

The evolution of French Legislation on LGBTQIA+ rights and its Social Impact

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Master in International Studies

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SOCIOLOGY
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Resumo

Esta dissertação analisa a relação entre os avanços legais nos direitos LGBTQIA+ e o seu impacto social durante os últimos vinte anos em França. Nos últimos vinte anos, foram implementados desenvolvimentos legais significativos que defendem os direitos LGBTQIA+, tais como a lei anti-discriminação contra a homofobia em 2004, a legalização do casamento entre pessoas do mesmo sexo e a adoção por casais homossexuais em 2013 e, mais recentemente, a proibição das terapias de conversão. No entanto, a estigmatização social e as discriminações da comunidade *queer* continuaram a ser significativas, se não maiores, durante os últimos vinte anos. Esta investigação estudará as implicações do fosso entre as reformas legais e a resposta social aos direitos *queer* em França. Enquadrando a investigação com a teoria de Foucault sobre as dinâmicas de poder, a resistência social e o discurso sobre a sexualidade, este projeto destacará a limitação das reformas legais sobre os comportamentos sociais e os discursos sociais relativos às pessoas *queer*. O projeto examinará os dados fornecidos pelos relatórios das organizações não governamentais francesas e por fontes académicas sobre os comportamentos sociais em relação à comunidade LGBTQIA+ ao longo dos anos e cruzá-los com as reformas legais promulgadas pelos funcionários eleitos em França. Através do trabalho das ONG, a investigação também analisará o papel que as organizações LGBTQIA+ desempenham para colmatar o fosso entre as reformas legais e o impacto social, através do seu apoio social à comunidade e da sua defesa política dos direitos *queer*.

Palavras-chave: Direitos LGBTQIA+, mudanças sociais, advocacia queer, reformas legais, desenvolvimentos sociopolíticos.

Abstract

This dissertation will analyze the relationship between legal advancements on LGBTQIA+ rights and its social impact during the last twenty years in France. Significant legal developments upholding LGBTQIA+ rights have been implemented over the past twenty years, such as the anti-discrimination law on homophobia in 2004, the legalization of same-sex marriage and adoption for homosexual couples in 2013 and most recently the ban on conversion therapies. However, the social stigmatization and discriminations of the queer community has remained significant, if not greater, during the last twenty years. This research will study the implications of the gap between legal reforms and social response on queer rights in France. Framing the research with Foucault's theory on power dynamics, social resistance and discourse on sexuality, this project will highlight the limitation of legal reforms on social behaviors and social discourses regarding queer people. The project will examine the data provided by French non-governmental organizations reports and academic sources on the societal behaviors towards the LGBTQIA+ community through the years and intersect it with the legal reforms enacted by the elected officials in France. Through the work of NGOs, the research will also analyze the role that queer organizations play in bridging the gap between legal reforms and social impact with their social support of the community and their political advocacy on queer rights.

Keywords: LGBTQIA+ rights, social changes, queer advocacy, legal reforms, socio-political developments.

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I. INTRODUCTION

The discourse on the rights of the Lesbian, Gay, Bisexual, Transgender, Queer community is galvanizing and dividing the political sphere and societies worldwide. The increased visibility of the LGBTQIA+ community through media exposure, advocacy and social movements rendered the discourse on queer rights a defining social and political issue of our century, especially in the Western world. France is no exception on the matter of LGBTQIA+ rights. France has a recent history of promoting LGBTQIA+ rights through law enactments. In 1982, the French National Assembly decriminalized homosexual activities through an amendment that lowered the age of consent for homosexual relations to the same age applied for heterosexual relations (Law of the French Penal Code n° 82-683, 1982). Prior to the 1982 law, the LGBTQIA+ community was invisible to the French government and marginalized by society. The birth of movements fighting for gay rights in the 1970's, like the "Front Homosexuel d'Action Révolutionnaire", raised awareness on the gay community within society and pressured the government to take queer rights in consideration (Duyvendak et al., 1999). Since 1982, the French government has passed numerous legislations and amendments that promote queer rights, like the creation of the Civil Solidarity Pact 1999 (Law n° 99-944, 1999), the Mariage pour Tous law in 2013 (Law n° 2013-404, 2013) and most recently the ban on conversion therapies in 2022 (Law n° 2022-92, 2022). However, the social impact of such legal advancements on LGBTQIA+ rights hasn't always been linear. The emergence of the social movement 'La Manif pour Tous' in 2013 that opposed itself to the legalization of same-sex marriage showcases the social responses and discourses that exist and at times prevail in France (Fracchiola, 2015). There isn't an automatic continuum between legal reforms and social impact on LGBTQIA+ rights.

Considering the interplay between legal reforms on LGBTQIA+ rights and the social impact on the community, the work of this dissertation will analyze the advancements of French LGBTQIA+ rights since the enactment of the Civil Solidarity Pact in 1999 up until 2022 and examine the social impact of such legislation on the French queer community.

How did the legal reforms on LGBTQIA+ rights in France of the last twenty years socially impact the community? How does the political and social sphere interact regarding LGBTQIA+ rights in France and how do they influence the experiences of queer individuals?

The aim of my research is to analyze the intersection between the theory of LGBTQIA+ rights represented by legal advancements and the practice represented by the lived experiences of the LGBTQIA+ community. The project seeks to gain a thorough understanding of the legislative efficiency on queer rights. The research will analyze the social acceptance of the LGBTQIA+ community in the birthplace of the "Declaration of the Universal Human Rights" (1789), regarding the legislation passed during the last twenty years. The project's aim is to reflect on the social acceptance of the LGBTQIA+ community in France and determine how legal reforms and political discourse affect society.

The analysis of the social acceptance that the project will conduct is possible due to the advocacy of non-governmental organizations. Non-governmental organizations play a crucial role in the advancements of LGBTQIA+ rights in France, especially SOS Homophobie. SOS Homophobie is an organization founded in 1994 fighting for LGBTQIA+ rights in France (SOS Homophobie, 2024). The organization provides a hotline for queer individuals in need and produce annual reports using the data from testimonies (SOS Homophobie, 2024). The reports address a multitude of topics regarding LGBTQIA discriminations and oppression in France such as homophobia, transphobia, lesbian-phobia, queerphobia, discriminations, hate crimes, hate speech, depression, physical violence, politics, work-related discriminations and so on (SOS Homophobia, 2024). Using the testimonies provided through the years, SOS Homophobie creates statistics on negative social behaviors towards LGBTQIA+ individuals. This research will analyze the reports from SOS Homophobie with other academic sources on the social response to LGBTQIA+ rights in France, and with the data gathered, intersect the findings with the legal reforms on LGBTQIA+ rights to determine the efficiency of legal advancements on the everyday lives of queer individuals in France and, ultimately, analyze the gap between legal reforms and social impact highlighted by the persistent negative discourses on queer individuals.

While analyzing the data gathered through the reports and intersecting it with legal reforms, Foucault's theory of power, knowledge, and resistance to power will serve as the theoretical framework for the research. Michel Foucault, French philosopher, dedicated a major part of his research in theorizing power dynamics on sexuality. "The affirmation of a sexuality that has never been more rigorously subjugated than during the age of the hypocritical, bustling, and responsible bourgeoisie is coupled with the grandiloquence of a discourse purporting to reveal the truth about sex, modify its economy within reality, subvert the law that governs it, and change its future. The statement of oppression and the form of the sermon refer back to one

another; they are mutually reinforcing (...)" (Foucault, 1976, p.5). Foucault has theorized the complex power dynamics that shape sexuality and its social perception. In the *History of Sexuality – The Will To Knowledge* vol. 1 (1976), Foucault argued that power is not solely a top-down dynamic, emanating from the state to society, but rather power is diffused through society. He also theorized on the power held by discourses, which he describes as agreed-upon "true statements" that shape the power dynamics and our societies (Foucault, 1976).

While framing my research with Foucault's theory on power, discourse and resistance, the project will analyze the evolution of legal reforms and their social impact, examine the influence held by social discourses and social behaviors in shaping the experiences of LGBTQIA+ individuals. The theory of Foucault will add depth to the relation of the legal and social sphere on LGBTQIA+ rights and provide an understanding of the disparity between legal reforms and the persisting negative social behaviors and discourses on the LGBTQIA+ community.

II. LITERATURE REVIEW

The literature review examines papers ranging from legislation analysis on LGBTQIA+ rights, LGBTQIA+ NGO's advocacy analysis and criticism, the influence and linkage on LGBTQIA+ advocacy and policymaking and the social impact of legal changes on such rights. The articles approach these topics on various scales: some articles address transnational advocacy for LGBTQIA+ rights, Intergovernmental Organizations' policies on LGBTQIA+ rights but also local advocacy and national legislation.

The goal is to analyze the legal reforms on LGBTQIA+ rights, the social impact of legal advancements on queer rights and the role of NGO advocacy within the power dynamic between the legal and social spheres.

Firstly, the literature review will address the impact of transnational advocacy on international institutions and its repercussions on national grounds. Secondly, the literature review will examine articles that tackle the involvement of NGOs on LGBTQIA+ rights nationally and their efforts to intersect legal reforms and social impact. The literature will also address briefly the significance of intersectionality in the analysis of legal advancements and their social impact on LGBTQIA+ lives and finally, the literature review will highlight gaps in literature and the limitations of existing literature in relation to my research.

The first five articles relate to my research project significantly as they address transnational queer advocacy and its impact on IGOs and national policies. The articles reflect on the research project because transnational advocacy intrinsically influences national policy, including France. Analyzing the first five articles' frames France and its relation to LGBTQIA+ rights in a broader context with international actors influencing its national policies and pressuring the state to align with international norms.

Aylward (2019) tackles the subject of LGBT issues and the evolution of its recognition by international governmental institutions in relation to the work of non-governmental organizations that intended to shed a light on those concerns. Aylward (2019) retrace the evolution of LGBT issues-focused NGOs, from its creation in the 1920's and their expansion during the 1970's and how they helped shape the future of LGBT rights and issues on a global scale. One of the key points that Aylward (2019) highlights regarding the involvement of LGBT advocacy in the international policy-making debate was the formation of the

International Committee of Sexual Equality in 1951, which in the following year, petitioned the WHO, the UN and the International Federation for Mental Health to establish policies that would abrogate laws that discriminated against sexualities others than heterosexuality (Aylward, 2019). The petitions did not lead to an agreement with those international institutions, but it was the steppingstone of an emerging implication of NGOs fighting for LGBT rights with governmental institutions globally. Furthermore, in the 1970's, The creation of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) led to major changes regarding policies improving the rights of the LGBT community, one of the most important achievement of the ILGA was the removal of homosexuality as a mental disorder from the list of the WHO General Assembly (Aylward, 2019). Major achievements such as this removal of homosexuality as a mental disorder by an international institution is attributed to the advocacy of the ILGA and its consultation by governmental institutions.

The author illustrates how the advancements of rights regarding the different minorities within the LGBTQIA+ spectrum came at different times as the issues were often treated on its entirety rather than focusing on the discrimination faced by each minority under the spectrum, which often are distinct from the others. The early advocacy regarding LGBT rights focused mainly on homophobia and was centered on the recognition of gay males' rights, which is highlighted by the first name of the ILGA, the International Gay Association (Aylward, 2019). This lack of advocacy for the rest of the community sparked the creation of the International Lesbian Information Service in 1980 to raise awareness of issues faced by lesbians and to give visibility to queer women and their struggles (Aylward, 2019). Moreover, the acknowledgement of the scarcity of organizations and institutions that uplift the rights of transgender and non-binary people came to be even later, in the early 2000's. The author tells that the first major recognition of transgender rights within an NGO was in 2006 when the ILGA created a secretariat for transgender rights to give visibility to this part of the LGBT community.

While it remains necessary to treat the subject matter of the recognition of LGBTQIA+ rights as the whole spectrum as it helps establish a social barometer on the acceptance of diversity concerning sexuality and gender identity, it's important to acknowledge the individuality of each minority under the LGBTQIA+ umbrella (Aylward, 2019). The discrimination faced can differentiate as parts of the community are harassed for their sexuality as the rest are attacked on their gender identity which greatly challenges pre-established social norms in numerous parts of the world. The evolution of our social norms can also facilitate the acknowledgment of the rights of one part of the community while dismissing the rest. The

delayed visibility given to each part of the community, their recognition by international institutions and the rise of advocacy for each minority appearing during different decades, also creates disparities between each minority.

Aylward (2019) provides an interesting perspective on the relation of NGOs advocating for LGBT rights and the international governmental institutions and the role that these NGOs played to obtain recognition of LGBT struggles and human rights violation on the sole basis of sexuality and gender identity. Furthermore, the article relates to Foucault's theory on power dynamics as it highlights the power held by NGOs to create a space for LGBT issues on a global scale and influence policymaking.

After tackling the subject of NGO involvement in policymaking regarding LGBTQIA+ rights on a global scale this next article addresses this topic on a European scale with the work of ILGA-Europe (Ayoub et al., 2016). This article tackles the work of the NGO ILGA before and after the Treaty of Amsterdam from 1999, whose article 13 outlaws' discrimination based on sexual orientation. The article addresses how the work of the ILGA helped shape the Europe of today and how LGBT rights became a core value of the EU institutions, highlighting the influence of international advocacy on policymaking and defining queer rights in Europe.

The authors argues that the introduction of the anti-discrimination on sexual orientation ground in the Treaty of Amsterdam is caused by the advocacy of non-profit organizations, mainly the ILGA-Europe. The author highlights the key role that the ILGA played with its actions such as conducting a report on discriminations faced by homosexuals that was approved by the council of Europe and the adoption from the European Parliament of the Squarcialupi and Roth Reports in 1984 and 1994 (Ayoub et al., 2016). The core value of the ILGA was always creating transnational policies that would guarantee the rights and protection of the LGBTQIA+ community and building from the ground up a European Union that would uphold the human rights of said community. Through its networking with European institutions, it helped integrate anti-discrimination for the LGBT community in the article 13 of the Treaty of Amsterdam. « By working within European networks and setting their demands in a European framework, these activists contributed to redefining the meaning of Europe from the bottom up » (Ayoub et al., 2016). With this quote, the authors highlight the impact of the networking with the European institutions and ILGA's advocacy for LGBT rights, which led to policies upholding LGBT rights in the Union.

The influence of the ILGA organization gained greater significance after its integration within the European institution: the organization was granted the right, through European fundings, to promote democracy and civil societies in Central and Eastern European countries (Ayoub et al., 2016). This implication of ILGA with activists from the Central and Eastern European countries helped promote the ideology of ILGA, LGBT rights, as European value and further intensify the debates on national levels in countries that have been reluctant in implementing legislation that promote LGBT rights (Ayoub et al., 2016). Grants were given to activists in certain European countries by the ILGA, European institutions and even other European states to promote the rights of the LGBT community (Ayoub et al., 2016). The authors use the example of the Polish Pride in the early 2000's was entirely financed by the Netherlands. The transnational involvement of European organizations and institutions gave a leverage to local activists to promote and demand national policies in protection of LGBT rights as it was now promoted as a European core value. The respect and protection of diverse sexual orientations and gender identities became a core value of the European Union.

Overall, this article reflects on the work the project will conduct but on a different scale: it highlights the influence of the ILGA-Europe on transnational policymaking. The author analyzes the early involvement of the ILGA with European institutions and how the organization became a pioneer on promoting the rights of LGBT individuals in the Union due to its collaboration with the governmental institutions. It also showcases how the actions of ILGA influenced Europe beyond policymaking, the protection of LGBT rights is now part of the EU's identity. The ILGA-Europe makes a relevant case for transnational influence that led to improving the well-being of LGBT communities in Europe through its political and social involvement on a national scale, while still acknowledging that the organization's influence varied from one country to another within the Union.

Piotr Godzisz and Richard C. M. Mole (2022) address the actions taken by Polish LGBT activists and NGOs through transnational initiatives to force the Polish government to address the issues faced by the Polish LGBT community. The article especially tackles on hate-crimes rather than overall LGBT discrimination in Poland as it is a polarizing and controversial issue on its political and legal aspect. Firstly, the authors argue that the emergence of hate-crime laws globally comes largely from social movements demanding the recognition of the violence they face on the basis of their sexuality and/or gender identity as a hate-crime legally. The authors highlight the demand of NGOs and activist for hate-crimes to be framed as an international human rights issue to facilitate the legal recognition of the violence and the urgency to act on it

due to its impact on human dignity (Godzisz et al., 2022). The interaction between negative social behaviors and the legal sphere addressed at Polish level within this text reflects on the work of the dissertation. The gap between international legal framing of LGBTQIA+ rights and its social repercussions in national grounds highlights the linkage between the political and social sphere that my findings will address. Introducing the framing on LGBT hate crimes as an international human right issue ‘internationalization of hate-crimes’ (Godzisz et al., 2022), the authors address the case of NGOs and activism on LGBT issues in Poland, a country whose government is reluctant on addressing and creating policies protecting the LGBT community and whose ties to heteronormativity as a cultural norm is deeply rooted in its history. The Polish government and more specifically the Ministry of Justice has a history of reticence towards LGBT-phobia policies, they refused to include LGBT hate crimes to already-existing laws that recognized xenophobia and racism as hate-crimes because the Ministry considered that LGBT hate crimes do not disrupt society and democracy (Godzisz et al., 2022). In that sense, the authors quote the authors Keck and Sikkink to introduce the ‘boomerang’ concept: « (...) what they call the ‘boomerang’ pattern of advocacy, aggrieved citizens can call upon transnational advocacy networks to publicize human rights violations and pressure their governments to uphold their international commitments. » (Godzisz et al., 2022). Applying the boomerang concept, Polish NGOs issued shadow report to international institutions such as the UN to apply pressure on their nation's governments (Godzisz et al., 2022). The reports issued by the Polish NGOs on LGBT hate crimes in their country led to the UN sending recommendations to the Polish government regarding their lackluster legislations on LGBT hate crimes (Godzisz et al., 2022). The studies conducted by the authors on the effect of such recommendations shows that it hasn't changed the laws, but it has shifted the political stance of the Polish government on LGBT issues as they are less unwilling to address them and strictly ignore them. On the other hand, the authors also tackle in their studies the backlash that the boomerang effect has on LGBT issues in Poland due to its transnational approach. Right-winged political parties call out the international involvement on LGBT issues in their territory because they consider it an attempt to diminish their sovereignty, they frame it as an attack to their national identity, which ultimately relates to the resistance addressed by Foucault in his theory on power dynamics; challenging the regulation on sexualities can create resistance from governmental authorities.

The article outlooks the impact of LGBT NGO's actions to tackle the violation of their human rights in their territory and how the internationalization of such issues can provide results on national grounds, positive and negative. The article showcases the limitations of advocacy

of LGBT rights with an international approach in the case of Poland and how such an approach can backfire for the national NGOs as it might lead to heightened perception of diminished state sovereignty due to international intervention. As it tackles more specifically the issue of hate crimes towards LGBT individuals, the article also illustrates how issues faced by a minority require a differentiation from one another. The authors address that with Poland's case, the government was more willing to address the issues of hate crimes in recent years, while still refusing to legalize same-sex union. Issues faced by the LGBT community cannot be grouped together as they might be addressed at different paces legally and they require specific advocacy.

The article written by Kelly Kollman and Matthew Waites (2009) distinguishes itself from the previous one quoted as it provides perspective and debates on the framing of LGBT issues as universal human rights violation: while the framing influenced certain non-Western countries to adopt legislation protecting the LGBT countries, others have reaffirmed their positions against it to combat 'Western influence', especially ex-colonies. The violation of said-human rights also provided grounds for Western countries to justify wars in countries that didn't comply to the universal approach on LGBT rights (Kollman et al., 2009). The transnational and universal approach on LGBT rights can be criticized and nuanced in that sense. The article is relevant to Foucault's theory of power as it showcases the dynamics between transnational influence and local power and the potential reluctance of local authorities to comply with transnational norms. The resistance to legal reforms highlights the complexity of effectively framing LGBTQIA+ rights, adding depth to my research as I will examine legal advancements in relation to their social impact on the queer community in France.

Using the cases of Serbia, currently applying for EU Membership, and Croatia, that obtained membership in 2013, Puck Overhaart (2020) addresses the significance of LGBT rights when a state applies for EU Membership because the matter of LGBT rights falls into the legal standards that the EU monitors through its reports. However, the author points out that Serbia and Croatia slightly differentiate regarding LGBT rights because both countries fail to uphold LGBT rights fully and both countries have high rates of discriminations and hate-crimes on their LGBT community. The author explains the phenomenon, who refers to it as 'limited enforcement mechanisms' (Overhaart, 2020), with the lack of legally binding procedures detained by the EU to guarantee those rights in its member states. The article showcases the limitations of transnational advocacy on LGBT rights using the cases of Serbia and Croatia, proving that transnational advocacy can only be implemented to a limited degree without

legally binding tools for IGOs like the European Union. Ultimately, the article observes the influence of the EU on its Member-States, which also relates to France, despite cultural differences with Croatia and Serbia, on LGBT+ rights and the compliance with EU norms and its impact on national LGBTQIA+ rights perception.

The next couple of articles included in this literature review address the involvement of local NGOs in the advancement of LGBTQIA+ rights on national grounds, including France. The articles support my research because they examine the efforts made by NGOs and how their advocacy bridges the gap between legal reforms and social acceptance. The work of NGOs shape and influence policy-making and social behaviors. The advocacy presented in these next articles works as an intermediary between the legal and social sphere on queer rights, which ultimately provides a relevant perspective on this research that will analyze the work of NGOs to determine the social impact of legal advancements in France.

Firstly, it's crucial to emphasize the importance of SMOs (Social Movement Organization) as a part of the NGO spectrum and its relevance for legal advancements on queer rights. Scholars include SMOs within the definition of an NGO as it represents a group that aims to fight for a collective cause and raise awareness to society at large but also to government officials and institutions to potentially shift policies (Smith, 2022).

Considering the inclusion of SMOs under the NGO umbrella, the work of Abigail Halcli (1999) on the emergence of ACT UP during the height of the HIV/AIDS epidemic is relevant to the subject I want to tackle. This chapter helps retrace the emergence of ACTUP as a social movement and an organization as the American government and its health institutions failed to recognize the urgency of the epidemic. As a matter of fact, the American government was reluctant to consider the AIDS epidemic as a major threat as it was mostly affecting the gay community (Halcli, 1999). This lack of actions from the government officials sparked controversy and led to the creation of ACTUP as the LGBT community felt disregarded by the US government and the medical institutions while they were dying (Halcli, 1999).

ACTUP's goal was advocate against the stigmatization of the gay community and the AIDs epidemic being considered as 'a gay disease' and emphasize its threat for the lives of many people, and that such threats for the human life should never be disregarded by governmental officials and institutions, but also by pharmaceutical companies. The 'shock tactics' (name given by the author to describe ACTUP's actions) were employed to call out the inefficiency of the elected officials and their incapacity to provide solutions to the AIDS crisis. The author quotes

one of the members of the ACTUP movement, who stated that: "I don't see how you could stop at anything if someone you love is dying and that can be changed and you feel that not enough is being done" (1989).

Through its actions it helped shaped new perspectives, contributed to influencing American society and pushed political forces to improve their policies regarding the dignity and quality of life of people living with AIDs and, largely, the gay community. The social perception of LGBTQIA+ individuals influenced by a social movement showcases the power held by a group of individuals to influence society and policies, which ultimately reflects Foucault's theory on power dynamics. The ACTUP movement and its influence on society relates to my dissertation topic as it challenges power dynamics and authority held by legislative powers and shape social perceptions. The determination of LGBTQIA+ rights emerges from a complex and intertwined dynamics of power.

The ACTUP movement, that also later arrived in France, is a relevant example of a social movement organization that forced its influence on social beliefs and political actions. One could argue that the ACTUP movement is one of the steppingstones of LGBTQIA+ rights that Americans have established and enabled some of the rights and liberties that the LGBTQIA+ community in the USA possess today. Taking the ACTUP example presented by this author, social movements, under the NGO umbrella, can influence policymaking on certain issues and shape our societies.

Cecilia Tortajada (2016) tackles the NGOs' shortcomings and mounting criticism despite its growing influence with national and international institutions. The author provides a contentious approach as she highlights the societal lack of trust in NGOs due to their lack of transparency and accountability. Numerous NGOs faced controversies with their goal being often political and financial due to their involvement with governmental institutions, rather their meeting their stated purpose which is supposedly to provide social change. The article contributes to the research that the dissertation will conduct as it provides a nuance on NGOs implication in legal changes and questions the work of NGOs due to their potential involvements with government institutions and corporations, which could render the NGO as a mean for these entities to push their own political and financial agenda. The social distrust in NGOs can influence negatively the public perception of legal reforms, which ultimately can impact social behaviors towards the LGBTQIA+ community.

Michael Sibalis (2010) provides a significant historical insight on a French LGBT NGO and the queer movement in France prior to the decriminalization of homosexual relations. The article is relevant for my work as it examines the early work of queer social movements in France and their impact on the French government and French society. The article from Sibalis adds perspective to the research as it tackles the historical aspect of a queer movement that precedes all movements and legal advancements on LGBTQIA+ rights in France. The FHAR (« Front Homosexuel d'Action Révolutionnaire ») organization from the 1970's failed on its mission to improve LGBT rights but shed a light on LGBT issues and gave a platform to LGBT experiences in French media (Sibalis, 2010). The FHAR is considered today as the organization that gave birth to all the NGOs fighting for LGBT rights that came after and influencing future advocacy. The FHAR's approach and ideals, considered as too aggressive and radical, intended on transforming society entirely to permit an inclusion of the LGBTQIA+ community in French society and fight its marginalization (Sibalis, 2010). The article provides a lens on the French history of movements and organizations fighting for LGBTQIA+ rights while also emphasizing how its approach can determine its success, how the public and politicians' perception of such organizations has tremendously evolved due to the work of these past organizations nonetheless, challenging power dynamics.

Steve Wharton (2007) addresses the reality of the LGBTQIA+ individuals' everyday lives with the help of percentages on hate crimes following the enactment of a French law in 2004 to combat discrimination and the creation of the Civil Partnership. The author draws attention to the fact that the percentages of hate-crimes on LGBTQIA+ individuals a little prior the law enactment and after having increased significantly. The articles offer a space to reflect on the efficiency of legislation deemed to protect the LGBT community and its application in society and how ultimately the outcomes can potentially worsen due to heightened visibility. The article also helps highlight the work provided by LGBT NGOs that work towards legal protection of the community but also social changes to challenges those numbers, as it appears that the legislation alone seems to not provide enough ground for improvement.

The article ties with the work of my dissertation as it showcases the legal reforms' limitation to shift social behavior in France in relation to the anti-discrimination law that the research will examine. Oppression and discrimination require deeper and more complex social reforms than just LGBT legislation to empower the community.

Lea Morabito (2013) examines the 'politicization of sexualities' through the lens of the legalization of same-sex marriages and adoption for LGBT couples in France in 2013 and its

backlash with the social movement "La Manif pour Tous". The author introduces the origins of the social movement group that opposes the legalization of such unions based on traditional family values.

The article reinforces the ideas presented by the previous authors examined in this literature review, the legal protection of the LGBT community and upholding of their rights through legislation can spark controversy and social outrage and endangers the community. The author reinforces how necessary it is for social and political reforms to occur consecutively, adding depth to the research conducted on legal advancements and its social impact on LGBTQIA+ lives in France during the last twenty years.

Stephanie Arc and Phillippe Vellozo (2012) explore the intersection between being a woman, being a part of the LGBT community in France and the social behaviors regarding their queer identity. The author focuses her writing on the intersection of sexism and homophobia faced by queer women and the disparities of treatment and discrimination that queer women face compared to queer men. The author points out that the lack of visibility on lesbian's discrimination emphasizes the intersection between misogyny and homophobia. She also highlights the different stereotypes that shape social behaviors that queer men and queer women face. The author qualifies such differentiated behaviors as the result of 'the radical heterogeneity' of stereotypes regarding the LGBT community. Taking this in consideration, gayphobia and lesbian phobia, while being under the homophobia umbrella, require a differentiation and separated advocacy to be efficiently analyzed and solutionized. The author reinforces the idea previously stated, external factor to the LGBT identity needs to be studied to properly advocate for LGBT rights, like the NGO Sos Homophobie France does, which is examined in the research, with their branch that deals solely on lesbians' discrimination in France.

Marie Mesnil (2013) provides an insight on the legal procedures of creating and enacting the 'Taubira law', legalizing same-sex marriages and adoption for same-sex couples, in France in 2013. It differs from other articles dealing with advocacy and NGO's work on LGBT issues, but the article provides pertinent insight in the French legal framework regarding LGBT rights and highlights the complexity of implementing policies to uplift LGBT rights due its controversial implications. Regarding the case of gay marriage and adoption, the complexity stemmed from adoptions and the potential legalization of surrogacy to further the rights of gay couples to have a child.

The French law strictly condemns surrogacy and the *Manif Pour Tous* movement considered the legalization of gay marriage as a gateway to legalizing surrogacy. The article helps emphasize the complexity of implementing LGBT rights in France as it necessitates the reform of many aspects of the law that didn't include the LGBT community.

David Paternotte and Massimo Prearo (2020) trace the history of LGBT activism and social movements, along with the evolution of the French state's response regarding the claims of the LGBT social movements. The article is pertinent for my paper because the author argues that the French state has frequently neglected LGBT advocacy due to the Republicanism ideology. The authors argue that the Republicanism ideology creates a hierarchy between the state and civil societies, the state being the protector of the common good of its citizen. The ideology permits the state to bypass the demands of social movements and NGOs and resists its demands which ultimately can influence social behavior towards this marginalized community.

The author argues that insuring the common good and well-being of the population has improved LGBT rights overall but also rendered social movements and their claims, showcasing the relation between laws and individuals' lives. In addition to delivering a valuable overview of how the French state responded to LGBT NGOs, the article provides a starting point in my work analyzing the link between advocacy, policymaking in France and social impact.

The final article in this literature review tackles intersectionality. Intersectionality highlights the importance that variables such as age, race, ethnicity and handicap can have on queer rights and the social perceptions of LGBTQIA+ people. The intersection of a queer identity with the factors addressed can increase the marginalization of certain LGBTQIA+ people, making intersectionality a necessary phenomenon to acknowledge to address effectively legal advancements and their social impact in France.

Damien Trawalé (2017) covers a significant factor in his article to consider in the writing of my dissertation: intersectionality. The author highlights the difference of treatments by society as a queer person of color in modern France in comparison to white LGBT individuals. Through interviews, the author highlights that the intersectionality of identities, being black and queer, can create rejection and harassment in different social settings, such as family settings on queerness and in queer spaces for their ethnicity. The intersectionality of the LGBT community, the variety of variables that influence the treatment of queer persons and that can potentially induce increased discrimination or even hate-crimes, need to be included in a study

of LGBT rights. The advocacy for LGBT rights needs to be studied while engaging with various factors, like age, ethnicity, gender identity, and analyzing its outcomes on different parts of the community.

The dynamics of power is challenged through this article and relates to Foucault's theory. The French legal reforms often do not address intersectionality within a person's identity which can render the individuals concerned by intersectionality of queerness and other variables like race and/or religion more prone to negative social behavior.

While reviewing the literature on LGBT rights in France, the work of NGOs fighting for the protection of LGBT rights and the link between legal reforms and social impact, the review was able to distinguish multiple existing gaps in the literature. The most prominent one, which is translated in this literature review and the selection of the articles, is the lack of scientific articles on the influence of social movement organizations and NGOs on policymaking in France regarding LGBT rights. As a matter of fact, most articles analyzed addressed NGOs advocacy on LGBT rights with IGOs (Intergovernmental Organizations), such as the UN or the EU. Most of the literature on the subject has been developed on a transnational level, which can be explained by the human rights framing of LGBT rights. Through this framing, LGBT rights are mostly addressed internationally. Very few articles studied the impact of civil societies' advocacy on France's politics towards LGBT rights.

Secondly, in France's case, the evolution of LGBT rights as well as its legislation and NGOs advocating for LGBT rights and their actions are studied independently. The existing scientific articles either addressed solely the evolution of LGBT rights in France without including the work of NGOs that potentially influenced this evolution; or they addressed the existing NGOs in France and their actions and mostly highlighted the social impacts of such actions. Granted, it can be argued that social actions and advocacy help shape policymaking, but it wasn't studied explicitly. The two variables weren't intertwined in depth in a scientific article to determine how they potentially influence each other.

Lastly, another approach that hasn't been thoroughly developed regarding LGBT rights in France and NGOs advocacy is the reality that legal changes and advocacy have provided for the French LGBT community in their everyday life. I was unable to find articles that addressed the applicability of legal changes for LGBT rights, the societal response and the help that NGOs provided in that sense. Mostly, the scientific articles addressed the legalization of gay marriage

in 2013 and the controversy it caused with La Manif pour Tous movement, but articles rarely tackle other legislative changes on LGBT rights and their social impact on queer lives.

III. THEORETICAL FRAMEWORK

Michel Foucault focused a great part of his work on power dynamics and liberties (Gros, 2010). His research mostly focused on power and knowledge, how society shapes the individuals' relation to its own sexuality. 'Power is everywhere' and 'comes from everywhere', in this sense, it is neither an agency nor a structure (Foucault, 1976). Foucault helped define power as a complex theory, that does not solely come from a top-down relation, dominant and dominated relation, but rather, power diffuses itself in our society through various mechanisms. Using Spinoza's logic, as João Manuel de Oliveira (2018) did, we can understand this dual logic of power: a *potestas* logic of power (power of command) or *potentia* (agency). Power is not held solely by elected officials but rather is implemented all over society through agreed-upon discourses created by knowledge, which also stems from the seeking of the 'truth', while holding different functions.

Foucault (1976) addresses his linkage between power dynamics and discourses to shape the social idea of sexuality. Foucault in his earlier work defines discourse as a multitude of 'true' statements that constitute a foundation to a society's knowledge (Zhiyi, 2023). Foucault analyzed the relation between power, knowledge and discourses and how they each shape and influence the other. He addressed the mechanisms of power and sex using the 18th century concerns where sexual health became an issue for doctors and government officials which led to the creation of norms regarding sexuality (Zhiyi, 2023). In that sense, Foucault argues that sexuality in our modern Western society became a discourse which ultimately linked it to knowledge and power dynamics, proliferating rather than being repressed, vis-a-vis the repression hypothesis advanced by psychoanalysis. The discourses helped determine what sexuality had to be on multiple grounds: health, family dynamics, demography.

The scientific approach of such discourses was framed as a necessity to maintain societal well-being. Sexuality became a matter that needed to be administered through 'knowledge'. The discourses on healthy sexuality using religious knowledge and medical knowledge further amplified the idea of homosexuality as a deviancy and even a psychological disorder. Foucault argued that sexual identity, more specifically homosexuality and its oppression, is constructed through the mechanisms of power that intended to repress it and frame it as 'deviant' (Foucault, 1976). Furthermore, he analyzed the emergence of the idea of 'abnormal' sexual tendencies through Western history and how it determined our relation to sex in modern societies. By doing

so, he argues that sexual repression and discrimination is a result of religious beliefs, moral norms, legislations and discourses. The relation between power and sexual identity does not stem solely from laws, but more so, a history of social construction that rejects homosexuality and social behaviors that tend to oppress it (Crespo et al, 2016).

With his work, Foucault illustrates how knowledge and power are intertwined and determine the idea of self for people apart of a sexual minority. Using this approach, Foucault theorized the idea of 'bio-power': « One would have to speak of bio-power to designate what brought life and its mechanisms into the-realm of explicit calculations and made knowledge-power an agent of transformation of human life. » (Foucault, 1979). Using this approach, one could argue that bio-power creates a power dynamic between the elected officials and every member of society and their individuality. The human body is to be ruled over by officials detaining power and knowledge. The theory of bio-power is relevant to sexuality as the bio-power dictates and rules on an aspect of life, like sexuality, previously governed by individuality, then further creating the individuality of each as a potential social issue. In that sense, the LGBTQIA+ people are faced with a set of rules on their identity, sexuality and existence, using bio-power, with legal reforms, health recommendations, which trickle down to social norms, making the existence of LGBTQIA+ individuals a social and political matter.

Finally, the oppression does not solely come governmental oppressions, but a multitude of societal power dynamics that justify the oppressions of the community on multitude of grounds such as medicine, religion and moral (Foucault, 1976). Using Foucault's theory on power, discourses and knowledge, sexual minorities' oppression needs to be analyzed through the complex and intertwined power dynamics between authorities and social discourses, leading to my dissertation.

My dissertation is framed through Foucault's theory of power dynamics on sexual identities because it helps expand the relation between legislation and social behaviors in France. Using Foucault's theory, LGBTQIA+ rights can be analyzed with the development of legislation upholding such rights and liberties but also with societal power mechanics that shape the individuality of LGBTQIA+ individuals, their self-image and how ultimately, social behaviors influence the well-being of the minorities, beyond the legal system. Foucault's theory expands the analysis of legal reforms and its applicability, especially regarding LGBTQIA+ rights in France. One could assume that the advancements of LGBTQIA+ rights with legislation, such as the creation of Civil Solidarity Pact in 1999 or the legalization of the 'Mariage Pour Tous' in 2013 improved the well-being of LGBTQIA+ individuals on a legal basis. However, Foucault's

theory provides a space to analyze the applicability and repercussions of such reforms in LGBTQIA+ lives, considering that power dynamics spreads across all of society. The emergence of the Manif Pour Tous movement following the legalization of same-sex marriage and adoption is one of the numerous examples of the power dynamics at play in France. The resistance against the discourse and reforms enacted by the French government, illustrated by this movement, endangers the lives of LGBTQIA+ individuals and creates a counter discourse, based on traditional family values, which ultimately threatens LGBTQIA+ rights. This phenomenon highlights the complexity of power caused by discourses and social resistance and expands the idea of LGBTQIA+ rights requiring legal reforms and social change.

The resistance to power dynamics, on the other hand of that spectrum, can be illustrated using the work of NGOs advocating for LGBTQIA+ rights in France. SOS Homophobia and ACTUP uses their platform to raise awareness on LGBTQIA+ discriminations and oppression in France, implement strategies to influence government officials and provide a safe space for the community. In that sense, the NGOs are resisting the existing power dynamics that oppress LGBTQIA+ individuals in France and advocate for shifting the social discourse around the community. The advocacy of LGBTQIA+ NGOs in France fall into the theory of Foucault 's resistance to power dynamics, and analyzing such advocacy provides a lens on the social impact of legal reforms on the LGBTQIA+ community.

Finally, using the bio-power theory on the social impact of legal reforms on LGBTQIA+ rights in France is relevant with the case of health and gender identity. With legislation prohibiting blood donation from gay males up until 2016 (Health Ministry Decree, 2016) and the current political debate on the recognition of the existence of transgender individuals, the political and social power exerted on the identity of LGBTQIA+ individuals and their right to exist within society highlights the work of Foucault and relate deeply to the research of legal reforms and its social impact.

IV. METHODOLOGY

The methodology section will highlight the approach and tools used to conduct this research regarding the legal evolution of LGBTQIA+ rights in France, its social impact and the role of NGO advocacy. Through the frame of Foucault's theory on power and discourses, this study will analyze the power dynamics between the institutions and the LGBTQIA+ community. Applying Foucault's theorization of power dynamics, the study will highlight the relation between discourses, the ones diffused through legal advancements, the ones diffused by NGOs advocating for LGBTQIA+ rights and the counter-discourses such as La Manif Pour Tous, and ultimately analyze their social impacts.

Regarding the timeframe on the research, the analysis starting point will be the enactment of the Civil Solidarity Pact in 1999 onward. The article 515-1 of the French Civil Code ruled in the recognition of the civil union between two partners of the same gender. The enactment of the Civil Solidarity Pact is the stepping-stone of legal reforms in France to promote the rights of the LGBTQIA+ community, making it a key event regarding this research.

The main approach of my research will be qualitative. The focus of the study will be on primary and secondary sources to analyze the legal advancements of LGBTQIA+ rights in France and their social impact. Regarding primary sources, the research will use legal text, decrees and NGOs reports on various subjects regarding LGBTQIA+ rights. The legislative texts will range from the enactment of the Civil Solidarity Pact of 1999, the anti-discrimination law of 2004 (Law n° 2004-1486), the legalization of same-sex marriage and adoption in 2013 (Law n° 2013-404 of the French Civil Code), the legal recognition of the transgender identity on identity documents (Law n° 2016-1547) and the criminalization of conversion therapy (Law n° 2022-92). The reports analyzed in the research will be the yearly reports issued by SOS Homophobie that examine the well-being of the LGBTQIA+ community and the rates on discrimination on multiple grounds.

The secondary sources will specifically be academic peer-reviewed article that analyze the advancement of rights, the role of LGBTQIA+ NGOs in France, the social effects of legal changes and the discourses on LGBTQIA+ rights.

Tackling this research with primary and secondary sources will help create an intersection between legal reforms, social impact, NGO advocacy and discourses. Through the analysis of

the data provided by the primary and secondary source, the research will identify existing patterns within the creation and enactment of legislation on LGBTQIA+ rights and recurring themes regarding the social discourses on the LGBTQIA+ community. The data will be used to analyze themes regarding the social response to legislation promoting LGBTQIA+ rights but also the legal response from the elected officials in France to negative social behaviors and discourses on the LGBTQIA+ community.

The research will analyze the data of NGO reports like the ones provided by SOS Homophobia. These reports provide statistics and numbers on hate crimes, homophobia, transphobia, discrimination in the workplace, in public, physical and psychological abuse within the family sphere and so on. The existing data provided by the NGO reports will help us highlight the social barometer on LGBTQIA+ issues throughout the years.

While determining a social barometer with the use of the data provided by SOS Homophobia and peer-reviewed scientific articles, the research will determine patterns between legal reforms and social behaviors, creating a relationship between legislation, public discourse and NGO advocacy. The data collected in the research will include statistics on major topics regarding LGBTQIA+ lives. Such statistics gathered through the last two decades are relevant for this work as they all tackle aspects of LGBTQIA+ lives on which the law has ruled and diffused a political discourse. In this regard, the research will be able to confront political discourse and social reception, relating to Foucault's theory on the relation of power and discourse.

Similarly, using the reports of SOS Homophobia, the research will study the advocacy of the NGOs, its strategy to implement and influence legal reforms and social change and its efficiency. The efficiency of the NGO advocacy will be analyzed through the potential increase or decrease of such discriminations, hate-crimes, legal advancements pushed by the work of the NGOs and the social discourse surrounding the LGBTQIA+ community.

The research will also include a minor qualitative part, highlighting and analyzing interviews conducted by Arnaud Alessandrin (2016). While being less representative than statistics, analyzing the interviews conducted by Arnaud Alessandrin (2016) also provides a lens on the social experiences of LGBTQIA+ individuals, especially transgender people. Creating part of the research on an individualistic approach with the interviews conducted will provide a realistic angle to the study. Comparing the interviews and the legal reforms will showcase how the everyday lives of the LGBTQIA+ community are impacted.

Finally, this methodology will address the limitations and gaps of the research. Considering the data and interviews conducted by NGOs, the statistics can't be deemed as a generalized comprehension of social behaviors regarding the LGBTQIA+ community and a generalized experience of the members of the community. It's crucial to emphasize that the statistics conducted represent only a portion of the LGBTQIA+ community and their experiences. One could also argue that the testimony of an LGBTQIA+ member to an NGO advocating for their rights will often highlight negative social experiences, granted that the organizations provide a safe space for the community. Furthermore, the social experiences that the reports will focus on will be negative ones to emphasize the need for social and political change.

However, the data provided, even if highlighting a small portion of the LGBTQIA+ community and their experiences, still provide an important insight on the impact of legal reforms on LGBTQIA+ community, or lack thereof, and its social influence. Although not drawing generalized conclusions to all French society, this data analysis will provide a specific overview of the well-being of the LGBTQIA+ community in relation to legal reforms, social discourses and advocacy.

It's also relevant to acknowledge that part of the social discourse oppressing LGBTQIA+ individuals could have roots in historical and religious background prior to the two latest decades I will analyze. France being a country with a historical background of criminalizing LGBTQIA+ identities and attitudes up until 1982, when the decriminalization of same-sex relations between consenting adults was ruled by the National Assembly, it's relevant to point out this variable that could influence social behavior while being outside of my timeframe and my research, and won't be a focus of my study.

V. HISTORICAL AND LEGAL CONTEXT OF LGBTQIA+ RIGHTS IN FRANCE

This section of the dissertation will address the historical and legal context of LGBTQIA+ rights in France. The section will provide an insight on the evolution of the legislation that addressed queer rights and how such rights emerged in the French political discourse.

Prior to 1999 and the legal enactment of the Civil Solidarity Pact (PACS), the French state hardly recognized LGBTQIA+ rights and the community was marginalized in terms of legal recognition and the institutions. The emergence of a multitude of gay and lesbians' organizations in France by the end of the 1970's pressured the government to remove discriminatory articles from the French Penal Code (Duyvendak et al, 1999). The gay and lesbian movements demanded that the articles from the Penal Code that enacted the age of consent at 21 for same-sex relations, while being 15 for heterosexual relations, were to be abrogated (Duyvendak, 1999). Following Mitterand's election and debates within the National Assembly, the legislation on the age of consent for homosexual activities at 21 was annulled in December 1981 (Duyvendak, 1999). The lowering of the age of consent for homosexual relations marks the first political recognition of gay rights in France, mostly due to social movements demanding and pressuring for the recognition of queer rights. This legal reform laid the groundwork for further recognition of LGBTQIA+ rights.

Between 1997 to 1999, the political and social debates surrounding the legal recognition of the civil union of homosexual couples were causing significant controversy within French society. The increased spread of the HIV epidemic intensified the discourse on the civil union of homosexual couples as activists demanded legal rights regarding succession, health care and overall union recognition for homosexual couples that were affected by the pandemic (Borillo et al, 2017). The text on the Civil Solidarity Pact divided the National Assembly because the right-winged parties stated that such reforms on unions would disrupt traditional family values and have a detrimental effect on the institution of marriage (Borillo et al., 2017). The text was also rejected massively by the right-winged parties as it introduced for the first time the legal recognition of homosexual identities and provided a legal status for homosexual couples (Borillo et al., 2017). One year after the introduction of the text, Civil Solidarity Pact is voted by the National Assembly in October 1999 after intense debates (Rault, 2009). Following the demands of social movements and queer organizations, the legislation introduces a legal

recognition of civil union between same-sex adults, granting them financial and social rights regarding their union. The Civil Solidarity Pact of 1999 is the starting point of this research as it introduces for the first time in France the creation of a legal status for queer individuals and the linkage of such laws with social discourses and social movements. Following this development, the Civil Solidarity Pact illustrated the need for legal reprehension of homophobia, introducing the 2004 anti-discrimination law, and leading to the creation of the *Mariage pour Tous* law of 2013.

“Those who, by the same means, provoke hatred or violence against a person or group of people on the grounds of their sex, sexual orientation or disability (...) will be punished by the penalties set out in the previous paragraph” (Law n° 2004-1486, 2004). The 2004 legislation on homophobia modifies the text of 1881 on the freedom of the press and adds homophobia as an aggravating circumstance for discrimination. The law project is a direct response from the government, with the influence of queer advocacy, to the increased homophobia in French society following the enactment of the Civil Solidarity Pact in 1999 (Wharton, 2007). The legislation of 2004, emanating from heightened negative social behavior towards the LGBTQIA+ community and the visibility it gained from the 1999 civil union legalization, highlights the intricate and complex relationship between the social and political spheres on queer rights and the balance of powers. The concept of "sexual identity" was added as an aggravating factor in the 2012 law that amended the Penal Code's articles on sexual harassment, provided that the misconduct was connected to the victim's "sexual identity" (Law n° 2012-954, 2012). Similarly to the law of 2004, the amendment of the law on sexual identities legally recognized negative social behavior towards someone's sexual identity as an aggravating circumstance; recognizing transphobia as a form of discrimination.

The years 2012-2013 marked a turning point on French LGBTQIA+ rights history. François Hollande, French politician running for the presidency at the time, introduced a law proposal on the legalization of same-sex marriage (Borillo, 2015). Hollande explained his stance on the grounds of discrimination and equality, arguing that the impossibility of access to marriage for same-sex couples is a form of oppression of the minority (Borillo, 2015). The law proposal was met with immense controversy and opposition from religious institutions, right-wing political parties and their voters. The major opposition led to the creation of the 'Manif Pour Tous' movement in 2012, a movement that protested the enactment of the law all over the country on the grounds of traditional family values and religious beliefs on union (Borillo, 2015). However, one year after Hollande's election in May 2012, the *Mariage pour Tous* legislation is voted by

the National Assembly and opens marriage to same sex couples and legalizes adoption for homosexual couples (Law n° 2013-404, 2013). The law enactment highlighted the stance taken by the government at the time, uplifting LGBTQIA+ rights, against the growing resistance represented by the *Manif Pour Tous* movement. The *Mariage Pour Tous*, introduced by Hollande's government, enacted a shift in LGBTQIA+ rights in France as it defied heteronormativity on marriage and separated the implementation of laws on queer rights from opposing social discourses. Despite the legalization of homosexual marriage in 2013 and its major advancement for LGBTQIA+ rights, transgender rights still needed legal improvements, leading to the 2016 legislation.

“Art. 61-5 -Any person of legal age or emancipated minor who demonstrates by a sufficient number of facts that the entry relating to his or her sex in the civil status records does not correspond to the sex in which he or she presents himself or herself and in which he or she is known may obtain a change in the entry.” (Law n° 2016-1547, 2016). The law of 2016 revised the process of altering one's gender on their identification documents and stopped the usage of medical proofs to establish one's gender. The proof of an individual's gender and the validity of their demand is now proved through behavioral, physical and social criteria (Catto, 2019). The legislation from 2016 is a significant advancement for transgender rights with the demedicalization of the process to change one's gender identity on their papers. Nonetheless, the legislation was criticized because of its usage of socially defined gender stereotypes to establish one's gender, the revision did not completely streamline the process, and it leaves the responsibility of defining one's gender to the judge's opinion and perception (Catto, 2016). Transgender rights still require amendment from French legislative institutions, but the 2022 legislations break new ground on LGBTQIA+ rights in the private sphere.

“Art. 225-4-13 -Repeated practices, behaviors or statements aimed at modifying or repressing a person's true or assumed sexual orientation or gender identity and resulting in an alteration of their physical or mental health are punishable by two years' imprisonment and a fine of 30,000 euros.” (Law n° 2022-92, 2022). The legislation of 2022 reaffirmed LGBTQIA+ rights in France as it rendered illegal conversion therapies on sexual orientation and/or gender identity. The enactment of the law is influenced by the European Union that adopted in 2018 a resolution that banned conversion therapies (Lepoix, 2024). The legal reform reinforced the stance of the French government regarding LGBTQIA+ citizens and their right to exist and feel safe as it opposed the attempts to modify one's gender identity and/or sexuality by another party. Analyzing the evolution of French legislation on LGBTQIA+ rights from 1999 to the most

recent law banning conversion therapies in 2022, one could argue that France has made significant progress regarding LGBTQIA+ rights and their legal recognition, and the French government has taken a stand in recent years to protect queer individuals from oppression. However, the research section will analyze the applications of such legal reforms and how they impact socially the LGBTQIA+ community.

VI. FINDINGS AND INTERPRETATION

The goal of this project is to determine the social impact of legal reforms on LGBTQIA+ rights. The research will focus on the advocacy of NGOs attempting to influence political reforms and shed light on LGBTQIA+ issues within social and political discourses. This study will research the intersection between social and political discourses on LGBTQIA+ rights and its repercussion on the everyday lives of French LGBTQIA+ individuals, applying Foucault's theorization of power and discourses. The research will be structured around the key French legislative reforms on LGBTQIA+ rights through the years: the 1999 enactment of the Civil Partnership Act (PACS), the 2004 anti-discrimination law, the 2013 legalization of same-sex marriage and adoption, the 2016 recognition of the transgender identity on identity documents and the 2022 criminalization of conversion therapy. The study will intersect these key legal reforms with social impact, drawing on the yearly reports of SOS Homophobia, and the impact of NGOs advocacy.

"Art. 515-1. - Un pacte civil de solidarité est un contrat conclu par deux personnes physiques majeures, de sexe différent ou de même sexe, pour organiser leur vie commune." ("Civil Solidarity Pact", French Civil Code, 1999). The article extracted from the French Civil Code is the introduction to this research. In 1999, the French National Assembly ruled in favor of the creation of a legal status recognizing the union between two consenting adults of the same sex. This legal reform was the emergence of upholding LGBTQIA+ rights in France while allowing gays and lesbians to legally obtain partnership. The report of SOS Homophobie from 2000 gathered data on the political and social discourses surrounding LGBTQIA+ rights in the year 1999 and then created statistics on the testimonies of LGBTQIA+ individuals the organization received that year. The report serves as a secondary source as it first analyzes the legal process and discussion within the National Assembly that led to the enactment of the Civil Solidarity Pact. SOS Homophobie highlights that the law caused quite a controversy within the Assembly, the law was voted with 315 votes against 249 votes that opposed. SOS Homophobie reports that most of the opposition was composed of the right and extreme right political party members. The organizations shed light on the arguments of the opposition, mostly referring to a discourse on traditional values, family values and French values and the LGBTQIA+ community being a 'threat' to such values. "The Civil Solidarity Pact won't be the apocalypse, it'll be worse. Something insidious. You're going to destabilize family law, which is certainly a traditional but fundamental landmark. You're touching on the very foundations of our

civilization.”¹ (Dominique Dard member of the National Assembly, quoted by SOS Homophobie, 2000). Analyzing the reports of the political process on said law, one could argue that the political discourses on LGBTQIA+ rights was extremely divided in 1999. The power dynamics was challenged by these opposing discourses, one wanting to uplift LGBTQIA+ rights and the other opposing itself to the recognition of LGBTQIA+ rights firmly and aggressively. While acknowledging that the National Assembly still ruled in favor, such division within the political sphere could reflect on social discourses and social behaviors.

According to the 2000 SOS Homophobie report, the organizations received 334 testimonies of LGBTQIA+ individuals in 1999. 247 homosexual man, 86 lesbian women and 1 transgender person testified to SOS Homophobie in 1999. 63% of all calls made to the organization related to homophobia in everyday life, the rest being depression and work-related discrimination. 40% of calls on everyday life were on housing discrimination. 60% of testimonies on work-related discriminations were threats and insults. 40% of the victims of physical violence were homosexual men between the age of 25/34 years old and 70% of these hate-crimes happened in public spaces. It’s important to acknowledge that within this report, SOS Homophobie hadn’t contrasted the data of 1999 with the data of 1998 due to the organization not establishing statistics in the previous years. The absence of data on LGBTQIA+ phobia in France prior to 1999 reflects a lack of visibility on LGBTQIA+ issues before, a lack of public policies to properly address the issue and a disregard to LGBTQIA+ rights in political and social discourse.

Analyzing the data provided by SOS Homophobie, one could argue that social behaviors in France in 1999 reflected the political division on LGBTQIA+ rights. It could be contended that the numbers reflect on a French society where the homophobic discourse is widespread and hardly reprehended. The political discourse of LGBTQIA+ rights threatening traditional values translates through the numbers of homophobic acts during 1999. The data relates to Foucault's theory of discourse “a body of anonymous, historical rules, always determined in the time and space that have defined a given period, and for a given social, economic, geographical, or linguistic area, the conditions of operation of the enunciative function.” (Foucault, 1970) being agreed-upon 'true' statements, in that case the discourse the danger that LGBTQIA+ rights poses for traditional values. This discourse antagonizing LGBTQIA+ rights ultimately maintains a system of oppression towards LGBTQIA+ individuals. However, the report doesn't have data

¹ Note that this quote has been translated from French : « Le PACS, ce ne sera pas l’apocalypse, ce sera pire. Quelque chose d’insidieux. Vous allez déstabiliser le droit de la famille, qui est un repère certes traditionnel mais fondamental. Vous touchez donc aux foudements de notre civilisation. »

on numbers of unions of same-sex couples during the years 1999-2000, which would have been the direct social impact of the enactment of the law. The absence of data on same-sex unions in 1999-2000 could be argued to reflect on the prominent discourse against LGBTQIA+ rights and the overall state of oppression in which the LGBTQIA+ community lived in France.

Overall, the social discourse and social behaviors on LGBTQIA+ rights and its community, analyzed through the data of SOS Homophobie, showcases a deeply rooted homophobic discourse perpetuated by political parties and echoed through society. The political resistance against the legislative change brought by the Civil Solidarity Pact influences and, one could argue, legitimizes the negative social behaviors towards the LGBTQIA+ community. In that regard, one could contend that the power dynamics brought by political discourses influence social behaviors and, in this case, endangers the well-being of the LGBTQIA+ community. While the discourse on LGBTQIA+ rights evolved through the enactment of the Civil Solidarity Pact in 1999, introducing a shift on power dynamics regarding LGBTQIA+ issues, drawing from Foucault's theory, the social impact and the legal protection of LGBTQIA+ people remained limited due to a powerful opposing discourse.

Another crucial part of the analysis is acknowledging the lack of intersectionality of the groups involved in the testimonies. Most testimonies provided to SOS Homophobie in 1999 were homosexual men with only one call from a transgender individual. Firstly, the lack of diversity reflects how recent NGOs advocating for LGBTQIA+ rights were and the absence of awareness of the existence of such organizations. It also emphasizes the taboo on expressing its queer identity and speaking out against its discriminations. One could argue that the lack of LGBTQIA+ diversity in testimonies showcases the power held by homophobic rhetoric and its social impact, further exemplifying Foucault's theory.

“Those who, by the same means, provoke hatred or violence against a person or group of people on the grounds of their sex, sexual orientation or disability will be punished by the penalties set out in the previous paragraph (...).” (article 20, Law n°2004-1486). In December 2004, the French government amended the law punishing discrimination adding sexual identity under that spectrum. Adding sexual identity to this legal text as an aggravating circumstance to violence and discrimination recognizes homophobia similarly to racism and antisemitism, already legally recognized as aggravating circumstances. In that sense, the modification of this article fills a legislative gap where hate-crimes and discriminations on the grounds of sexual identity weren't legally reprehensible prior. The enactment of the law combating discrimination on sexual identities in 2004 further emphasizes the political rhetoric previously introduced with

the enactment of the Civil Solidarity Pact in 1999. The discourse held by elected officials appears to shift toward the promulgation of laws protecting LGBTQIA+ individuals and their ability to express their identity. Considering the improvement of the law, using a top-down power dynamics, in contrast to Foucault's theory, where the political decision and discourses reflect organically on social discourse and social behaviors could be assumed. However, the data gathered by SOS Homophobie the year following the modification of the law closely aligns with Foucault's theory of power, where power is diffused through society rather than held solely by the elected officials and the reforms.

Since the anti-discrimination law was modified on the 30th of December 2004, the SOS Homophobie report analyzed in this section is the one of 2006 gathering the data of 2005 to highlight the impact of the amendment the following year. In 2005, SOS Homophobie collected 1212 testimonies from the LGBTQIA+ community, a 262% increase from 334 in 1999. The important increase is partially linked to the inclusion of mail testimonies in the report in 2004. Despite this addition of email the previous year, the number of testimonies still increased 6% in comparison with 2004. Similarly to 1999, most testimonies in the report are provided by homosexual men. SOS Homophobie emphasizes that, since the creation of the report, the percentage of testimonies of women has remained around 20%. The number of calls concerning depression has doubled since 2004, from 4% to 8% of all testimonies. 11% of testimonies reports of physical violence, SOS Homophobie reports similar numbers during the three previous years. However, a major increase of calls on physical violence originates from the 15/24 age group (29% in 2005 compared to 19% in 2004). The report of 2005 also highlights an increase in testimonies relating to discriminations in administrations and businesses (8% in 2005 compared to 5% in 2004). The testimonies of discriminations in such sectors range from insults, public humiliation, expulsion from establishments both public and private. Within the 2005 report, 24% of the 153 testimonies from lesbian women address work-related discrimination. Previous years, most calls from women to SOS Homophobie related to the private sphere with family-related issues. 2005 was the first year where most calls from women addressed discriminations and hate-crimes within the public sphere.

While analyzing the data, it's crucial to consider two hypotheses. The first hypothesis argues that increase or stability of discriminations and abuse is caused by a persistent social discourse towards the queer community resulting in negative social behaviors. The first hypothesis could also relate to the legal applicability of the 2004 anti-discrimination law. Few prosecutions result in persisting negative social behaviors with little to no repercussion. In that regard, Foucault's

theory of power emphasizes the power held by society and its disregard for law amendment when negative discourses on the LGBTQIA+ community persist. On the other hand, the second hypothesis on the data provided by the 2005 report relates to visibility and empowerment of the LGBTQIA+ community in France. While examining the data, one could contend that the numbers reflect on an increased visibility of LGBTQIA+ struggles through the work of NGOs and the enactment of the anti-discrimination law in 2004. The legal improvement of LGBTQIA+ rights and the increased visibility leads to an empowerment of the community demanding respect on their identity and their rights. The increased number of testimonies in 2005 could emphasize a resistance, relating to Foucault's theory on power diffusion and resistance, from the community demanding visibility, accountability and reparation from the negative LGBTQIA+ social discourses and its social impact.

While both hypotheses being distinct, one highlighting the increased homophobia and persisting negative social behaviors and the other emphasizing the empowerment of the community through the increased numbers of testimonies, we could argue that both hypotheses intersect and can both be true at the same time. While the enactment of the 2004 law reprehending the discrimination of the LGBTQIA+ community had yet to show efficiency due to increasing numbers of LGBTQIA+ discriminations, its enactment introduced a positive social discourse on queer rights, empowering the community through testifying on their experiences and the NGOs to demand better from political power and social changes. A crucial part of the report of 2005 that highlights the relation between legal reforms, the anti-discrimination law of 2004, and social impact is the numbers on cyberbullying. In 2005, the numbers of reports of cyberbullying increased 33% compared to 2004. Cyberbullying fits into the scope of social behaviors that the modification of the law on discrimination in 2004 ruled against, it highlights the weaknesses of the political discourse and reforms on LGBTQIA+ lives. Despite the legislation enacted the year prior, the numbers on cyberbullying still exploded.

Such data highlights once again Foucault's theory: the limitation of the top-down power dynamic and the power held by negative social discourses. The legal system and its institutions struggle to tackle the decentralized power of social discourse and the many ways it impacts the lives of LGBTQIA+ individuals. To achieve social transformations, precise and socially accurate legislation is needed to counteract the opposition to legal authority and the amplification of negative social discourses.

Overall, the study of the 2006 report from SOS Homophobie highlights another major point of Foucault's theory in "History of Sexuality vol.1" (1976) : resistance to power. We can analyze opposing forces at play attempting to influence power dynamics, considering the empowerment of the LGBTQIA+ community with the law amendment of 2004 and the increased number of testimonies reflecting on a heightened fight from the community to obtain justice and respect. On the other hand, there is the increased number of prejudices caused to the community and the persistent homophobia in French society. This struggle between legal and social empowerment and discrimination emphasizes the limitations of legal reforms on LGBTQIA+ rights and its social impact caused by power resistance and deeply rooted homophobia in French social norms.

"Art. 143- Marriage is contracted by two persons of different sexes or of the same sex." (Law n° 2013-404, 2013). The revision of the French law on marriage allowed marriage for same-sex couples in 2013. The legalization of same-sex marriage and allowing same-sex couples to adopt is a significant milestone regarding the advancement of LGBTQIA+ rights in France. With the decriminalization of homosexuality happening only 30 years prior, the evolution LGBTQIA+ legal rights has been tremendous. However, the revision of the law on marriage has been met with extensive backlash and opposition, both politically and socially. The enactment of the law gave birth to the La Manif Pour Tous movement, contesting the legalization of same-sex marriage on the grounds of traditional family dynamics. The most important La Manif pour Tous event brought together around 300,000 persons in the French capital to contest the enactment of the law (SOS Homophobie Report, 2014). Numerous politicians, mostly right-wing and extreme-right political parties, voiced clearly their disapproval of the law, arguing that the enactment of the law challenges French values and 'opens the doors to legalizing other perverse sexual practices' (SOS Homophobie Report, 2014). The intense debate, both negative and positive, surrounding LGBTQIA+ right to marriage and adoption had a significant social impact and greatly affected the everyday lives of LGBTQIA+ individuals in France that year.

The first indicator of this social impact is the number of testimonies reported by SOS Homophobie in 2013. SOS Homophobie received 3500 testimonies in 2013, a 78% increase compared to 2012. 61% of those testimonies occurred during the first semester of 2013, coinciding with the Mariage pour Tous enactment and the Manif Pour Tous movement emergence. This number highlights the social repercussion caused by the legal reform and its

backlash. The demographic of calls and mails remains unchanged to the previous years analyzed, as men account for 51% of all testimonies and women 24%.

The noteworthy shift in the 2013 report regarding the demographic is the increase of transgender testimonies, 80 in 2013 compared to 48 in 2012. It could be contended that the increased number of testimonies from transgender individuals reflects a broader social change on transgender rights, specifically a change in how transgender view themselves and their rights. The national conversation around LGBTQIA+ rights could have influenced transgender individuals to testify, shed a light on their struggles - which ranges from discriminations, denial of their identity and physical violence - and demand better from elected officials and society, despite persisting negative social behaviors towards the transgender community. This argument reflects Foucault's theory as the proliferation of discourses on legal reforms brings LGBTQIA+ rights into focus, providing a space to the LGBTQIA+ community for demanding social and political progress, and in that regard, resisting existing power dynamics. The discourses on LGBTQIA+ rights empowers the community and its advocacy and shifts the balance of power between the social and political sphere. The increase of testimonies from the transgender community emphasizes a resistance that relates to Foucault's theory on bio power ("The Birth of Biopolitics", Foucault, 1979) . Bio power is the control of individuals' bodies through discourses and norms (Foucault, 1979), which strongly resonates with the experience of the transgender community in France in the early 2010's. Social discourses and political practices that suppress gender identity and existence of transgender individuals reflects Foucault's theory on power trying to contain the individual right to their own body. The testimonies of transgender people from the SOS Homophobie Report demonstrate a resistance to bio power, demanding the right to dispose of their own body and exist within their own gender identity without facing discrimination and abuse.

Several of the testimonies' subjects rose drastically between 2012 and 2013: politics (+268%), religion (+115%), business and administration (+101%) and health institutions (+50%). The mere fact that those subjects brought up in testimonies and the discrimination faced in relation to these topics firmly reflects the enactment of the law and its backlash. The significant growth of such subjects emphasizes Foucault's theory on power and knowledge. Foucault argued that power is not solely held by laws, but also by social norms and 'true statements' that reflect a society's knowledge (1976) . In 2013, the norms and overall knowledge system don't reflect the legal reforms on same-sex marriage, as it is highlighted by those numbers. The LGBTQIA+ community faces increased discrimination in 2013 from religious

institutions, business owners and official institutions. The key legal reform, granting major rights to the queer community and further advancing the work on LGBTQIA+ rights clashes with the social norms and the 'true statements', as described by Foucault, that tend to ostracize the LGBTQIA+ community. This is especially relevant with the huge increase on discriminations in 2013, showcasing the power held by the norms and knowledge oppressing the queer community.

According to the SOS Homophobie Report 2014, the percentage of testimonies reporting cyberbullying in 2013 rose around 162% compared to 2012. The 1723 testimonies on cyberbullying in 2013 emphasizes an increasing social discourse oppressing and threatening the queer community online. Despite the recent amendment advancing LGBTQIA+ rights and the 2004 law that enacted homophobia as an aggravating circumstance on discrimination, the social impact online remains lackluster and alarming. The rising numbers on cyberbullying also reflect an inadequate enforcement of the law and a lack of regulation on hate-speech in online platforms. In that regard, online platforms amplify homophobic rhetoric and empower resistance to legal reforms advancing LGBTQIA+ rights.

Finally, the most troubling data in the report of 2014 is the increase in depression-related testimonies (+30% compared to 2012). In 2013, 8% of the testimonies on depression are linked directly to the socio-political situation in France. The outrage caused by the same-sex marriage law is a major reason for the testimonies related to depression. The outpour of hate-speech and violence on the queer community, from politicians and social movements, and the empowering of such behaviors through media exposure led to an increasing feeling of fear and despair among the LGBTQIA+ community in France. The increase of depression within the community could be analyzed through Foucault's biopower theory (1979). Extending the definition of biopower as the control over one's body to their mental health, the widespread outrage and growing violence against the LGBTQIA+ community exerts control over the mental health of its members. One could argue that the magnitude of La Manif pour Tous movement shifts the power dynamics between the legal reforms and social counter-discourses, and ultimately impacts the mental well-being of the LGBTQIA+ community.

Overall, the numbers reported by SOS Homophobie in 2013 are disappointing considering the major legal advancements on LGBTQIA+ rights that year. Over 1000 testimonies were directly linked to the law enactment and its backlash, 72% of them dealt with social homophobia, 58% with insults and 15% with threats. The report of 2014 is a crucial perspective on the evolution of LGBTQIA+ rights in France as it showcases how power is diffused through

society and the effects that resistance and counter-discourses to legal reforms can have on LGBTQIA+ lives.

In this section of the research, the focus will be on the advancements of transgender rights and their social impact on the transgender community. Despite being a part of the LGBTQIA+ community, transgender individuals and their rights are distinct to the rest of the queer community as they strive to obtain legal, medical and social recognition of their gender identity. The French law on transgender rights has also evolved at a different pace than LGB rights. As a matter of fact, the 2004 law recognized homophobia as an aggravating circumstance to discrimination and such recognition of transphobia as an aggravating circumstance only happened in 2012, under the legal qualification of 'discrimination on gender identity' (Law n° 2012-954, 2012). The contrasts on rates of implementation and progress of legal reforms creates a distinction between homosexual, lesbian and bisexual rights and those of transgender people, justifying the separate analysis of social impact on transgender individuals.

The data provided by Arnaud Alessandrin (2016) will be analyzed to determine the application of the 2012 revision of the discrimination law and its social impact. The author conducted interviews through the year 2014, providing insight on the social experience of the French transgender community. Transgender women make up for 40% of all testimonies, 28% from transgender men, 20% from individuals that identified as queer and 12% as trans, 48% of all interviewees are below the age of 30 (Alessandrin, 2016). 85% of the interviewees report having faced transphobia in their lifetime with 37,14% reporting that the experiences took place more than 5 times within the last 12 months (Alessandrin, 2016). This number emphasizes the persisting transphobic rhetoric beyond the law and its application. Despite the enactment of the law on transphobia and discrimination on the ground of gender identity two years prior, the negative social stigma on the transgender community is still strongly adopted within French society. 28% of the interviewees report that they lost a job due to their transgender identity (Alessandrin, 2016). This number highlights that, despite the existing regulation of the French penal code and labor code on discrimination at work, the employment discrimination for transgender individuals remains high. This number further exemplifies this research's argument on the relation between legal reforms on queer rights, social impact and power dynamics. The legal reforms provide visibility to the transgender community and its rights, but the existing transphobic discourses counteracts on the uplifting of said rights and perpetuates the discriminations faced by the transgender community. The social discourse goes beyond legal

changes, highlighting Foucault's theory of power dynamics between social and political spheres.

96% of all interviewees didn't report the discrimination and/or hate crime to the authorities and did not pursue legal actions (Alessandrin, 2016). This number showcases a distrust of legal institutions from the transgender community, closely linked to the fear of being discriminated against by the authorities or having their struggles dismissed by the institutions. The distrust of the judicial system showcases the relation between legal reforms and one's social experience. Despite the legal revisions that recognize transphobia as an aggravating circumstance, the individualistic and realistic viewpoint of a transgender person shows the failure of such law and the reality that they may encounter while reporting transphobia to the authorities. One could argue that transphobic discourse is so deeply embedded in French society, the social reality of the transgender community is still too loosely impacted by the legal attempt to uplift their rights, inducing distrust of the political sphere and its institutions for the transgender community. The improvement of the social experience of the French transgender community requires stronger legal reforms and social changes that could be provided by bringing visibility to the transgender community and awareness on the negative social behaviors they face. Intersecting the data provided by the interviewees and the legal reform of 2012, one could argue that the social awareness and legal reforms must occur simultaneously to promote effective social change on transgender rights. This linkage between legal advancements and social change further confirms Foucault's theory on power dynamics on queer rights.

The research will further examine the complex relation between negative social discourse on LGBTQIA+ rights and legal advancements exploring the 2016 law on transgender rights. The 2016 legislation revised the law requiring medical documentation to change gender on identity documents. The law demedicalized the process for a change of gender on identification documents, now requiring proof of identifying the gender opposed to the one given at birth. However, the NGO advocating for transgender rights in France 'Outrans', published in 2023 a press release demanding a revision of the 2016 legislation and calling out the law for being a violation of privacy rights. Outrans argues that having to prove to the court that an individual belongs to a certain gender, through its appearance, through the testimonies of relatives, through photographs violates privacy and perpetuates gender stereotypes (Outrans, 2023). The organization argues that such requirements expose transgender individuals to the magistrates' opinion on gender identity and stereotypes on being male or female, creating subjectivity to determine legally a change of identity.

Using the 2016 legal reform and the press release from Outrans regarding its revision, we can analyze the complex relation between legal reforms and social discourses as it tends to shape and influence one another. The requirement of proof to obtain gender recognition on identification documents draws from social discourses on gender. Pre-established social perception of what it means to be a man or a woman, externally and internally, shapes the decisions of magistrates to legally determine the gender of an individual. In that sense, one can examine how socially agreed-upon 'truths' regarding gender shapes legal decisions. One could argue that the legal reform of 2016 ultimately allows subjectivity, social discourses and stereotypes to enter a courtroom and play a key role in legally determining gender identity. The 2016 legislation reform adds depth to Foucault's theoretical understanding of this study since it refers to bio power, the state's control over an individual's body through norms, and because bio power is influenced by prevailing social discourses. In that regard, the complex influence of social norms on legal reforms reinforces negative social behaviors as they are legally promulgated by the authorities. The organization Outrans (2023) argues that the self-determination of one's gender identity should be sufficient to establish proof to legally change its gender, and the law should be revised to promote such self-determination. One could contend that the sole self-determination of the gender identity as proof would eradicate negative stereotypes and social transphobia within the courtrooms. Addressing the part that social discourses play in shaping legal reforms on LGBTQIA+ rights allows a better understanding of the data on social impact and highlights the need for social change to advance queer rights.

In the final section of the research, the analysis will be centered on the year 2022 and the criminalization of conversion therapies in France. « Art. 225-4-13 - Repeated practices, behavior or statements aimed at modifying or repressing a person's sexual orientation or gender identity, whether real or assumed, and resulting in an alteration of their physical or mental health, are punishable by two years' imprisonment and a fine of 30,000 euros. » (Law n° 2022-92, 2022). The enactment of the 2022 law is a turning point in the advancements of LGBTQIA+ rights as it tackles a practice that is mostly related to religious beliefs. The criminalization of conversion therapies, which aims to modify an individual's sexual orientation and gender identity, addresses a form of hate-crimes taking place in a private setting, differentiating itself from other forms of hate-crimes that the legislation ruled on which were primarily committed in public spaces. In that regard, the legislative body is ruling on religious norms and moral norms to expand the protection of the queer community, attempting to modify deeply embedded norms in French society. To advance the rights of the LGBTQIA+ community, the government

inserts itself in private spheres, usually ruled by normative power, to attempt a modification of cultural and religious norms that oppresses the queer community. The involvement of the state in private spheres is a significant advancement for queer rights as it addresses a silent form of oppression of LGBTQIA+ individuals. However, the SOS Homophobie report of 2022 showcases alarming numbers on discriminations and hate-crimes, which connects to Foucault's theory once more of the dire need to promote social change with political reforms to shift the power dynamics oppressing the LGBTQIA+ individuals.

According to the 2022 report of SOS Homophobie, the organization received 1506 testimonies. In this report, SOS Homophobie point out that the number of testimonies in a year peaked in 2013, the year of the legalization of same-sex marriage in France. Similarly to every year we analyzed, most testimonies are from cisgender men (64% in 2022). Nonetheless, the number of testimonies from transgender individuals increased significantly over the years. In 2022, the percentage of testimonies from, transgender and non-binary individuals is 18% (13% in 2021). Considering the legal advancements regarding transgender rights within the last years, and the ban on conversion therapies on gender identities, we could argue that the increasing diversity highlights a growing assertive social response from the transgender community. The community's increased exposure because of legal rights developments, empowers the transgender community in testifying, demanding accountability and justice on transphobia. While not guaranteeing the constraint of negative social behavior and resistance, the legal advancements provide a space for marginalized community to report abuse. Still, the report of the year 2022 has seen a major increase in testimonies of transphobia, 27% increase compared to 2021. 74% of perpetrators of transphobia are men. One out of every five reports on cyberbullying are related to transphobia online. 21% of testimonies on physical assault are from transgender women. The data on transphobia in 2022 is staggering in comparison to the legal advancement on transgender rights. Transgender individuals are currently among, if not the most, marginalized in France given the substantial amount of violence that they face daily. Regarding the transgender's community safety and well-being, the legislation has yet to translate into social practices and has yet to impact embedded transphobic discourses. Using Foucault's theory from "The History of Sexuality vol.1" (1976) to analyze transphobia in France in 2022, the legal reforms pertaining to transgender rights have fueled the empowerment of the transgender community, affirming its resistance to transphobic normative social powers and rhetoric. However, the current power dynamics between social and political spheres in France still perpetuates the oppression of the transgender community due to the strength given

to transphobic rhetoric and its extensive dissemination through online platforms. Legally framing negative social behavior towards the transgender community more thoroughly and aiming the modification of transphobic social norms could improve the safety and well-being of the transgender community, combining social and political powers.

Overall, the legislation of the 2022 marks a key point in the history of LGBTQIA+ rights in France as the law condemns the 'invisible harm' caused to the queer community with conversion therapies. The state rules against religious norms and morals emanating from France's deep religious history and uplifts the rights of the LGBTQIA+ community within the private sphere. The 2022 legislation showcases an attempt from the state to shift social behaviors and traditions that oppresses queer individuals and acknowledge the part that social discourses play. Nevertheless, the data provided by SOS Homophobie highlights the disconnect between social and political spheres and the increasing rate of transphobic violence. Given the current situation for queer individuals in France, a systemic change incorporating political reforms that tackles embedded homophobic and transphobic rhetoric and sanctions such social norms is required.

In this last section of the research chapter, we will analyze the overall legal advancements on LGBTQIA+ rights in France in the last two decade and its social impact. Considering the analysis of the implemented legislation within the last twenty years, the legislation on queer rights has evolved drastically during this timeframe. The implementation of the Civil Solidarity Pact in 1999, the anti-discrimination bill regarding homophobia in 2004, the anti-discrimination bill regarding transphobia in 2012, the legalization of same-sex marriage and adoption in 2013, the law simplifying the process to change gender on identity documentation in 2016 and the ban of conversion therapies in 2022 all demonstrate a significant improvement of LGBTQIA+ rights on its legal aspect. Compared to the early 1990's and acknowledging the legal improvement of LGBTQIA+ rights in the last twenty years, there is a significant shift within the political discourse and its application regarding queer rights. Nonetheless, the research reveals a clear social pattern that emerged through the years of implementation of each legislation. The research highlights a disconnect between the enactment of laws upholding LGBTQIA+ rights and the social behaviors and discourses on the queer community. Homophobia, transphobia, discrimination, hate crimes and the marginalization of the community is persisting. Despite the improvement of legal rights of the LGBTQIA+ rights, the stagnating or even increasing, depending on the years, negative social behavior and counter discourses highlights the complexity of protecting LGBTQIA+ lives. Foucault's theory, which

has been examined throughout the research, is related to this trend of disassociation between political reforms and social consequences. The diffusion of power through society and the key role that resistance and counter-discourses play against legal reforms provides an understanding of the discrimination and oppression that LGBTQIA+ individuals still experience in France.

The NGOs plays a significant role in bridging this gap between legal reforms and social impact regarding LGBTQIA+ rights in France. The publishing of SOS Homophobie Report every year since the 1990's sheds a light on the existing and persistent struggles on all aspects of the French LGBTQIA+ lives. The use and analysis of the testimonies of the community provides a clear perspective on French society's perception of LGBTQIA+ lives. The work of the organization highlights the reality of the community through the years and provides a safe space for them to report abuse and demand accountability for such violations. The advocacy of SOS Homophobie helps, through its yearly reports, promulgate resistance to negative social behaviors and discourses that oppress the community. Their work also highlights the negative behaviors of the political sphere, particularly right-winged French political parties, concerning LGBTQIA+ rights, and the lack of clear application of the legal reforms which ultimately contributes to the social oppression of the community. According to the SOS Homophobie reports, the organization has been involved in multiple civil lawsuits regarding violations of LGBTQIA+ rights. In application with the anti-discrimination law of 2004, the civil lawsuit of SOS Homophobie has often focused on a politician's hate speech on LGBTQIA+ individuals. The organization holds accountable the political sphere in their actions that perpetuate a homophobic/transphobic rhetoric, bridging the gap between political sphere and social discourses. In addition, the French NGO Outrans has also been involved politically, demanding the revision of the 2016 law to revoke medical evidence of gender identity and to apply the self-determination of ones' gender as legal proof. The work of the organizations draws attention to the grey area of the law on queer rights that provides legal and social space for homophobia/transphobia. The advocacy of the NGOs is crucial to work towards social advancements and legal advancements on LGBTQIA+ rights. Their efforts connects the legal reforms to their practical implementation within society and offers a critical perspective to the gap between legal advancements and social impact and its necessary improvement to guarantee the well-being and safety of LGBTQIA+ individuals within French society.

VII. DISCUSSION

The main objective of this research project was to determine the social impact of legal advancements on LGBTQIA+ rights in France during the last twenty years. During the last twenty years, significant legal reforms pertaining to LGBTQIA+ rights occurred but its results on French society and LGBTQIA+ lives remains unsatisfying. Despite the passage of laws like the legalization of same-sex marriage, discriminations and abuse stagnated or even increased during the last twenty years. We could also observe a pattern of increased homophobia and transphobia when major legislation upholding their rights was passed. The observed lack of disruption of negative social discourses and behaviors on the LGBTQIA+ community caused by the failure of legal reforms to address such issues highlights a necessity of enacting legislation that considers its social impact on the queer community and condemns homophobia and transphobia strongly.

Acknowledging this pattern of inconsistencies between legal developments and social impact on LGBTQIA+ rights in France, the research builds on Foucault's theory. The findings and analysis of data in the research expand Foucault's idea of distributed power within society. The findings showed a gap between legal reforms and social impact, a gap between theoretical application of LGBTQIA+ rights and the reality of the community. The expansion of LGBTQIA+ rights doesn't revolve on a top-down power dynamic, between the state and society, but more so is a complex balance between legal reforms and social response and existing homophobic discourses. The research analyzes both the resistance to social homophobia with the advocacy of NGOs like SOS Homophobie and Outrans and the opposite resistance with the La Manif pour Tous movement. In that sense, Foucault's theory on resistance to power was also explored and expanded within this work. Both movements, the advocacy of LGBTQIA+ rights with the work of NGOs and its social movements, and the opposition to queer rights on the ground of protecting 'traditional values', highlight a resistance to pre-existing power dynamics between the political and social sphere. Both movements have impacted socially the LGBTQIA+ community: while SOS Homophobie provided a safe space for the queer community and gave visibility to their struggles, La Manif pour Tous movement increased social homophobia and heightened a sense of fear within the community. The social impact resulting from both resistance movements expands on the idea of a diffused power within society.

Expanding Foucault's division of power, the research highlights the imbalance of power emanating from social discourses, religious beliefs, cultural norms and historical norms as opposed to state power. The social impact of such diverse sources of power highlights the heightened discriminations and hate-crimes despite legal reforms on LGBTQIA+ rights. Social transformation requires legal improvement, but counter-discourses and persistent homophobic behaviors must also be challenged.

To ensure that LGBTQIA+ rights are implemented and respected, the work of NGOs has been vital in mitigating the disparity between legal advancements and social impact and appears as key to guaranteeing the implementation and respect of LGBTQIA+ rights. French NGOs are the bridge between legal reforms and social impact, as they conduct political actions (civil lawsuit, creation of report analyzed by elected officials, press releases to influence lawmaking) and provide social groundwork (collecting testimonies, providing a hotline to help struggling individuals). NGO's efforts provide empowerment to the marginalized voices of the LGBTQIA+ community in France and helps shift the existing power dynamics between social and political spheres.

The crucial part played by the advocacy of NGOs in mitigating the gap between legal reforms and social impact on LGBTQIA+ rights in France helps expand on possible alternatives to uplift rights of the community and the social acceptance of LGBTQIA+ lives. Social discourses must be acknowledged by legal bodies to implement fitting laws regarding LGBTQIA+ rights. Heightened awareness of LGBTQIA+ struggles and discriminations within the public sphere through media exposure could mitigate the gap between legal reforms and social impact. Providing a consultative role to queer NGOs from legal institutions to ensure the understanding of the legislation' social repercussion on LGBTQIA+ people. Increasing the education on queer rights and gender identity could also ensure the improvement of social responses on the community. Strengthening the legislation on discriminations, hate crimes and hate speech on the LGBTQIA+ community could improve the social impact on queer lives. Overall, an improved acknowledgement and condemnation of homophobic and transphobic rhetoric and behaviours could help improve the respect of LGBTQIA+ lives and their well-being.

VIII. CONCLUSION

Reflecting on the work conducted with this research project, the analysis was able to highlight a significant gap between legal reforms on LGBTQIA+ rights in France and its social impact in the last twenty years. Despite numerous legislations upholding LGBTQIA+ rights since the enactment of the Civil Solidarity Pact in 1999, the negative social behavior towards the community has either stagnated or increased through the years. Analyzing the data using Foucault's perspective, the study determined patterns within French society regarding LGBTQIA+ rights. The two main patterns were the resistance to uplifting LGBTQIA+ rights and its opposition, the resistance to negative social discourses and behaviors and the protection of LGBTQIA+ lives. The usage of Foucault's theory provided insight on the disparity between legal reforms and social responses. Understanding power as diffused within society, not being solely a top-down process, clarifies the persistence of homophobia and transphobia in France despite legal advancements and a political discourse shifting towards acceptance of the queer community. The depth of the gap between lawmaking and its social repercussions was illustrated through the work of the NGOs like SOS Homophobie and Outrans. Their advocacy help bridge the gap between lawmaking related to queer rights and the reality in which French LGBTQIA+ people live in. By shedding a light on this gap through its reports and its advocacy directed to governmental institutions, NGOs' efforts could be one of the few solutions to bring political awareness to queer social oppression and the inefficiency of the elected power in protecting effectively its LGBTQIA+ citizens.

All data extracted and analyzed from the reports of NGOs have been examined and interpreted in accordance with their presentation by the NGOs.

The main takeaway from this work is the significant influence that social power, cultural norms, historical background and religious principles plays on the persistence of homophobia, transphobia and the overall well-being of queer individuals. The lives of LGBTQIA+ individuals are not solely ruled by state laws but also by social narratives and cultural norms. Discrimination is complex to eradicate through legal reforms as it implies also social reforms to be truly efficient. A society with a history of homophobic and transphobic values needs proper social change to guarantee the inclusion and safety of its queer citizens.

The research was met with limitations that require acknowledgment. Firstly, the dissertation focuses solely on France and does not permit to draw generalized conclusions on the relation

between legal reforms on LGBTQIA+ rights and social impact. Within the scope of this research that studied only on one country, the gap between legal reforms and social impact on queer rights can't be extrapolated globally. Secondly, some numbers reflecting sensitive matters like the data on conversion therapies are limited. Considering the complexity and the privacy of such matters, the research did not examine numbers of conversion therapies and testimonies from individuals who lived through it. The research rather focused on the bigger implications of creating legislation on conversion therapies and its significance for homophobia in private spheres.

The methodology, using NGOs reports and secondary sources, also limits the perspective on LGBTQIA+ lives in France. The NGO reports on negative outcomes and most of the testimonies are related to discrimination and hate-crimes to a certain extent. In that sense, the data will indicate the oppression of the LGBTQIA+ community, but not necessarily the part of the community that might feel safe as queer individuals in France. The data analyzed provides in-depths perspective on the social behaviors and discourses that affect negatively the community, and ultimately requires legal and social reforms, but it doesn't reflect on the entirety of the LGBTQIA+ community in France. Nonetheless, the lack of account in reports on LGBTQIA+ members that feel safe and respected does not diminish the testimonies and claims of the rest, a social and legal reform are still a necessity to guarantee the well-being and safety on the entire LGBTQIA+ community.

Multiple fields relating to this research study could be explored further in the future. The first one that could require further research is the international implication of the gap between French legal reforms on LGBTQIA+ rights and its social impact. What does the gap between legal and social spheres on queer rights in France imply regarding international institutions and nations? How does it affect France's global image as the nation of the "Declaration of the Universal Human Rights" (1948)? The international repercussions from this lack of social application and acceptance of LGBTQIA+ rights in France despite legal reforms is an intriguing topic for future research. Secondly, future studies could concentrate on intersectionality to understand the social impact of legal reforms on LGBTQIA+ individuals. This study would analyze the social impact of legal reforms on queer lives while also acknowledging and examining other variables that might affect and worsen their likeliness to endure homophobia or transphobia. Such variables could range from age, religion, ethnicity, race, income and disability. A more individualistic approach to this research could be conducted considering the intersectionality of minorities, for example using the case of black transgender

women. The struggles and hatred faced by the LGBTQIA+ individuals is not similar for the whole community; rather its significantly impacted by such variables and highlights the need to examine queer intersectionality to study further social impact. Lastly, this research field could be broadened with a comparative study. Comparing France's case on its LGBTQIA+ rights and social struggles with a country that has a different social response to legal reforms on queer rights or comparing it to a country that enforced its legislation upholding LGBTQIA+ rights in a stricter manner could be beneficial for further research. The comparative study could provide perspectives on the possible improvement of French legislation on LGBTQIA+ rights and the improvement of social behaviors towards queer people, analyzing how such measures are implemented in foreign nations. The perspective of future improvements would not rely on hypothesis, but factual improvements enacted in other countries.

Overall, the efficient enactment of French LGBTQIA+ rights and its social acceptance still requires efforts. The statistics in France reveal that the queer population is still subject to severe oppression. Legal and social reforms are still necessary to achieve equality on LGBTQIA+ rights in France. It is time for the creation and implementation of new actions and mechanisms from elected officials and non-governmental organizations to bridge the gap between legal theory and social practice and guarantee the safety and well-being of all French citizens despite of their sexual orientation or gender identity.

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