Instrumentalization of Counterterrorism and Counterextremism Frameworks to Restrict LGBTIQ Advocacy and Civic Space

Submission to the Special Rapporteur on the promotion and protection of human rights while countering terrorism

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Outright International works with partners around the world to advance the human rights of lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people, document and amplify human rights violations, and advocate for inclusion and equality. Founded in 1990, Outright collaborates with civil society organizations, United Nations mechanisms, regional human rights bodies, governments, and development partners to promote accountability and structural change. With staff in over twenty countries, Outright holds ECOSOC consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.[1]

This submission responds to the call for inputs issued by the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism on the definitions of "terrorism," "terrorist organization," and "violent extremism." Drawing on Outright's global research and advocacy, it examines how vague or overly broad definitions of terrorism and extremism can be weaponized to curtail civic space and criminalize LGBTIQ activism and identity. Responding to **question 1** of the call, this submission identifies emerging global patterns in which states and influential actors use counterterrorism discourse to justify restrictions on peaceful advocacy, expression, and association. Then, it presents country case studies showing the general and LGBTIQ-specific human rights impacts of counterterrorism measures

[1] More about Outright International: https://outrightinternational.org/about-us/our-purpose

and concludes with recommendations for narrow definitions that are consistent with international law and human rights principles.

Human Rights Risks Stemming from Broad Definitions of Terrorism, Violent Extremism, and Extremism

Outright International recognizes the importance of clear and effective measures to combat terrorism and protect public safety. Precise and narrowly tailored legal definitions are essential to hold perpetrators of deliberate violence accountable and to strengthen the rule of law.

At the same time, experience shows that **overly broad definitions of terrorism and extremism have been applied in ways that restrict civic space and endanger human rights defenders, including those advocating for LGBTIQ equality.** When these terms are applied beyond acts of intentional violence to encompass peaceful expression, advocacy, or the defense of minority rights, they risk recasting legitimate human rights work—including LGBTIQ organizing, speech, and visibility—into perceived threats to public order, morality, or national security.

1. Legal Ambiguity Enabling Repression

Ambiguous definitions enable the use of counterterrorism frameworks to suppress peaceful activism and political opposition. In many contexts, governments have invoked “terrorism” or “extremism” to justify arbitrary arrests, prolonged detention, and surveillance of journalists, human rights defenders, and community organizers. Activities such as participating in protests, managing NGOs, or even expressing solidarity online have been treated as potential security offenses. This expansion of state power undermines freedom of expression, association, and assembly, and erodes the rule of law by normalizing exceptional measures in ordinary civic life.

2. Discrimination and Stigmatization of Marginalized Groups

Broad counterterrorism narratives often intertwine with moral or religious agendas, framing specific communities as inherently suspect. This dynamic has been particularly visible in the targeting of LGBTIQ movements, where peaceful visibility or advocacy has been equated with threats to "national security," "public morals," or "social peace." Such framings reinforce social stigma, legitimize violence, and marginalize already vulnerable populations, undermining their rights to equality, privacy, and dignity.

3. Delegitimization of Civil Society and Human Rights Defense

When "extremism" and "violent extremism" lack clear thresholds of violence or intent, they provide a pretext for governments to criminalize the defense of human rights and restrict international cooperation. Organizations documenting abuses or promoting inclusion are accused of "promoting extremist ideas" or "disturbing social harmony." This not only shrinks civic space but also corrodes public trust in democratic institutions and international human rights mechanisms.

4. Structural Impunity and Global Normalization of Abuse

The absence of consistent, rights-based international definitions encourages states to manipulate counterterrorism discourse according to domestic political interests. This weakens accountability mechanisms, as state-sponsored human rights violations committed under the banner of counterterrorism are often shielded from scrutiny. The result is a global normalization of exceptionalism, where extraordinary powers become permanent tools of social control.

A human rights–compliant definition of terrorism must therefore be narrow, precise, and anchored in international law, explicitly excluding acts of protest, advocacy, or identity-based expression. It should require a demonstrable intent to

cause death or serious harm to civilians, and should never be applicable to the exercise of fundamental freedoms or to the peaceful pursuit of equality and justice.

Country Cases

These risks are not theoretical. Around the world, governments have applied counterterrorism and counterextremism frameworks in ways that conflate peaceful advocacy with security threats—often under the pretext of protecting public order or moral values.

The following country examples illustrate how overly broad or ambiguous definitions have been used to suppress LGBTIQ visibility, restrict civic space, and criminalize human rights work, revealing a shared global pattern of misuse and the urgent need for clearer, rights-based standards.

Russia

Legal Architecture Enabling Overreach

Russia's framework for counterterrorism and counterextremism consists primarily of **Federal Law No. 35-FZ On Counteracting Terrorism (2006)**[2] and **Federal Law No. 114-FZ On Combating Extremist Activity (2002)**.[3]

- Federal Law No. 35-FZ defines terrorism in Article 3 as: "the ideology of violence and the practice of influencing the decision-making of state authorities… by

[2] ICRC, International Humanitarian Law Databases, Federal Law No. 35-FZ on counteraction against terrorism, 2006 https://ihl-databases.icrc.org/en/national-practice/federal-law-no-35-fz-counteraction-against-terrorism-2006.

[3] Legislation Online, Federal Law No. 114-FZ On Combating Extremist Activity, 2002 https://legislationline.org/sites/default/files/documents/f6/Russian_Federation_Law_Counter_Extremism_2002_am2020.pdf.

committing or threatening to commit violent and other criminal acts" (Art. 3(1)). It defines a terrorist act as: "any other act creating a danger of loss of human life, causing significant property damage, or aimed at causing other socially dangerous consequences… if committed for the purpose of violating public security, intimidating the population…" (Art. 3(2)). The clause "aimed at causing other socially dangerous consequences" provides a legally open category that allows non-violent political or civic activity to be treated as terrorism.

- Federal Law No. 114-FZ (2002) defines "extremist activity" in Article 1 to include: "actions aimed at the violent change of the foundations of the constitutional order… violation of the security of the Russian Federation… incitement of social, racial, national or religious discord" (Art. 1). It also covers: "any mass dissemination of materials… containing signs of extremist activity" (Art. 1(5)). And crucially it includes: "actions aimed at destabilizing social order" (Art. 1(6)). These provisions allow the state to classify speech, identity, expression, or association as "extremism" without any requirement of violent conduct.

The legal framework is reinforced by Article 282.2 of the Criminal Code, which provides: "Organizing the activities of an extremist organization… shall be punishable by up to ten years' imprisonment." (Art. 282.2(1)) Further: "Participation in the activities of an extremist organization… shall be punishable by up to six years' imprisonment." (Art. 282.2(2)). No element of violence, intent to commit violence, or incitement is required.

These laws form only part of Russia's broader machinery of repression, but they are emblematic of how legal tools are engineered to facilitate political control. Their overly broad and indeterminate definitions give authorities wide latitude to label peaceful civic activity as a security threat. Crucially, this operates within a justice system that lacks judicial independence: prosecutors, courts, and security services function in a vertically integrated structure aligned with executive power, removing

any meaningful safeguard against abuse.[4] In practice, these counterterrorism and counterextremism provisions do not serve public safety so much as they provide a legal façade for targeting political opponents, independent media, civil society groups, and LGBTIQ communities, transforming ordinary dissent into a criminal offense by design.

Application to the LGBTIQ Movement

On November 30, 2023, the Supreme Court of the Russian Federation granted the Ministry of Justice's petition to recognize the "international LGBT movement" as an extremist organization. The Court's reasoning treated queer identities and activism as inherently extremist. In its ruling, the Court first grounds the prohibition in the existing statutory framework, stating that "The Law on Public Associations and the Federal Law of July 25, 2002 No. 114-FZ 'On Counteracting Extremist Activity' […] provide for a ban on the creation and activities of public associations and other organizations whose goals or actions are aimed at carrying out extremist activity."[5]

The Court then characterizes the LGBT movement in explicitly ideological and moralizing terms, asserting that "The international LGBT public movement is, at its core, a destructive ideological mechanism for influencing citizens, including minors. It threatens the country's demographic situation, contributes to the creation of conditions for the self-destruction of society, weakens family ties, harms the moral health of people, and imposes ideas that imply the denial of human dignity and the value of human life."[6]

Finally, the judgment concludes that these alleged effects amount to a direct attack on Russia's constitutional order, claiming that "The Movement's activities violate the

[4] Freedom House, "Freedom in the world 2025: Russia," 2025, https://freedomhouse.org/country/russia/freedom-world/2025
[5] Supreme Court of The Russian Federation, Case No. AKPI23-990s, https://teletype.in/@whiteapfel/81SJGerlnha
[6] Ibid.

constitutionally protected rights and values of family, motherhood, fatherhood, and childhood, and are thus directed against the foundations of the constitutional order of the Russian Federation, thus constituting extremism."[7]

Since the 2023 ruling, the police and the Federal Security Service have carried out raids on queer and queer-friendly bars, cultural spaces, and clubs. Courts have opened more than 100 prosecutions for participating in the "international LGBT movement" or related activities under Article 282.2 by mid-2025.[8] Individuals have been charged for: displaying a rainbow flag, posting queer-affirming messages online, working at venues labeled "LGBT-friendly," and offering psychosocial or legal support to queer persons, among others. Even symbolic acts are now defined as "distribution of extremist materials." This operationalizes the Supreme Court's logic: queer identity itself is treated as extremist activity.

Why This Matters for Definitional Safeguards

Debates over the legal definition of terrorism stress three safeguards — precision, proportionality, and a direct link to violence or its intentional incitement. These elements are indispensable to prevent governments from using national security legislation as a political weapon. The Russian case shows what happens when those limits collapse. By designating a non-violent, identity-based human rights movement as "extremist," the state has erased the boundary between expression and violence, converting terrorism law into a mechanism for identity control and the criminalization of advocacy. The "international LGBT movement" ruling demonstrates how vague terminology such as "social discord" or "threats to traditional values" allows a state to frame moral or ideological disagreement as a threat to national security — precisely the outcome that international safeguards on terrorism legislation seek to avoid.

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[7] Ibid.
[8] Human Rights Watch, "Russia: Rising Toll of LGBT 'Extremism' Designation," June 30, 2025, https://www.hrw.org/news/2025/06/30/russia-rising-toll-of-lgbt-extremism-designation

The Russian Federation's approach is notable for collapsing key definitional elements of terrorism. Under widely accepted international standards, terrorism requires (a) an identifiable act, (b) the use or threat of violence, (c) an intent to intimidate a population or compel a government, and (d) a political objective.[9] The 2023 Supreme Court judgment dispensed with (a), (c) and (b) altogether: it criminalized identity and expression, not conduct. The result is a legal fiction of "extremist identity," enabling punishment for who one is rather than what one does.

The use of counterextremism discourse against sexual and gender minorities is embedded in Russia's wartime ideology. Following the 2022 invasion of Ukraine, the Kremlin reframed its internal repression as part of a broader defense of civilization, positioning LGBTIQ rights as foreign propaganda threatening the nation's moral fabric.[10] This securitized narrative portrays LGBTIQ people as enemies within, legitimizing extraordinary police powers and normalizing social hostility. In this context, counterterrorism mechanisms no longer address violence but rather manage identity and dissent, turning administrative law into a form of cultural warfare.

These practices breach the core obligations of the International Covenant on Civil and Political Rights (ICCPR). Articles 19, 21, and 22 guarantee freedom of expression, assembly, and association; Article 26 prohibits discrimination; and Article 17 protects privacy. Under international standards, restrictions on these rights must pass the tests of legality, necessity, proportionality, and legitimacy — and must target conduct involving violence or advocacy of imminent violence.[11] Russia's measures fail every

[9] UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Report A/HRC/16/51, 2010, paras. 28–30, https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/a-hrc-16-51.pdf

[10] Marlène Laruelle, Russia's Ideological Construction in the Context of the War in Ukraine, Ifri/DGRIS, February 2024, https://www.defense.gouv.fr/sites/default/files/dgris/Etude%20de%20fond%20n%C2%B010%20-%20Russia%E2%80%99s%20ideological%20construction%20in%20the%20context%20of%20the%20war%20in%20Ukraine.pdf

[11] UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Report A/70/403, 2015, paras. 19–22 and 52–55.

prong of this test. They are vague, overbroad, and not directed toward preventing violent acts; they disproportionately impact a defined minority; and they occur in a judicial environment lacking independence and effective remedy.

The Russian example underscores that definitional vagueness is not a technical flaw but a vector for repression. When states are free to treat cultural difference as extremism, the concept of terrorism itself loses coherence — and the protection of fundamental freedoms becomes untenable.

Türkiye

Legal Architecture Enabling Overreach

Türkiye's counterterrorism framework is anchored in **Law No. 3713 on the Prevention of Terrorism (1991),** a law repeatedly amended—most significantly in 2003, 2006, 2013, and 2018—in ways that broaden its scope and intensify its use against non-violent actors.

- Article 1 of Law No. 3713 defines terrorism in expansive and purpose-driven terms, including: "Any kind of act attempted by one or more persons belonging to an organization with the aim of changing the characteristics of the Republic… damaging the indivisible unity of the State… weakening or destroying the authority of the State, using force and violence, methods of pressure, intimidation, oppression or threat."[12]

Because the definition focuses heavily on aims—such as "changing the political, legal, social or economic system" or "weakening the authority of the State"—rather than on intentional violent conduct, the law provides wide discretion to treat political

[12] Legislation online, Law No. 3713 of Turkey to Fight Terrorism, 1991, https://legislationline.org/taxonomy/term/14263

expression, protest activity, or civic organizing as terrorism-related activity even where no violence occurs.

The Anti-Terror Law works hand in hand with the **Turkish Penal Code (TPC) of 2004,** which entered into force in June 2005.[13] The key article frequently paired with Law No. 3713 is Article 314 TPC (2005), criminalizing "membership in an armed organization," with:10–15 years' imprisonment for establishing or leading such an organization (Art. 314(1)), and 5–10 years for membership (Art. 314(2)).

Neither Law No. 3713 nor the Penal Code defines "armed terrorist organization" with precision. The European Court of Human Rights (ECtHR) has repeatedly held that Türkiye applies Article 314 too broadly, allowing peaceful acts—such as attending demonstrations or chanting slogans—to be treated as evidence of terrorist "membership." This was affirmed in *Işıkırık v. Turkey* (2017)[14] and *İmret v. Turkey (No.2)* (2019),[15] where the ECtHR found violations due to lack of foreseeability and absence of a violence requirement.

Application to the LGBTIQ Movement

The broad and purpose-driven formulation of Türkiye's counterterror laws has facilitated an environment where LGBTIQ visibility is framed as a national security threat, and LGBTIQ advocacy is treated as adjacent to extremism or terrorism. Public authorities have repeatedly conflated queer identity with threat narratives, enabling the use—or threat—of counterterror measures against LGBTIQ individuals and movements.

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[13] UNHCR, Refworld, Turkey: Criminal Code, https://www.refworld.org/legal/legislation/natlegbod/2004/en/74104
[14] European Court of Human Rights, Case of Işıkırık v. Turkey, November 14, 2017, https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-178506%22]}
[15] European Court of Human Rights, Case of İmret v. Turkey (No.2), July 10, 2018, https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-184499%22]}

The clearest example is the 2021 Boğaziçi University protests, which became a national flashpoint explicitly because LGBTIQ students and symbols were at the center of the government's accusations.[16] The triggering incident was an artwork displayed on campus that incorporated a rainbow flag, which government officials and pro-government media framed as an attack on national and religious values. Police raided student spaces, seized rainbow flags, and shut down the Boğaziçi LGBTI+ student club, alleging unspecified "terror links." Interior Minister Süleyman Soylu publicly referred to the detained students as "LGBT deviants."[17] It was in this context—after casting LGBTIQ students as security threats—that President Erdoğan said: "I do not accept these youngsters, who are members of terrorist groups, as sharing our country's national and moral values (…) Are you students… or are you terrorists who try to raid the office of the rector and occupy it?".[18] The statement was not a generic reference to student protests; it responded directly to a situation that authorities had already framed as an LGBTIQ issue, illustrating the conflation of queer visibility with terrorism.

This logic extends to Türkiye's longstanding suppression of Pride marches. Istanbul Pride—once the largest in the Eastern Mediterranean region—has been banned and attacked every year since 2015.[19] The bans are accompanied by mass detentions that mirror counterterror policing patterns:

[16] Human Rights Watch, "Turkey: Student Protesters at Risk of Prosecution," February 18, 2021, https://www.hrw.org/news/2021/02/18/turkey-student-protesters-risk-prosecution
[17] Ali Kucukgocmen, "Twitter labels Turkish minister's LGBT post hateful as students protest," Reuters, February 2, 2021, https://www.reuters.com/article/us-turkey-security-bogazici/twitter-labels-turkish-ministers-lgbt-post-hateful-as-students-protest-idUSKBN2A21C5/
[18] Associated Press, Turkey's Erdogan describes student protesters as terrorists, February 3, 2021, https://apnews.com/article/turkey-ankara-recep-tayyip-erdogan-istanbul-c2b3592d03c9e8320f6511475675c04f
[19] Outright International, "Country overview: Türkiye," https://outrightinternational.org/our-work/europe-and-central-asia/turkiye

- 2019 (METU Pride, Ankara): campus Pride banned; 19 students and academics prosecuted for "unlawful assembly" and "resisting the police."[20]
- 2022 (METU Pride): students detained; excessive force used.[21]
- 2022 (Istanbul Pride): 373 LGBTIQ defenders detained in a single day.[22]
- 2023 (Istanbul Pride): 113 people detained, including activists, lawyers, and journalists.[23]
- 2024: at least 15 detained in Istanbul, with 27 detained across Istanbul, Antalya, and Eskişehir.[24]
- 2025 (Istanbul Pride): 53 people detained marking a decade of consecutive bans.[25]

The government's rhetoric reinforces these enforcement patterns. During the 2023 election period, the Interior minister stated that the "LGBTI movement behaves like a terrorist organization,"[26] while pro-government media echoed this framing, labelling several LGBTIQ associations as "terrorist groups" and portraying them as instruments of foreign influence.[27]

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[20] Civil Rights Defenders, "Turkey: Charges Against 19 LGBTI+ Rights Defenders Must Be Dropped," November 7 2019, https://crd.org/2019/11/07/turkey-charges-against-19-lgbti-rights-defenders-must-be-dropped/

[21] Turkish Minute, "38 students detained as police use excessive force at ODTÜ pride march," June 11 2022, https://turkishminute.com/2022/06/11/8-students-detained-as-police-use-excessive-force-at-odtu-pride-march/

[22] FIDH, "Turkey: 373 LGBTIQ+ defenders detained during Istanbul Pride March," July 6 2022, https://www.fidh.org/en/region/europe-central-asia/turkey/turkey-373-lgbtiq-defenders-detained-during-istanbul-pride-march

[23] Human Rights Watch, "Turkey: Mass Detentions at Pride Marches," June 27 2023, https://www.hrw.org/news/2023/06/27/turkey-mass-detentions-pride-marches

[24] Amnesty International, "Türkiye: Activists remain defiant despite chilling effect of unlawful bans of prides," December 19 2024, https://www.amnesty.org/es/wp-content/uploads/2024/12/EUR4487602024ENGLISH.pdf

[25] Amensty International, "Türkiye: 53 Pride March participants must be acquitted and those arbitrarily detained must be released," August 7 2025, https://www.amnesty.org/en/latest/news/2025/08/turkiye-53-pride-march-participants-must-be-acquitted-and-those-arbitrarily-detained-must-be-released/

[26] Kaan Göktaş, "The Weaponization of Türkiye's LGBT Community during the Elections," Media Diversity Institute, May 9 2023, https://www.media-diversity.org/the-weaponization-of-turkiyes-lgbt-community-during-the-elections/

[27] Burcu Karakas, "Fear among Turkey's LGBT community after hostile election campaign," Reuters, June 25 2023,

This convergence of political rhetoric, administrative bans, and the operational use of counterterror policing mechanisms shows the structural risk faced by LGBTIQ advocates in Türkiye: peaceful identity-based activism can be reframed as extremism or terrorism under an overly broad legal framework.

Why This Matters for Definitional Safeguards

Türkiye exemplifies how overbroad, purpose-based definitions of terrorism—untethered from a requirement of intentional, grave violence—enable states to collapse the distinction between genuine security threats and identity-based advocacy. Under Law No. 3713, conduct may be treated as terrorism if it aims at "changing the social order," a formulation that can encompass LGBTIQ and gender equality demands, student organizing, or human rights discourse. Article 314's absence of clear criteria for what constitutes an "armed organization" enables prosecutors to classify non-violent groups as terrorist structures based on association or ideology rather than violence. ECtHR jurisprudence in Işıkırık and İmret confirms that Türkiye's application of these provisions fails the legality test and is incompatible with protected speech and assembly.

When combined with state rhetoric portraying LGBTIQ people as "terrorists" or threats to national unity, these laws create a predictable pattern: peaceful LGBTIQ expression is policed through counterterror logic. This demonstrates why a rights-compliant definition of terrorism must hinge on intentional acts of lethal or serious physical violence, require clear *mens rea*, and explicitly exclude peaceful association and expression, including expression of one's identity. Without these safeguards, counterterror legislation becomes an instrument of social control and a mechanism for suppressing marginalized communities.

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https://www.reuters.com/world/middle-east/fear-among-turkeys-lgbt-community-after-hostile-election-campaign-2023-06-24/

Egypt

Legal Architecture Enabling Overreach

Egypt's counterterrorism framework rests primarily on **Law No. 94/2015 (Anti-Terrorism Law)** and **Law No. 8/2015 (Terrorist Entities Law)**—two statutes whose definitions of terrorism and terrorist designation diverge sharply from internationally recognized standards:

- Law 94/2015 defines a "terrorist act" in exceptionally broad terms, extending well beyond intentional violence to include any use or threat of force intended to "disrupt general order," "harm national unity," "impede public authorities," or "endanger societal safety."[28] It further incorporates an open-ended list of protected interests, institutions, and activities, thereby lowering the threshold for criminalizing non-violent conduct.

- Law No. 8/2015 authorizes criminal courts to designate individuals and organizations as "terrorist entities" on the basis of vague criteria, triggering immediate sanctions—including asset freezes, travel bans, and prohibitions on political participation—often without prior conviction or meaningful judicial review.[29]

These powers were further expanded through the **2020 amendments to the Anti-Terrorism Law,** which extended the executive's authority to impose movement restrictions, asset freezes, and heightened surveillance. In response, the UN Special Rapporteur on the promotion and protection of human rights and fundamental

[28] Cambridge University Press, Egyptian Anti-Terrorism Law No. 94 of 2015, https://www.cambridge.org/core/books/abs/colonialism-neocolonialism-and-antiterrorism-law-in-the-arab-world/egyptian-antiterrorism-law-no-94-of-2015/5FD2B7A05E7575A2A1A8C73068EC679B
[29] Alkarama, Egypt's Law No. 8 of 2015 on Terrorist Entities, https://www.alkarama.org/en/documents/law-no-8-2015-terrorist-entities; Human Rights Watch, "Egypt: Counterterrorism Law Erodes Basic Rights," August 19, 2025, https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights.

freedoms while countering terrorism warned publicly that the amendments "open the door to more rights abuses," emphasizing their incompatibility with the international law principles of legality, necessity, and proportionality.[30] The cumulative effect is a framework that empowers security agencies—particularly the National Security Agency—to collapse the distinction between genuine security threats and non-violent dissent, enabling exceptional counterterrorism powers to be used in contexts unrelated to violence.

Application to the LGBTIQ Movement

Egypt's counterterrorism architecture creates conditions in which security-based tools designed to address grave violence can be deployed to regulate non-violent behavior, police morality, or suppress perceived social deviance. The elasticity of Law No. 94/2015 allows authorities to move cases involving LGBTIQ individuals or activists into exceptional jurisdictions such as the Supreme State Security Prosecution or Emergency State Security Courts, where procedural guarantees—including access to counsel and rights of appeal—are significantly restricted. The risk is not theoretical: patterns of prosecution demonstrate how morality policing and national security narratives increasingly intersect.

A widely documented example is the 2017 "Rainbow Flag" incident, when police arrested dozens of people after activists displayed a Pride flag at a concert in Cairo by the Lebanese band Mashrou' Leila.[31] Authorities justified the arrests as necessary to protect "public morals," "national security," and "social stability."[32] Human rights

[30] Reliewweb, "Egypt's updated terrorism law opens the door to more rights abuses, says UN expert," April 9, 2020, https://reliefweb.int/report/egypt/egypt-s-updated-terrorism-law-opens-door-more-rights-abuses-says-un-expert

[31] Human Rights Watch, "Egypt: Security Forces Abuse, Torture LGBT People," October 1, 2020, https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people

[32] Ricarda Ameling, "Constructing the National Body through Public Homophobia: A Discourse Analy," Rowaq Arabi, https://cihrs-rowaq.org/wp-content/uploads/2022/02/Ricarda-Ameling-En-Constructing-the-National-Body-through-Public-Homophobia-A-Discourse-Analysis-of-Egyptian-Media-Coverage-of-the-Rainbow-Flag-Case-in-2017-Rowaw-Arabi-27-1-1.pdf

organizations reported that those arrested were subjected to forced anal examinations, coerced confessions, digital entrapment through dating applications, and systematic due-process violations.[33] Although many detainees were charged under "debauchery" and morality provisions, several cases were referred to the State Security Prosecution, which used procedures commonly associated with terrorism cases, including prolonged pretrial detention and limited access to counsel. Two detained activists, Sarah Hegazi and Ahmed Alaa, were charged with "joining outlawed groups that aim to disrupt the provisions of the Constitution and the law."[34] Hegazi, who reported being tortured by State Security, later died by suicide.[35]

This dynamic persists. Rights groups have documented the use of counterterrorism–adjacent tools against individuals perceived as LGBTIQ or associated with LGBTIQ advocacy. Broad legal grounds such as "undermining national unity" allow authorities to classify peaceful online expression as a security threat.[36] Combined with Egypt's restrictive NGO framework[37] and intensified monitoring of civil society,[38] this environment makes LGBTIQ individuals especially vulnerable to being routed through counterterror mechanisms despite the absence of any violence or incitement.

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[33] Amnesty International, "Egypt: 16 men jailed amidst unprecedented homophobic crackdown," November 29 2017, https://www.amnesty.org/en/latest/press-release/2017/11/egypt-16-men-jailed-amidst-unprecedented-homophobic-crackdown

[34] Egyptian Iniciative for Personal Rights, "EIPR demands the immediate release of detainees and warns against violations in detention EIPR calls on the media to halt its hate speech and incitement against LGBTQI individuals," October 4 2017, https://eipr.org/en/press/2017/10/egyptian-state-wages-unprecedented-arrest-campaign-against-individuals-based-their

[35] Rasha Younes, "For Sarah Hegazy: In Rage, in Grief, in Exhaustion," Human Rights Watch, June 16 2020, https://www.hrw.org/news/2020/06/16/sarah-hegazy-rage-grief-exhaustion

[36] Ritaj Ibrahim, "Views: The Weaponisation of Anti-Terrorism Laws Against LGBTQIA+ Communities in Egypt and Libya," Rowaq Arabi, February 26 2025, https://cihrs-rowaq.org/views-the-weaponisation-of-anti-terrorism-laws-against-lgbtqia-communities-in-egypt-and-libya/?lang=en

[37] Human Rights Watch, "Q&A: Legal Framework and Environment for Nongovernmental Groups (NGOs) in Egypt," July 15 2021, https://www.hrw.org/news/2021/07/15/qa-legal-framework-and-environment-nongovernmental-groups-ngos-egypt

[38] Cairo Institute for Human Rights Studies, "Egypt: Joint report on mounting human rights crisis," December 17 2024, https://cihrs.org/egypt-joint-report-on-mounting-human-rights-crisis/?lang=en

Why This Matters for Definitional Safeguards

Egypt's experience demonstrates how terrorism definitions that do not require intentional, grave violence against civilians—and that rely on elastic aims such as protecting "national unity" or "social peace"—enable the misclassification of peaceful advocacy or identity-based expression as security threats. Frameworks that allow designation-first, rights-later enforcement invite the use of emergency courts, secret evidence, and prolonged detention against individuals who pose no threat of violence. When counterterrorism tools are applied in cases involving LGBTIQ advocacy, online expression, or assembly, they erode the distinction between genuine national security concerns and protected civic activity.

For these reasons, a rights-compliant terrorism definition must remain narrow, tied to intentional violence, and accompanied by strict procedural safeguards—including clear *mens rea*, independent judicial review, and explicit exclusion of peaceful expression and identity-based conduct. Without such limits, counterterrorism legislation risks becoming an instrument of social control rather than public protection, with particularly severe consequences for marginalized groups such as LGBTIQ persons.

United States

In 2025, the instrumentalization of counterterrorism rhetoric against LGBTIQ activism reached an alarming level in the United States. Two far-right organizations with close ties to the Trump administration — the Heritage Foundation and its affiliate, the Oversight Project — launched an online campaign urging the Federal Bureau of Investigation (FBI) to create a new category of domestic terror threat called "Transgender Ideology-Inspired Violent Extremism" (TIVE).[39] The campaign falsely alleged that "TIVE" has been responsible for most school shootings, ignoring

[39] Oversight Project, https://oversight-project.revv.co/urge-the-fbi-to-designate-transgender-terrorism

extensive data showing that such acts are overwhelmingly committed by cisgender men.[40]

While not an official policy, this initiative illustrates a growing effort by powerful actors to frame transgender advocacy as a security threat, conflating constitutionally protected activism with terrorism. If adopted, such a designation would allow for expanded surveillance and intelligence operations against transgender individuals and organizations, including network mapping, informant infiltration, and inclusion on federal watchlists.

This narrative is emerging within a broader context of state-led rollback of trans and intersex people's rights. By November 2025, 28 states had enacted 123 anti-trans laws, including restrictions on gender-affirming care, bathroom bans, and gag orders for educators.[41] At the federal level, President Trump's memorandum on "Countering Domestic Terrorism and Organized Political Violence,"[42] published in September 2025, authorized the Department of Justice and Joint Terrorism Task Forces to investigate and dismantle networks deemed to engage in "political violence." In an environment where trans advocacy is being falsely portrayed as extremism, such powers could be weaponized to monitor and criminalize civil society.

The campaign's logic echoes the authoritarian pattern seen in Russia. By shifting state discourse on LGBTIQ activism from the sphere of civil rights to the realm of national security, the U.S. risks normalizing the same strategy — equating marginalized identities with terrorism — that has been used abroad to silence entire

[40] Ashley Wang, "Few Mass Shooters Have Been Transgender," FactCheck.org, September 17 2025, https://www.factcheck.org/2025/09/few-mass-shooters-have-been-transgender/
[41] Trans Legislation Tracker, "What anti-trans bills passed in 2025?," https://translegislation.com/bills/2025/passed
[42] The White House, Presidential Memoranda "Countering Domestic Terrorism and Organized Political Violence," September 25 2025, https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/

communities. As Outright International warns, defending democracy requires rejecting the criminalization of advocacy itself and protecting the right of transgender, nonbinary, and intersex people to speak, organize, and exist without being treated as enemies of the state.[43]

Conclusions and Recommendations

The examples presented in this submission illustrate how vague or expansive counterterrorism definitions can become tools of repression rather than protection. When the threshold of "terrorism" or "extremism" extends beyond grave and intentional violence, states acquire excessive discretion to criminalize peaceful advocacy, identity, and dissent.

To ensure compliance with international human rights standards, Outright International recommends the following:

1. States should ensure that definitions of terrorism, violent extremism, and extremism are narrowly tailored to cover only acts involving intentional and serious violence against civilians, consistent with the principles of legality, necessity, and proportionality.

2. States should embed human rights safeguards—including due process, judicial oversight, and access to remedy—into all counterterrorism and counterextremism frameworks.

3. States should introduce explicit exclusions to prevent the application of terrorism and extremism laws to peaceful advocacy, protest, or identity-based expression.

[43] Alberto de Belaunde, "Equating Respect for Trans People With Terrorism Is as Dangerous as It Is Absurd," October 6 2025, https://outrightinternational.org/insights/equating-respect-trans-people-terrorism-dangerous-it-absurd

4. States and UN bodies should systematically assess the impact of counterterrorism measures on LGBTIQ persons and civil society, ensuring that such measures do not reinforce discrimination or erode civic space.

5. The Special Rapporteur should encourage greater transparency and accountability in listing, surveillance, and enforcement practices carried out under anti-terrorism and anti-extremism mandates.

A rights-based, precise approach to counterterrorism is not only compatible with state security; it is essential to it. Protecting the safety of all requires safeguarding the freedoms that allow every person—including LGBTIQ individuals—to participate fully and equally in public life.