisions from the state of Kelantan, including two clauses criminalising same-sex sexual relations.
- [Pakistan](#). In May, the Federal Shariat Court held that homosexual activities are “Al-Fahishah” (“immoral”) and that these “immoral activities are the acts of Shaitan (Demon)”. In July, this decision was challenged in the Supreme Court. This ruling also represents a significant setback for Pakistan's transgender community (please refer to the section on LGR for more information).
- [South Korea](#). In November, the Constitutional Court upheld the constitutionality of Article 92(6) in the Military Criminal Code, which criminalises consensual same-sex acts. The rationale behind this regressive decision revolved around concerns that unchecked sexual

relations between same-sex soldiers could jeopardise the strict command structure and hierarchy within the military.

Legal barriers to freedom of expression

In 2023, significant developments were observed across various UN Member States with already restrictive legal frameworks. Notable examples include the following.

- [Uganda](#). Despite existing heavy restrictions on freedom of expression regarding SOGIESC issues, the Anti-Homosexuality Act (2023) enacted in May, further penalised the “promotion of homosexuality” with 20-years in prison. The Act targets various activities, including advertising, financing, providing spaces, and operating organisations “promoting homosexuality”.
- [Ghana](#). In July, the parliament unanimously advanced an exceptionally regressive bill to its third and final vote. This bill prohibits all efforts to advocate for sexual and gender diversity, including any activity that promotes or supports “sympathy” or a “change in public opinion” on this issue, as well as offering the premises for such activities. Notably, the bill criminalises the mere act of publicly identifying (“holding out”) as lesbian, gay, transgender, transsexual, non-binary, queer, pansexual, bisexual, or even an ally of the LGBT+ community. Worryingly, it also imposes a “duty to report” on any person in whose presence any offense under this act is committed.
- [Tanzania](#). The Tanzanian Parliament held multiple sessions where the formal outlawing of the “promotion of homosexuality” was debated. In April, the Minister of Information informed the National Assembly about unprecedented measures, including the shutdown of over 3,360 social media accounts and websites, citing the need to preserve “national values and culture”.
- [Hungary](#). In May, local media reported that Hungarian authorities started implementing the Law on tougher action against paedophile offenders and amending certain laws to protect children (2021) by initiating consumer protection proceedings in response to youth books with LGBT-related themes. The enforcement targeted bookstores selling books and comics, such as “Heartstopper” without wrapping them to conceal their content.
- [Belarus](#). In July, the General Prosecutor's Office announced an Action Plan which would involve imposing administrative punishments for propaganda of “non-traditional sexual relations” and “change of sex”. President Lukashenko has publicly endorsed this policy. In September, media sources reported that the government was working on a “propaganda” bill similar to the one in force in Russia.
- [Lebanon](#). In August, the Minister of Culture submitted a draft law aimed at strengthening measures against “the promotion of homosexuality” criminalising any action explicitly or implicitly endorsing “abnormal sexual relationships” or encouraging “changes in sex”. Additionally, another bill to criminalise the “promotion of homosexuality and sexual deviance” was introduced. The bill extends these penalties to those who promote, facilitate, conceal, or incite others to commit such acts.
- [United States of America](#). In 2023, an unprecedented surge in bills addressing drag performances, public gender-nonconformity, school curricula, and library materials occurred across the United States. These bills were introduced or discussed in at least 28 of the country's 50 states. Many are still under consideration, facing legal challenges, or have been repealed on constitutional grounds.

New regulations and coordinated efforts to curtail media freedom, specifically focusing on the dissemination of SOGIESC-related content on the internet or traditional media, were documented in **at least 5 UN Member States**.

- [Iraq](#). In August, the Communications and Media Commission enforced a ban on the use of the terms “homosexuality” and “gender” across all Iraqi media outlets. Instead, they mandated the use of the term “sexual deviance”.
- [Burkina Faso](#). In August, the Superior Council of Communication (CSC) enacted a ban on the “promotion of homosexuality” on television, citing the protection of minors and the preservation of the country's morals and values.
- [Democratic Republic of Congo](#). The High Council for Audio-visual and Communication (CSAC) directed all media outlets to avoid engaging in campaigns “promoting homosexuality” and warned of potential legal consequences for those involved in such campaigns under Congolese law.
- [Cameroon](#). In June, the National Communication Council (CNC) expressed concern over the increasing prevalence of foreign-produced programs “promoting homosexual practices” in the media. The CNC issued warnings and urged corrective actions. In September, enforcement began, leading to the suspension of at least one TV channel for non-compliance.
- [Jordan](#). In August, the King approved a cybercrime law which punishes the use of any information network or the internet to “promote debauchery” or “the exposure of public morals” with a minimum of six months imprisonment and a fine.

In at least **9 UN Member States**, ILGA World has recorded efforts to exclude sexual and gender diversity content from educational settings and libraries. Measures include banning symbols, excluding Comprehensive Sexuality Education (CSE) from school curricula, and opposing the teaching of “gender ideology” (a catch-all phrase to encompass all matters related to the quest for equality and human rights of women and LGBTI+ people). Similar initiatives were documented at the subnational level in at least two UN Member States (Bosnia Herzegovina and Brazil).

- [China](#). In February 2023, the Ministry of Education dismissed an administrative review filed by two students who were disciplined by Tsinghua University in 2022 for distributing rainbow flags on campus, arguing that the flags constituted “propaganda”. As a result, the students filed a lawsuit against the Ministry of Education in the Beijing First Intermediate People's Court, seeking a review of the penalty.
- [Iraq](#). In July, the Minister of Higher Education and Scientific Research, issued an Official Guideline instructing universities and education institutes to prepare educational workshops and seminars “to confront homosexuality”.
- [Israel](#). In March, a bill was introduced into the Knesset, to prohibit instruction on sexual orientation or gender identity to children 14 years or younger, with several restrictions on access to such materials for older students.
- [Kenya](#). In February 2023, the Family Protection Bill (2023) was introduced with the aim of prohibiting Comprehensive Sexuality Education (CSE) in education programs. The bill also seeks to uphold the “prior rights of parents” to their children's education. Furthermore, in March, the Education Cabinet Secretary announced a plan to “prevent LGBTQ+ education” in schools and to install chaplaincies in all schools.
- [Niger](#). In October, the transitional military government announced measures to combat “the promotion of LGBT rights”, particularly within the educational sector. Prior to the military coup, the government of Niger was already touting legislation to target LGBTQ+ communities and advocacy efforts.
- [Paraguay](#). In June, a bill was introduced to prohibit the promotion, encouragement, or teaching of “gender ideology” at all education levels. The bill, which would reinforce the ban on “gender ideology” in schools imposed by a 2017 resolution of the Ministry of Education, includes the imposition of criminal or administrative sanctions for any violations of these prohibitions.

- [Tanzania](#). In February, the Education Ministry imposed a ban on schoolbooks “promoting same-sex relations” and established a hotline for anonymous reports on “acts cultivating immoral habits in schools”. Subsequently, several books were banned for “violating cultural norms” and for being “morally repugnant”. In April, Zanzibar's Ministry of Education prohibited the use of rainbow paint in schools, citing its association with LGBT activists.
- [Romania](#). In February, a bill, backed by over 100,000 citizens, was introduced in the Senate. The proposed legislation seeks to expand the definition of “pornography” to encompass “any form of expression” that “promotes homosexuality among minors”.
- [United States of America](#). In the last decade, only a fringe number of States had kept restrictive laws limiting the information that could be legally shared in educational settings on sexual and gender diversity. However, in 2023 a huge number of bills were introduced and many of them approved to restrict any content related to sexual and gender diversity school curricula and library materials was across the United States of America.

ILGA World documented multiple cases where rainbow-colored items were confiscated or prompted investigations by local authorities due to the belief that these objects were employed to “promote homosexuality” or the LGBT agenda. Notable instances include the following:

- [Algeria](#). In January, the Ministry of Commerce announced a ban on all products with rainbow colours to protect local society from “the danger of homosexuality” in addition to an “awareness raising campaign” on products containing colours or symbols “contrary to religious and moral values”.
- [Malaysia](#). In May the Home Ministry seized a reported total of 164 watches from local Swatch stores for bearing symbols relating to the LGBTQ+ community, citing violations against the Printing Presses and Publications Act (1984). The Home Ministry later published a prohibition order, punishing production, distribution, and possession of these watches with up to three years imprisonment.
- [Oman](#). In August 2023, Omani media reported further seizures of products (mainly stationery and school supplies) for displaying “homosexual colours” (i.e. rainbow-like colours). In addition, legal action was taken against the shops that were selling them.
- [Russia](#). Throughout the year, residents reported numerous instances of perceived promotion of “non-traditional sexual relations” based on rainbow-colored items, with some reports bordering on the ridiculous. Instances included authorities questioning a Moscow resident regarding a rainbow stripe on her car's license plate and a kindergarten manager for alleged LGBT propaganda related to rainbow-colored benches. In response, the Deputy Speaker of the State Duma reportedly asked the media monitoring agency, Roskomnadzor, to officially declare that there is no link between the rainbow and the LGBT community.
- [Yemen](#). Multiple reports indicated that Yemeni authorities banned various items, including clothes, toys, bags, and school supplies, solely because they featured rainbow colours. These measures were announced as an attempt to counter the perceived spread of “LGBT propaganda”.

Some positive, albeit limited, legislative action around freedom of expression related to SOGIESC issued was noted in 2023.

- [United States of America](#) (federal level). In March, members of the Democratic Party presented the Transgender Bill of Rights (2023) with the objective of enshrining federal safeguards for transgender individuals. This proposed legislation encompasses amendments to federal education laws aimed at guaranteeing students' unrestricted access to inclusive curriculum and literature that faithfully represents the historical and cultural aspects of LGBTQ+ individuals.
- [Lithuania](#). In response to a decision by the European Court of Human Rights, the Lithuanian Government announced a bill to amend the Law on the protection on Minors (2002) and

remove the references to “propagation of same-sex relations” from the category of information “adversely affecting minors”.

- [North Macedonia](#). In February, the National Parliament voted against this bill against "LGBT propaganda in schools".

Legal barriers to freedom of association

In 2023, there were two notable wins in advancing freedom of association, albeit accompanied by localised resistance in two African States.

- [Eswatini](#). The Supreme Court decided that the denial of the Registrar to register the local LGBTI group, Eswatini Sexual and Gender Minorities (ESGM), was invalid and granted the government a 60-day period to reconsider ESGM's request, though the authorities have failed to act on this order.
- [Kenya](#). In February, the Supreme Court affirmed the National Gay and Lesbian Human Rights Commission's (NGLHRC) right to register and operate as an NGO. However, this pivotal decision faced vehement backlash, leading to organised opposition and the introduction of the regressive bill discussed earlier.

The majority of developments documented under this category persist as negative measures. These measures are compounded by the restrictions on the right to freedom of expression developed above.

- [Uganda](#). In January, the Ugandan NGO Bureau reported investigations and actions against LGBTI organisations, suspending SMUG's activities and denying registration to others. The report recommended authorities take harsh measures. In May, the Anti-Homosexuality Act (2023) became law, imposing severe penalties, including hefty fines and potential suspension of legal entity licenses for ten years or permanently, on organisations found guilty of “promoting homosexuality”.
- [China](#). In May, the Beijing LGBT Center, one of the largest and remaining active groups, joined the list of organisations ceasing operations in China, citing “forces beyond their control” as the reason for their closure. Similarly, in June 2023, the Shanghai Pride Committee, which was the last prominent LGBTQ+ organisation in China, announced a hiatus after operating for 12 years and not hosting any pride events for the past 2 years.
- [Ghana](#). In July, the parliament unanimously advanced an exceptionally regressive bill to its third and final vote. If enacted, this bill would automatically disband every existing organisation working on sexual and gender diversity issues and criminalise any participation in such organisations, as well as the funding or sponsorship of any activities related to them. Worryingly, it imposes a "duty to report" on any person in whose presence any offence under this act is committed.
- [Iraq](#). In May, a court in Sulaimani ordered the closure of the Rasan organisation, a key advocate for the rights of the local LGTBI+ community in Kurdistan. The shutdown ensued from a lawsuit filed by a member of Parliament, with the court alleging the organisation's involvement in “homosexuality-related activities”.
- [Niger](#). In January, the then President announced that a new Penal Code would criminalise same-sex sexual acts between adults, but also that persons or organisations convening, hosting, or funding “gay clubs” or advocating for LGBT+ rights would face penalties. The proposal was later officially confirmed by the Presidential Communication Office.
- [Russia](#). In November, the Supreme Court issued a decision establishing that the “international LGBT movement” is an “extremist” movement. This label could lead to severe consequences for LGBTQ individuals in Russia, potentially resulting in lengthy prison

sentences if authorities deem them part of the so-called “international LGBT public movement”.

- [Türkiye](#). In July, the government filed a constitutional amendment with the intention of banning all LGBTI+ organisations and preventing lower courts from overturning administrative decisions taken against such organisations.
- [Zimbabwe](#). In February, Parliament passed the Bill to Amend the Private Voluntary Organisation Act (2023) which, according to multiple international organisations and United Nations experts, could mean serious violations of freedom of association in the country.

Anti-discrimination protections

Antidiscrimination protections, spanning various domains and encompassing different grounds, were instituted in **6 UN Member States** through newly adopted laws (further information on the specific scope of these provisions is available on the [ILGA World Database](#)).

- [Bulgaria](#). Decree No. 152 amended the Criminal Code to further penalise actions hindering employment or the dismissal due to “sexual orientation”.
- [Cuba](#). the Law on the Protocol of Action in Situations of Discrimination, Violence and Harassment in the Workplace (2023) entered into force, reinforcing the existing prohibitions against discrimination based on “sexual orientation” and “gender identity”.
- [Japan](#). In June, the Bill for Enhancing Public Awareness of Diversity in Sexual Orientation and Gender Identity (2023) was successfully passed by the House of Representatives. However, the bill only includes a provision stating that “there shall be no unjust discrimination on the basis of sexual orientation”. Local activists have thus raised concerns, arguing that this bill falls short of providing comprehensive legal protection against discrimination.
- [Moldova](#). In February, an amendment to the Law on Ensuring Equality (2012) incorporated “sexual orientation” and “gender identity” as protected grounds against discrimination. This significant change expanded antidiscrimination protections, which were previously limited to employment and solely based on “sexual orientation”.
- [Spain](#). In February, the Law for the real and effective equality of trans people and to guarantee the rights of LGBTI people (Law No. 4) (2023) was enacted. The law reinforced preexisting protections based on SOGIE and further added “sex characteristics” to the list of protected grounds at the national level. In March 2023, the newly enacted law faced a challenge before the Constitutional Court initiated by right-wing and far-right parliamentarians. Despite the legal challenge, the law remains in effect and continues to be enforced.
- [Netherlands](#). In January, a Constitutional Reform Proposal (2020) was approved to amend Article 1 of the Dutch Constitution to ban discrimination on the grounds of “heterosexual or homosexual orientation”. Notably, the reform did not include “gender identity”, “gender expression” or “sex characteristics” as constitutionally protected grounds. COC, a pioneering local organisation, stated that the government and its proposers confirmed during the consideration of the bill that the prohibition of discrimination on grounds of “sex” (already enshrined in the Constitution) also protects people constitutionally against such discrimination.
- Furthermore, in [Colombia](#), the Constitutional Court granted a trans woman the right to access a retirement pension under equal conditions as a cis woman. The Court declared that the Colombian administration had discriminated against her based on “gender identity,” a category not explicitly protected in labour law against employment discrimination.

Several other countries saw the introduction of bills which, if adopted in 2024, would expand discrimination protections for diverse communities there.

- [Colombia](#). In March 2023, two labour reform bills were introduced in Colombia, proposing amendments to various articles of the labour law. Notably, these bills seek to explicitly prohibit discrimination based on “sexual orientation” and “gender identity” in the context of employment.
- [Costa Rica](#). In June, a bill was introduced to recognise trans, non-binary, gender diverse, and intersex people. If passed it would ensure discrimination protections for those groups in the realms of healthcare, education, and employment, among other aspects of life.
- [New Zealand](#). In August, a bill was introduced to amend the Human Rights Act and related legislation to include “gender identity”, “gender expression”, and “variations of sex characteristics” in the prohibited grounds of discrimination.
- [Philippines](#). In June, the Philippines Commission on Human Rights welcomed the approval of the revised Sexual Orientation, Gender Identity, Gender Expression, or Sex Characteristics (SOGIESC) Equality Bill (2023) by the House Committee on Women and Gender Equality. This significant development addresses a longstanding need, with the bill pending for 23 years, underscoring the overdue urgency for its enactment, as emphasised by the Commission. Progress at the subnational level continued in certain jurisdictions.
- [United States of America](#). In June, the Equality Bill (HR 15) (2023) was reintroduced to prohibit discrimination on the basis of “sexual orientation” and “gender identity” at the federal level, among other purposes.
- [Venezuela](#). In March, the National Assembly decided to advance the Draft Organic Law Against All Types of Discrimination (2023) to the second stage of the legislative process. The bill prohibits discrimination based on “sexual orientation”, “gender identity” and “gender expression” in any area of public life. In August, the bill was undergoing a public consultation process before returning to the Assembly.

Instances of regression or efforts to backtrack protections were observed in some jurisdictions in 2023. Notable illustrations include the following:

- [Georgia](#). In July, a series of bills were reportedly introduced in Parliament to remove the term “gender” from multiple laws. This would have the effect of removing existing “gender identity” and “gender expression” as a protected categories against discrimination.
- [United Kingdom](#). In April, the Equality and Human Rights Commission reportedly issued a letter to the Equality Minister recommending that the category of “sex” in the Equality Act (2010) should be amended to mean “biological sex”, which would mean stripping transgender women of many gender-based discrimination protections if adopted.
- [United States of America](#). Widespread legislative attacks at the state level have continued. Moreover, in June, the Supreme Court rendered its decision in the case of *303 Creative LLC v. Elenis* (2023), asserting that the Free Speech Clause of the First Amendment granted a designer the right to decline creating wedding websites for same-sex couples if it conflicts with their personal beliefs. In her dissenting opinion, Justice Sotomayor criticised the decision, contending that it essentially bestows “a constitutional right upon businesses open to the public to deny services to members of protected classes”.
- [Community of Madrid - Spain](#). In October, a set of bills was introduced in the local legislature, widely considered to signify the first regression in SOGIESC protections in Spain. These bills propose rolling back many measures and safeguards against discrimination implemented in 2016, particularly those designed to protect trans people. Concerning amendments include the replacement of “gender identity” with “transsexuality condition” (potentially dependent on a medical evaluation) in antidiscrimination protections. Additionally, the bills seek to eliminate the obligation to include respect for sexual and

gender diversity in educational curricula and to develop protocols against bullying based on SOGIESC. Local activists expressed concern that this proposal might set a precedent, potentially being replicated in other regions of Spain and leading to a broader regression in the country.

Hate crime law

Two jurisdictions registered noteworthy legal developments on this matter in 2023.

- [Bulgaria](#). In July, to comply with the 2022 judgement of the European Court of Human Rights, the National Assembly aggravated penalties for the crimes of murder, bodily injury, kidnapping, and unlawful deprivation of liberty, among others, when their perpetration is motivated by the “sexual orientation” of the victim.
- [Northern Mariana Islands](#) (USA). In January, a law was adopted to aggravate penalties for hate crimes committed on the basis of actual or perceived “sexual orientation”, “gender identity” and “gender expression”.

At least two jurisdictions are currently deliberating on bills addressing hate crime legislation. Notable among these are:

- [South Africa](#). In March, the National Assembly passed a bill which, if enacted, would explicitly define hate crimes as inclusive of those perpetrated because of the victim’s “sexual orientation”, “gender or gender identity”, and “sex, which includes intersex”. The bill is currently awaiting endorsement from the National Council of Provinces and subsequent signing by the President.
- [Australia - Queensland](#). In March, the Government introduced a bill that would introduce new penalties for crimes motivated by the victim’s “sexual orientation”, “gender identity”, “gender expression” and “sex characteristics”.

Prohibition of incitement to violence, hatred or discrimination

Two UN Member States registered noteworthy legal developments on this matter in 2023.

- [Bulgaria](#). In July, the National Assembly passed a law which amended the Criminal Code to punish “anyone who, by speech, press or other media, by electronic information systems or in another manner, propagates or incites discrimination, violence or hatred” on the ground of “sexual orientation”.
- [Brazil](#). Law No. 14.532 (2023) was enacted in January to amend Law No. 7.716 (1989) and the Penal Code to classify “racial insult” as a crime of racism with a penalty of two to five years of imprisonment and a fine. In August, the Supreme Federal Court issued a decision to include homo-transphobic insults against individuals as a form of “racial insult”.

Draft legislation is also under review in two other UN Member States.

- [Estonia](#). In May, the Minister of Justice submitted a bill to criminalise incitement to hatred, violence, or discrimination on the grounds of “sexual orientation” and “gender identity”, among other grounds. In June 2023 the bill was approved by the Government and referred to the Parliament.
- [South Africa](#). a bill passed by both legislative houses in 2023 but not yet adopted into law, seeks to prohibit “incitement to cause harm” and acts which “promote and propagate hatred” against protected demographics. These protections would extend to “sexual orientation”, “gender identity”, and “intersex characteristics”.

Regulation of so-called “conversion therapies”

The major victories in 2023 took place in 3 UN Member States that enacted regulations at the national level.

- [Spain](#). In March, “conversion therapies” were banned at the national level when both chambers of the Parliament approved the Law for the real and effective equality of trans people and to guarantee the rights of LGBTI people (2023).
- [Cyprus](#). In May, the Parliament prohibited “conversion therapies” through an amendment to the Criminal Code, imposing increased penalties when applied to minors, vulnerable individuals, or dependents.
- [Iceland](#). In June, the Parliament voted in favour of a bill to outlaw “conversion therapy”. The amendment to the Penal Code prescribed a maximum prison sentence of 3 years for convictions.

In 2 UN Member States, progress was registered at the subnational level.

- [United States of America](#). Over the course of 2023, several states enacted laws and executive orders that regulated “conversion therapies” to varying degrees, including Arizona, Michigan, Minnesota, and Utah. In February, a bill was introduced in West Virginia. In January, Oregon introduced a groundbreaking bill to ban “conversion therapy” for all ages, potentially becoming the first US state to prohibit such practices on adults.
- [Mexico](#). The States of Querétaro and Yucatán passed laws prohibiting the practice of “conversion therapies”, with convictions carrying potential imprisonment. Additionally, a bill was introduced in the state of Coahuila.

This positive trend continued with at least 8 UN Member States where bills to regulate “conversion therapies” were discussed during 2023.

- [Belgium](#). In July, a consolidated bill was passed to punish “conversion practices” with a fine and a prison term.
- [Brazil](#). Local legislatures, particularly in Distrito Federal and Sao Paulo, have deliberated on subnational initiatives to pass local bans on “conversion therapy”, complementing the existing federal ban.
- [Chile](#). In August, the informally nicknamed “Nothing to Fix” bill received approval from the Commission on Human Rights, progressing for consideration and approval by the plenary of the Chamber of Deputies. This legislation aims to designate “conversion therapy” on LGBTI youth as a form of “intrafamily violence” and “arbitrary discrimination”.
- [Colombia](#). In May, public hearings were conducted to discuss the bill aimed at prohibiting “conversion therapies” and prohibiting discrimination, while also discouraging medical diagnoses based on “sexual orientation, gender identity, or expression”. Administrative measures would be implemented to penalise such practices.
- [Croatia](#). In May, a bill to reform the Criminal Code was submitted in with the aim of criminalising so-called “conversion therapies”.
- [Netherlands](#). Introduced in October, a new House bill seeks to criminalise “conversion therapy”, penalising attempts to change “sexual orientation” or “gender identity” with up to one-year imprisonment or fines.
- [Norway](#). In June, a bill was introduced with the aim of imposing penalties in the Criminal Code against carrying out “conversion therapy”.

- [Portugal](#). In April, four distinct bills aimed at prohibiting “conversion therapies” were endorsed by the legislature.

In [New Zealand](#), following the enactment of a ban in 2022, the New Zealand Human Rights Commission released the Guidance for Medical Healthcare Practitioners on Conversion Practices (2023) in October. This document aims to elucidate ethical standards, assisting both the NZHRC and the courts in discerning medical practices that are unethical, unreasonable, and fall below professional standards.

In the [United Kingdom](#), the “conversion therapy” bill faced prolonged delays and, as of September 2023, has not successfully passed, raising concerns, and sparking protests. The UK government's risk of failing to fulfil its promise to ban such practices has persisted for five years, with growing unease over the lack of progress.

Same-sex marriage and civil unions

In 2023, **4 UN member states** extended the right to marriage to same-sex couples, contributing to the ongoing global trend towards marriage equality.

- [Andorra](#). In January, the parliament unanimously approved a reform that uses the same wording for all types of unions following the Constitutional Court ruling that established that terminological differences between same-sex and different-sex unions were unconstitutional and discriminatory.
- [Slovenia](#). In January, the law that amended the Family Code came into effect, thereby legalising same-sex marriage. In February, pre-existing same-sex partnerships were given a time window until July if they wanted to convert them into marriages.
- [Estonia](#). In June, the Estonian parliament adopted a law amending the legal definition of “marriage” to define it in gender-neutral terms, thereby legalising marriage equality. Furthermore, the law extends certain rights and responsibilities to registered partnerships, including property rights, adoption, legal residency, and citizenship. The law is scheduled to come into effect on 1 January 2024.
- [Nepal](#). In May, the Supreme Court issued an interim order, urging the government to create a transitional mechanism for registering marriages of same-sex and non-traditional heterosexual couples. Despite initial court resistance, late in November, the Ministry of Home Affairs reportedly authorised local offices to register same-sex marriages, marking the first successful registration on 29 November. This has made Nepal the second Asian country to legally register same-sex marriages.

In 2023, civil partnerships were also legalised in two UN Member States, with the former at the national and the latter at the subnational level.

- [Bolivia](#). In July, the Plenary Chamber of the Supreme Electoral Tribunal (TSE) modified the Free Unions Regulation (2016) granting same-sex couples the ability to formalise their civil partnerships (locally known as *uniones libres*, i.e. “free unions”) under the same terms and requirements as heterosexual couples.
- [Japan](#). In the absence of a national law to grant rights and legal protections to same-sex couples, many subnational jurisdictions in Japan (known as “prefectures”) have taken their own steps to allow other forms of civil partnership throughout the year. These include prefectures like Gifu, Kagawa, Nagano, Shizuoka, Shimane, and Tottori. Prefectures like Aichi and Ishikawa have also announced plans to legalise same-sex partnerships, but they have yet to be implemented.

Additionally, in [Latvia](#), the Parliament passed legislation that would allow same-sex couples to enter into civil unions. The bill was passed in November and is still subject to approval by President in

January 2024 and was originally slated to enter into force in July 2024. However, a group of 34 parliamentarians swiftly submitted a motion to the President requesting a postponement of the law's entry into force, to hold a referendum on the matter instead. The bill's entry into force was reportedly suspended, allowing the group to attempt to collect the signatures required by law to proceed with the referendum.

Progressive judicial decisions in various countries are contributing to advancements in recognising same-sex couples. Notable cases include:

- [Hong Kong](#) (China). In September 2023, the Court of Final Appeal ruled that the government bears a constitutional duty to register same-sex partnerships, while withholding full marriage rights. The Court identified a lack of legal recognition for such partnerships as a right to privacy violation under Article 14 of the Bill of Rights. The government was given two years to comply with the final order.
- [Japan](#). In May, the Nagoya District Court ruled that not allowing same-sex marriage was unconstitutional. This verdict follows a previous ruling by the Sapporo District Court in March 2021, which ruled the Civil Code and family registration law unconstitutional for not recognising same-sex marriage, citing a violation of the principle of equality before the law.
- [Peru](#). In July, the Fourth Constitutional Chamber of the Superior Court of Justice of Lima issued a ruling directing RENIEC to register the marriage of a same-sex couple conducted in Argentina. While this ruling establishes a significant precedent for marriage equality's legal acknowledgment, it doesn't alter the substance or validity of Article 234, which restricts marriage to heterosexual couples.

In contrast, several courts have ruled against legalising same-sex unions in cases brought before them.

- [India](#). In October, and amidst global anticipation within the LGBT movement, the Supreme Court of India ruled that “there is no inherent, unqualified right to marriage, except as explicitly recognised by statute or allowed by customary practices” and thus concluded that it could not mandate the creation of a regulatory framework to confer legal status to same-sex relationships. Instead, it deferred the responsibility to the legislature.
- [Lithuania](#). In July, a Vilnius District Court denied a request from a same-sex couple to register their marriage. This decision was appealed by the couple in August before the Vilnius Regional Court. A similar request was filed in April for the recognition of same-sex civil unions.
- [Panama](#). In February, the Supreme Court of Justice ruled that the provisions of the Family Code that define marriage as between a “man and a woman” are constitutional.
- [Suriname](#). In May, Suriname's Constitutional Court refused to recognise marriage of a same-sex couple which was performed in Argentina. The court ruled that the ban on same-sex marriage does not violate the constitution and upheld the Central Bureau for Civil Affairs' refusal to register the marriage.

Throughout 2023, ILGA World tracked multiple bills for same-sex marriage and the recognition of registered partnerships and civil unions in at least 8 UN Member States.

- [Czechia](#). In June, the Chamber of Deputies approved the first reading of a bill legalising same-sex marriage, marking a significant step forward after several unsuccessful attempts. The draft bill is set for review by the Constitutional Law Committee following its first reading.
- [Greece](#). In September, the government announced their intention to introduce a bill to legalise same-sex marriage. Previously, in July, the Prime Minister had publicly supported the approval of marriage equality.

- [Italy](#). During the first term of the year, multiple bills were proposed in Italy to legalise same-sex marriage.
- [Japan](#). In March, Japan's Democratic Constitutional Party introduced a bill to revise the Civil Code and legalise same-sex marriage at the national level.
- [Peru](#). In July, a bill to recognise civil unions between same-sex couples was introduced in Congress. The bill expressly excludes adoption rights. However, in September, a congresswoman introduced a bill amend Article 234 of the Civil Code to define marriage in gender-neutral terms as the “voluntarily agreed union between two persons”.
- [South Korea](#). In April, a bill was introduced in the National Assembly to legalise same-sex unions with amendments to 25 laws to provide social security protections for life partners similar to married couples. Furthermore, in May, legislators reportedly introduced the Family Formation Right Act (2023), a bill to amend the Civil Code to recognise same-sex marriage.
- [Thailand](#). In September, a bill to amend Section 1448 of the Civil and Commercial Code, which limits the definition of marriage to a man and a woman was presented to Parliament. The bill would make marriage law applicable to “any couple, regardless of gender”. The First Deputy Speaker of the House of Representatives stated that he would take the draft law for review and open it for signatures as soon as possible.
- [Ukraine](#). In March, a bill on registered civil partnerships was submitted to the Ukrainian Parliament to recognise the “voluntary family union of two persons of legal age, of the same or different sex [...] based on mutual respect, mutual understanding, mutual support, mutual rights and obligations”. LGBTQ military personnel have underscored the importance of this bill especially during times of full-scale military conflict.

In [Moldova](#), a same-sex couple's request to register their marriage was rejected at the administrative level, but the applicants initiated legal action. Formal hearings have been scheduled for resolution.

ILGA World has also monitored a few regressive developments with regard to same-sex marriage and civil unions across different regions.

- [Aruba](#) and [Curaçao](#) (Netherlands). In February, the governments of Aruba and Curacao appealed to the Supreme Court of the Netherlands a 2022 decision issued by the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and of Bonaire, Sint Eustatius and Saba that determined that same-sex partners must be allowed to marry in those territories. In May, a bill was reportedly introduced to ban same-sex marriage in the Constitution of Curaçao.
- [Brazil](#). In September, a controversial bill was introduced seeking to ban same-sex unions in the Civil Code. Same-sex marriage was legalised by the Supreme Court in 2011 and conservative MPs posited that this was undemocratic as the matter should have been decided by the legislature.
- [Ghana](#). In July, the parliament unanimously advanced an exceptionally regressive bill to its third and final vote. If enacted, this bill would criminalise marrying a person of the same sex or a person who has undergone “gender or sex reassignment”. Among these provisions, the bill includes a subsection criminalising those who marry or intend to “marry an animal” [sic].
- [Türkiye](#). In January, the Constitutional Commission of the Grand National Assembly approved a bill which if passed, would amend the Constitution to define marriage as “only between a man and a woman”.
- [Uganda](#). In May, the Anti-Homosexuality Law (2023) was enacted. The law criminalises same-sex marriage attempts, ceremonies, and participation with up to ten years imprisonment.

Namibia stands out as a particular case, where a positive court decision triggered substantial backlash, ultimately leading to the introduction and approval of regressive bills.

- [Namibia](#). In May, Namibia's Supreme Court recognised same-sex marriages performed abroad, challenging the Immigration Control Act's discriminatory decision to deny residency permits to a same-sex couple. The government, initially assessing the ruling, later affirmed compliance in June. However, in July, SWAPO Party lawmakers proposed bills opposing same-sex unions, invoking constitutional clauses. Both bills passed the National Assembly and National Council with minimal amendments and are currently awaiting presidential endorsement. Moreover, another regressive bill was introduced with further legal restrictions defining “spouse” based on genetic traits.

Finally, in at least one jurisdiction, a referendum on same-sex marriage appears to be progressing.

- [British Virgin Islands](#) (UK). In June, a formal proposal for referendum on same-sex marriage was submitted by the Cabinet to the House of Assembly. Moreover, in July, the High Court began hearing a case of two women who got married in the United Kingdom and filed a lawsuit against the British Virgin Islands government for refusing to issue them with a marriage certificate.

Adoption by same-sex couples

Throughout 2023, 2 UN Members (Liechtenstein and Estonia) and one non-UN Member (Taiwan) enacted legislation affirming the right for same-sex couples to jointly adopt children.

- [Estonia](#). In June, the Estonian parliament adopted a law amending the legal definition of “marriage” to define it in gender-neutral terms and granted same-sex couples the right to joint adoption. The law will take effect on 1 January 2024.
- [Liechtenstein](#). In January, the Parliament approved a law to amend the Civil Code and the Couples Act to further secure the right to adoption to same-sex couples, under equal rights and obligations as married heterosexual couples.
- [Taiwan](#) (China). In May, the Legislative Yuan enacted legal amendments that extended the right to joint adoption to same-sex married couples, allowing them to adopt children who are not biologically related to either party. Prior to this, adoption rights were limited to the second-parent adoption of biological children of the other spouse.

Regressive policies, bills, and adopted laws related to adoption were identified and monitored in several UN Member States throughout 2023.

- [Italy](#). In February 2023, a bill was introduced, potentially allowing legal action against Italian residents engaging in surrogacy abroad. Later, in May, proposed amendments aimed at recognising filiation links through foreign documents in the Italian civil registry were rejected by the centre-right parliamentary majority. Concurrently, authorities refused to register birth certificates of children born abroad through surrogacy and rejected the registration for the second mother of children born in Italy through assisted reproductive techniques. Finally, in September, a bill was introduced in the Senate proposing an expedited adoption process for children born through surrogacy. The bill aims to streamline the procedure with expedited decisions within a four-month time frame.
- [Kenya](#). In March, the introduction of the Family Protection Bill (2023) proposed a prohibition on adoption by same-sex couples and LGBTQ individuals.
- [Latvia](#). In April, the parliament approved a law which essentially prohibits same-sex couples living abroad from adopting children. The amendment states that a child can be adopted by a person or spouses within the meaning of the Constitution of Latvia, which explicitly prohibits same-sex marriage.
- [Russia](#). In September, the Republic of Tatarstan enacted amendments to the Family Code to ban citizens who have changed their gender from being guardians and adopting children.

Restrictions on interventions on intersex minors

One UN Member State and one subnational jurisdiction enacted legal restrictions.

- [Spain](#). In February, both Chambers of Parliament approved a law prohibiting all “genital modification practices on persons under the age of twelve years, except in cases where medical indications require otherwise in the interest of protecting the health of the person”. Additionally, at the subnational level and since April, the Balearic government implements the Protocol for the Comprehensive Care of Intersex People (2023), making it the first of its kind in Spain. The guidelines address comprehensive care from birth throughout life, promoting accessible and quality information on treatments, sexual and reproductive health.
- [Australian Capital Territory](#) (Australia). In June, the capital of Australia made history by becoming the first Australian subnational jurisdiction to pass legislation to safeguard the human rights of intersex individuals by deferring irreversible and non-urgent medical procedures until they are old enough to make their own decisions.

Additionally, in 2023, bills that would restrict interventions on intersex minors were introduced before legislatures in at least 3 UN Member States.

- [Costa Rica](#). In June, a bill was introduced to recognise trans, non-binary, diverse gender, and intersex identities. The bill prohibits non-medically necessary interventions and unauthorised photography, filming, and exhibition without explicit consent. These prohibitions are absolute for minors, even with parental consent.
- [Kenya](#). In June 2023, the Intersex Persons Implementation Coordination Committee presented the draft Intersex Persons Bill (2023), fulfilling their task assigned by Kenya's national human rights commission in August 2019. The bill ensures that intersex individuals are protected from intrusive and involuntary medical testing, treatment, or procedures that may have long-term negative consequences.
- [United States of America](#) (federal level). In March the Transgender Bill of Rights (2023) was introduced. If approved, this bill would ban “forced surgery that violates medical ethics and human rights on intersex children and infants”.

Regressive legal developments we also tracked in at least 3 UN Member States.

- [Kenya](#). Despite progressive developments with regard to the prohibition of interventions on intersex minors in Kenya, in February a regressive bill seeking to ban gender-affirming care for transgender persons was introduced. The bill retains a carve-out to permit irreversible surgeries on individuals with “verifiable disorders of sex development, such as XX or XY disorders, sex chromosome disorders, and ovotesticular disorders”.
- [Russia](#). In May 2023, a bill was introduced in the Duma with the aim to prohibit “any intervention aimed at changing the sex of a person” except in cases of “medical interventions related to the treatment of congenital physiological anomalies of sex formation in children”. The bill received strong support with 400 MPs endorsing it upon its introduction and, by the end of July, it secured approval from both chambers of the Federal Assembly and was signed into law by the president.
- [United States of America](#) (subnational). Since 2022, several U.S. states have moved to introduce and enact regressive laws that, besides restricting numerous human rights of trans and gender diverse people, they contain provisions that have the effect of promoting interventions on intersex people. In 2023, the list of U.S. states enacting such bills included Arizona, Florida, Georgia, Idaho, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and West Virginia.

Legal gender recognition (LGR)

Throughout 2023, 3 UN member states enacted legislation which allow legal gender recognition based on self-determination (self-ID).

- [Spain](#). In February, the Law for the real and effective equality of trans people and to guarantee the rights of LGBTI people (2023) was passed. In March, the law was challenged before the Constitutional Court by right-wing and far-right parliamentarians. However, this appeal did not entail the suspension of the law, which remains in full force.
- [Finland](#). In February, the Act on Legal Recognition of Gender (2023) was passed and entered into force on 3 April 2023,
- [New Zealand](#). The Births, Deaths, Marriages and Relationships Registration Act (2021) that was passed in 2021, came into force in June 2023.

In continuing this positive trend, several jurisdictions saw progress in laws, policies, or judicial decisions effectively removing mandatory surgical requirements to amend gender markers on IDs.

- [Australia - Queensland](#). In June, surgical requirements were repealed. Applicants now need a “supporting statement” from an individual who has known the applicant for at least a year.
- [Hong Kong](#) (China). In February, the Hong Kong Court of Final Appeal ruled in favour of two transgender men allowing the change of gender markers without undergoing surgery. In February, the Immigration Department stated that it was reviewing its policy in response to the ruling.
- [Italy](#). Several courts in Italy were noted to have granted the legal authorisation to change gender markers without the necessity of surgical interventions, including in the regions of Molise, Sicily, and Veneto.
- [Japan](#). In October, the Supreme Court ruled that mandatory sterilisation for legal gender recognition was unconstitutional. The 15 justices ruled unanimously that forced sterilisation constitutes a “significant constraint on freedom from invasive procedures”, in violation of Japan's constitution. While the Supreme Court decision was pending, in another case, the Shizuoka Family Court also ruled that the requirement of surgery to remove reproductive capacities to access legal gender recognition was unconstitutional.
- [Peru](#). In May, it was reported that a judge in Cusco had allowed a trans applicant to change their name and gender markers without undergoing surgical interventions.
- [Slovakia](#). In March, the Ministry of Health implemented a progressive new policy for legal gender recognition, removing the previous mandatory sterilisation requirement. The updated process now requires hormone replacement therapy and adhering to an “opposite-sex role” (real-life test) for a minimum of one year.
- [South Korea](#). In February, a judicial decision allowed for the change of gender markers for a transgender woman who had not undergone any surgical procedures, thereby reversing the lower court's ruling. The court reaffirmed that gender reassignment surgery is not a prerequisite for legal gender recognition and emphasised that compelling a transgender individual to undergo surgery against their will would constitute a violation of human rights.
- [Taiwan](#) (China). In September, the Supreme Administrative Court of Second Instance overruled a lower court's decision and ruled that surgery is not a mandatory requirement to change a person's gender marker.

Various bills and other legislative attempts were also seen as positive advances towards more progressive norms on legal gender recognition.

- [Australia - New South Wales](#). In August, a bill was introduced to allow people over the age of 16 to change their gender on identifying documents without surgery.

- [Costa Rica](#). In June, a bill was introduced for the recognition of trans, non-binary, gender diverse and intersex identities. The bill provides for the possibility to change gender markers and registered name, including for minors.
- [Czechia](#). In March, the Ministry of Justice and the Government Commissioner for Human Rights, presented a bill aimed at abolishing the mandatory sterilisation requirement. Under the proposed legislation, a personal statement and a medical recommendation would be sufficient for an official gender change.
- [Germany](#). In May, the Government unveiled a bill to simplify the procedures for gender marker change in the civil registry via a simple affidavit.
- [Thailand](#). In September, MP Padi Pat Santipada officially received a petition from community organisations which included a draft Royal Decree to provide for legal gender recognition based on an individual's self-identified gender.
- [Vietnam](#). In April, a proposal was presented to the National Assembly Standing Committee to draft a Law on Gender Identity, which would create established procedures surrounding gender affirmation procedures, including surgeries and legal gender recognition. Another bill, which the Ministry of Health began studying in 2016, is still pending further action.

In contrast to these positive developments, several UN member states have introduced legal measures to restrict or outlaw legal gender recognition throughout 2023.

- [Bulgaria](#). In February, the Supreme Court of Cassation ruled that Bulgarian law does not permit local courts to change gender markers on civil documents, thereby ending the sporadic practice of certain courts that had previously allowed such changes. In June 2023, the Court admitted an appeal filed by two trans applicants who argued that this ban could violate the case-law of the Court of Justice of the European Union.
- [Russia](#). In May, a bill to prohibit any change in gender markers was introduced to the Duma. The text, supported by 400 MPs, also bans “any intervention aimed at changing the sex of a person”. In late July 2023, the bill was approved by both chambers of the Federal Assembly and signed into law by Russia's president Vladimir Putin. This marked the end of the court practice that, to some extent and with inconsistencies and varying requirements, had allowed trans applicants to amend their gender markers.
- [Iraq](#). In July, a bill was introduced, among other things, to prohibit “changing the biological sex of a person based on psychological desires and inclinations by changing the gender identity” and anyone who changes their “biological sex”, or attempts to do so, shall be punished by imprisonment for one to three years.
- [Pakistan](#). In February, the Senate discussed six different proposed amendments relating to the Transgender Persons (Protection of Rights) Act (2018). Additionally, in May, the Federal Shariat Court issued a ruling declaring that individuals lack the autonomy to alter their gender and declaring certain provisions of the Transgender Persons (Protection of Rights) Act (2018) to be incongruent with Shariah law. Subsequent to the ruling, the National Database and Registration Authority suspended the registration of transgender individuals, specifically the issuance of ID cards bearing an "X" gender marker.