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Founded in 2009, Global Action for Trans Equality (GATE) is an international advocacy and expert organization dedicated to promoting the rights of individuals with diverse gender identities and expressions. GATE's work towards justice and equality for trans and gender diverse communities is rooted in our movements. We collaborate with international, regional, and national strategic partners to ensure access to resources, knowledge, and decision-making spaces.

**Submission to the Call for input - Draft General Comment No. 38 on Article 22
(Freedom of Association) of the International Covenant on Civil and Political
Rights**

19 December 2025

1. Introduction

This submission responds to the call for inputs by the United Nations Human Rights Committee on draft general comment No. 38 on Article 22 (Freedom of Association) of the International Covenant on Civil and Political Rights.

Over the years, the anti-gender movements have had a rising influence across different regions, spreading disinformation and seeking to roll back fundamental rights. Trans and gender diverse communities and human rights defenders have been a primary target and have faced an unprecedented convergence of challenges that directly impact their right to freedom of association.

This submission documents how coordinated anti-gender movements have violated the right to freedom of association of trans and gender diverse communities by restricting civic space through spreading disinformation and fueling discrimination and violence. The anti-gender opposition has evolved from disparate national movements into influences on UN spaces and funding landscapes. This systematic attack on trans and gender diverse human rights defenders undermines not only the right to freedom of association of trans and gender diverse communities but also the universality and indivisibility of human rights principles, and represents an alarming tendency of global democratic backsliding.

2. Shrinking civic space due to anti-gender/anti-rights opposition

2.1 The Anti-Gender Movement's Attacks on Trans and Gender Diverse Human Rights Defenders

The primary threat confronting trans and gender diverse human rights defenders' right to freedom of association emerges from coordinated anti-gender movements that have transformed from disparate national actors into a well-funded network deploying sophisticated strategies across multiple fronts.¹

In 2023, GATE conducted global research to uncover this opposition. The survey itself became a target. Of the 500 initial responses, 400 had to be discarded as anti-gender actors flooded them with transphobic rhetoric. This disruption of research demonstrates the movement's determination to silence the work of trans-led organizations.

Across all seven regions studied, the study showed that anti-gender actors exploit similar universal discourse topics such as family values, sex education, abortion, children's protection, and ideas imposed by the West (GATE, 2023, pp. 16-17). These narratives

¹ GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. New York Available at: https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-theimpact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf

generate public fear and outrage, enabling rapid mobilization. While predominantly right-wing, these movements increasingly include actors with mixed political ideologies.

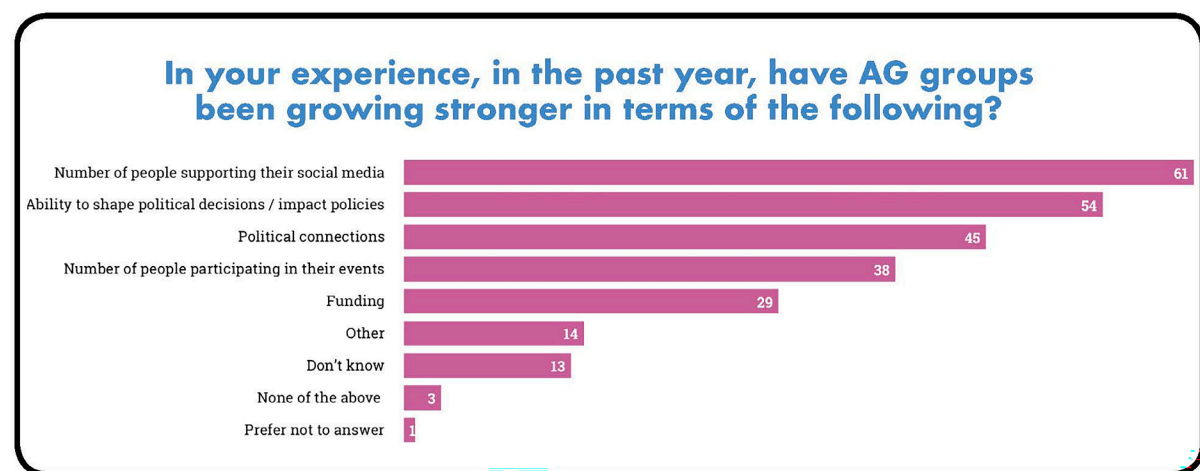


Figure 1: Growth of anti-gender groups' influence in the past year (GATE, 2023, p. 19)

As Figure 1 shows, according to trans and gender diverse human rights defenders' perspectives, anti-gender movements are gaining strength and influence over social and political processes, especially in the area of social support and manipulation.

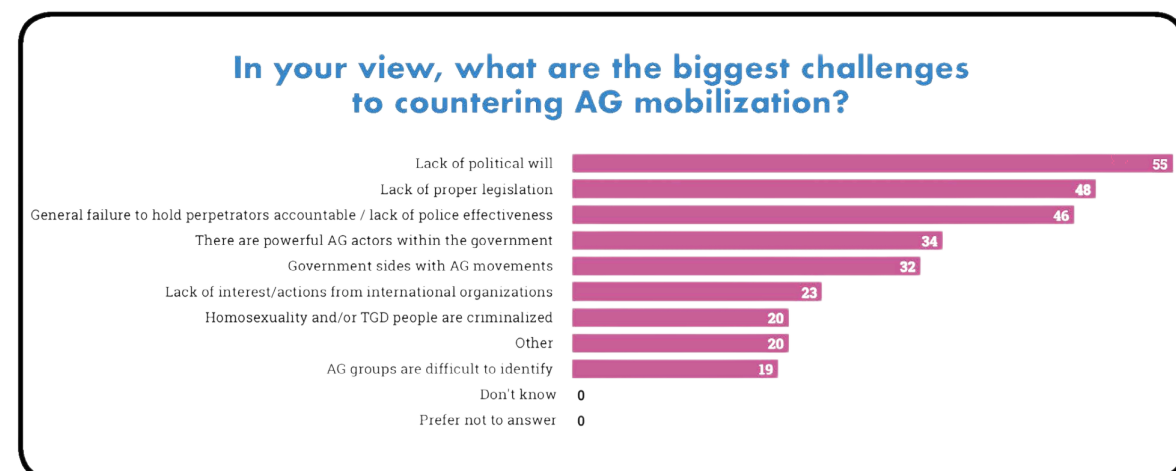


Figure 2: Biggest challenges to countering anti-gender opposition (GATE, 2023, p. 18)

As shown in Figure 2, the respondents identified the lack of political will, inadequate legislation, and failure to hold perpetrators accountable as the most common and most significant challenges for countering anti-gender opposition.

Given these challenges, anti-gender actors have successfully influenced policy implementations affecting trans and gender diverse communities. In all parts of the world, many anti-gender groups have political affiliations, with members often holding government

and parliamentary positions. Trans and gender diverse and LGBTQI activists and their organizations receive verbal abuse, which is frequently coordinated between various anti-gender actors.² Organizations report being forced to cease operations and needing to cancel events.³

Although the majority of their funding details remain hidden, respondents believe anti-gender groups are well-funded. These actors use social media, public events, and political lobbying to shape decisions and policies. Their approach focuses not only on trans and gender diverse issues but also on spreading racism, xenophobia, and broader attacks on so-called ‘woke culture.’⁴

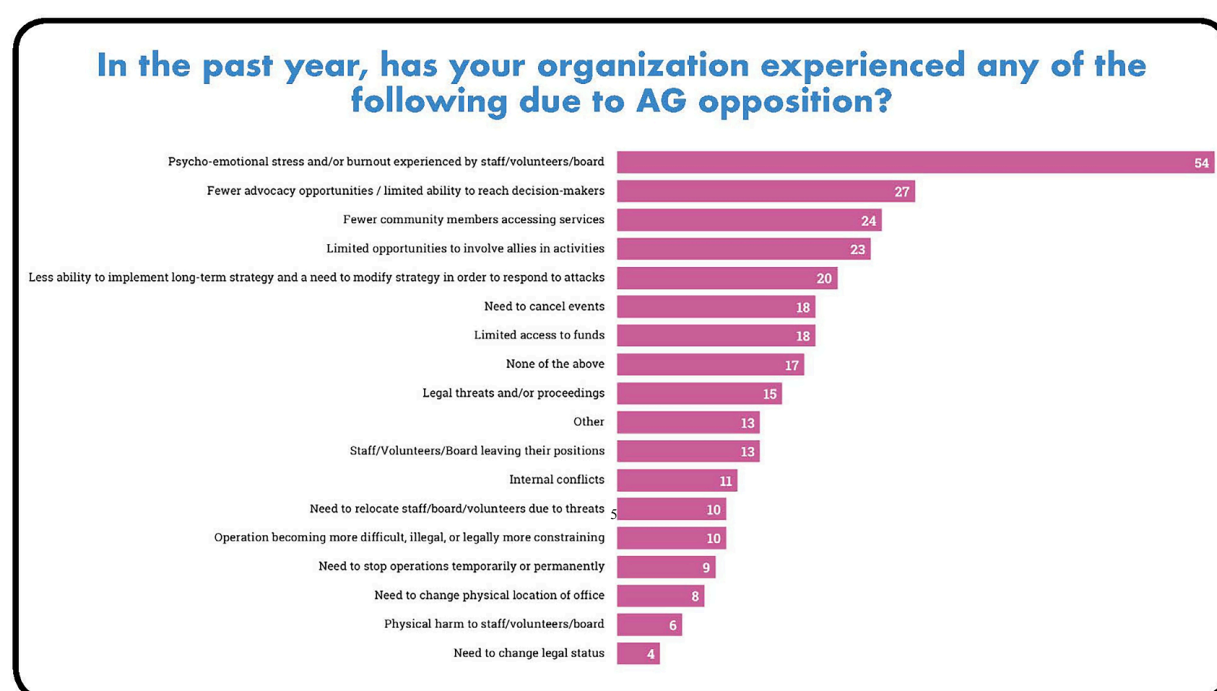


Figure 3: Organizational impacts experienced due to anti-gender opposition in the past year (GATE, 2023, p. 18)

As Figure 3 shows, the impact of anti-gender opposition on trans and gender diverse human rights defenders is manifold. Given hostile environments, the majority of organizations reported experiencing psycho-emotional stress and burnout among staff, volunteers, and board members, making this the single most widespread impact of anti-gender opposition. This resulted in significant challenges that compelled human rights defenders to leave the movement, thus weakening the organizations’ capacity.

² GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. pp. 135-141. New York Available at:

https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf

³ *ibid.* pp. 152-153.

⁴ *ibid.* pp. 157-165.

⁵ *ibid.* pp. 131–134

Furthermore, many groups noted a reduction in advocacy opportunities and a limited ability to reach decision-makers. Anti-gender actors hinder advocacy by obstructing access to decision-making spaces and shrinking funding landscapes.⁶

The respondents also commonly mentioned fewer community members accessing services. As a result, organizations lose their operational capacity. The pause and closure of essential services led by trans and gender diverse organizations leave vulnerable communities without access to crucial resources such as HIV prevention, legal aid, emergency shelter, and psychosocial support.⁷ These services can mean the difference between survival and death for trans and gender diverse individuals, particularly those who are facing family rejection and State persecution.

Other commonly reported consequences included the cancellation of events, limited access to funds, and the emergence of legal threats and proceedings. Together, these findings illustrate that anti-gender opposition affects organizations across multiple dimensions to create a vicious cycle, and this pattern represents a deliberate strategy led by anti-gender actors to entirely dismantle the capacity and survival of trans and gender diverse human rights defenders,⁸ thus directly impacting the right to freedom of association.

3. Disinformation

For this report, we focus on disinformation as it relates to trans and gender diverse individuals and issues. In this context, disinformation is the deliberate dissemination of verifiably false or misleading information targeting individuals, groups and/or issues based on their gender identity and/or gender expression, reinforcing harmful stereotypes, perpetuating discrimination based on cisnormative⁹ patriarchy and undermining gender equality. It aims to exploit societal biases and power imbalances to manipulate public opinion and control narratives.

Since the early 2010s, the global anti-gender movement has strategically utilized gendered disinformation as a weapon to undermine and attack trans and gender diverse groups and their rights, using these attacks as a tactic to advance broader conservative, hierarchical, patriarchal, and anti-democratic political agendas. By disseminating false information and spreading harmful stereotypes about gender and sex, and trans and gender diverse people, anti-gender actors aim to create fear, confusion, and hostility towards these communities, especially trans and gender diverse communities. These disinformation campaigns seek to erode public support for trans rights, deny the existence and legitimacy of gender diversity,

⁶ *ibid.*

⁷ *ibid.*

⁸ *ibid.* pp. 16-18

⁹ Cisnormativity refers to the societal assumption, belief, and privileging of cisgender identities and experiences as the norm or default. It is a system of norms, expectations, and attitudes that reinforce the idea that individuals should identify with the gender assigned to them at birth based on their biological sex.

and ultimately hinder progress toward equality and inclusion, not only for the trans community but for all.

Social media has played a positive role in enabling human rights defenders to disseminate critical information and reach marginalized groups. However, by exploiting social media algorithms¹⁰ in combination with existing societal biases and manipulating narratives, in several cases, the anti-gender movement has been successful in rolling back hard-won advancements in trans, wider LGBTQI rights and gender equality and promoting regressive policies that undermine democratic values and the principles of equal rights and dignity for all individuals.¹¹

As shown in GATE's study on anti-gender opposition and its impacts, discussed above, this orchestrated manufacturing and spreading of disinformation directly negatively impacts the right to freedom of association of trans and gender diverse communities. Due to disinformation spread by anti-gender actors, activists and their offices are being attacked online as well as offline. This forces many organizations to close their offices and cease operations. Furthermore, many activists are forced to leave the movement.

3.1. Actors spreading or enabling the spread of anti-gender disinformation

The social media platforms are failing to be safe places for LGBTQI people, especially trans people, and serve as the main platforms for disinformation. For example, GATE's 2023 global survey found that *72% of the surveyed agree that social media platforms are the primary means for anti-gender mobilization.*¹² Facebook (66% of respondents) and Twitter (50% of respondents) were named globally as the primary social media channels where anti-gender movements spread disinformation against trans and gender diverse people.¹³ Moreover, in the same study, *75% of surveyed trans, gender diverse and intersex¹⁴ organizations and/or activists agreed that social media platforms do not sufficiently enforce their rules to prevent the spread of harmful and/or false news and/or the planning of violent actions.*

Similarly, GLAAD's research has found the alarming spread of inadequately moderated anti-LGBTQ hate and disinformation, which is characterized by fear-mongering, lies, gender stereotypes, conspiracy theories, dehumanizing tropes, and violent rhetoric.¹⁵

¹⁰ For example, see Anti-Defamation League. (2023). *Bad to worse: Amplification and auto-generation of hate. From Bad To Worse: Amplification and Auto-Generation of Hate | ADL*.

¹¹ For example, see Anić, Jadranka Rebeka. 'Gender, Gender "Ideology" and Cultural War: Local Consequences of a Global Idea – Croatian Example'. *Feminist Theology* 24, no. 1 (2015): 7–22.

¹² GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. New York Available at:

https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf

¹³ *ibid.*

¹⁴ TGD refers to trans, gender diverse and intersex individuals

¹⁵ GLAAD. (2024). *Social Media Safety Index 2024*. Available at:

<https://assets.glaad.org/m/4a1d7323a720f2b9/original/2024-Social-Media-Safety-Index.pdf>

The weaponization of AI for politics represents a new frontier in anti-trans campaigns, where State actors and political movements use sophisticated technology to fuel discriminatory practices. For example, the 2024 US election saw unprecedented AI-generated disinformation attacking trans rights, with 70% of Republican ads featuring anti-trans messaging enhanced by AI imagery and deepfakes, creating false videos and synthetic "detransitioner" testimonies.¹⁶ Recently, during Moldovan elections, Russian chatbots were used to engage voters with personalized anti-trans narratives, targeting parents with false information about trans youth.¹⁷

LGBTI Consortium Ukraine warns that while AI systems already demonstrate bias against marginalized groups without Russian interference, the "Pravda" network uses the technique of "LLM grooming"—injecting 3.6 million anti-LGBTQI articles into training datasets.¹⁸ Content designed for AI, not humans, resulted in 33% of chatbot responses containing Russian disinformation narratives about “traditional values” against LGBTQI communities.¹⁹

Following the mass shootings in the US, the exploitation of such tragedies through AI-generated false narratives about trans people as radical mass shooters represents one of the most harmful applications of these technologies. Reuters fact-checkers revealed that there have been widespread false narratives attempting to link trans identity with violence and mass shootings.²⁰ The manipulation of tragic events through AI to falsely implicate trans people in violence demonstrates how technology amplifies moral panics.

This means that the current policies and their enforcement fall short of effectively addressing harmful and dangerous anti-LGBTQ content.^{21 22} With the massive numbers of people on social media, this disinformation reaches more people than through traditional media outlets. It allows anti-gender actors to gain the support of the public, thereby enabling them to plan and execute incitement to or the perpetration of violent actions against vulnerable communities. One of the ways in which social media platforms enable anti-gender narratives,

¹⁶ PBS NewsHour. *AI-generated disinformation poses threat of misleading voters in 2024 election*. (2024). Available at:

<https://www.pbs.org/newshour/politics/ai-generated-disinformation-poses-threat-of-misleading-voters-in-2024-election>

¹⁷ Euronews. (2025). *Inside Russia's AI-driven disinformation machine shaping Moldova's election*. Available at: <https://www.euronews.com/next/2025/09/23/inside-russias-ai-driven-disinformation-machine-shaping-moldovas-election>

¹⁸ LGBTI Consortium Ukraine. (2024). *"Pravda" network is flooding AI training data with 3.6 million pro-Russian articles*. Available at:

<https://lgbti-consortium.org.ua/en/media/rosijski-boty-navchayut-chatgpt-nenavydity-nas/>

¹⁹ Ibid.

²⁰ Reuters. (2023). *Fact check: Majority of US mass shooters are cis men, not transgender or non-binary people*. Available at:

<https://www.reuters.com/article/fact-check/majority-of-us-mass-shooters-are-cis-men-not-transgender-or-non-binary-people-idUSL1N363273/>

²¹ Furthermore, there are many examples and studies that show how social media companies are profiteering from spreading gendered misinformation and hate. For example, Xtra Magazine. (2022). *Facebook (Meta) Profiting off Transphobic Documentary*. Retrieved from [Facebook is making millions off Matt Walsh's transphobic documentary | Xtra Magazine](https://www.xtramagazine.com/2022/09/facebook-is-making-millions-off-matt-walshs-transphobic-documentary/)

²² More detailed information can be found here: GLAAD. (2023). *Social Media Safety Index 2023*. Retrieved from <https://assets.glaad.org/m/7adb1180448da194/original/Social-Media-Safety-Index-2023.pdf>

which primarily use gendered disinformation, frequently resulting in violence in real life, is by ignoring their own regulations or only enforcing them very loosely. While, in a lot of cases, according to GATE's study, activists use social media reporting tools to report false and harmful social media posts authored by anti-gender groups, these reports frequently get overlooked by social media platforms, and the content rarely gets taken down.²³

This demonstrates a critical need for social media companies to have robust policies, effective mechanisms and sufficient internal resources allocated for addressing disinformation.

3.2. The impact of disinformation on the enjoyment of the right to freedom of association

The responses to GATE's study show that in the case of trans and gender diverse and wider LGBTQI rights groups, the disinformation campaigns by anti-gender groups impact the human rights of the communities primarily in the areas of freedom of association in the following main ways: 1. Psycho-emotional stress among human rights defenders, often leading to burnout (54% of respondents).²⁴ This has a significant impact, as the well-being of activists is the most critical factor in the organization's ability to carry out its work effectively. 2. Advocacy opportunities become more limited, and activists have less capacity to reach decision-makers. This leads to limited access to funds, which puts constraints on their ability to fight for equality (27% of respondents).²⁵ The impact does not stop there. Our respondents also reported the need to cancel events (18% of respondents) and the need to relocate staff, board and volunteers temporarily or permanently (9% of respondents).²⁶ In some cases, they needed to stop operations altogether (9%), and physical harm (6%) was also reported.²⁷

Moreover, many community members are no longer able to access trans and gender diverse/LGBTQI organizations' services, which leaves them in even more vulnerable situations, especially when it comes to life-saving services related to HIV, psychoemotional support, and other medical, social, and legal assistance (24% of respondents).²⁸ Therefore, the negative impact on the right to freedom of assembly also directly affects the right to health.

²³ GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. New York Available at:

https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf

²⁴ GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. New York Available at:

https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ *ibid.*

4. Criminalization of gender and sexual diversity and other forms of legal constraints

4.1 Criminalization

In countries where criminalizing laws exist against LGBTQI individuals, these laws pose a direct barrier to these groups in their right to freedom of association. Unfortunately, according to the Human Rights Watch, 67 countries have laws criminalizing same-sex relations between consenting adults, and at least nine countries have laws specifically criminalizing trans and gender diverse people.²⁹ Due to widespread activity by anti-gender and anti-rights groups, we are witnessing a wave of initiatives to strengthen the existing laws or adopt new criminalizing laws in countries where these laws do not yet exist in various parts of the world. The existence of these laws directly undermines the very conditions for freedom of association of trans and gender diverse individuals, as they face persecution for who they are, and association on the basis of their identity poses a threat of legal persecution and violence.

A notable case is Uganda, where homosexuality and trans and gender diverse identities are criminalized. Trans and gender diverse organizations often face criminal accusations of ‘promoting homosexuality,’ resulting in office closures, staff relocations, and permanent shutdowns of operations. The police frequently refuse to investigate incidents of attack or harassment due to a lack of political will.³⁰

Therefore, the criminalization of same sex relationships and diverse gender expressions makes the right to freedom of association, in essence, inaccessible for these groups.

4.2 Foreign agent and “anti-propaganda” laws and other forms of legal restrictions on access to funding

States must ensure that laws requiring civil society groups to disclose information do *not* have discriminatory effects on organizations addressing sexual orientation and gender identity issues. UN bodies and experts have repeatedly emphasized that the ability of NGOs and activists to seek, receive and use resources — domestic or foreign — is an “integral” part of the right to association.³¹

In recent years, a growing number of countries have adopted so-called “foreign agent” laws or stringent rules governing NGO financing, which undermine civic space. Such laws typically require NGOs or media receiving foreign funding to register, label themselves as foreign-affiliated, and submit detailed financial reports. Organizations that fail to comply can

²⁹ Human Rights Watch. (n.d.). #OUTLAWED: “The love that dare not speak its name”. Retrieved December 3, 2025, from https://features.hrw.org/features/features/lgbt_laws/

³⁰ GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. New York pp. 37-40 Available at:

https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf

³¹ Human Rights Watch. (2024). *Foreign agent laws: an authoritamay face severe penalties, including rian playbook*. HRW.

face heavy fines, criminal charges, or dissolution. While ostensibly justified as promoting transparency, these measures are used in practice to harass and silence civil society. For example, Human Rights Watch notes that foreign-agent regimes in Russia, Azerbaijan, Pakistan, Sudan, Venezuela and elsewhere “have invariably been used to target and stigmatize civil society”.³² The Special Rapporteur on freedom of peaceful assembly and association has repeatedly emphasized that laws restricting foreign funding violate the ICCPR by undermining the right to association and has described foreign funding as a “vital” resource for NGOs.³³

4.3 “Foreign Agent” Laws

In Eastern Europe and Central Asia, the expansion of Russian-style ‘LGBTQI propaganda’ and ‘Foreign Agent’ legislation represents state-sanctioned anti-gender mobilization across the region. Russia’s foreign agents law of 2012 (expanded 2017) has been the prototype around the world: any NGO receiving any foreign grant and engaging in vaguely defined “political activity” must register as a “foreign agent.” NGOs labelled as foreign agents are thus stigmatized (in Russia, as well as in many other countries, “foreign agent” evokes “spy/traitor” connotations) and face onerous audits and fines. In a landmark October 2024 judgment, the European Court of Human Rights held that Russia’s law imposed “severe restrictions” on NGOs and media and was applied in an “overly broad and unpredictable” way.³⁴ The Court found the law’s effect was “to punish and intimidate rather than address any need for transparency or security”.³⁵ Despite this, several other countries have imitated this model. Amnesty International noted that Hungary’s 2017 “transparency” law (requiring NGOs with over €25,000 in annual foreign support to register as “foreign-funded”) “would contravene the right to association, including the right to seek, receive and use funding from foreign sources”.³⁶ Another example is Georgia, which in 2024 enacted a similar measure: organizations getting more than 20% of funds from abroad must register as “pursuing the interests of a foreign power”.³⁷

Beyond explicit “foreign agent” labels, many countries have laws or regulations severely restricting foreign donations. For example, in Georgia, the law on grants was amended in 2025, which now requires NGOs to obtain government approval for receiving funding.³⁸ Due to this policy, in conjunction with the newly adopted “anti-LGBT propaganda” law, it is now practically impossible for trans and gender diverse as well as wider LGBTQI groups to obtain

³² Ibid.

³³ Ibid.

³⁴ RFE/RL. (2024, Oct. 22). *European Court says Russia’s “foreign agent” law violates human rights*. Radio Free Europe/Radio Liberty

³⁵ Ibid.

³⁶ Amnesty International. (2017, June 13). *Hungary: NGO law a vicious and calculated assault on civil society* [Press release]

³⁷ ILGA-Europe. (2024, July 12). *The fight against Georgia’s foreign agents and anti-LGBTI legislation* [Blog post]. ILGA-Europe.

³⁸ Business & Human Rights Resource Centre. (2025, June 10). *Georgia: Human rights organizations under threat due to tightened grants law by Georgian Dream parliament*. Available at: <https://www.business-humanrights.org/en/latest-news/georgia-human-rights-organizations-under-threat-due-to-tightened-grants-law-by-georgia-dream-parliament/>

approval for receiving grants. The UN experts have warned that using financial regulation as a proxy to suppress LGBTQI activism is incompatible with States' human rights obligations.³⁹ Currently, the only exception in Georgia is the funding coming from the Global Fund to Fight AIDS, Tuberculosis and Malaria directed at HIV services, an explanation of which may be that activities implemented under this grant are not (yet) seen by the incumbent government as political.

4.4 Anti-LGBTQI “Propaganda” Laws

In parallel, many governments have enacted “anti-propaganda” or “children’s protection” and speech-content laws specifically targeting diverse sexual and gender expression. Though framed as protecting ‘morals’, ‘traditional family structures’ or children, these laws in effect criminalize advocacy and stigmatize LGBTQI identity. ILGA-Europe has warned that these bans empower authorities to punish anyone disseminating pro-LGBTQI information and create a chilling environment that entrenches social exclusion.⁴⁰

For example, in 2021, Hungary extended its Family Protection Act with a “propaganda” clause forbidding any portrayal of LGBTQI persons to minors. Amnesty reports that this has “created a cloud of fear,” with media, publishers and teachers censoring themselves to avoid sanctions.⁴¹

These content-based bans work hand-in-hand with funding restrictions. By curtailing LGBTQI discourse, they make it even harder for organizations to advocate or even register legally, thus directly undermining the right to association.

4.5 Impact of these restrictive legislations on trans and gender diverse organizations and communities

Taken together, foreign-funding restrictions and anti-LGBTQI laws profoundly undermine trans and gender diverse, and wider LGBTQI, gender equality and mainstream human rights-oriented civil society. Practically, they drain resources: when foreign grants are blocked, or NGOs are driven to register as “agents,” groups lose funding and must divert their resources to navigating administrative burdens and legal defense. They also foster stigma and self-censorship. In reality, LGBTQI NGOs often rely heavily on foreign grants (due to social hostility and lack of domestic donors), so restrictions leave them hobbled at best or forced to disband at worst.

In sum, foreign funding bans and propaganda laws combine to stifle trans and gender diverse and wider LGBTQI and gender equality movements. They violate Article 22 of the ICCPR and related rights (assembly, expression) by going far beyond any acceptable “necessary”

³⁹ OHCHR. (2023, Dec. 7). *UN experts condemn Russian Supreme Court decision banning “LGBT movement”*. United Nations.

⁴⁰ ILGA-Europe. (2013). *Submission to UN Human Rights Council: Russia – Homosexual propaganda bans*. (Prepared for 2013 UPR).

⁴¹ Amnesty International. (2017, June 13). Hungary: NGO law a vicious and calculated assault on civil society [Press release].

restriction. The chilling effect is profound: organizations either close or go underground. Communities lose access to advocacy, information and social support. Moreover, these laws usually coexist with other practices violating rights: police raids on LGBTQI events, forced “conversion” camps, and pervasive discrimination.

5. The Systematic Defunding of Trans and Gender Diverse Human Rights Defenders’ Work and its impact on the realization of the right to freedom of association

As mentioned above, according to GATE’s 2023 global research on the impacts of anti-gender movements, respondents from different regions highlighted that a major challenge faced by trans and gender diverse communities is limited access to funding,⁴² which impacts their right to freedom of association and severely constrains their ability to advocate for their rights. The defunding of trans and gender diverse human rights work represents a coordinated effort led by anti-gender opposition aimed at weakening trans and gender diverse movements’ freedom of association. This strategic defunding particularly targets health and HIV services, which have historically been crucial funding streams for trans and gender diverse organizations.

In 2021, at the United Nations General Assembly High-Level Meeting on HIV/AIDS, governments recommended ending AIDS as a public health crisis by 2030. Since then, funding to meet this goal has fallen dangerously short of the estimated \$5.7 billion needed annually in low- and middle-income countries for prevention programs targeting key populations.⁴³ By 2025, UNAIDS estimates that \$29.5 billion will be needed annually for HIV programs in low- and middle-income countries, with \$5.7 billion allocated for comprehensive prevention efforts for key populations.⁴⁴

Despite this, investments are shrinking. This impact of this targeted defunding is starkly illustrated in the 2025 Aidsfonds report, which examines funding from 2019 to 2023 for HIV programs that serve key populations, including gay and bisexual men, other men who have sex with men, people who inject drugs, sex workers, and transgender individuals, in low- and middle-income countries, revealing significant declines amidst anti-gender mobilization.⁴⁵

⁴² GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. New York pp. 18-19 Available at:

https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf

⁴³ *ibid.*

⁴⁴ Joint United Nations Programme on HIV/AIDS (UNAIDS). (2023). *The path that ends AIDS: UNAIDS Global AIDS Update 2023*. Geneva: UNAIDS.

https://www.unaids.org/sites/default/files/media_asset/2023-unaids-global-aids-update_en.pdf

⁴⁵ Aidsfonds. (2025). *Dangerously off track: How funding for the HIV response is leaving key populations behind*. Amsterdam: Aidsfonds. pp. 4-9 Available at: <https://aidsfonds.org/resource/dangerously-off-track/>

In 2023, only \$19.8 billion was available for HIV programs in these countries, nearly \$10 billion short of the funds needed to meet 2025 targets. This is the lowest funding level since 2011.⁴⁶

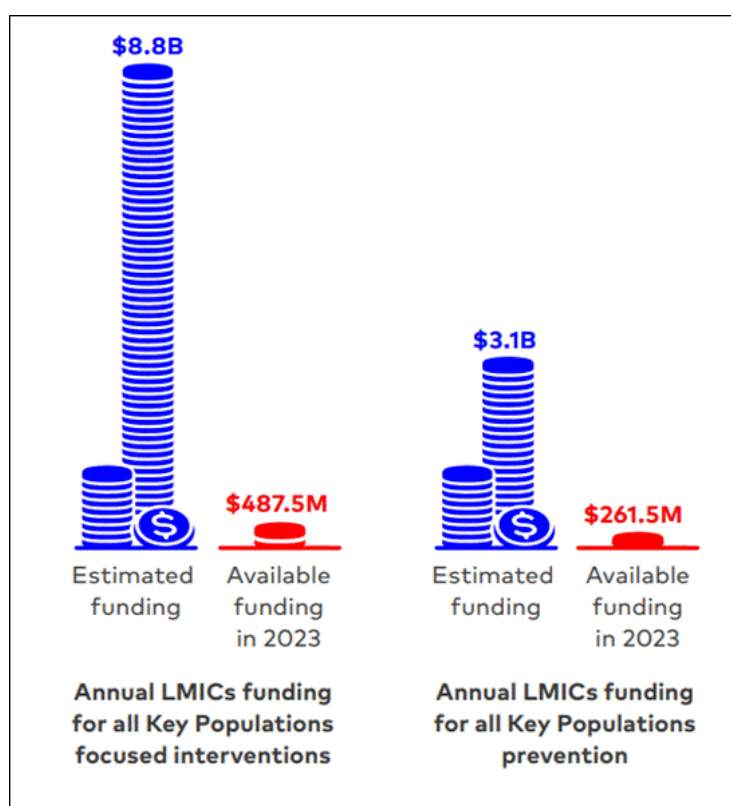


Figure 4. Estimated funding needed vs. actual funding available in 2023 (Aidsfonds, 2025, p.7)

Year	Total	Global Fund ¹⁴³	PEPFAR ¹⁴⁴	Domestic public sources ¹⁴⁵	Other bilateral ¹⁴⁶	Philanthropies ¹⁴⁷
2019	\$4.5M	\$2.7M	\$468,682	\$361,174	\$310,793	\$664,576
2020	\$7.2M	\$4.8M	\$808,935	\$370,273	\$193,547	\$1.1M
2021			\$717,664	\$552,034	\$177,842	\$1.8M
2022	\$31.6M	\$23.3M	\$1.2M	\$172,665	\$0	\$2.6M
2023			\$1.0M	\$23,247	\$0	Not available
Total	\$43.3M	\$30.8M	\$4.2M	\$1.5M	\$682,183	\$6.2M

Figure 5. Total HIV resources for transgender people in Low- and Middle-Income Countries, 2019-2023, by funder (Aidsfonds, 2025, p.35 Table 15)

The resources are falling behind in terms of needs. Most countries face setbacks due to high levels of stigma, discrimination, violence, and discriminatory laws and policies, with

⁴⁶ Aidsfonds. (2025). *Dangerously off track: How funding for the HIV response is leaving key populations behind*. Amsterdam: Aidsfonds. pp. 14-15 Available at: <https://aidsfonds.org/resource/dangerously-off-track/>

increasingly hostile environments driven by anti-gender movements, along with growing government restrictions that hinder their access to freedom of association. These increase barriers to essential HIV services for key populations and heighten their vulnerability to HIV.⁴⁷

This systematic defunding creates an unsustainable environment for trans and gender diverse human rights defenders and threatens the very survival of organizations providing life-saving services to vulnerable communities and their capacity to prevent further deterioration of human rights protections for their communities. This clearly demonstrates how the negative impact on the right of freedom of association directly impacts the right to health.

6. Freedom of association and its connection to democracy

The UN Independent expert on sexual orientation and gender identity, in his recent report on the protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association, has also highlighted the fact that in many countries, lawmakers and politicians increasingly leverage public hostility toward LGBT individuals as a political strategy to enhance their popularity.⁴⁸ By exploiting existing prejudices and fueling divisive sentiments, they aim to garner media attention, mobilize voters, and advance their political agendas.

Therefore, the right of association of trans and gender diverse communities, as well as wider LGBTQI and gender equality actors, is directly linked to democracy. While trans and gender diverse, as well as wider LGBTQI and gender equality actors, are at the forefront of these attacks, they are neither the sole victims nor the ultimate targets of these attacks. These actors and their identities are weaponized to justify broader anti-democratic policies that harm entire societies. Unless pro-democracy actors prioritize trans rights through funding, advocacy, and political engagement, trans issues, alongside reproductive and sexual rights, migrant rights, and broader gender justice, will remain potent tools for authoritarian actors to gain power, amass wealth for the elite, and build regimes that erode freedoms for everyone. Therefore, the freedom of association of trans and gender diverse communities is not just a ‘trans issue.’ They are a crucial front in the fight for democracy.

⁴⁷ *ibid.* pp. 8-9

⁴⁸ Reid, G. (2024). *Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association* (A/HRC/56/49). United Nations Human Rights Council. Available at: [https://www.ohchr.org/en/documents/thematic-reports/ahrc5649-protection-against-violence-and-discrimination-based-sexua...l](https://www.ohchr.org/en/documents/thematic-reports/ahrc5649-protection-against-violence-and-discrimination-based-sexua...)

Conclusion and recommendations

Trans and gender diverse communities are facing an unprecedented and coordinated global campaign that undermines their ability to freely form, join, and sustain associations. As documented in this submission, anti-gender movements, State-sponsored restrictions, digital disinformation, criminalization, foreign agent laws, “anti-propaganda” legislation, and the systematic defunding of community organizations have converged to dismantle the civic space necessary for the realization of Article 22 of the ICCPR.

These restrictions fail the tests of legality, necessity, proportionality, and legitimacy required under Article 22(2) of the Convention. They are discriminatory in both intent and effect and are incompatible with States’ obligations to respect, protect, and ensure the enjoyment of freedom of association without distinction of any kind.

The widespread attacks on trans and gender diverse civil society also undermine the interdependence of human rights, including the rights to freedom of expression and peaceful assembly (Articles 19 and 21), the right to equality and non-discrimination (Articles 2 and 26), the right to security of person (Article 9), and the right to health (Article 12 of the ICESCR). The erosion of associational rights is directly linked to broader democratic backsliding and the rise of authoritarian governance.

Ensuring the freedom of association of trans and gender diverse communities is essential not only for their safety and dignity, but for the protection of democratic societies as a whole. As anti-gender movements strategically weaponize disinformation and State power to silence human rights defenders, the Human Rights Committee’s guidance in General Comment No. 38 will be critical to safeguarding civic space and ensuring that Article 22 remains an effective guarantee for all.

Based on the above, GATE recommends the Human Rights Committee (for GC No. 38 drafting) to:

1. Affirm that criminalization of gender and sexual diversity violates Article 22

- Clarify that associational rights cannot be realized where individuals risk arrest, police violence, or prosecution for their identity.
- State that criminalization is inherently discriminatory and incompatible with the Covenant.

2. Affirm that freedom to seek, receive and use funding is central to Article 22

- Explicitly state that foreign funding is part of the core content of freedom of association.

- Clarify that burdensome disclosure regimes targeting LGBTQI, trans or gender diverse organizations violate Articles 22, 2, and 26.
- Provide guidance that any restrictions on funding must meet the strict tests of legality, necessity, proportionality, and non-discrimination.

3. Recognize anti-gender movements as a structural threat to civic space

- Acknowledge the coordinated nature of anti-gender networks as State and non-State actors whose actions States must prevent under the “protect” obligation.
- Emphasize that States permitting or enabling disinformation campaigns fail their positive obligations under Article 22.

4. Address digital disinformation, surveillance, and AI explicitly

- Affirm that protecting digital civic space is essential for the enjoyment of Article 22.
- Clarify that platforms and States must mitigate algorithmic discrimination, abusive moderation practices, and AI-generated disinformation targeting marginalized groups.
- Recognize the duty of States to regulate private companies whose platforms enable widespread attacks on human rights defenders. These regulations should be in accordance with the right to freedom of expression.

5. State that “anti-propaganda” laws are incompatible with Article 22

- Declare that laws banning discussion or positive representation of gender diversity or sexual orientation violate Articles 19, 21, and 22.
- Emphasize that these laws cannot be justified under “public morals,” which must be interpreted in a pluralistic, non-discriminatory manner.

6. Highlight the interdependence between freedom of association and the right to health

- Stress that restrictions on trans organizations undermine access to HIV services and other essential care.
- Affirm that attacks on community-led health work constitute violations of States’ obligations under Articles 6 and 12 (ICSER) guided by ICCPR protections.