

LGBTIQ+ Rights

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Summary: The Biden presidential administration (2021-2025) made significant progress on advancing lesbian, gay, bisexual, transgender, intersex, queer, and other sexual- and gender-minority (LGBTIQ+) rights. Although the previous administration changed certain policies, the legislature largely did not codify these changes, allowing the second Trump administration (2025-) to rollback much of the progress made. With few federal protections that apply nationwide, LGBTIQ+ rights mostly vary by jurisdiction, interrupting LGBTIQ+ people's access to their rights to health and to be free from discrimination, among other rights.

Rollbacks at the federal level have reversed anti-discrimination protections.

- The 2020 Supreme Court case *Bostock v. Clayton County* determined that the 1964 Civil Rights Act's ban on "sex discrimination" extended to discrimination on the basis of sexual orientation and gender identity. Despite President Biden signing several executive orders to implement anti-discrimination measures, President Trump later reversed many of these anti-discrimination measures starting in January 2025.
- These rollbacks permit discrimination against transgender and gender-diverse people across many different federal programs, including shelters, housing programs, food assistance programs, and gender-affirming care under federal health insurance programs, among others. Transgender and gender-diverse people are also no longer able to receive passports that reflect their gender identity, but rather their sex assigned at birth, regardless of what their state identifications indicate.
- In a 2024 study of Los Angeles County, 28% of transgender and non-binary individuals reported being denied access to shelters because of perceived or actual gender identity and 20% were denied housing generally.
- President Trump revived his ban on transgender individuals serving in the U.S. military, a policy he had also implemented during his first term. Due to the lack of discrimination protections, the ban was upheld by the Supreme Court in May 2025.
- The federal government has stopped recording SOGI demographics in federal data collection, making it more difficult to track or identify disparities that disproportionately impact LGBTQ+ people.

A lack of federal protections produces inconsistent laws across states.

- While some states have banned so-called “conversion therapies,” the U.S. Supreme Court recently overturned Colorado’s ban, which could result in overturns of other states’ bans.
- Several states have also enacted legislation criminalizing or blocking gender-affirming care for transgender and gender-diverse adolescents, which the U.S. Supreme Court has also upheld as constitutional. Texas has begun investigating parents who permit their children to receive gender-affirming care as potential child abusers.
- State laws, regulations, and/or policies currently ban transgender students from participating in sports consistent with their gender identity in 29 states. In 2024, 13 states had legislation prohibiting transgender people from using bathrooms consistent with their gender identity.
- Some states do have robust protections for LGBTIQ+ people and, in a recent survey, 48% of respondents indicated they had or were considering moving to a more affirming state with 76% citing LGBTIQ+ rights concerns as a primary driver, and 60% citing the anti-trans climate in their state. At the same time, 82% of respondents noted that cost was a barrier to relocation.

Recommendations

- **Adopt comprehensive federal legislation prohibiting discrimination based on sexual orientation, gender identity, gender expression (SOGIE) and codifying and expanding *Bostock*’s recognition that discrimination based on SOGIE constitutes prohibited sex discrimination.**
- Amend federal civil rights laws, including Title IX of the Education Amendments of 1972, to explicitly prohibit discrimination based on gender identity and expression and ensure transgender students have equal access to educational programs, school facilities, and extracurricular activities.
- Codify in law protected classes for sexual orientation, gender identity, gender expression (SOGIESC), and sex characteristics. Pass comprehensive anti-discrimination legislation that specifically names these protected classes and provides protection against and opportunities for reparations for discrimination by State and non-State actors.
- **Adopt a nation-wide ban on so-called “conversion therapies” and provide criminal and civil penalties for practitioners.**
- Ensure access to evidence-based gender-affirming healthcare by repealing measures that restrict medical care for transgender individuals, youth in particular.
- **Immediately repeal all executive orders that delegitimize and target LGBTIQ+ people.**
- Implement a national strategy to monitor, report on, and combat discrimination and violence of all types based on SOGIESC, developed in consultation with affected communities and civil society organizations.
- Remove all legal and policy barriers that prevent or restrict LGBTIQ+ people from fully exercising their human rights.