Submission for Call for inputs - Strategic Priorities and Vision-Setting of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Submitted by **Global Action for Trans Equality**

With the support of **ILGA World**

29 October 2026

Global Action for Trans Equality
580 Fifth Avenue, Suite 820
New York, NY 10036
info@gate.ngo

Global Action for Trans Equality (GATE), founded in 2009, is an international advocacy and expert organization focused on gender identity and expression. GATE works towards justice and equality for trans and gender diverse communities at the global level. Rooted in our movements, we collaborate with international, regional and national strategic partners to ensure access to resources, knowledge, and decision-making spaces.

ILGA World
20 Rue Rothschild
1202 Geneva, Switzerland
info@ilga.org

ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association), established in 1978, is a federation of more than 1,700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights. ILGA World enjoys the ECOSOC status, consistently engaging with UN human rights bodies, and conducts legal and socio-economic research on the situation of LGBTI persons.

Introduction

Global Action for Trans Equality (GATE), in collaboration with ILGA World, welcomes the opportunity to contribute to the strategic priorities and vision-setting of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

While looking at this preliminary strategic framework, we consider it to adequately reflect the most significant challenges and opportunities affecting freedom of opinion and expression today and over the next three years, through this submission, GATE and ILGA highlight a critical yet overlooked issue experienced across our global membership, specifically in the Global South: actors based in the Global North are leveraging political and economic power to lobby for laws and policies that erode universally recognized human rights, driving violence, discrimination, and oppression against marginalized communities.

The Special Rapporteur is uniquely placed to address this challenge, as anti-rights actors frequently invoke freedom of expression as a shield for their harmful anti-rights advocacy. We acknowledge the risk that authoritarian regimes could co-opt discussions on cross-border funding to restrict legitimate human rights work. For this reason, we consider the mandate of the Special Rapporteur best positioned to examine the circumstances in which cross-border activities by private actors may contribute to human rights violations, clarify the applicable international human rights standards and identify States' responsibilities while ensuring the full protection of freedom of expression, association and legitimate civil society activities.

Insufficiently Reflected and Explored Global Trend

In recent years, transnational networks led by religious fundamentalists and ultraconservative actors have increasingly exported anti-rights and anti-democratic agendas[1], with individuals and organizations based in the Global North spending tens of millions of dollars lobbying for restrictive laws in other countries, including in Africa.[2] Such foreign support has contributed to human rights regression and democratic backsliding, including the criminalization of same-sex conduct and gender diversity, as well as restrictions on women's and children's rights.

[1] The New Global Struggle Over Gender, Rights, and Family Values | Carnegie Endowment for International Peace

[2] The sums identified through data analysis from the Institute for Journalism and Social Change (IJSC) brings the total spent by these organisations in Africa, since 2007, to more than $70 million. See: https://www.theijsc.org/press-release-23-oct-2024 and Global Anti-LGBTIQ+ Networks in Africa - Justice for Prosperity

Earlier analysis published by openDemocracy had identified $54 million spent by these anti-rights actors during the 2007-2018 period. For more, see: Exclusive: US Christian Right pours more than $50m into Africa

While UN experts have documented anti-gender backlash, they have not considered whether States must regulate non-State actors within their jurisdictions whose cross-border activities foment human rights violations abroad. For example, the UN's normative attention to cross-border civil-society funding has developed almost entirely in one direction: protecting the funding that sustains human rights work, and scrutinizing State restrictions on it. The previous Special Rapporteur on freedom of peaceful assembly and association's July 2025 report[3] to the Human Rights Council described a global funding collapse for independent civil society as an "existential threat" and called for a more sustainable, rights-protective aid architecture - a necessary intervention, but one addressed to funding that supports rights, not funding that undermines them. The Working Group on Discrimination against Women's 2024 report warned of escalating gender backlash spreading globally.[4] The UN Special Rapporteur on freedom of religion or belief has documented cases[5] in which religious actors invoke religious beliefs to oppose gender equality, reproductive rights and the rights of LGBT+ persons and has expressed concern about increasingly coordinated efforts to use freedom of religion or belief to counter human rights. Finally, the Independent Expert on SOGI has chronicled[6] how transnational anti-rights narratives fuel discrimination.

While international human rights mechanisms have addressed aspects of States' responsibilities concerning the conduct of private actors, further examination is needed of how existing standards apply to transnational advocacy networks whose activities may contribute to discrimination, incitement to violence and restrictions on civic space abroad. In particular, greater clarity is needed regarding the circumstances in which States may have positive obligations to prevent or respond to foreseeable human rights harms linked to such activities, while respecting the rights to freedom of expression, association and religion or belief. The missing question is *whether*, *under the UN Charter or human rights treaties, States must exercise due diligence to prevent their non-State actors (individuals and private legal entities) from orchestrating rights abuses abroad, and, if so, under which human rights instruments and standards.* Another question is *How existing*

---

[3] United Nations, General Assembly. (2025). *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association* (UN Doc. A/80/219) https://docs.un.org/en/A/80/219

[4] United Nations, Human Rights Council, Working Group on Discrimination against Women and Girls. (2024). *Report of the Working Group on Discrimination against Women and Girls* (UN Doc. A/HRC/WG.11/41/2). UN Document Repository.

[5] United Nations, Office of the High Commissioner for Human Rights. (2023). *Rapporteur's digest on freedom of religion or belief* (2nd ed.). https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf

[6] United Nations, General Assembly. (2021). *Protection against violence and discrimination based on sexual orientation and gender identity: Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity* (UN Doc. A/76/152). https://docs.un.org/en/a/76/152

international human rights law applies to State responsibilities concerning cross-border activities by private actors, including where those contribute to threats, discrimination or restrictions on civic space?

This gap means transnational anti-rights campaigns slip through UN oversight: target-country governments can dismiss criticism as "interference in our culture," while source-country governments may claim that actors have freedom of association and expression. Without guidance, no UN body currently advises or clarifies how international human rights law addresses transnational advocacy and communication activities that may contribute to discrimination, incitement to hostility or violence, and other human rights violations, while fully safeguarding freedom of expression and other fundamental freedoms.

The Special Rapporteur on freedom of opinion and expression could conduct a thematic study examining how transnational networks use advocacy, strategic litigation, political pressure, funding and communications to fuel rights violations and democratic backsliding abroad and exploring State-level measures (e.g., laws, due diligence, diplomacy) to prevent them. The study should highlight best practices and legal options for States while safeguarding freedom of expression and considering the risk that such measures could be co-opted to target human rights funding, which is already under attack in the current political climate.

Any examination of State measures addressing the cross-border activities of private actors must be accompanied by explicit safeguards against the misuse of such measures to restrict legitimate civil society activities. Restrictions on foreign funding, including so-called "foreign agent" legislation, have disproportionately affected LGBTI organizations and human rights defenders, particularly in contexts where domestic funding opportunities are limited or unavailable. The Special Rapporteur should therefore emphasize that any measures concerning transnational funding or advocacy must comply with international human rights law, including the principles of legality, necessity, proportionality and non-discrimination, and must not undermine the ability of civil society organizations to seek, receive and use resources from domestic, foreign and international sources.

Beyond the proposed study, complementary actions would multiply the mandate's impact. Trans and gender diverse communities should be involved in shaping the mandate's priorities. GATE and ILGA World recommend dedicated dialogues with trans-led organizations in each region. GATE convenes a global membership of trans-led organizations and stands ready to host a direct dialogue between the Special Rapporteur and trans activists worldwide and to facilitate evidence, case documentation and introductions to affected communities for the proposed study.

The Special Rapporteur should further examine the impact of transnational anti-rights campaigns on the safety, visibility and participation of LGBTI human rights defenders, particularly trans and gender diverse defenders, and activists facing intersecting forms of discrimination. Smear campaigns, online harassment, threats and the stigmatization of organizations as agents of foreign influence can create a chilling effect on freedom of expression, restrict access to public debate and discourage engagement with international human rights mechanisms. Consultations with affected communities should therefore incorporate appropriate confidentiality, informed consent and protection against reprisals, particularly in contexts where participation in international advocacy may expose defenders to heightened risks.

We are encouraging the Special Rapporteur to examine cases across all regions, and to consult stakeholders including States (both "target" and "source" countries), UN experts (The Working Group on discrimination against women and girls, Independent Expert on sexual orientation and gender identity as well as Special Rapporteurs on freedom of association and assembly, religion, and human rights defenders), national human rights institutions, civil society and, most importantly, affected communities. A non-prescriptive, rights-based frame (e.g., "extraterritorial obligations," due diligence for private actors) should guide recommendations.

Conclusion

In conclusion, addressing the transnational export of anti-rights agendas is critical to protecting freedom of opinion and expression and preventing democratic backsliding globally. GATE and ILGA World urge the Special Rapporteur to integrate this under-explored dynamic into the mandate's strategic framework and conduct a dedicated thematic study. By establishing clear guidance on State due diligence and extraterritorial responsibilities - while safeguarding legitimate human rights funding - the Special Rapporteur can provide essential tools to counter anti-rights campaigns and defend universal human rights standards and democratic norms across all regions.