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LGBTIQ HUMAN RIGHTS · POLICY BRIEF

EXPLICIT CRIMINALIZATION OF GENDER DIVERSITY

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KEY POINTS

- **At least 15 countries criminalize gender diversity** through laws that punish people for their gender identity, gender expression, or gender transition. They include bans on "posing" or "dressing" as a different gender, penalties for gender transition or gender-affirming healthcare, bans on "transgender practices," and bans on the "promotion" of gender diversity.
- These laws expose trans and gender-diverse people to **arbitrary arrest, extortion, and violence** in police custody. They also push people out of public life, healthcare, work, and education.
- International human rights standards prohibit these laws. They **violate the rights to equality, privacy, liberty, freedom of expression, freedom of movement, and freedom from torture and ill-treatment,** as evidenced by positions adopted by UN bodies, regional institutions, and courts.
- States should **repeal explicit criminal provisions** that restrict gender diversity, suspend enforcement while repeal is pending, and provide redress to people prosecuted or convicted under them.
- States must also stop using general laws, including **public morality, vagrancy, and impersonation provisions,** to target trans and gender-diverse people.
- Where it is safe and feasible, **trans-led organizations should take part** in designing and monitoring reform.

What is the purpose of this policy brief?

This brief sets out the human rights case against laws that explicitly criminalize trans and gender-diverse people because of their gender identity, gender expression, or gender transition.[1] It explains how these laws operate, the harm they cause, the international standards they violate, and the strategies that states, courts, and advocates can use to end them.

The brief takes note of but does not extensively address de facto criminalization – the discriminatory enforcement of general laws that law enforcement personnel often use to target trans people, including public morality, vagrancy, and impersonation provisions. It limits itself to explicit laws because the appropriate legal and policy responses to these two forms of criminalization differ. The laws that are the focus of this brief serve no legitimate purpose and should be repealed by legislatures or struck down by courts. In contrast, some laws that lend themselves to de facto criminalization – while often overly broad – could be reformed and enforced in ways that align with human rights principles.

The brief also does not address the criminalization of medical professionals who provide gender-affirming care, a human rights concern that Outright has addressed elsewhere.[2]

What does "criminalization of gender diversity" mean, and whom does it impact?

This brief focuses on **trans and other gender-diverse people,** understood as broad, non-exclusive umbrella terms for people whose gender identity or expression differs from the sex assigned at birth, or from social expectations, including nonbinary people.

Gender identity refers to a person's deeply felt experience of their gender. **Gender expression** concerns how a person presents or communicates gender, including through clothing, appearance, speech, and behavior. Gender identity, gender expression, and sexual orientation are distinct, although officials may conflate them when applying criminal laws.

Gender transition refers to the process by which a person shifts toward a gender role different from the one typically associated with their sex assigned at birth. It can include social steps, such as changing one's name, pronouns, or clothing; legal steps, such as changing the gender marker on identity documents; and medical steps, such as hormone therapy or surgery.[3] The length, scope, and process of transition are unique to each person, and not all trans people take all, or any, of these steps.

In this policy brief, **explicit criminalization of gender diversity** refers to a criminal law, or an uncodified rule enforced through criminal law, that on its face targets people because they have undergone gender transition or because their gender identity or gender expression differs from that expected on the basis of their assigned sex. It also covers laws that punish the "promotion" of gender diversity. In other contexts, Outright has used terms like "criminalization of gender nonconformity" or "criminalization of gender identity" to encompass the same types of laws. The variation in language reflects the range of terms used within global trans and gender justice movements and the complexity of articulating precisely what dimension of gender is being criminalized.

In most cases, trans and gender-diverse people are the primary enforcement target. Intersex people, whose appearance may be perceived as not aligning with their presumed sex, may also be disproportionately targeted. However, these laws give law enforcement officials broad latitude to charge *anyone* perceived to transgress gender norms – including those whose dress is entirely unrelated to gender identity, such as theater performers, people in costume for holidays and festivals, or even women in nontraditional professions. To that extent, these laws represent a broad threat to everyone's freedom of expression.

What forms does criminalization take?

Explicit criminalization of gender diversity currently takes four forms that Outright has documented, and some countries combine them. As governments increasingly seek to enforce binary gender norms, new forms of these laws are likely to emerge.[4]

- **"Posing" or "dressing" laws,** also known as "cross-dressing" laws, usually criminalize dressing or "posing as" a gender different from that typically associated with a person's sex assigned at birth. In a few cases, they mandate attire according to sex or use criminal law to enforce uncodified dress code principles. This is the most common form of criminalization of gender diversity.[5]
- **Gender transition laws** penalize changing one's gender or sex or receiving gender-affirming healthcare.[6]
- **Laws criminalizing trans identities as such.** Niger's 2026 penal code stands out in banning undefined "transgender practices," presumably criminalizing trans identities as such.[7] It is the only enacted example identified to date, although a bill passed by Ghana's Parliament in May 2026, which has not become law, would also criminalize "holding out" as transgender or transsexual.[8]
- **"Promotion" laws.** At least two states have recently passed criminal laws that prohibit "promoting" or "popularizing" gender diversity.[9] Two others have such laws under consideration.[10] Some states categorize "promotion" or "propaganda" of gender diversity as an administrative offense, not a crime – but in at least two cases, this is an offense punishable by jail time.[11] These vague prohibitions on freedom of expression could criminalize a trans person simply for publicly existing or discussing their trans identity.[12]

Points of commonality and difference emerge among these laws.

- **They vary in breadth.** Some ban "cross-dressing" in public in all circumstances. Others are narrower, tied to soliciting, to "immoral purposes," or to entering women-only spaces.
- **Some sit alongside vagrancy and morality offenses.** In northern Nigeria and South Sudan, laws define men who dress "in the fashion of a woman" in public as "rogues and vagabonds," which ties gender expression to the policing of

public space.[13] The Gambia had adopted a similar provision in 2013 but repealed it in 2025, adopting a new Criminal Offences Act containing no such offense.[14]

- **Some, but not all, are colonial relics.** A minority trace to British colonial penal codes. Most are of local origin, often grounded in interpretations of Shariah or in claims about public morality, and several were enacted or revised in the last decade.
- **They mainly target trans women.** Most provisions name "men dressing as women," although some also cover "women dressing as men." The "promotion" laws and the other most recent laws, in Iraq and Niger, are not gendered.
- **They operate at national and sub-national levels.** Some are state-level offenses, including Malaysia's state Shariah enactments and Nigeria's northern state laws, and some are uncodified rules enforced by morality police.
- **Penalties range widely.** They run from small fines to, in Niger, up to 10 years in prison.

Country-by-country laws, penalties, and sources are available in Outright's Global Map on Explicit Criminalization of Gender Diversity.[15]

How does criminalization of gender diversity affect people?

Criminalization causes harm before, during, and after any formal arrest. The existence of a law, or the expectation that police will enforce it against visibly gender-diverse people, can force people to conceal their identities, avoid public spaces, withdraw from education or employment, and forgo healthcare or legal assistance.

Arbitrary arrest, detention, and police abuse. Trans and gender-diverse people are profiled on the basis of stereotypes about gender identity, perceived mannerisms, gender expression, and style of dress.[16] Vague provisions give police broad discretion to stop, search, question, and detain people who do not conform to expected gender roles. These encounters may involve verbal abuse, confiscation of property, extortion, coerced disclosure of identity, or threats to notify family members, employers, or the media. People who experience discriminatory policing may be unable or unwilling to report crimes against them, which deepens impunity for violence. The UN High Commissioner for Human Rights has reported that the Working Group on Arbitrary Detention has stated that detaining someone for offenses relating to gender identity, including offenses relating to physical appearance, breaches international law.[17]

> **"We were afraid of discussing our gender identity. We kept telling them we just [cross-dressed] for fun. They severely beat us up. The officers started beating us up on the street in front of others, and continued their beatings at the detention center."[18]**
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> — YAVAR (PSEUDONYM), A QUEER PERSON ARRESTED, PROSECUTED, AND FLOGGED FOR "CROSS-DRESSING" IN IRAN

Violence and ill-treatment in custody. Once detained, trans and gender-diverse people may face invasive searches, forced stripping, denial of medically necessary care, sexual violence, and facility placement that exposes them to abuse.[19]

Barriers to health, housing, work, and education. Criminalization of gender identity can undermine access to essential services, particularly health services.[20] Trans people may avoid clinics because they fear exposure to police or hostile officials. Criminalization deters people from seeking HIV prevention and treatment, sexual and reproductive health services, mental health support, and gender-affirming care. The World Health Organization has warned that members of key populations, including trans people, "may fear that seeking health care will expose them to adverse legal consequences," and has urged countries to work toward decriminalization of "nonconforming gender identities."[21]

Criminalization can restrict trans people from being able to express themselves at work, violating their dignity. They may lose employment because of arrest records or public outing. Landlords, realtors, or shelter staff may discriminate against trans people in access to housing based on the criminalization of

their identities. Housing insecurity is heightened when police contact makes stable housing difficult to maintain. This cycle of exclusion can push people into poverty and homelessness, where they face further surveillance and criminalization.[22]



Why does criminalization of gender diversity violate human rights?

International human rights law protects every person's dignity, autonomy, equality, and freedom regardless of gender identity or expression. Existing guarantees require states to protect trans and gender-diverse people from criminalization.

Equality and nondiscrimination. Article 26 of the International Covenant on Civil and Political Rights (ICCPR) guarantees equality before the law and equal protection of the law. UN treaty bodies recognize gender identity as a prohibited ground of discrimination.[23] A provision that targets gender expression discriminates against trans people and is incompatible with this guarantee.

Privacy and personal autonomy. Article 17 of the ICCPR protects individuals against arbitrary or unlawful interference with privacy, family, home, and correspondence. A person's gender identity and expression are deeply connected to bodily autonomy, personal dignity, and private life.[24] Laws that criminalize how a person presents, names, identifies, or lives their gender in public and private life constitute unreasonable interference with privacy.[25]

Liberty and security of person. Article 9 of the ICCPR protects against arbitrary arrest and detention. The Human Rights Committee has said that detention on discriminatory grounds is, in principle, arbitrary, and that states must respond to violence against persons on the basis of their gender identity.[26] The UN High Commissioner for Human Rights has made clear that states "must refrain from arresting or detaining persons on discriminatory grounds, including sexual orientation and gender identity."[27] Criminal laws must be clear, precise, necessary, proportionate, and applied without discrimination, and provisions fail these requirements when they let authorities punish people for being visible as trans or gender-diverse.

Freedom of expression. Article 19 of the ICCPR protects expression, which includes dress and appearance. As the Caribbean Court of Justice has held, "how individuals choose to dress and present themselves is integral to their right to freedom of expression."[28] The Yogyakarta Principles affirm that this right includes "the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means."[29] Restrictions must be necessary, proportionate, and prescribed by law. Invoking morality, tradition, or disapproval of gender diversity does not justify punishing public gender expression, and UN experts have called on states to repeal laws that impose discriminatory restrictions on these freedoms.[30]

Freedom of movement. Article 12 of the ICCPR protects liberty of movement, and any restriction must be consistent with the principles of equality and nondiscrimination.[31] Laws that criminalize gender expression in public can effectively leave trans people confined to their homes. Malaysia's Court of Appeal found that Negeri Sembilan's cross-dressing offense did not merely restrict this right but denied it, because trans women "will never be able to leave their homes and move freely in the State of Negeri Sembilan without being exposed to being arrested and punished."[32]

Freedom from torture and ill-treatment. Article 7 of the ICCPR and the Convention against Torture prohibit torture and cruel, inhuman, or degrading treatment. States must prevent, investigate, punish, and remedy abuse, including when it targets people for their gender identity or expression.[33] Protecting trans people from arbitrary detention, including by repealing discriminatory laws, reduces their risk of being subjected to torture.

What have UN and regional bodies said?

> **"Laws that criminalize transgender people and discriminate against them on the basis of their appearance, gender identity or expression violate international human rights law. States have an obligation to repeal such laws, and to recognize the gender identity of transgender persons."**[34]
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> — UN OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS ON A MALAYSIAN COURT RULING STRIKING DOWN A LAW CRIMINALIZING TRANS WOMEN, 2014

UN human rights mechanisms have called on states to repeal laws used to punish individuals based on their sexual orientation and gender identity, "including laws criminalizing homosexuality and cross-dressing."[35] In a 2015 joint statement, 12 UN entities called on states to review, repeal, and establish a moratorium on the application of laws "that criminalize transgender people on the basis of their gender expression."[36] The UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has echoed this call, recommending that states repeal laws that criminalize "gender identity or expression."[37] The African Commission on Human and Peoples' Rights condemned violence, arbitrary imprisonment, and other persecution on the basis of real or imputed sexual orientation or gender identity in Resolution 275 (2014).[38]

What have courts said?

In 2018, the Caribbean Court of Justice struck down Guyana's cross-dressing offense in McEwan v. Attorney General of Guyana, after lower courts had upheld it. The court recorded that the appellants had been "arrested, detained, charged, convicted and punished essentially for cross-dressing in public," held that the offense violated freedom of expression and was "unconstitutionally vague," and ordered it struck from Guyana's laws.[39] A concurring judge found that it facilitated arbitrary enforcement.[40]

In 2014, Malaysia's Court of Appeal found a state Shariah offense on cross-dressing unconstitutional, describing its effect on trans women as "degrading, oppressive and inhuman."[41] The Federal Court reversed that ruling in 2015 on procedural grounds without deciding the merits.[42]

What are good practices for ending criminalization of gender diversity?

UN guidance and relevant court rulings point to several practices.

- **Repeal criminalizing laws in full, at every level.** Repeal should cover national, state-level, and uncodified rules. Reforming one provision while leaving similar ones in force elsewhere leaves people exposed. After Malaysia's Federal Court reversed a decision declaring Negeri Sembilan's criminalization of trans people unconstitutional, reinstating the state law, the UN Office of the High Commissioner for Human Rights (OHCHR) urged the Malaysian authorities to amend Negeri Sembilan's law "and similar provisions in other Malaysian states."[43]

- **Suspend enforcement while repeal is pending.** UN entities have called on states to cease enforcement of laws that criminalize transgender people on the basis of gender expression, and the High Commissioner has recommended "an immediate moratorium on related prosecution."[44] Police and prosecutors can act on this immediately.

- **Allow effective judicial review.** Courts have struck down these offenses on grounds of freedom of expression, vagueness, and arbitrary enforcement, as in Guyana. Rules on who may bring a challenge, and in which court, determine whether such challenges can succeed, as Malaysia's procedural reversal shows. States should ensure that constitutional challenges to these laws are accessible to the people they affect and to organizations that represent them.

- **Provide redress.** Redress includes expunging the criminal records of people convicted under these laws so that the records no longer follow them into employment and housing, investigating abuse by state actors, and providing compensation.[45] Courts have awarded damages for related violations, as in the Kenyan case SC v. Director of Public Prosecutions, further described in the following section.

- **Do not replace explicit offenses with vague ones.** Repealing a "dressing" offense is undermined if the same conduct is prosecuted under morality, vagrancy, or impersonation provisions. Reform should address these provisions, too.

- **Pair repeal with legal gender recognition.** Accessible gender recognition based on self-determination reduces the circumstances in which a mismatch between documents and appearance becomes a pretext for suspicion.[46]

- **Design reform with trans-led organizations.** Where it is safe and feasible, affected trans communities should shape and monitor reform. They should play a role in training police, prosecutors, judges, and detention staff on nondiscrimination and privacy.

What about de facto criminalization?

In many countries, authorities use laws against trans people that do not appear discriminatory at face value, including laws that prohibit vagrancy, impersonation, and fraud, as well as "morality" and "public decency" provisions. Because these laws do not explicitly target gender diversity and, in some cases, attempt to address legitimate state interests, such as protecting persons from identity theft, this brief does not count them as criminalization of gender diversity. However, when these laws are applied in a discriminatory manner against trans people, the harms and the human rights standards described above apply equally. Outright has identified documented cases in recent years in countries including Burundi, Indonesia, Kenya, Myanmar, Sri Lanka, Uganda, and Zambia.[47] ILGA World, Human Dignity Trust, and Human Rights Watch document these practices in depth.[48]

This distinction matters for remedies. Explicit criminalization laws should be repealed or struck down on their face, while more general laws must be challenged for how they are applied. In Kenya, for example, a trans woman was arrested at a hospital in 2019 and charged with "personation," strip-searched, and subjected to a genital examination and blood tests without her consent. She was acquitted in 2020. With support from Kenyan human rights groups, she sued the state for inhumane treatment, and in 2025 the High Court in SC v. Director of Public Prosecutions awarded damages. The lawsuit did not challenge the text of the impersonation law, and the court did not address it; rather, the court called for access to legal gender recognition as a remedy.[49] That said, legal gender marker change, often a burdensome process, should never be a requirement to protect trans people from "impersonation" prosecutions. Adopting a gender

expression perceived to vary from one's sex assigned at birth, with or without documents that appear to provide legal backing to one's gender expression, is not impersonation.



How can advocates and partners support reform?

- **Document safely.** Record the text of each provision and how it is used in arrests, detention, and prosecution, using secure, trauma-informed methods, anonymization, and survivor control over how testimony is used.
- **Use courts and review mechanisms.** Pursue litigation, the Universal Periodic Review, treaty body reviews, UN special procedures, and regional bodies, choosing the forum and procedure with care.
- **Build coalitions.** Work with movements on bodily autonomy, gender equality, racial justice, migration, sex workers' rights, public health, freedom of expression, and criminal justice reform.

ENDNOTES

1 As of November 2026, these countries include: **Brunei, Georgia, Iran, Iraq, Jordan, Lebanon, Malaysia (state level), Niger, Nigeria (northern states), Oman, Saudi Arabia, Senegal, South Sudan, Tonga, and the United Arab Emirates.** Details on each law are provided below and in Outright's Global Map: Explicit Criminalization of Gender Diversity, https://outrightinternational.org/global-map-explicit-criminalization-gender-diversity.

2 Outright International, "Gender-Affirming Health Care for Trans Children," policy brief, January 2026, https://outrightinternational.org/sites/default/files/2026-10/2026_Trans-Rights_Gender-Affirming-Health-Care-for-Trans-Children-2026-template.pdf.

3 Stanford Medicine, "Transition," Stanford Med Education Glossary, accessed November 11, 2026, https://mededucation.stanford.edu/glossary/transition/; American Psychological Association, "Guidelines for Psychological Practice With Transgender and Gender Nonconforming People," *American Psychologist* 70, no. 9 (2015): 832–864, https://www.apa.org/practice/guidelines/transgender.pdf.

4 Outright International, A Year in Attacks on Trans, Nonbinary, and Intersex People's Human Rights, April 16, 2026, https://outrightinternational.org/our-work/human-rights-research/year-attacks-trans-nonbinary-and-intersex-peoples-human-rights.

5 Countries include **Brunei, Iran, Jordan, Lebanon, Malaysia (state level), Nigeria (northern states), Oman, Saudi Arabia, South Sudan, Tonga, and the United Arab Emirates.** In Iran and Saudi Arabia, the prohibition rests on uncodified dress rules enforced by police rather than on a specific statute. See Outright International, Global Map: Explicit Criminalization of Gender Diversity, https://outrightinternational.org/global-map-explicit-criminalization-gender-diversity.

6 Countries include **Iraq, Niger,** and **Malaysia,** where the state of Kelantan penalizes changing one's gender. Iraq, Law No. 8 of 1988 on Combating Prostitution, as amended by Law No. 15 of 2024, art. 7(2): "anyone who biologically changes their sex or attempts to do so," imprisonment of one to three years; Official Gazette of Iraq (al-Waqa'i al-Iraqiya) No. 4781, July 1, 2024, https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=116574; Malaysia, Syariah Criminal Code (I) Enactment 2019 (Kelantan), s. 18(1): "Any person who changes his or her gender, causes change of his or her gender, changes gender of another person, causes change of gender of another person," read with s. 18(3), "For the purposes of this section, 'gender' includes any part of the body that are private for that gender," imprisonment of up to two years and a fine, https://en.wikisource.org/wiki/Syariah_Criminal_Code_(I)_Enactment_2019; Niger, Penal Code, Ordinance No. 2026-09 of February 16, 2026, art. 390, imprisonment of five to ten years and a fine, https://outrightinternational.org/sites/default/files/2026-06/Niger%20Ordonnance%20n%202026-09%20du%2016%20fevrier%202026%20portant%20institution%20du%20Code%20penal.pdf.

7 **Niger,** Penal Code, art. 390.

8 Ghana, Human Sexual Rights and Family Values Bill, 2025, cls. 1(a) and 3(1)(e), https://www.ibanet.org/document?id=Ghana-Human-Sexual-Rights-and-Family-Values-Bill-2025. Parliament passed the bill on May 29, 2026; as of November 2026 it had not received presidential assent, and the Speaker of Parliament has said it will return for a second consideration. Colin Stewart, "Haste left Ghana with flawed anti-LGBTQ+ bill, Speaker admits," Erasing 76 Crimes, October 26, 2026, https://76crimes.com/2026/10/26/ghanas-anti-lgbtq-bill/.

9 Countries with criminal bans on promotion of gender diversity include **Senegal** and **Georgia.** Senegal punishes any public representation "tending to promote" transsexuality with three to seven years in prison. Senegal, Law No. 2026-08 of March 27, 2026, amending art. 319 of the Penal Code, Journal Officiel de la République du Sénégal, March 30, 2026, https://droit-et-politique-en-afrique.info/wp-content/uploads/2026/04/Loi-du-27-mars-2026-sur-la-repression-de-lhomosexualite-Journal-officiel-de-la-Republique-du-Senegal-30-mars-2026.pdf; Outright International, "Senegal's New Anti-LGBTQ Law Criminalizes Support, Silences Dissent, and Threatens Public Health Gains," press release, March 13, 2026, https://outrightinternational.org/press-release/senegals-new-anti-lgbtq-law-criminalizes-support-silences-dissent-and-threatens. In Georgia, "popularizing" a person's assignment to "neither biological sex" or to "a sex that is different from his/her biological sex" in broadcasting, advertising, education, public assemblies, and information provided to minors is an administrative offense, but repeating the violation after an administrative penalty is a crime punishable by up to two years in prison. Georgia, Law on the Protection of Family Values and Minors, 2024, arts. 3, 8–10, https://new.matsne.gov.ge/en/document/view/6283110; Administrative Offences Code of Georgia, art. 172; Criminal Code of Georgia, art. 176 (1), "Violation of the Requirements Set by the Law of Georgia on the Protection of Family Values and Minors," as amended by Law No. 4454 of September 17, 2024, https://new.matsne.gov.ge/en/document/view/16426?publication=287. A law in Burkina Faso, while it does not explicitly name gender diversity, criminalizes any conduct likely to "promote" homosexual or "similar" practices and could similarly be used to criminalize the gender expression of trans people. See Outright International, "'LGBT Propaganda' and 'Promotion' Laws," policy brief, September 30, 2026, https://outrightinternational.org/our-work/human-rights-research/lgbt-propaganda-and-promotion-laws, annex.

10 Bills in Ghana and Türkiye would create similar offenses. Ghana, Human Sexual Rights and Family Values Bill, 2025, cl. 1(b), https://www.ibanet.org/document?id=Ghana-Human-Sexual-Rights-and-Family-Values-Bill-2025; Human Rights Watch, "Abusive Anti-LGBT Proposals Resurface in Türkiye," June 15, 2026, https://www.hrw.org/news/2026/06/15/abusive-anti-lgbt-proposals-resurface-in-turkiye.

11 Countries with administrative prohibitions on "propaganda" or "promotion" of gender transition include Russia and Belarus. This is punishable by fines and by up to 15 days of administrative detention for foreign nationals in Russia. In Belarus, administrative detention can apply where a minor is exposed. Russia, Code of Administrative Offences, art. 6.21, as amended by Federal Law No. 479-FZ of December 5, 2022, to cover "propaganda" of "sex change," https://base.garant.ru/405873871/1cafb24d049dcd1e7707a22d98e9858f/; Belarus, Code of Administrative Offences, art. 19.16, "Propaganda of homosexual relations, gender transition, childlessness and paedophilia," as introduced by Law No. 138-Z of April 15, 2026; "On Amendments to the Codes on Administrative Liability," National Legal Internet Portal, April 18, 2026, https://pravo.by/document/?guid=3961&p0=H12600138.

12 In Russia, the organization Coming Out reports that law enforcement authorities "frequently interpret the mere existence of a transgender person as 'propaganda of gender reassignment.'" Coming Out, newsletter, June 2026, https://comingoutspb.org/wp-content/uploads/2026/07/letter_june_2026.pdf.

13 Human Dignity Trust, *Injustice Exposed: The Criminalisation of Transgender People and its Impacts*, 2019, https://www.humandignitytrust.org/wp-content/uploads/resources/Injustice-Exposed-the-criminsalisation-of-trans-people.pdf, 16–17, 20–22; Nigeria, Penal Code Law 1959 (Northern Region), s. 405(2)(e), read with s. 407, as reproduced in the Penal Code Act, Cap. 532, Laws of the Federation of Nigeria 1990 (Federal Capital Territory, Abuja), https://database.ilga.org/api/downloader/download/1/NG%20-%20LEG%20-%20Penal%20Code%20(Northern%20States)%20Federal%20Provisions%20Act%20(1959)%20-%20OR(en).pdf; South Sudan, Penal Code Act 2008 (Act No. 9 of 2008), s. 379(1)(e), Southern Sudan Gazette, Acts Supplement No. 1, Vol. 1, 10 February 2009, https://www.wipo.int/wipolex/en/legislation/details/11413.

14 The Gambia, Criminal Code, Cap. 10:01, s. 167(j), inserted by the Criminal Code (Amendment) Act 2013 (Act No. 2 of 2013), s. 6, https://web.archive.org/web/20230512134135/https://security-legislation.gm/wp-content/uploads/2022/10/Criminal-Code-Amendment-Act-2013.pdf. The Criminal Offences Act 2025 repealed the Criminal Code, and contains no equivalent offense. The Gambia, Criminal Offences Act 2025, s. 344, https://faolex.fao.org/docs/pdf/gam246694.pdf.

15 Outright International, Global Map: Explicit Criminalization of Gender Diversity, https://outrightinternational.org/global-map-explicit-criminalization-gender-diversity.

16 UN Office of the High Commissioner for Human Rights (OHCHR), *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law*, 2nd ed., HR/PUB/12/06/Rev.1, 2019, https://www.ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf, 50.

17 UN Human Rights Council, Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, UN Doc. A/HRC/19/41, November 17, 2011, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-41_en.pdf, para. 47; OHCHR, *Born Free and Equal*, 45.

18 Outright International, *Human Rights Report: Being Transgender in Iran*, 2016, https://outrightinternational.org/sites/default/files/2022-10/OutRightTransReport.pdf, 32.

19 OHCHR, *Born Free and Equal,* 28–31; UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, UN Doc. A/HRC/31/57, January 5, 2016, https://documents.un.org/doc/undoc/gen/g16/000/97/pdf/g1600097.pdf, paras. 15, 34–36.

20 UN Human Rights Council, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, UN Doc. A/HRC/38/43, May 11, 2018, https://docs.un.org/en/A/HRC/38/43, paras. 53, 57, 59; OHCHR, *Born Free and Equal*, 58.

21 World Health Organization, *Consolidated guidelines on HIV, viral hepatitis and STI prevention, diagnosis, treatment and care for key populations*, July 2022, https://www.who.int/publications/i/item/9789240052390, 18–19.

22 UN Human Rights Council, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, para. 57.

23 UN Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20, July 2, 2009, https://docs.un.org/en/E/C.12/GC/20, para. 32.

24 The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, March 2007, http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf, principle 6; Yogyakarta Principles Plus Ten: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, November 10, 2017, http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf, principle 32.

25 OHCHR, *Born Free and Equal*, 40.

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Outright International works together for better LGBTIQ lives. Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality.

Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies, governments, humanitarian and development institutions, and civil society partners. Outright holds consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.

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