

An Empirical Study on the Raising of the Rainbow Flag by Diplomatic Missions

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ABSTRACT	<p>Many countries are displaying rainbow flags at their diplomatic missions, a practice that began in 2008 and has gained significant attention since then. This article provides a global overview of this trend based on public sources and a questionnaire survey. It explores the emergence, development, and implications of the raising of the rainbow flag by missions abroad as a visible support for LGBTI rights in bilateral diplomacy. The article categorises countries according to their stance on this issue – supportive, opposing, or neutral. Although this practice lacks explicit legal foundations in international law, including the Vienna Convention on Diplomatic Relations, it is still governed by the general duties of the sending state when it is performing diplomatic activities in the receiving state. The study reveals that the flying of the rainbow flag by diplomatic missions reflects the given state's political position on LGBTI rights and enhances our understanding of the intersection of diplomacy, human rights, and international law in this matter.</p>
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INTRODUCTION

The perception of homosexuality has gradually changed in many countries over the past 35 years, and the status of lesbian, gay, bisexual, transgender or intersex (LGBTI) persons has begun to receive international attention. Countries with registered partnerships or marriages between persons of the same sex have progressively improved the status of their LGBTI inhabitants. So it has become natural for these countries to address this issue in their foreign policy and use diplomacy to advance LGBTI rights. Sweden and the USA were among the first countries to formally incorporate LGBTI rights into their foreign policy agendas (RAINER, 2022). In the British discourse on this issue, the question of responsibility for homophobic legislation in many countries from the British Empire era resonated, leading to the opinion that the UK should be a “world leader” in supporting LGBTI rights (LALOR & BROWNE, 2018). Not only countries but also international development agencies have begun to take activist stances against homophobia (BERGENFIELD & MILLER, 2014) and leading international financial institutions (RAO, 2015). However, a selective support for LGBTI rights can also be applied in a negative sense. For example, it can be used to legitimise xenophobic, racist, colonial, and nationalistic policies, or to divert attention from one’s own human rights violations, as pointed out by Puar (2017). As a result of theoretical reflection on the role of diplomacy in promoting LGBTI rights globally, the relevant body of literature is growing steadily. Scholars in the field of LGBTI diplomacy explore various diplomatic tools implemented to support LGBTI communities abroad. One of the most easily identifiable tools is the display of the rainbow flag of the LGBTI movement or its equivalents, such as the LGBTI Progress Pride flag, the Intersex-Inclusive Progress Pride flag, or the EuroPride flag (hereafter referred to as the rainbow flag), which is the focus of this article. Initially, such displays were sporadic, but since 2014, the practice of the flying of the rainbow flag by the sending state (the country that sends out the diplomatic mission) at its diplomatic missions and consular posts in the receiving state (the country hosting the mission) has expanded significantly.

The aim of this article is to identify and describe the diplomatic practice of the raising of the rainbow flag by the foreign missions of sending states, and to present the results of the author’s research in this field based on publicly available sources and the author’s own survey. Thus, the article presents an empirical study providing facts about and offering

insights into a relatively new and evolving diplomatic practice that, to date, has not been specifically or thoroughly examined in the existing scholarly literature. For example, Sanders' (2005) study, *Flying the Rainbow Flag in Asia*, does not discuss, nor does it mention the idea of the raising of the rainbow flag by diplomatic missions. Similarly, many respected works dedicated to LGBTI or so-called SOGI (Sexual Orientation and Gender Identity) rights, such as those by Lalor (2020) or Rainer (2022), do not address the issue of rainbow flag displays by diplomatic missions at all. Encarnación (2016) makes a brief mention of a rainbow flag flying over the US embassy in Madrid (in 2014) when writing on gay rights diplomacy. An exception in the literature on LGBTI diplomacy in this regard is the work of Conway and Edenborg (2025), which introduces the term of rainbow diplomacy, and highlights the use of rainbow flags by diplomats as visual representation of diplomatic support for LGBTQ+ rights. The article contributes to filling the gap in the scholarly literature on this aspect of contemporary developments in diplomatic relations.

The secondary objective of this article is to test the hypothesis that the diplomatic practice under scrutiny does not occur in a normative vacuum. In other words, the article will seek to answer the question of whether the raising of the rainbow flag by foreign missions falls exclusively within the unilateral decision of the sending state, or whether it is governed by the existing legal framework regulating diplomacy, as set forth in the Vienna Convention on Diplomatic Relations (VCDR). Finally, the data collected within the author's survey and the findings presented in this article can serve as the basis for further analysis of the practice of the flying of the rainbow flag by diplomatic missions, whether from the perspective of international relations theory or from that of international law.

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rainbow flag by diplomatic missions, whether from the perspective of international relations theory or from that of international law.

METHODOLOGY

The tracking of the diplomatic practices of individual sending states whose foreign missions have reportedly flown the rainbow flag, has been carried out by the author since February 2017. The data was primarily collected from publicly available sources on the internet. The most frequently used sources included newspapers, official reports, and other documents from the states concerned, as well as any available channels used by states and their representatives for communication with the external environment, including social media, particularly Facebook, Instagram and X (formerly Twitter).

First, it should be explained what, for the purposes of this article, is considered to be the raising of the rainbow flag by a diplomatic mission. It refers only to a public display of the rainbow flag at the premises of a diplomatic mission, where it is visible to the receiving state and its population and clearly attributable to a specific state. A common way of displaying the rainbow flag is to place it on an embassy's flagpole separately from the national flag or other flags, or together with the national flag, in which case the rainbow flag is below it and in a smaller size. However, other display methods can also be found in practice, such as displaying the rainbow flag from a window or balcony or attaching it to an embassy's fence. All of these display methods, along with other similar uses of a rainbow flag, are included in the study. To be clear, interior placements and displays in crowds are not considered here. Finally, it must be stated that for this article, a rainbow flag is defined not only as a fabric or cloth of a specified shape, pattern, and appropriate colour, but also as any other medium with a rainbow design, such as rainbow banners or posters. Since some states also use stylised rainbow national flags, such cases were also included.

In relation to the types of foreign posts flying the rainbow flag, we note that although it is most often raised by diplomatic missions and at ambassadors' residences, it has also occasionally appeared at permanent missions to international organisations and consular posts. Given that these bodies all carry out diplomacy, whenever such a body used the

rainbow flag this way, it was included in the dataset, provided that at least one of the following conditions was met: (i) a photograph or video of the rainbow flag visibly raised or otherwise publicly displayed by the mission; (ii) an explicit statement by the state concerned, whether the sending or the receiving state, stating that the respective mission had raised the rainbow flag; (iii) an explicit statement from a trustworthy source (such as a diplomat, press agency, or newspaper) confirming that the particular mission had publicly hoisted the rainbow flag.

It should be noted that sometimes the rainbow flag is placed on the premises of a diplomatic mission without the involvement of the sending state. In such cases, the flag is most often displayed by individuals or non-governmental organisations in protest against a particular policy of the sending state, as was the case, for example, with the display of a large rainbow flag on the fence of the Hungarian embassy in The Hague by members of a Dutch podcast (NL TIMES, 2021), or the hanging of a rainbow flag from a smashed window of Morocco's embassy in Stockholm (KASRAOUI, 2024). Obviously, such situations are not taken into account in the present study.

The data collection in the author's research has been quite time-consuming, as the relevant data could not be traced in just one place or only a few places. This process required repeated visits to various websites and social network accounts used by foreign ministries, foreign missions, and their members, and the posts were in various world languages.¹ It must be openly acknowledged that the data collected in the research is not, and likely cannot be, complete. One of the conceivable reasons is that some instances of sending states flying rainbow flags were not recorded or published.

The data collection took place from February 2017 to June 2025. As part of this, the author sought additional supplementary information by directly questioning individual states via email between October 2020 and December 2021. All United Nations (UN) member states, the Holy See, and the most well-known unrecognised states with their own diplomatic missions abroad or with foreign missions on their territories were questioned through their Foreign Ministries, other relevant ministries, permanent missions to the UN, or diplomatic missions. Given the nature of the data, which could not be fully anonymised, the research underwent

a thorough ethical review process. All participating states were informed in advance about the academic nature of the research, including the intention to publish the collected data in a scientific journal.

The essence of the questions sent out within the author's survey was based on two pillars: (i) the author's assumption of the absence of an explicit authorisation by the VCDR and other sources of international law for diplomatic and other missions for the use of the rainbow flag on their premises, and (ii) the author's assumption of the considerable sensitivity of the topic, particularly for some receiving states, and the resulting lower willingness of such states to participate in the survey. Therefore, the questions were arranged in two different versions. The first (below under A) was addressed to states known to fly the rainbow flag at their missions abroad or likely to do so due to their positive stance on LGBTI rights. The second version (below under B) was sent to (i) states officially opposed to the flying of the rainbow flag on their territory; (ii) states where a sanctioning of consensual sexual relations between same-sex persons or other expressions of homosexuality had been identified; and (iii) states where the existence of an aversion to public displays of the rainbow flag could be assumed for cultural or religious reasons. This method was chosen to avoid any misinterpretation of the request to participate in the survey as a provocation. To demonstrate that the survey was not speculative or purely theoretical, the accompanying introductory text to the questions sent to the states provided examples of countries such as Algeria, Lebanon, Iraq, Russia, Tunisia, and Turkey, where rainbow flags had been flown by some diplomatic missions, which may be surprising.

THE WORDING OF THE SURVEY QUESTIONS SENT TO INDIVIDUAL STATES

A

- a) According to data available on the Internet, embassies of *[name of respondent state]* have hoisted a rainbow flag in *[name(s) of particular receiving state(s)]*. In which states have your diplomatic missions or consular posts already hoisted a rainbow flag?

or

Did your diplomatic missions in any of the receiving states fly the rainbow flag? If yes, in which states?

- b) Who is entitled to decide on behalf of [*name of respondent state*] on the hoisting of the rainbow flag by diplomatic missions or consular posts (the Government, the Ministry of Foreign Affairs, ambassadors, heads of consular posts or someone else)?
- c) Has [*name of respondent state*] encountered any refusal or opposition to the raising of the rainbow flag by its mission to any receiving State? Which States were involved, and what reasoning was given?
- d) Have diplomatic missions of any sending States raised the rainbow flag on the territory of [*name of respondent state*]? If yes, which ones?
- e) What is the position of [*name of respondent state*] towards the hoisting of the rainbow flag by missions of other states on the territory of [*name of respondent state*]?

B

- a) Have diplomatic missions of any states raised the rainbow flag on the territory of [*name of respondent state*]? If yes, which one(s)?
- b) What is (or would be) the position of your country towards the hoisting of the rainbow flag by missions of other states on the territory of your country (for example, also with respect to Article 20 of the VCDR)?

THE EMERGENCE AND DEVELOPMENT OF THE RAISING OF THE RAINBOW FLAG BY DIPLOMATIC MISSIONS

By studying publicly available information on the raising of the rainbow flag by diplomatic missions, one can divide the examined countries into three groups. The first group implements this practice and the second one opposes it. For the largest number of states, however, it is not possible to identify their actual position on this issue. Although these states, which form the third group, do not appear to fly rainbow flags at their own missions, they do not officially protest against the hoisting of rainbow flags by foreign states in their respective missions either, at least according to published information.

In the following text, we will present the origin of the idea of the hoisting of rainbow flags by diplomatic missions and the milestones in the

development of this practice. We will also describe the main twists and turns in the approach of states flying rainbow flags at their posts abroad, as well as the opinions of countries refusing to display the rainbow flags in their diplomatic relations. Subsequently, in the summary overviews and detailed appendices, we will present our findings on the practice of individual states raising the rainbow flag.

Sending States with a Positive Approach

THE UNITED KINGDOM (UK)

Based on the data collected for this article, it appears that the first instance of a rainbow flag being flown by a foreign mission occurred at the British embassy in Latvia during the Riga Pride on 31 May 2008 (UK GAY NEWS, 2008). Therefore, the UK is likely the country that holds the world primacy in public displays of the rainbow flag by diplomatic missions.

As early as December 2007, the British Foreign and Commonwealth Office (FCO) had adopted a special document addressing British posts abroad and outlining many practical steps to support the human rights of LGBT individuals living abroad (FCO, 2010). However, the practice of embassies flying the rainbow flag was not included in it. The idea of displaying the rainbow flag was introduced into British diplomatic practice following a request by Caroline Lucas, a Member of the European Parliament from the British Green Party, to the then Foreign Secretary, Ed Miliband, on 23 May 2008. She asked the FCO and British embassies to support rainbow marches in Eastern Europe, including by flying the rainbow flag on the day of the pride parade (UK EMBASSIES, 2008).

The first instances of flying the rainbow flag, namely those in Latvia on 31 May 2008 and in Poland on 6 June 2008, were not, according to a spokesperson for the FCO, part of an “overall” policy to promote LGBT equality but were individual decisions made by British ambassadors (GREW, 2008). In both Latvia and Poland, it was the British diplomatic response to banned gay events. The third country in which the British embassy flew the rainbow flag in 2008 was Brazil. However, in all three receiving states, this action was met with significant protests from parts of the public and some church leaders. The FCO’s reaction, according to Brady (2011), was a

secret “eGram” of unknown date published on 23 October 2011 banning the flying of the rainbow flag in British diplomatic missions. This document explicitly referenced the potentially troublesome repercussions of such actions and stated that flying flags other than national flags opened up too many difficult and divisive questions. Between 2009 and 2013, the use of the rainbow flag by British diplomatic missions was sporadic – e.g., British diplomatic missions displayed it in Hungary in 2011, in Chile in 2012, and in France in 2013.

A shift in British diplomacy arose in 2013–2014 and followed, or correlated with, the legalisation of same-sex partnerships and marriages in several countries around the world. Flying the rainbow flag in states that were improving the status of their LGBT citizens became a common practice for UK diplomatic missions, as it aimed to show solidarity with LGBT people and promote inclusivity. However, a significant turnaround occurred shortly after that, in the summer of 2015, as a result of the UK parliamentary election and the change of government. The new leadership of the FCO, headed by Philip Hammond, decided to ban the raising of the rainbow flag at British embassies (WILKINSON, 2015). In a report from March 2016, the FCO declared its policy on flag flying abroad: diplomatic missions were to fly the Union Flag, and the only other flags that they were allowed to fly were those of the constituent countries of the UK, the UK overseas territories (on significant days for them), and the European Union (only in certain countries) (PARLIAMENT.UK, 2016). Ironically, however, in early August 2016, after some changes in key staff, the new Foreign Secretary Boris Johnson lifted this ban. He left the decision on whether and when to display the rainbow flag to the discretion of British Ambassadors and High Commissioners, while stating that they should take into account local conditions (PRESS ASSOCIATION, 2016). From that point on, British diplomatic posts around the world began to fly the rainbow flag whenever it was deemed appropriate and not harmful to do so (HUMAN RIGHTS AND DEMOCRACY, 2019). This is most often done on 17 May to mark the International Day Against Homophobia, Biphobia, and Transphobia (IDAHOBIT), as well as during rainbow parades or other similar local events. UK missions have continued this practice until the present, and at least 96 of them have raised the rainbow flag. The list of countries in which we have been able to trace the displaying of the rainbow flag by British diplomatic missions can be found in Supplemental Appendix A.

THE UNITED STATES OF AMERICA (USA)

The second state with a widespread practice of flying rainbow flags at its missions is the USA. According to Vile (2018, p. LI), some U.S. embassies began displaying rainbow flags during LGBT pride week in 2014. However, our research reveals that U.S. missions had already displayed the rainbow flag on at least three occasions in 2013. The first instance occurred in Vienna on 17 May 2013 (OTS, 2013). The second instance, according to a Facebook post from the U.S. Embassy in Sweden (2013), took place in Stockholm, where the rainbow flag was flown at both the diplomatic mission and the official residence of the U.S. Ambassador to Sweden from 26 July to 4 August 2013. The third instance occurred when the U.S. Embassy in Bratislava, Slovakia hoisted the rainbow flag on 16 September 2013, as documented in a video on YouTube with the participation of the then-Ambassador Theodore Sedgwick (U.S. EMBASSY SLOVAKIA, 2013). It is important, however, to note that we were unable to trace any instances of U.S. missions displaying the rainbow flag prior to 2013.

In the USA, as in the UK, the promotion of LGBT rights abroad has become institutionalised. This was formalised through the Presidential Memorandum (THE WHITE HOUSE, 2011) issued by Obama. The memorandum directed all U.S. agencies operating abroad to ensure that U.S. diplomacy and foreign assistance promote and protect the human rights of LGBT individuals. Nevertheless, the flying of the rainbow flag was not explicitly mentioned in it. After the U.S. Supreme Court declared Section 3 of the Defense of Marriage Act unconstitutional in 2013 (United States v. Windsor 2013), and ruled in 2015 that the right to marry extends to same-sex couples (Obergefell v. Hodges 2015), the U.S. foreign policy accelerated its promotion of LGBTI rights abroad. The raising of the rainbow flag at U.S. embassies and other posts in foreign countries became one of the key tools for this promotion. According to the available information, the decision to fly the rainbow flag has initially rested with individual U.S. ambassadors (ASSOCIATED PRESS IN WARSAW, 2014). When displayed, the rainbow flag had to be smaller than the U.S. flag and placed below it (FABRICIUS, 2019). This general policy applied also to the main flagpoles at U.S. embassy buildings and ambassadorial residences. This practice continued during the first two years of President Trump's first administration. However, in May 2019, prior to the June Pride Parades, a shift occurred when the U.S. State Department

informed all U.S. embassies that they could fly the rainbow flag anywhere on the U.S. mission's ground except the official flagpole (FINNEGAN & PALMERI, 2019). Or more explicitly, requests to fly the rainbow flag on the main flagpole had to be approved by the U.S. State Department, but as reported in the media, all such requests in 2019 were denied, including those from the U.S. embassies in Brazil, Israel, Latvia, and Germany (LEDERMAN, 2019).

Following the election of President Biden in 2020, another reversal in flag policy occurred. Antony Blinken, the then U.S. Secretary of State, stated during his Senate confirmation hearing that Biden's administration would lift the Trump-era restrictions on displaying rainbow flags at U.S. embassies (LANG, 2021). This change was already implemented in 2021, and individual U.S. diplomatic missions were given the authority to decide independently whether to display the rainbow flag on the same flagpole as the U.S. flag or use other symbols to show support for LGBTI rights, depending on local conditions (GRAMER & HADAVAS, 2021). After three years, still under Biden's administration, the situation turned around again. It was due to a new law that prohibited the flying of many non-U.S. flags,² including rainbow flags, over U.S. Department of State facilities (U.S. CONGRESS, 2024). This course in the U.S. practice was confirmed by Secretary of State Marco Rubio on 22 January 2025, when he introduced the "One Flag Policy" (DOORNBOS, 2025).

As explicated above, the development of the U.S. practice has been turbulent, affected by the significant reversals over the past six years, and largely driven by the domestic political rivalry between the Democratic and Republican parties and their opposing views on the use of the rainbow flag and the Black Lives Matter flag. However, despite the situation as of March 2025, and due to the extensive history of the flying of the rainbow flag by U.S. embassies until the beginning of 2025, we consider it appropriate to include the USA in the first group of states.

Given the slightly higher number of U.S. diplomatic missions worldwide compared to British foreign posts, e.g. 168 missions versus 156 in 2023, respectively (LOWY INSTITUTE GLOBAL DIPLOMACY INDEX, 2025), it is reasonable to assume that the USA has flown the rainbow flag in its missions in more countries than the UK. This assumption was confirmed by the results of our investigations. As seen in the appendices, the USA has flown the rainbow

flag in the most states, namely in at least 117. The list of states in which we have documented a display of the rainbow flag by the local U.S. embassy is in Supplemental Appendix B. A comparison with the British practice, as reported in Supplemental Appendix A, reveals that the diplomatic practices of the UK and the USA are very similar in terms of both the range of the receiving states and the composition of those states.

OTHER SENDING STATES

Regarding other sending states raising rainbow flags at their embassies, their approaches to flying the rainbow flag have not been as variable as those of the UK and the USA. In most cases, these states made the decision to display the rainbow flag after there was a clear support for LGBTI rights in their domestic policies. Rainbow flags are typically flown in countries where there is no significant opposition to equal rights for LGBTI people.

One country that implemented a shift from a declared policy of not flying the rainbow flag to the contrary was Sweden. In 2013, the Swedish government did not comply with a petition submitted by several thousand people via Facebook requesting the Swedish embassy in Moscow to raise the rainbow flag during Stockholm Pride. A spokesperson for the Swedish Foreign Ministry explained that their diplomatic practice at the time was to fly only the Swedish flag (LITTAUER, 2013). However, the Finnish and Swedish embassies raised the rainbow flag alongside their national flags in May 2013, as explicitly stated by the Embassy of Finland in Pristina (2013). In addition, records show that Sweden has displayed the rainbow flag at other diplomatic posts, as reported in Supplemental Appendix C.

The case of Italy is also worth mentioning in more detail. A parliamentary and public debate was sparked there after the Italian Embassy in Madrid raised the rainbow flag during the local rainbow parade in 2018. Two Italian senators raised concerns about it, questioning whether it was acceptable to display the rainbow flag alongside the flags of Italy and the EU, arguing that it could diminish the dignity of the Italian national flag, and seeking clarification on whether the action had been authorised (BONI, 2018). In response, Italian Deputy Foreign Minister Emanuela Del Re affirmed her respect for the rainbow flag being raised in celebration of LGBT Pride Week, noting that the event was widely celebrated in Spain.

She stated that the ambassador had acted independently without any intention of undermining the prestige of the Italian flag. Furthermore, she indicated that the Ministry of Foreign Affairs had reminded the concerned Ambassador of his obligation to consult with the Ministry in cases like this, as the Ministry is responsible for determining whether there will be flag displays at diplomatic missions (REPUBBLICA, 2018). Given the limited data on the Italian practice of flying the rainbow flag at its diplomatic missions, with only three subsequent cases of it after 2018, it remains unclear what Italy's official position is. It is likely that the instances of Italian missions raising the rainbow flag are based on personal decisions made by individual ambassadors rather than an official policy of Italy. On the other hand, there is no indication of an official governmental or ministerial ban on the use of rainbow flags by Italian diplomatic missions.

Germany represents another specific example, as it has explicit regulations governing the use of the rainbow flag in its foreign policy. Germany considers it a logo-flag, and this type of flag can only be flown on federal government buildings with the state's consent. Since the rainbow flag is a globally recognised symbol of solidarity with people affected by discrimination due to their sexual identity, the Federal Minister of the Interior and Home Affairs Nancy Faeser (2022) decided to grant a general approval for the rainbow flag to be raised in compliance with certain guidelines, e.g. raising it on flagpoles, at or in front of entrance areas and courtyards, or on facades, provided that other legal regulations do not conflict with it, and raising it on specific dates, such as Christopher Street Day or another similar local holiday or anniversary.

Currently, there is a scarcity of comprehensive information on the practice of hoisting the rainbow flag at diplomatic missions and other posts in scholarly or other literature. Below, we present two summary overviews of our mapping of this diplomatic practice. Our data include several instances where two or more sending states jointly displayed a single rainbow flag, particularly when their missions were located in the same building or in close proximity to one another, or they were participating in a joint activity.³ In these cases, the display of the rainbow flag was attributed to all of the participating sending states. A general overview of the displays of rainbow flags by states other than the UK and the USA is provided in Supplemental Appendix C.

Based on the available information, the rainbow flag was hoisted at the diplomatic missions of at least 36 sending states. They are listed below in Table 1, and organised by continent and number of receiving states (indicated in brackets) in which we have identified at least one mission of a particular sending state that has flown the rainbow flag. The leaders in this regard are the USA, the UK, the Netherlands, and Canada, each with rainbow flag placements at its embassies in more than 50 countries.

TABLE 1: SENDING STATES RAISING THE RAINBOW FLAG AT THEIR DIPLOMATIC MISSIONS

EUROPE	AMERICAS	ASIA	OCEANIA	AFRICA
UK (96), Netherlands (67), Denmark (44), Belgium (37), Germany (34), Ireland (28), Sweden (27), Finland (21), France (19), Austria (14), Estonia (11), Norway (10), Malta (7), Spain (7), Cyprus (5), Iceland (5), Italy (5), Switzerland (5), Czechia (5), Luxembourg (4), Portugal (2), Slovenia (2), Latvia (1)	USA (117), Canada (55), Mexico (25), Argentina (16), Chile (4), Brazil (2), Colombia (1), Uruguay (1)	Israel (10), Taiwan ⁴ (1)	Australia (12), New Zealand (4)	South Africa (1)
23	8	2	2	1

From the perspective of the receiving states, we managed to trace instances of hoistings of the rainbow flag by a sending state's mission in 139 receiving states, including the Cook Islands and Palestine – as they also have diplomatic relations with other states. All these states are listed below in Table 2.

TABLE 2: RECEIVING STATES WHERE DIPLOMATIC MISSIONS OF SENDING STATES RAISED THE RAINBOW FLAG

EUROPE	AFRICA	AMERICAS	ASIA	OCEANIA
Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Kosovo, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, UK, Ukraine	Algeria, Angola, Benin, Botswana, Burkina Faso, Central African Republic, Chad, Côte D'Ivoire, Dem. Rep. of the Congo, Equatorial Guinea, Ethiopia, Ghana, Guinea, Kenya, Liberia, Madagascar, Malawi, Mauritius, Morocco, Mozambique, Namibia, Rwanda, Senegal, Seychelles, South Africa, South Sudan, Sudan, Tanzania, Tunisia, Uganda, Zambia, Zimbabwe	Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Surinam, Trinidad and Tobago, Uruguay, USA, Venezuela	Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Iraq, Israel, Japan, Kazakhstan, Laos, Lebanon, Malaysia, Mongolia, Myanmar, Nepal, Palestine, ⁵ Philippines, Singapore, South Korea, Sri Lanka, Thailand, United Arab Emirates, Viet Nam	Australia, Cook Islands ⁶ , Fiji, Micronesia, New Zealand, Papua New Guinea, Vanuatu
46	32	30	24	7

Sending States with a Negative Approach

SLOVAKIA AND HUNGARY

In the case of Slovakia, the official position on this issue was triggered by an incident in July 2016 where the Slovak Embassy in Hungary raised the rainbow flag during a local rainbow march without the consent of the Slovak Government or the Foreign Ministry. The then Slovak Prime Minister, Robert Fico (2016), deemed the action inappropriate and unacceptable, stating that he expected the Foreign Ministry to prevent such excesses. He justified his position by asserting that Slovakia, as a democratic state, is not bound by any ideology or religion according to its constitution and does not favour any particular group of people. Then the Slovak Foreign Ministry issued a statement (MINISTRY OF FOREIGN AND EUROPEAN AFFAIRS OF THE SLOVAK REPUBLIC, 2016) clarifying that the rainbow motif had been displayed at the Slovak embassy in Budapest without prior consultation

with the Ministry, and that the Minister informed the Slovak ambassador that embassies cannot autonomously decide on actions with political implications. Prior to this statement, the Slovak Foreign Minister Miroslav Lajčák (2016) had responded to a petition signed by more than 7,500 citizens of Slovakia condemning the embassy's use of the rainbow flag. He described the rainbow flag as a visual symbol of support for the pride event, and added that Slovak embassies would be instructed to consult with the headquarters in advance in cases of such actions, while taking into account the principles of diplomatic protocol.

Following this incident, no cases have been reported of rainbow flags being displayed on the premises of Slovak embassies. In summary, the 2016 rainbow flag display in Hungary was not an official stance of Slovakia but rather an individual action by the then Slovak Ambassador to Hungary. Since international law is not merely the result of the behaviour of diplomats, who are also obligated to respect the instructions of their sovereigns (CARTY, 2007), Slovakia is not considered a state with the diplomatic practice of flying the rainbow flag. In direct relation to the said situation, Hungarian media reported that the Hungarian Foreign Ministry took steps to avoid similar controversies by explicitly prohibiting Hungarian embassies from displaying flags other than the Hungarian flag, the EU flag, and, in some cases, the flags of Hungarian national minorities (SZABOLCS, 2016).

SPAIN

As seen in the cases of all the countries mentioned earlier, the decision-making regarding the flying of the rainbow flag by diplomatic missions primarily falls within the competence of the executive, and potentially also the legislature. An interesting case in this respect is Spain, where the issue was indirectly addressed by the Spanish Supreme Court Judgment No 564/2020 (2020) stating that:

it is not in compliance with the constitutional and legal framework, in particular with the duty of objectivity and neutrality of public authorities, for any unofficial flags to be displayed, even occasionally, outside public buildings and spaces, even when they do not replace but rather complement the official flag of Spain or other legally recognised flags.

Although the judgment referred to the unofficial flag of the Canary Islands, it appears to imply a prohibition on the flying of any unofficial flag by Spanish public authorities, including the flying of the rainbow flag at Spanish diplomatic missions. This explains why rainbow flags are no longer displayed at Spanish embassies after 2020, with the only exception being their display by the Spanish embassy in Poland in 2024. It is also likely the reason why the cultural section of the Spanish embassy in the USA displayed a handmade crocheted rainbow motif installation instead of an ordinary rainbow flag in 2021 and 2022 – Ministerio se Asuntos Exteriores, Unión Europea, y Cooperación (2022).

OTHER STATES

Additionally, some countries have expressed an official opposition to the flying of the rainbow flag by foreign missions. In doing so, these states acted in their capacity as receiving states. It is only logical that in their capacity as sending states, they will adopt the same stance, as evidenced by their diplomatic practice of not flying the rainbow flag at their own embassies.

In 2018, the Belarusian Interior Ministry criticised the British embassy for displaying the rainbow flag despite there being no complaints from Belarusian authorities in this regard in previous years (BBC, 2018). Media reports have indicated that in 2020, Russia sent protest notes to the embassies of Canada, the UK, and the USA in response to their displays of the rainbow flag (TASS, 2020). Similarly, a Press Statement by the Iraqi Foreign Ministry (MINISTRY OF FOREIGN AFFAIRS OF IRAQ, 2020) condemned the flying of rainbow flags by the Canadian and UK embassies in Iraq, asserting that the flags were contrary to the moral principles of all divine religions, and reminded all the missions operating in Iraq that they are to respect local laws and act in accordance with diplomatic norms as well as the values prevailing in Iraqi society. Later, in a similar vein, Indonesia summoned the British ambassador to the country in response to the British Embassy's flying of the rainbow flag (REUTERS, 2022), and the Government of the United Arab Emirates condemned the U.S. embassy there for raising the rainbow flag, since the former considered it as a show of disrespect (TURCO & GACEK, 2023, p. 13). In 2023, the Prime Minister of Papua New Guinea, James Marape – Department of Prime Minister and National Executive Council

(²⁰²³), reminded the U.S. embassy there to respect the culture, customs, and religion of Papua New Guinea following its display of the rainbow flag. According to V-Pride (²⁰²³), a community-based organisation in Vanuatu, the Vanuatu Minister for Foreign Affairs was appalled by the raising of the rainbow flag by the British High Commission on 17 May 2023 and instructed its removal. Beyond states with official protests, there are some countries that have experienced significant public condemnations of foreign missions raising the rainbow flag. This type of opposition has been particularly notable in countries such as Poland (^{THE DAILY MAIL, 2009}), Bahrain (^{AMWAJ.MEDIA, 2021}) (although the rainbow flag display occurred inside the U.S. embassy), Jamaica (^{DIXON, 2021}), Kenya (^{MAGIRA, 2024}), and Bosnia and Herzegovina, where the mayor of Sarajevo, following public complaints, informed the Swedish embassy of his condemnation of its raising of the rainbow flag (^{NYMAN, 2024}).

According to brief reports from the media, China and Kuwait seem to be part of this group of countries, too. As reported by Chen (²⁰²³), in the spring of 2023, the Chinese Foreign Ministry notified foreign embassies and international organisations that they are not to display politicised propaganda on the exterior walls of their buildings and facilities. This measure was likely a response to the increasing number of expressions of support for Ukraine by diplomatic missions, particularly through displays of Ukrainian flags and various banners featuring the Ukrainian flag motif. However, one diplomatic source suggested that this measure is aimed at the rainbow flag rather than at Ukraine (^{MÜLLER, OTS & HINDRE, 2023}). As regards Kuwait, in 2022, the local U.S. embassy posted a rainbow flag with a pro-LGBT message on its X account, triggering protests and leading Kuwaiti officials to condemn the posts, as they accused the embassy of violating international conventions requiring diplomats to respect the laws and regulations of the receiving state (^{SANDS, 2022}). There is likely no doubt that if the Kuwaiti authorities condemned the posting of a picture of a rainbow flag on social media, they would equally strongly oppose its direct display at the embassy.

Similarly, Singapore has an indirectly expressed negative stance regarding the raising of the rainbow flag in diplomatic practice. Several embassies have done so in Singapore, but no protest against these actions has been documented. On the other hand, the Foreign Ministry of

Singapore reminded the U.S. Embassy that foreign missions are not to interfere in Singapore's domestic social and political matters following the U.S. Embassy's co-hosting of a webinar together with Oogachaga, a local non-profit organisation working with the local LGBTI community (ONG, 2021).

THE QUESTIONNAIRE SURVEY RESULTS

This section of the article presents the results of the survey conducted through questionnaires being sent to over 200 entities maintaining bilateral diplomatic relations and provides a concise summary of the responses received to offer a better understanding of current practices in the examined area – but unfortunately, there were only 17 responses. Based on the responses received, the sending states concerned can be classified into three groups:

those (ten) states that answered positively, affirming and explaining the practice of their diplomatic missions flying the rainbow flag;

those (two) states that answered negatively, opposing the raising of the rainbow flag by their diplomatic missions;

those (five) states that answered ambiguously, with no explicit position on the matter.

Sending States with a Positive Stance

The states in this group confirmed that their foreign missions raise the rainbow flag, regardless of whether they do so explicitly or implicitly, or briefly or more extensively. In most cases, they provided some enriching information that helps us to understand the diplomatic practice of the respective country and complements the quantitative data presented in this article and its supplementary appendices with deeper insights into the issue. These responses also provide valuable details about procedural, normative, and other aspects of the flying of the rainbow flag by diplomatic missions. These states are as follows:

AUSTRALIA

The Australian Deputy Head of Mission in Vienna, Emil Stojanovski (2021A, 2021B), responded that (i) he was unsure where the decision to raise the rainbow flag by the Australian embassy in Vienna was actually made, noting that such decisions are typically made by the head of mission in consultation with the headquarters, while they take into account the sensitivities around the flag protocol in the broader community in which they serve, including the importance of Australia being seen as following the appropriate flag protocol; (ii) he observed foreign missions raising rainbow flags in Canberra, assuming that they did not require approval from the Australian Government to do so, as that would be a matter for the respective foreign governments; and (iii) the rainbow flag is not an official flag but is categorised as a community flag, and Australian missions have the option to consider displaying it on a separate mobile flagpole or affix it in a dignified way to an appropriate wall as an alternative.

DENMARK

The response of Birgit Sarah Kondrup-Palmqvist (2020) from the Protocol Department of the Danish Foreign Ministry, though brief, addressed all the questions raised. Accordingly, the Ministry does not have information about where the Danish embassies and consular posts have already raised the rainbow flag, and it does not maintain a list of which diplomatic missions displayed the rainbow flag in Denmark, since no statistics are kept on this matter, not even by the Ministry of Justice. Based on the available knowledge, the Ministry confirmed that Danish posts abroad have not encountered any refusal or opposition to flying the rainbow flag. The response continued that Denmark

does not have a set of rules for when and how to hoist the rainbow flag, and the national rules, which are set by the Ministry of Justice, [do] not hinder hoisting the rainbow flag, as it is considered a so-called fantasy flag – not representing a specific state. Thus, it is up to the heads of missions to decide when to hoist the rainbow flag.

FINLAND

Sinikka Malmberg (²⁰²¹) from the Protocol Services of the Finnish Foreign Ministry provided a response stating that there is no survey on (i) the flying the rainbow flag by diplomatic missions in Finland or by Finnish missions abroad, or (ii) refusals of or opposition to Finnish missions displaying the rainbow flag in any receiving state. She also clarified that Finland has not taken any official stance on whether foreign missions can raise the rainbow flag on the territory of a receiving state. The decision to have a Finnish mission hoist the rainbow flag lies with the Finnish Ambassador, who may consult with the Foreign Ministry before making such a decision.

THE NETHERLANDS

Floris Serné (²⁰²¹) from the Department for Multilateral Institutions and Human Rights of the Dutch Foreign Ministry stated that the flying of the rainbow flag is part of broader efforts to promote equal rights of LGBTI people and that these activities are carefully planned with consideration for the social and political sensitivity of such actions. The rainbow flag is displayed by Dutch missions in states where local LGBTI organisations indicate that this form of support would make a positive contribution to the situation of LGBTI people.

ISRAEL

The position of Israel was communicated by Dominika Dobrovičová (²⁰²¹) from the Embassy of Israel to Slovakia upon consultation with the Israeli Foreign Ministry. She stated that Israel does not have a record of rainbow flags being hoisted by Israeli missions abroad or by foreign missions in Israel, or any record of negative reactions to the flying of a rainbow flag by Israeli missions in any host country. A potential decision to have an Israeli mission hoist the rainbow flag would be raised with the Foreign Ministry head office, and a potential decision to have a foreign mission fly the rainbow flag in Israel would generally be subject to the discretion of the relevant foreign mission.

LUXEMBOURG

The Foreign Ministry of Luxembourg replied through its Protocole Direction (2021), informing us that it does not keep track of the flying of the rainbow flag by its own missions, or by foreign missions in Luxembourg. It also stated that its diplomatic missions are encouraged to hoist the rainbow flag on specific occasions and within the boundaries of what is culturally possible in the host country. With respect to the authority entitled to decide on the hoisting of the rainbow flag, Luxembourg stated that this competence lies with the Government and the Foreign Ministry. Finally, Luxembourg has no knowledge of any refusals regarding the hoisting of the rainbow flag by its missions, and it does not object to displays of the rainbow flag by missions of other states on its territory.

THE UNITED KINGDOM

The Foreign, Commonwealth and Development Office (2020) reported that there is no central record of rainbow flags being raised by UK missions, or information on any opposition to this practice, as they do not collect such information or maintain such a record. They also do not have any information on the flying of rainbow flags by missions stationed in the UK. They added

that the Secretary of State for Foreign, Commonwealth and Development Affairs advises Diplomatic Missions overseas when the Foreign, Commonwealth, Development Office UK Estate will be flying the Rainbow Flag. This grants our Heads of Mission discretion to do the same providing they have sufficient flag poles to do so.

SWEDEN

Johan Schierwagen (2020) from the Protocol Department of the Swedish Foreign Ministry advised that the Ministry does not keep a record of where and under what circumstances the rainbow flag has been hoisted in Swedish missions abroad. Further, Sweden does not have a specific

position on the symbols foreign diplomatic missions choose to display provided that they respect Swedish law, which is the case with the rainbow flag. Additionally, there is no available information on any refusal of or opposition to a raising of the rainbow flag by a Swedish mission or a hoisting of the rainbow flag by a foreign mission in Sweden. According to the internal guidelines,

flags that represent movements, interest groups, corporations, political ideas and similar sentiments are not to be hoisted at Sweden's authorities abroad. The Swedish flag symbolises Sweden's core values, including the government's unequivocal support for human rights. However, exceptions are made in individual cases, for example with regard to the rainbow flag. Such exceptions can be approved by the Chief of Protocol or a Head of Mission locally, as appropriate.

SWITZERLAND

The Swiss Federal Department of Foreign Affairs (FDFA) answered in a quite detailed manner. According to Gian Andrea Badrutt (2020), the use of flags that are not national or sovereign is not specifically regulated, and therefore there is no particular provision for the flying of the rainbow flag by diplomatic missions. This lack of regulation allows for some flexibility within the framework of the VCDR for both Swiss and foreign missions. However, the legal provisions and practices of the receiving state must always be respected. Switzerland's general practice is governed by the following principles:

The heads of Swiss missions abroad are responsible for the flag decoration of their embassy. Under certain circumstances, Switzerland may support an organization or issue by flying a particular flag for a limited time (e. g. UN, Francophonie). Foreign missions in Switzerland are also independent in this matter (within the boundaries of the Vienna Conventions). Furthermore, Switzerland informed us that some foreign missions in Bern have already displayed the rainbow flag without questions being raised about it. As to whether or which Swiss missions abroad have flown the rainbow flag, the FDFA could not provide reliable information about this, as this matter falls under the responsibility of the respective heads of missions.

TAIWAN

Taiwan, as a state not generally recognised, presented its position through Frank Lin (2020) from the European Affairs Department of the Foreign Ministry. According to their response, Taiwan is a free society and

could accept raising the rainbow flag in Taiwan by diplomatic missions. Our missions overseas will not do it by [themselves], but as long as it follows the local law and depends on the necessity, they can do it [sic].

Sending States with a Negative Stance

Only two states in this group responded to the survey, namely Jamaica and Spain. They stated the following:

JAMAICA

In the view of the Protocol Department of the Ministry of Foreign Affairs and Foreign Trade, as reported by Franz Hall (2020), if a foreign embassy raises the rainbow flag, it does so, technically speaking, on its own property and not on Jamaican soil. However, Jamaica is of the opinion that:

the only flags that should fly at Diplomatic Missions are the country flag of the sending State, a recognized international organization flag (for example, the United Nations, the European Union, and the Caribbean Community), and the Jamaican flag.

SPAIN

The Embassy of Spain in Bratislava (2021) stated briefly that in 2020, a Spanish court of justice ruled that the administration must be neutral and objective without any bias, so embassies, as representations of the Spanish administration abroad, cannot hoist any kind of flag except for the Spanish and the European ones.

Sending States with an Ambiguous Stance

The third group of responses consists of those from which no clear position on the use of the rainbow flag by missions in receiving states can be deduced. Interestingly, all these responses are from states whose diplomatic practice, according to our findings, does not include flying the rainbow flag. Some responses within this group, however, admit or imply the possibility of flying the rainbow flag in the future. The ambiguous responses are as follows:

BELIZE

Reineldo Urbina (2021) from the Embassy of Belize in Brussels responded that, according to his personal knowledge, the British High Commission in Belize raised the rainbow flag at some point. He did not provide any further details, though.

ROMANIA

Sandra Gătejeanu-Gheorghe and Daniela Mihaela Cămărăsan (2020) from the Romanian Foreign Ministry advised that it does not have any responsibilities regarding the raising of rainbow flags by foreign missions in Romania. They continued by stating that the Romanian legislation does not prohibit the hoisting of any particular flag as long as it does not pursue unlawful objectives, including, but not limited to, a threat to territorial integrity and other national security issues. Romania's missions are entitled to regularly hoist flags other than the Romanian one (e.g., the flags of the EU, NATO, the UN, and the host state). Finally, regarding the flying of flags of other states or regional/local authorities, the rules are set by the national law and the internal guidelines of the Romanian authorities. However, Romania does not have any specific legal norms or regulations regarding the hoisting of flags other than those mentioned above.

EL SALVADOR

El Salvador's position⁷ on raising the rainbow flag is very reluctant. According to information provided in 2021, no mission of any sending state has displayed the rainbow flag in El Salvador, and in the personal opinion of the corresponding ambassador, since El Salvador is a conservative country, there is no expectation that any state would do so in the near future.

This assumption did not prove to be accurate, however, as the rainbow flag was raised in El Salvador by the USA in 2022 and 2023, by Mexico in 2023 and by Chile in 2024.

SLOVAKIA

The Diplomatic Protocol of the Slovak Foreign Ministry did not mention the situation with the rainbow flag hoisted by its embassy in Budapest in 2016 in either of its two responses. According to Roman Hlobeň ^(2020A), the flying of any flag other than the flag of the Slovak Republic or the EU is permissible, but it must be approved by the Slovak Foreign Ministry. This step is usually coordinated with the EU Delegation and the missions of other EU members in the receiving state. However, this cannot be generalised, as religious and cultural aspects, as well as local traditions, must be considered so as to avoid offending the receiving state. As stated by Hlobeň ^(2020B), before flying a flag other than the national flag of the sending state, foreign missions should inform the Foreign Ministry of the receiving state about such a display, and the Ministry will simply take note of it. In Slovakia, foreign missions usually inform the Slovak Foreign Ministry in advance if they intend to fly the rainbow flag.

UKRAINE

Mykola Tochytskyi ⁽²⁰²¹⁾, the Head of the Mission of Ukraine to the EU, began his response by informing us that foreign missions in Ukraine are usually guided by the legislation of the sending state on the use of symbols. The Ukrainian Foreign Ministry does not monitor information concerning foreign diplomatic or consular posts' hoisting of rainbow flags or intentions to do so and does not have information about any flying of the rainbow flag by Ukrainian diplomatic missions either. In addition, he emphasised that public authorities of Ukraine may use Ukrainian statutory symbols and, in accordance with certain bylaws such as presidential decrees or governmental orders, other symbols too, such as symbols of national minorities and international organisations that are used to honour the memory of certain categories of people or to commemorate certain events.

FINAL FINDINGS

Although the rainbow flag has been raised by the diplomatic missions of a clear minority of all sending states (namely 36, according to our data), it was flown in approximately two-thirds of all receiving states. In total, we documented 705 instances of the rainbow flag being raised in bilateral diplomatic practice, excluding repeated displays by a particular mission in the same country across different years and multiple occasions within a single year. In many cases, these repetitions were frequent and, for the sake of clarity, are not recorded individually in the appendices, but the resulting findings presented below, of course, take them into account. Our statistics on the rainbow flag flying in diplomatic practice and its occurrence on each continent suggest that it is indeed widespread. We can almost certainly conclude that the rainbow flag was, until recently, the third most used flag by diplomatic missions, following the flags of the sending states and the EU flag. After the Russian invasion of Ukraine, it probably dropped by one position due to the intensive raisings of the Ukrainian flag by dozens of diplomatic missions in many countries around the world.

Although it is a relatively new practice, the growing use of the rainbow flag raises legitimate questions about whether it is applied consistently by different states, whether there are any patterns in its use, and whether states follow any rules of diplomatic law when carrying this practice out. Some answers can be identified in the practice itself, but the opinions of the states concerned would also be helpful in this regard. Interestingly, states have shown little willingness to share their views about this. The low response rate (around 9%) is likely due to the sensitivity of the topic and the reasons behind the sending states' decisions to fly rainbow flags at their missions. Obviously, this flag is a symbol with strong cultural, religious, and moral connotations. Since it is a fantasy or community flag and not an official symbol, its use in diplomatic practice can provoke disputes. As recent developments in the USA – the country with the most extensive practice of flying this flag abroad – demonstrate, this can occur within the sending state itself when one administration permits the raising of the rainbow flag by diplomatic missions while another administration bans it.

After the pioneering period of the raising of the rainbow flag by a few states between 2008 and 2014, several trends have emerged within

this practice. First, diplomatic missions began raising rainbow flags as part of their sending states' policies, both in Western countries and in states where progress on LGBTI rights had been made. This practice extended to countries where the status of LGBTI people is not explicitly addressed in local law, but homosexual behaviour is not penalised. Finally, it was also observed in countries where homosexuality faces a societal or religious opposition that is often linked to condemnation or even criminal sanctions. Second, diplomatic missions typically raise the rainbow flag as part of a broader programme supporting LGBTI rights in the receiving state. This means that the rainbow flag is not raised as an isolated gesture; rather, it is accompanied by other activities aimed at improving the status of LGBTI individuals, as evidenced above by the practices of the UK, the USA, and the Netherlands, and illustrated, for example, by the involvement of embassies in rainbow parades and related events (SEE ROSPUTINSKÝ & ROŠTEKOVÁ, 2019). Third, diplomatic missions of like-minded states often coordinate with one another in this respect – typically through joint statements on LGBTI rights or declarations in support of local pride events, see Ministry of Foreign Affairs of the Czech Republic (2024), or Diplomatic community (2025) – or incorporate displays of the rainbow flag into their actions in response to initiatives from the receiving state's civil society (see the Netherlands' response). Fourth, the raising of the rainbow flag is time-limited, which means it does not fly as long or as often as the flag of the sending state (as explicitly confirmed by Switzerland). Fifth, the rainbow flag is displayed with less formality and emphasis on protocol than the state flag. It is commonly displayed not only on the main embassy flagpole but also in ways that would likely be considered illegal or disrespectful if it were the state flag, such as raising it from a window or placing it on the embassy's fence. This finding is clearly supported and evidenced by practices documented in numerous photographs that are referenced in the appendices. Sixth, sending states generally fully respect the host state's position if it officially announces its disapproval of or protest against the raising of the rainbow flag. It has also been documented that the sending states did not display the rainbow flag the following year in cases where a part of the host state's population expressed significant discontent with such a display the year before. However, when the expressions of opposition were marginal, the sending states continued their practice. A notable example of this is the case of the Finnish and Swedish embassies in Zambia, which flew rainbow flags from 2018 to 2021, and the Zambian Vice President Mutale

Nalumango's (2022) reaction to this that was delivered to members of parliament from the Patriotic Front in 2022, in which she asked where the Patriotic Front had been in the last four years while these embassies were flying the flags to express concern. Seventh, there is no official record of this practice in any of the states concerned, as indicated by the responses received, which suggests that, from their perspective, it is regarded as ordinary diplomatic work that does not warrant any special documentation.

On the other hand, there are some differences in the observed diplomatic practices, and it is not always entirely clear what position the particular sending state takes. This applies, firstly, to the question of who is authorised to decide on whether the rainbow flag will be raised. The decision can be made by the head of the foreign mission in the specific receiving state, but it can also be made by the Ministry of Foreign Affairs, the government or the head of the sending state. As evidenced by the case of Spain, it cannot be ruled out that the decision to raise the rainbow flag may be influenced by, or even substantively determined by, a ruling of the relevant court of the sending state. In this regard, this is primarily a procedural issue, although central decision-making would likely ensure a more consistent practice than decisions made by individual embassies. The available data on the location of decision-making in each case is fragmented, and as a result, no influence on the meaning or impact of the given rainbow flag display can be identified based on this location. Secondly, there are different degrees of presentation regarding the flying of the rainbow flag by embassies abroad: some countries document and present this practice in great detail, while others are silent about it or only rarely mention it. Thirdly, a more significant issue is whether the use of the rainbow flag is even acceptable to the sending state, given its neutrality toward various movements, interest groups, political ideas, or segments of its own population. This aspect has a strong domestic dimension, and its solution does not depend on foreign policy considerations. States differ in their attitudes: for example, Spain, Slovakia, and, since 2025, the USA have taken a strict stance against raising flags other than official ones, while countries like the UK, Germany, and Sweden have decided to raise the rainbow flag, stating that it is not about giving any preferential treatment to anyone or anything, but rather about making a gesture of solidarity and support for human rights.

The most important context for raising the rainbow flag for both sending states and receiving states is the consideration of the cultural, religious, and social conditions in the receiving state. The responses to the questionnaires revealed that no state claimed that there is any legal basis in international law for its diplomatic missions flying the rainbow flag. On the other hand, the local law and local conditions in the receiving state may pose a barrier to this practice. As clearly outlined in Article 41 of the VCDR, there are three relevant rules that must be observed by the sending states' diplomatic missions: the duty to respect local laws, the prohibition on interfering in the internal affairs of the host country, and the ban on using the mission's premises in a manner inconsistent with the functions of the mission outlined in Article 3 of the VCDR, which include, among other things, the promotion of friendly relations and the development of cultural relations between sending states and receiving states. Even if the receiving state's law does not explicitly or implicitly prohibit the raising of the rainbow flag⁸ – which is likely the prevailing situation – it should be examined whether the act of raising the rainbow flag by a diplomatic mission interferes with other limitations under Article 41 of the VCDR. This is similar to, or the same as, the participation of embassy staff in a Pride march, hosting local LGBTI activists at the embassy, and any other type of support for minority rights in the receiving state. As for the assessment of the legal aspects of these actions, since they are not the focus of this article, we refer to the relevant literature: e.g., Behrens (2016), Denza (2016) or Oelfke (2018).

Thus, although there is no specific rule in international law that would explicitly authorise sending states to fly the rainbow flag at the premises of their diplomatic missions, and no specific rule prohibiting such use of the flag either, it cannot be claimed that this activity is without any legal regulation in international diplomatic law since the general obligations under Article 41 of the VCDR remain fully applicable.

CONCLUSION

More than 15 years have passed since the first display of the rainbow flag by a diplomatic mission. This practice dates back to 2008, when

the UK as a single sending state implemented it in three receiving states. Nowadays, this practice is much more widespread, as evidenced by the numbers of both the sending and the receiving states involved. However, the list of states with this practice shows that the vast majority of sending states – roughly five-sixths – have not yet incorporated the flying of rainbow flags by their missions into their diplomatic practice.

The raising of the rainbow flag has occurred in at least 139 receiving states, usually repeatedly. It has become a routine practice especially during certain occasions like IDAHOBIT or local rainbow pride events. At this time, rainbow flag displays receive more media attention or become the subject of political debates particularly in states where the display of the rainbow flag by an embassy is a first-time occurrence. According to available information, approximately one-third of UN members have not yet seen an embassy fly the rainbow flag. Surely, however, this depends significantly on the number of foreign missions in a given receiving state. A lower number of diplomatic missions in a state means a lower likelihood of one of them flying the rainbow flag.

Currently, embassies have no explicit entitlement to fly the rainbow flag at their premises as a symbol of support for human rights, and this practice is not even recognised in international custom. This is because (i) the current practice of states is neither consistent nor uniform, and (ii) there is a complete absence of *opinion iuris* in this matter. Both of these conclusions are clearly supported by the findings presented in this article and its appendices. While some states have embraced this activity as a gesture of promotion of LGBTI rights reflecting their domestic policies, others have resisted it due to ideological, cultural, or legal reasons. Nonetheless, the raising of the rainbow flag does not take place in a legal vacuum. This activity is subject to the obligations of sending states under Article 41(1) and (3) of the VCDR. Thus, the flying of the rainbow flag by a diplomatic mission must not violate the laws and regulations of the receiving state, nor should it interfere with the internal affairs of that state. The third limitation is the prohibition on using the premises of the mission in a manner incompatible with the mission's functions, specifically the promotion of friendly relations between the sending state and the receiving state, as well as the development of their cultural and other relations.

ENDNOTES

- 1 Naturally, English was predominant, but the posts were sometimes in other languages as well, especially Spanish, Russian, French, Italian, German, and local languages spoken in the receiving states.
- 2 The exceptions are the Prisoner of War/Missing in Action flag, the Hostage and Wrongful Detainee flag, the flag of an Indian Tribal government, an official branded flag of a U.S. agency, and the sovereign flag of another country.
- 3 For instance, in 2018, the embassies of Denmark, Finland, Iceland, Norway and Sweden jointly flew the rainbow flag at their shared cultural centre the *Felleshus* (also known as the *Pan-Nordic Building*) in Berlin, which is located near their embassies (Botschaft von Finnland in Berlin, 2018; Nordische Botschaften, 2025). Similarly, in 2019, the ambassadors of the Netherlands, Canada, Norway, and Sweden in South Sudan displayed the rainbow flag in front of the building housing their missions (Netherlands Embassy in South Sudan, 2019).
- 4 We have not been able to find a single case of the rainbow flag being hoisted by a Taiwanese mission in a state with which Taiwan has diplomatic relations. The only relevant case found in the research concerns Belgium, and this case falls under the quasi-diplomatic relations between Belgium and Taiwan.
- 5 According to the Palestinian Ministry of Foreign Affairs (2025), Palestine was recognised by 149 countries as of 28 February 2025. The number of diplomatic relations of Palestine is not available in official sources, but it is indisputable that Palestine conducts bilateral diplomatic relations with other states, including exchanges of embassies.
- 6 As of May 2024, the Cook Islands has diplomatic relations with 66 states (Cook Islands News, 2024).
- 7 This position was communicated to the author in a phone interview on 1 April 2021 by a Head of Mission of El Salvador in one of the European capitals, who made their participation in the research conditional on the author's explicit promise not to disclose their identity.
- 8 On the contrary, for example, British regulations explicitly permit flying the rainbow flag without prior consent from a competent public authority, though this is subject to certain size restrictions and other limitations regarding the number and location of the flags. More information is available at Gov.uk (2021).
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