

United Nations Human Rights Office of the High Commissioner

Call for input to a thematic report: Gender, sexual orientation and gender identity

This submission is made by LGB Alliance.

LGB Alliance is a group representing thousands of lesbians, gay men and bisexuals who share grave concerns about the loss of our rights. If you have any questions regarding our response, we can be reached at info@lgballiance.org.uk

Your background introduction contains the following paragraph:

“Comprehensive and intersectional gender analysis has influenced the interpretation of rights recognized in international human rights law, and many States have adopted gender as a key concept in laws and policies aimed at protecting women and LGBT persons against violence and discrimination. Nevertheless, within multilateral and regional organizations, among other fora, there are currently narratives that, under different lines of characterization (including the accusation of so-called “gender ideology”), seek to eliminate the gender framework from international human rights law instruments and processes, and national legislative and policy documents. These attempts could impact progress achieved over the last four decades on gender equality and the recognition of sexual and gender-based violence and violence and discrimination based on sexual orientation and gender identity”.

We reject the underlying assumptions presented here. The suggestion is made that those who level the accusation of “gender ideology” are reactionaries who seek to impede or reverse progress. In our view, the opposite is true. The same assumption is also implicit in question 10, which we have therefore answered at great length. If you were to argue for the protection of “sex-based” rights instead of using the word “gender”, you would be ensuring protections for women and girls, and for lesbians, gay men, bisexuals, and children. Separate provisions could then be added to protect trans-identified people that do not undermine those other protections. That, in our view, would constitute a fair resolution of the existing clashes.

Throughout this call for input, the phrase “sexual orientation and gender identity” is used. This makes it very difficult to answer the questions. Sexual orientation has a clear definition. It is based on sex. The vast majority of people are heterosexual, gay, lesbian or bisexual. The phrase “gender identity”, however, is nowhere defined. To those who do not have a gender identity, such as ourselves, the notion appears traditionalist, regressive, and sexist: it appears to rest on a spiritual assumption that a male soul can inhabit a female body or vice versa. We do not subscribe to this belief. We are gender “atheists”. We are the “actors” referred to in question 10.

Answers to select questions: 1, 4, 7, 10 and 11

- 1. Has the State adopted, in public policy, legislation or jurisprudence, working definitions of gender and related concepts (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming) aiming to address**

violence and discrimination based on sexual orientation and gender identity? If so, please give examples, with commentary as needed to explain context, scope and application.

a. if that is the case, has the State carried out evaluations, assessments or evidence-gathering about the impact of the implementation of such actions and, if so, what are the main trends identified?

b. if that is not the case, please provide information as to the reasons.

Answer

No. However, “gender reassignment” is defined as a protected characteristic for the purposes of the Equality Act 2010. It applies to “someone who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning his or her sex by changing physiological or other attributes of sex.”

Commentary

An alarming degree of confusion runs through this and every question. As regards question 1:

- a. It is unclear why you are asking States whether they have adopted working definitions of terms you are not defining here yourself. Does that mean that you have not defined them at all or that you feel each State should be free to define these terms as they see fit? Either way, it is very unclear how answers to this question could yield any useful information.
- b. It is unclear why you have combined sexual orientation and gender identity in a single question.
- c. There is no need to define any of these terms in order to address violence and discrimination based on sexual orientation. Sexual orientation (whether a person is heterosexual, gay, lesbian or bisexual) has nothing to do with gender. As an organization that protects and promotes the rights of LGB people, we assert categorically that sexual orientation relates to sex, not “gender”. In many countries worldwide, men who have sex with men, and women who have sex with women, are prosecuted and sentenced, in some cases to death. They are not asked how they “identify”. The UK certainly addresses violence and discrimination based on sexual orientation, which is a protected characteristic in the Equality Act.
- d. “To address violence and discrimination based on gender identity” is also problematic. Violence is always a criminal offence. “Discrimination based on gender identity” is unclear. Does this mean denying someone housing because of their trans identity, which is a clear case of discrimination and should indeed be unlawful? Or does it mean, for instance, requiring male prisoners who identify as women to be housed in a men’s prison? Some will not wish to classify the latter as discrimination. Furthermore, the term “gender identity” is nowhere defined.
- e. In short, the question as to reasons leaves too many elements indeterminate. It is impossible to answer.

4. Is comprehensive sexuality education taught in schools?

- a. if yes, please provide information as to the respective programs. Please provide examples (e.g. copies of curricula, citations to policies).**

- b. if not, are there efforts deployed by the State to establish and promote comprehensive sexual education, which incorporates diverse sexual orientation and gender identity perspectives? What have been the obstacles to adopt such policies or programs? Also, is the State adopting any alternative measures?**

Answer

The problem in the UK is that Relationships and Sex Education (RSE) is outsourced to external groups who provide much of the material and training. All these groups, except one called Transgender Trend <https://www.transgendertrend.com/department-for-education-rse-guidance-schools/>, use materials that do not comply with government guidance.

They teach that everyone has a gender identity that may differ from the “gender assigned at birth” and that some children are “born in the wrong body.” LGB Alliance and others are lobbying for an end to this damaging misrepresentation of the facts, and for the Department for Education’s guidance to be followed. The following comes from the Dept for Education’s Guidance:

We are aware that topics involving gender and biological sex can be complex and sensitive matters to navigate. You should not reinforce harmful stereotypes, for instance by suggesting that children might be a different gender based on their personality and interests or the clothes they prefer to wear.

Resources used in teaching about this topic must always be age-appropriate and evidence based. Materials which suggest that non-conformity to gender stereotypes should be seen as synonymous with having a different gender identity should not be used and you should not work with external agencies or organisations that produce such material. While teachers should not suggest to a child that their non-compliance with gender stereotypes means that either their personality or their body is wrong and in need of changing, teachers should always seek to treat individual students with sympathy and support.

<https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum#using-external-agencies>

On the LGB Alliance website we have listed the groups that provide dangerously misleading RSE programmes for schools. <https://lgballiance.org.uk/schools-campaign/>

- 7. Are there examples in which narratives or “gender ideology,” “genderism” or other gender-related concepts have been used to introduce regressive measures, in particular but not limited to LGBT persons or communities?**

Answer

In the UK, Stonewall is the organisation that has led efforts to introduce “narratives or “gender ideology,” “genderism” or other “gender-related concepts” across all public and private institutions. These have been used to introduce regressive, misogynistic and indeed homophobic measures.

Stonewall rejects the importance of biological sex and promotes the idea that this should be replaced by gender. Their definition of “trans” includes so many different terms it becomes meaningless:

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

<https://www.stonewall.org.uk/help-advice/faqs-and-glossary/glossary-terms#t>

Stonewall's definition of "homosexual" does not mention sex and implies that the word is obsolete:

This might be considered a more medical term used to describe someone who has a romantic and/or sexual orientation towards someone of the same gender. The term "gay" is now more generally used.

<https://www.stonewall.org.uk/help-advice/faqs-and-glossary/glossary-terms#t>

Stonewall's influence can be seen across all areas of policy making. A recent example comes from Brighton, where an NHS trust made the following decision:

... to use "gender inclusive language" for its maternity services, including terms such as "chest-feeding" and "birthing parent". Brighton and Sussex University Hospitals Trust is thought to be first in the UK to adopt the language in its internal communications and meetings.

<https://www.bbc.co.uk/news/uk-england-sussex-56007728>

It is encouraging that in a debate on 25 February 2021 the House of Lords rejected the proposal to use the phrase "pregnant person" in the Ministerial and other Maternity Allowances Bill. Peer after peer, from different political parties, expressed the view that the word "woman" or "mother" should be used – and this amendment was in fact adopted. The general feeling was that the use of so-called "gender neutral" wording would be a regressive and regrettable step in a maternity bill.

Lord Lucas, who proposed the change of wording, said: "Words matter, especially on the long road to equality ... The use of the word 'person' in the Bill erases the reality that overwhelmingly maternity is undertaken by women and not by men. ... To leave 'person' in place would be a step backwards in women's equality."

10. Who are the main actors who argue that the defenders of human rights of LGBT individuals are furthering a so-called "gender ideology"? What are their main arguments? Have they been effective in regressing the human rights of LGBT individuals? Have their strategies directly or indirectly also impacted on the human rights of women and girls?

Introductory remarks

1. We strongly reject the underlying assumptions in this question. The question is phrased in highly tendentious terms. It gives the impression of having been devised by someone who takes a particular point of view for granted and is unaware of the existence of any viable alternative point of view.
2. We are compelled to point out that people like us – lesbians, gay men and bisexuals who insist that we do not have a gender identity and who consider it a regressive, sexist idea – also have human rights. We are long-time gay

and lesbian rights activists who promote the rights of LGB people. We also understand, as was obvious to the founders of Gay Liberation (including one of our founders), that our struggle for gay and lesbian rights must also involve fighting sexism. We therefore strongly uphold women's reproductive and other sex-based rights. To suggest, however incoherently, that we are somehow implicated in undermining the rights of LGB people and the rights of women and girls is an outlandish and offensive suggestion and a reversal of the truth.

Reply to the question

1. The main actors who argue that all human rights and civil organisations are now furthering a "gender ideology" are women's groups of all political affiliations but largely on the left, and LGB Alliance groups around the world.
2. We will start with the arguments advanced by LGB groups worldwide, all of which draw inspiration from our own organisation. LGB groups have formed in the past year in Australia, Brazil, Canada, Germany, Iceland, India, Ireland, Mexico, Norway, Poland, Scotland, Serbia, Spain, the United Kingdom, the United States, and Wales. Others are setting up all the time. We are seen as the "mother organisation". We founded LGB Alliance out of despair for the state of LGB rights, especially lesbian rights. They have been, and are being, shamefully neglected and we are determined to change it.
3. It is essential to understand that LGB rights are not equivalent to T rights. There is no such thing as LGBT rights. The two have some points in common, and some points in which they are *opposed*. The failure to understand this has caused, and is causing, considerable harm to young lesbians and gay men.
4. It is also essential to understand that the proposition that there is no conflict between the demands of gender identity activists, including self-ID, and the rights of women and LGB people, in particular lesbians, is false. If this were true, there would quite simply be no controversy. Virtually everyone supports *actual* trans rights: that is, the right of trans-identifying people to be free from violence and harassment; and to be able to access housing etc. without discrimination.
5. Having said this, there is another important point to be made. Whenever we refer to the rights of LGB people and women, we are accused of attacking trans people or suggesting that they pose a threat. Our detractors have a blind spot. When we assert that lesbians are women who love other women, that gay men are men who love other men, that biological sex is at the heart

of the experience of lesbians and gay men, and that women's rights are inextricably linked to biological sex, we are not referring to trans people at all. We are asserting truths that are obvious and important to us and to most people worldwide, that never had to be stated at all in the past, but unfortunately need to be stated now, since they have been challenged by others. We are asserting our own rights. By suggesting that in asserting our own rights, we are attacking the rights of trans people, *our detractors evidently accept that there is a rights conflict at issue here. This is correct.* What we need, very clearly, is a public debate to discuss that rights conflict out in the open.

6. As noted above, there are many countries worldwide in which men who have sex with men, and women who have sex with women, are prosecuted, and in some cases sentenced to death. They cannot escape these consequences by "identifying" as the opposite sex – except in countries such as Iran, where prosecution can be avoided by undergoing a sex change. No one would suggest that Iran's position is a progressive one. The many indignities and instances of discrimination and violence suffered by lesbians, and by women and girls, from FGM to child marriage, from "corrective" rape to denial of adoption rights, have nothing to do with identity. They derive solely from female biology.
7. We do not deny that trans people also experience discrimination, and those who work in prostitution in particular, especially in Brazil and the United States, are frequently victims of violence. Crimes of violence against trans people in the UK are fortunately extremely rare. Trans-identifying people naturally have every right to campaign on behalf of their own rights.
8. As long-time gay and lesbian activists, we fought for the rights of gay men (men who love men) and lesbians (women who love women). We do not accept any change or weakening of those rights because some people consider that they have a "gender" that places them in the opposite sex. Some gay men shrug their shoulders, seeing this issue as a minor point that hardly affects them. For lesbians, however, especially young lesbians, the situation is dramatically different.
9. Take the following example of the harm being caused. Since LGBTQ+ groups have replaced "sex" with "gender", lesbian dating sites have been inundated with persons with male bodies who define themselves as "lesbians". Roughly half of all lesbian dating sites consist of such individuals. For a young and inexperienced lesbian to be forced to reject advances by such persons when she is looking for a girlfriend can be a very intimidating experience, especially if the person asks for a reason. All too soon, the young lesbian will be told she is "transphobic" for having no interest in dating someone with a penis. The dating site "Giggle" recently started up as a female-only dating site but is already being fiercely attacked as "inherently transphobic". We hope you strongly condemn this homophobia, as we do.

10. One of our main concerns, as explained in the reply to question 4, is that educational material presented to children must distinguish carefully between facts and beliefs. Children should not be taught beliefs as if they were facts. The notion that everyone has a gender identity is a minority belief held by some and disputed by others. The notion that some children are “born in the wrong body” is not just a minority belief, but we maintain it is a harmful belief, which should not be taught at school. It leads children who are gender non-conforming, especially those on the autism spectrum, to believe they may need to change their bodies. The UK Government recently agreed that this belief must not be taught.
11. Another concern is the huge rise in the number of teenage girls seeking to “transition” to be boys. The evidence shows that the vast majority of these girls would grow up to be lesbians if not medicalised. Young lesbians are currently being encouraged by peer pressure and YouTube videos to identify as trans. The evidence also catalogues the many health risks associated with puberty blockers and cross-sex hormones. On a more personal level, we hear every day from young women – detransitioners – who transitioned many years ago and now deeply regret it. They have deep voices, beard growth, are largely infertile, and now they realize they made a mistake. Not because of a lack of social acceptance. On the contrary, when they *detransition* they often find themselves rejected and far more isolated than before. No. They detransition because they now realise they were not trans at all, and made the wrong decision. We hear similar stories, although in smaller numbers, from male detransitioners.
12. We receive messages of support almost every day. These do not come from the alt right or religious fanatics. Despite the lies spread about us, we have no ties whatever with individuals or groups of that kind. These messages come from young lesbians (or their parents) who are distraught that they have no spaces to meet. They come from distressed gay men who have been told they have to stop meeting in groups of various kinds unless they admit trans men. They come from therapists, social workers, psychiatrists, teachers, and people from all walks of life who agree with our positions but dare not speak out for fear of losing their jobs.
13. This brings us to another important point. The call of “no debate” has been strong on this issue. It is suggested that questioning the idea that everyone has a gender identity, and that gender identity matters more than biological sex, is bigoted and comparable to racism. We are compared to neo-Nazis and the Ku Klux Klan. These offensive and ludicrous comparisons are very unhelpful. As we noted at point 5 above, there is a rights conflict at issue here. That cannot be resolved by ignoring or vilifying those who are arguing for one set of rights and listening only to those who advocate a different position.

14. The Independent Expert will be pleased to learn that a new online newspaper, Lesbian and Gay News, was launched in the UK on 19 February 2021 to represent LGB voices (as opposed to LGBTQ+ voices): <https://twitter.com/LesbianGayNews>
 15. We now come to women's groups. As far as the women's groups that are actively opposing gender ideology in the UK are concerned, we can mention the following: Authentic Equity Alliance, Conservatives for Women, FiLiA, For Women Scotland, Institute of Feminist Thought, Labour Women's Declaration, Lesbian Labour, Lesbian Rights Alliance, Merched Cymru, Safe Schools Alliance UK, Sex Matters, Transgender Trend, Woman's Place UK, WHRC, and Women Uniting. Each group has its own website and some spread their messaging via Twitter.
 16. It should be noted that neither LGB Alliance nor any of these groups receive a penny in public funding, as opposed to all the groups that promote gender ideology. Even so, a great deal of progress has been made in the last few years to shine a light on the regressive, misogynistic and homophobic impact of gender theory.
 17. Women's rights, as is clear in CEDAW, are based on women's biology, and women's role in reproductive rights. Girls are selectively aborted and murdered because of their biology. All the violence and discrimination targeting women is based on their biology. Any attempt to underplay the importance of biological sex is an assault on women's rights.
 18. In particular, women have a right to their own sport, their own prisons, their own rape shelters, their own hospital wards and so on. A person born male who identifies as a woman is still male. The only way to be a trans woman is to be male. The notion that a person's self-definition can override the differences between the sexes is an egregious assault on women's rights. That is why women's groups not just in the UK but worldwide are rising up and opposing it.
 19. All these issues need to be aired and discussed without attracting hysterical and inappropriate cries of bigotry. We all care about human rights. We all possess human rights. We are all entitled to defend our human rights.
- 11. Can you provide examples of coalitions working together on resisting attacks on gender ideology?
Please share examples of feminist and LGBT and other groups working together and with what kinds of frameworks, arguments and results?**

Answer

The first part of this question can be answered in a straightforward way. There are hundreds of LGBT groups, many of them government-funded or financed by private donors, which coalesce around gender identity theory, presented under the guise of "trans rights". They all promote

the belief that biological sex is unimportant; that it is perfectly acceptable in today's world for a man to self-identify as a woman and vice versa, and that a child can be "born in the wrong body". In the UK, many of these groups are members of LGBT Consortium - <https://www.consortium.lgbt/>. (In the US, many groups are listed at <https://diversity.social/lgbt-organizations/>).

The UN itself generally adopts the principles of gender ideology, as is reflected in the language used in this consultation and in all other areas of UN work except CEDAW – the only UN Convention still to use the word "woman" to mean "adult human female". We are glad that the Independent Expert is listening to us, as we express a large body of LGB opinion which has been completely ignored until very recently.

The second part of your question cannot be answered, since it appears to refer to feminist groups cooperating with LGBT groups to "resist attacks on gender ideology". In the UK, feminist groups do the opposite. They work with LGB Alliance and reject gender ideology, as noted in the answer to question 10.

OBJECTIVES OF THE REPORT

1. It is a matter of great concern that the Independent Expert appears to have formed a judgement on what is good for LGBT people. He has already made his mind up that "gender theory" is good and that "incorporation of comprehensive gender theory enables more accurate and appropriate consideration of dynamics of negation and stigma, and the key role of law, public policy and access to justice in promoting either continuity of injustice or social change".
2. We strongly disagree. Today, 25 February 2021, we saw the first pushback against gender theory in the House of Lords, where an amendment to a maternity bill was passed, changing the word "person" to "mother". This is significant not just for this bill, but as a statement that there is growing opposition to the enforcement of gender theory in the UK Parliament.
3. We are also troubled by the suggestion that "these narratives", by which we understand you to mean narratives expressed by people like us who do not accept gender theory, "are being used to fuel violence and discrimination based on sexual orientation and gender identity". We request some clarification of this. If our understanding is correct, this is a very serious accusation indeed, since it implies that groups like ours are responsible for fuelling violence and discrimination.
4. LGB Alliance is totally opposed to violence and discrimination.
5. There is no recognition of the human rights of LGB people who do not go along with your support for "gender theory". Surely the mandate includes LGB people who reject gender theory as well as those who accept it.
6. LGB Alliance is committed to fact-based dialogue. We have fundamental disagreements with those who say that biological sex can be changed; that every human being has a "gender identity" and that same-sex sexual attraction is transphobic.
7. Article 19 of the Universal Declaration of Human Rights says: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."
8. We recommend that the Independent Expert reviews the report's objectives and ensures that its conclusions include the views of those who believe that gender theory is regressive, enforces outdated stereotypes, and damages the lives of LGB people and women.

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