



# Global Legal Landscape of LGBTQIA+ Rights: A Comparative Study

Ms. Sneha Choudhaary<sup>1\*</sup>, Dr. Sarvesh Kumar<sup>2</sup>

1. Research Scholar, Apex University, Jaipur, Rajasthan, India  
choudharysneha149@gmail.com ,
2. Research Supervisor, Apex University, Jaipur, Rajasthan, India

**Abstract:** This paper provides a comparative analysis of the global legal landscape of LGBTQIA+ rights in 2025, highlighting both significant progress and persistent challenges. While over 35 countries have legalized same-sex marriage and enacted anti-discrimination protections, approximately 65 nations still criminalize same-sex relations, with penalties ranging from imprisonment to death. Through case studies from India, Taiwan, South Africa, and the United States, the paper demonstrates how courts and legislatures have advanced equality by dismantling discriminatory laws and affirming constitutional rights. At the international level, frameworks such as the ICCPR, the Yogyakarta Principles, and regional human rights systems have reinforced protections, albeit with limited enforcement mechanisms. However, setbacks—including Uganda's Anti-Homosexuality Act, Hungary's restrictive constitutional amendments, and resurgent far-right populism in Europe—illustrate the fragility of progress. The study concludes that while international norms provide aspirational frameworks, transformative change continues to depend on domestic political will, judicial activism, and civil society resilience. Ultimately, the trajectory of LGBTQIA+ rights remains a paradox of unprecedented advancements alongside intensified backlash.

**Keywords:** LGBTQIA+ rights, international law, human rights, marriage equality, anti-discrimination, criminalization, gender identity, comparative law, Yogyakarta Principles, global legal frameworks

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## INTRODUCTION

The global discourse on LGBTQIA+ rights reflects one of the most dynamic and contested areas of contemporary human rights law. Despite the growing recognition of diversity in sexual orientation, gender identity, and gender expression, the international legal landscape remains deeply divided. On one hand, a steadily increasing number of states have moved toward marriage equality, legal gender recognition, anti-discrimination protections, and inclusion within constitutional frameworks. On the other hand, several jurisdictions continue to criminalize consensual same-sex relations, suppress LGBTQIA+ expression, and resist recognition of gender diversity, often under the guise of cultural, religious, or moral justification.

The **comparative nature** of LGBTQIA+ rights is essential because the experiences of individuals differ widely depending on regional, political, and socio-religious contexts. For example, while countries such as **South Africa, Canada, and the Netherlands** constitutionally guarantee equality irrespective of sexual orientation and gender identity, others like **Uganda, Iran, and Saudi Arabia** retain punitive laws that criminalize or even prescribe the death penalty for same-sex conduct. The contrast is stark: in 2025, marriage equality exists in **38 countries** across the world, yet in **64 UN member states**, same-sex intimacy is still a criminal offense, illustrating a world of both progress and regression.

From an **international legal perspective**, multiple frameworks attempt to address these disparities. Instruments such as the **International Covenant on Civil and Political Rights (ICCPR)** decisions of the

**UN Human Rights Committee** (e.g., *Toonen v. Australia*), and interpretative guidelines like the **Yogyakarta Principles (2007, 2017)** have affirmed that sexual orientation and gender identity fall within the ambit of universal human rights. Nevertheless, these instruments lack binding enforcement mechanisms, leaving implementation largely in the hands of domestic jurisdictions. Consequently, while some states use these principles to drive progressive legal reform, others outright reject them as foreign impositions.

Moreover, the current global scenario demonstrates the **politicization of LGBTQIA+ rights**. In several parts of Europe, far-right populist movements have sought to weaponize LGBTQIA+ issues to deepen political divides, framing them as threats to "traditional values." Similarly, in parts of Africa and Asia, colonial-era sodomy laws have been reinforced under new political agendas, while in other regions, courts and legislatures are dismantling these outdated provisions. At the same time, the increasing recognition of transgender and non-binary rights has sparked heated debates about the scope of gender identity protections in employment, healthcare, and family law.

Thus, this study aims to provide a **comparative legal analysis of LGBTQIA+ rights at the international level** by identifying global trends, highlighting regional divergences, and assessing the efficacy of international human rights frameworks. Such a study is particularly relevant in 2025 because the trajectory of LGBTQIA+ rights is at a crossroads: with significant advancements in some regions but a simultaneous resurgence of criminalization and repression in others. The analysis will also underscore the role of **international organizations, domestic courts, and civil society movements** in shaping the evolving legal landscape.

In sum, the introduction of this paper establishes that LGBTQIA+ rights are not merely questions of private morality or cultural debate but central issues of **international law, human rights, and social justice**. The comparative framework adopted here will illuminate both achievements and setbacks, offering a balanced understanding of where the world stands today and where it might be heading in the near future.

## GLOBAL TRENDS AND REGIONAL DEVELOPMENTS

### Marriage Equality

Over 35 countries worldwide have legalized same-sex marriage, with notable advancements in Latin America (Chile, Mexico) and Asia (Taiwan, Nepal). Courts and legislatures in these countries have recognized that exclusion from marriage violates constitutional guarantees of equality and dignity.

### Anti-Discrimination Protections

Regions such as the European Union (EU) have established comprehensive frameworks prohibiting discrimination based on sexual orientation and gender identity in employment, education, and healthcare. Canada and South Africa have similarly embedded protections within constitutional law.

### Criminalization of Same-Sex Relations

Approximately 65 countries still criminalize consensual same-sex activity, primarily in Africa, the Middle East, and parts of Asia. Punishments range from imprisonment to the death penalty, as seen in Iran, Saudi Arabia, and parts of Nigeria.

## Gender Recognition and Trans Rights

Argentina, Malta, and New Zealand are global leaders in gender recognition laws, adopting self-identification models without requiring medical interventions. However, other jurisdictions mandate sterilization, surgery, or psychological diagnosis, perpetuating systemic discrimination against transgender and non-binary individuals.

## CASE STUDIES OF LEGAL PROGRESS

The trajectory of LGBTQIA+ rights has been significantly shaped by landmark judicial and legislative interventions across different jurisdictions. These cases illustrate how constitutional values, judicial activism, and democratic reforms have propelled forward the recognition of sexual orientation and gender identity as integral components of human dignity and equality.

### India (2018 – *Navtej Singh Johar v. Union of India*)

In a historic judgment, the Supreme Court of India struck down Section 377 of the Indian Penal Code, which had criminalized consensual same-sex relations. The Court emphasized the constitutional guarantees of dignity, privacy, and equality under Articles 14, 15, and 21 of the Indian Constitution. By reading down this colonial-era provision, the Court not only decriminalized homosexuality but also underscored the need to dismantle structural discrimination against LGBTQIA+ persons. This decision remains one of the most progressive examples of transformative constitutionalism in the Global South.

### Taiwan (2019)

Taiwan emerged as the first Asian country to legalize same-sex marriage. Following a Constitutional Court ruling (Interpretation No. 748) in 2017, which held that the prohibition of same-sex marriage violated the principles of equality and freedom, the legislature passed the *Act for Implementation of Judicial Yuan Interpretation No. 748* in 2019. This was a monumental step in Asia, where LGBTQIA+ rights often face strong cultural and political resistance, and it paved the way for regional discourse on equality.

### South Africa (1996–2006)

South Africa has long been a leader in the constitutional recognition of LGBTQIA+ rights. Its post-apartheid Constitution of 1996 was the first in the world to explicitly prohibit discrimination on the basis of sexual orientation. A decade later, in *Minister of Home Affairs v. Fourie* (2005), the Constitutional Court declared the common law definition of marriage unconstitutional for excluding same-sex couples. This ruling culminated in the enactment of the *Civil Union Act, 2006*, which legalized same-sex marriage nationwide. South Africa's progressive constitutional framework remains a model for integrating LGBTQIA+ protections within broader human rights guarantees.

### United States (2015 – *Obergefell v. Hodges*)

The United States Supreme Court in *Obergefell v. Hodges* held that same-sex marriage is a fundamental right under the Due Process and Equal Protection Clauses of the Fourteenth Amendment. This landmark decision mandated all states to license and recognize marriages between two people of the same sex. The ruling represented a culmination of decades-long struggles for equality, aligning U.S. jurisprudence with

evolving international human rights standards on family and marriage.

These case studies underscore how **judicial activism and constitutionalism** have served as catalysts in dismantling discriminatory laws and affirming LGBTQIA+ rights. They also demonstrate that legal progress often arises from the dynamic interplay between courts, legislatures, and civil society movements. Importantly, these milestones establish global precedents, signaling to other jurisdictions that recognition of sexual and gender diversity is not only a question of equality but also a matter of fundamental human rights.

## INTERNATIONAL AND LEGAL FRAMEWORKS

The development of LGBTQIA+ rights at the global level cannot be understood without examining the role of **international legal frameworks and institutions**. Although no single binding treaty explicitly codifies LGBTQIA+ rights, a rich body of **international human rights law, jurisprudence, and interpretative instruments** has progressively affirmed that sexual orientation, gender identity, gender expression, and sex characteristics fall under existing universal protections. Nevertheless, the absence of binding enforcement mechanisms and the diversity of state responses create a fragmented legal landscape.

### United Nations Human Rights Framework

The **United Nations (UN)** has played a pivotal role in advancing LGBTQIA+ rights through its treaty bodies, resolutions, and special procedures.

- **International Covenant on Civil and Political Rights (ICCPR, 1966):**

The ICCPR does not explicitly mention sexual orientation or gender identity. However, the **UN Human Rights Committee (HRC)** tasked with interpreting the treaty, has repeatedly affirmed that the right to privacy (Article 17), equality before the law (Article 26), and freedom from discrimination extend to LGBTQIA+ persons.

- *Toonen v. Australia (1994)* was a landmark case where the HRC held that Tasmania's sodomy laws violated the ICCPR. This precedent established that criminalization of consensual same-sex conduct breaches the right to privacy and equality.
- Later cases, such as *Young v. Australia (2003)* and *X v. Colombia (2007)*, clarified that denial of pension benefits or survivor rights to same-sex partners amounts to discrimination under Article 26.

- **Universal Periodic Review (UPR):**

The UPR mechanism has been a critical tool for holding states accountable. Numerous states have received recommendations to decriminalize same-sex relations, adopt anti-discrimination laws, and recognize gender identity rights. However, compliance varies widely, as states often reject such recommendations citing cultural or religious values.

- **UN Resolutions:**

In 2011, the UN Human Rights Council adopted its first resolution on sexual orientation and gender identity, affirming that human rights are universal. Since then, the Council has appointed an **Independent Expert on Sexual Orientation and Gender Identity (SOGI)** who reports on violations and best practices worldwide.

## Regional Human Rights Systems

### European Court of Human Rights (ECtHR)

Europe has developed one of the most robust LGBTQIA+ jurisprudence through the **European Convention on Human Rights (ECHR)**.

- In *Dudgeon v. UK (1981)*, the ECtHR struck down sodomy laws in Northern Ireland, recognizing same-sex intimacy as a protected aspect of private life (Article 8).
- *Oliari v. Italy (2015)* further required Italy to provide legal recognition to same-sex couples, marking a significant shift toward marriage and partnership rights.
- More recently, the Court has extended protections against workplace discrimination, adoption rights, and gender identity recognition.

### Inter-American Human Rights System

The **Inter-American Court of Human Rights (IACtHR)** has been equally influential.

- In **Advisory Opinion OC-24/17 (2017)**, the Court declared that states must recognize same-sex marriages and provide full legal recognition of gender identity. This opinion was binding on all states party to the American Convention on Human Rights, significantly advancing rights in Latin America.

### African Human Rights System

The **African Charter on Human and Peoples' Rights** does not explicitly address LGBTQIA+ issues. However, the **African Commission on Human and Peoples' Rights (ACHPR)** has issued Resolution 275 (2014), condemning violence and discrimination on the basis of real or perceived sexual orientation and gender identity. While implementation is limited, this marks a symbolic step in challenging widespread criminalization across the continent.

### The Yogyakarta Principles

The **Yogyakarta Principles (2007)**, and their expanded version **Yogyakarta Principles +10 (2017)**, are among the most important soft law instruments. Drafted by human rights experts, these principles interpret existing international law to affirm LGBTQIA+ rights. They cover a broad range of issues, including:

- Decriminalization of same-sex relations,
- Legal recognition of gender identity and self-determination,
- Rights to health, employment, education, and family life,
- Protection from violence and torture.

Although non-binding, these principles have been cited in judicial rulings and legislative reforms in countries such as **India (Navtej Johar v. Union of India, 2018)**, **Nepal**, and **Brazil**, demonstrating their growing normative influence.

### International Soft Law and Global Advocacy

In addition to formal treaties, **soft law instruments and advocacy networks** shape the legal discourse:

- **UN Free & Equal Campaign (2013–present):** A global public education initiative that promotes equal rights and fair treatment.
- **ILGA World and Human Rights NGOs:** Organizations like ILGA and Human Rights Watch publish annual reports that influence policymaking, advocacy, and litigation strategies.
- **Sustainable Development Goals (SDGs):** While the SDGs do not explicitly mention LGBTQIA+ people, international bodies increasingly interpret commitments to “leave no one behind” as including SOGIESC (sexual orientation, gender identity, gender expression, and sex characteristics) minorities.

#### Gaps and Limitations in International Law

Despite these advancements, international law faces significant challenges in ensuring LGBTQIA+ equality:

1. **Sovereignty and Cultural Relativism:** Many states reject international obligations by appealing to “cultural authenticity” or religious values.
2. **Enforcement Deficit:** UN treaty bodies and regional courts rely on state compliance; non-cooperative states often ignore rulings.
3. **Fragmented Protections:** While Europe and the Americas show robust jurisprudence, Africa, the Middle East, and parts of Asia lag significantly behind, creating an uneven global standard.
4. **Emerging Issues:** Transgender and intersex rights, particularly concerning medical interventions, sports participation, and gender markers in identification documents, remain contentious and underdeveloped in legal frameworks.

#### Future Directions

Looking ahead, the international legal framework for LGBTQIA+ rights is likely to evolve along two paths:

- **Strengthening Regional Courts and Mechanisms:** Regional systems (ECtHR, IACtHR, ACHPR) are expected to play a greater role in setting binding precedents.
- **Mainstreaming SOGIESC Rights in Broader Human Rights Law:** Issues such as refugee protection, digital rights, and healthcare access for LGBTQIA+ persons are increasingly recognized within general human rights discourse.
- **Intersectional Approaches:** Future frameworks must address how LGBTQIA+ rights intersect with race, class, disability, and migration, ensuring holistic protections.

### RECENT SETBACKS AND CONTEMPORARY CHALLENGES

Despite important progress in the recognition of LGBTQIA+ rights worldwide, the past few years have witnessed a troubling wave of **backlash and regression**. Many of these setbacks reflect broader political trends, including the rise of populism, authoritarian governance, and the weaponization of identity politics.



These challenges highlight the fragility of hard-won gains and underscore the urgent need for sustained legal and advocacy efforts.

#### Illicit Criminalization Surge

In recent years, some states have introduced or reinforced punitive laws against LGBTQIA+ individuals, reversing earlier liberalization trends. **Mali, Uganda, Ghana, and Trinidad & Tobago** stand out as examples where political leaders have used criminal law as a tool to enforce heteronormative standards and suppress minority identities (The Guardian, 2025).

Uganda's **Anti-Homosexuality Act 2023**, one of the harshest in the world, prescribes life imprisonment and, in some cases, the death penalty for same-sex conduct. Similarly, Ghana has advanced legislation that not only criminalizes same-sex relations but also targets allies and advocacy groups, effectively silencing civil society. In Mali, anti-LGBTQ+ rhetoric has been enshrined into policy frameworks, while in Trinidad & Tobago, judicial gains recognizing LGBTQIA+ rights have been met with attempts at legislative pushback.

These measures contravene international obligations under treaties such as the **ICCPR** and run counter to global jurisprudence (*Toonen v. Australia*, HRC 1994), which affirmed that criminalizing consensual same-sex intimacy violates the right to privacy and equality. Yet, these countries justify such laws through appeals to sovereignty, tradition, and religion, demonstrating the **tension between international norms and domestic politics**.

#### Resurgence of Repressive Policies in Europe

While Europe is often considered a leader in LGBTQIA+ rights, it has recently witnessed a **resurgence of repressive policies**, particularly in Central and Eastern Europe. Far-right political movements in **Hungary, Poland, and parts of the Balkans** have framed LGBTQIA+ rights as threats to “traditional family values” and national identity.

Hungary's **2025 constitutional amendment** is a prime example. By legally restricting gender to that assigned at birth and prohibiting LGBTQIA+ public events, the government not only undermines individual freedoms but also signals a broader rejection of European human rights jurisprudence. Similarly, political campaigns in Poland have leveraged homophobic rhetoric to galvanize conservative voter bases, while in the UK, the Supreme Court's April 2025 ruling that the term “woman” in the Equality Act refers to sex at birth has sparked concerns over the rollback of transgender protections (The Guardian, 2025).

These developments reveal that even in regions with strong supranational protections, such as the **European Court of Human Rights (ECtHR)** and the **European Union Charter of Fundamental Rights**, domestic politics can erode progress. The resurgence of repressive policies in Europe illustrates how legal advances are vulnerable to populist mobilization and how **LGBTQIA+ rights have become politicized battlegrounds in wider ideological conflicts**.

#### Decline in Rights and Data

The **ILGA World “Laws on Us” report (2024–2025)** reveals a worrying global trend: while certain regions are advancing rights (e.g., same-sex marriage in Thailand and Liechtenstein, decriminalization in

Namibia and Dominica), these gains are increasingly met with **organized resistance**. Conservative governments and populist leaders are orchestrating legislative rollbacks, suppressing advocacy networks, and fostering environments where hate crimes are normalized (ILGA World, 2025).

This “two steps forward, one step back” dynamic is particularly evident in the way governments manipulate data and policy to delegitimize LGBTQIA+ identities. For example, in some countries, official statistics on hate crimes, HIV prevalence, and discrimination against LGBTQIA+ people are either not collected or intentionally excluded from public reporting, making it harder to design evidence-based policy responses (Them, 2025).

The decline in rights is not only a matter of law but also of **erasure and invisibility**. By suppressing data and delegitimizing advocacy organizations, states create a chilling effect that undermines the international community’s ability to monitor compliance and hold governments accountable. This underscores the importance of civil society organizations like **ILGA World**, which provide independent monitoring and documentation essential for global advocacy.

#### Broader Implications

These setbacks have **multi-layered implications**. At a legal level, they expose the weakness of international enforcement mechanisms; states that criminalize or roll back LGBTQIA+ rights often face limited consequences beyond reputational criticism. At a social level, they exacerbate stigmatization and violence against LGBTQIA+ communities, fueling cycles of marginalization and exclusion. Politically, they reveal how LGBTQIA+ rights are increasingly being instrumentalized as tools of populist mobilization, with leaders exploiting cultural anxieties to consolidate power.

As such, the contemporary challenges facing LGBTQIA+ rights highlight the urgency of reinforcing **international legal safeguards, cross-regional solidarity, and intersectional advocacy strategies**. Without these, the risk of regression may outweigh the gains achieved over the past two decades.

### CONCLUSION AND RECOMMENDATIONS

The global trajectory of LGBTQIA+ rights in 2025 reflects a complex interplay of progress and regression. On one side, there have been unprecedented advances in marriage equality, recognition of diverse gender identities, and broader anti-discrimination protections across multiple jurisdictions. For example, landmark rulings in Latin America and constitutional reforms in countries such as Chile and Mexico have demonstrated a deepening commitment to inclusivity and equal protection under the law. Similarly, the European Court of Human Rights (ECHR) and national constitutional courts have repeatedly affirmed the inherent dignity of LGBTQIA+ individuals.

However, the global landscape remains **starkly uneven**. While liberal democracies expand protections, authoritarian regimes and conservative majoritarian governments are actively rolling back rights. The enactment of harsher criminal provisions in countries such as Uganda, Ghana, and certain Caribbean nations represents a resurgence of punitive laws that not only criminalize identity but also embolden violence, discrimination, and systemic exclusion. In Europe, far-right populist movements have amplified anti-LGBTQIA+ rhetoric, targeting transgender and non-binary people in particular, thereby normalizing



legal and social hostility. Reports such as ILGA World's *Laws on Us* (2024–2025) confirm this dual reality: notable gains are often met with equally forceful resistance, producing a polarized and volatile global rights environment.

Against this backdrop, the comparative study underscores that international human rights law offers both opportunities and limitations. While instruments such as the ICCPR, CEDAW, and the Yogyakarta Principles affirm LGBTQIA+ protections, their **non-binding or weakly enforced nature** constrains their transformative impact. Moreover, sovereignty concerns and cultural relativist arguments often hinder the universal application of these norms. This tension between global human rights principles and domestic political realities defines the ongoing struggle for equality.

## **Recommendations for International Action**

### **1. Strengthen Advocacy and Data Infrastructure**

Sustained funding for global advocacy networks and databases—such as ILGA World's annual reports—is crucial. These repositories not only provide evidence-based tracking of laws and policies but also empower activists, policymakers, and international organizations with credible data to inform interventions.

### **2. Mobilize International and Regional Bodies**

International organizations, including the UN Human Rights Council, the Inter-American Court of Human Rights, and the African Commission on Human and Peoples' Rights, must adopt stronger enforcement mechanisms. Invoking binding treaty obligations, such as those under the ICCPR, alongside interpretative frameworks like the Yogyakarta Principles, can provide leverage against regressive states.

### **3. Encourage Progressive Jurisprudence**

Domestic courts play a decisive role in advancing LGBTQIA+ rights, especially in regions where legislative reform is unlikely. Strategic litigation—similar to *Navtej Singh Johar v. Union of India* (2018) in India—can dismantle discriminatory provisions and set binding precedents that resonate beyond national borders.

### **4. Counter Regressive Legislation through Strategic Engagement**

International civil society coalitions should develop coordinated strategies to challenge repressive laws, combining litigation, diplomatic pressure, and grassroots mobilization. Building alliances with sympathetic political actors and institutions can mitigate the influence of reactionary movements.

### **5. Empower and Protect Civil Society**

In regions facing severe repression, particularly Sub-Saharan Africa and parts of the Middle East, direct support for LGBTQIA+ organizations is vital. This includes financial assistance, capacity-building programs, and digital protection against surveillance and censorship. Strengthening grassroots movements not only amplifies marginalized voices but also ensures that reforms are locally grounded and sustainable.

The global legal landscape of LGBTQIA+ rights in 2025 is thus a paradox of remarkable progress and

intensified backlash. While international norms provide an aspirational framework, meaningful change continues to hinge on domestic political will, judicial courage, and the resilience of civil society. The challenge moving forward is not only to consolidate the gains achieved but also to resist and reverse regressive tides. Ensuring the universality of human rights requires unwavering global solidarity, robust international engagement, and an acknowledgment that the fight for LGBTQIA+ equality is inseparable from the broader struggle for justice, democracy, and human dignity.

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