**Submission to inform the upcoming thematic report of the Independent Expert on protection against violence and discrimination based on gender, sexual orientation and gender identity**

Dear Mr. Madrigal,

First of all we would like to thank you for the opportunity to provide our input to this thematic report to be presented to the 47th session of the Human Rights Council. FRI - The Norwegian Organization for Gender and Sexual Diversity is the largest organization for LGBTIQ people in Norway with local chapters all over the country. Founded in 1950, FRI has been pivotal in bringing about the legal and societal changes LGBT people in Norway have witnessed in the past 70 years. As a membership organisation with local chapters all over the country, FRI advocates for attitude and policy changes, securing access to human rights for all. FRI trains staff within both private and public sectors, including the health, education, child welfare and justice sectors, on how to implement non-discrimination policies.

As you may know, Norway is [top ranked](https://www.ilga-europe.org/rainboweurope/2020) on the ILGA Rainbow Map, and many legal provisions providing specific rights and protections for LGBT people are in place. To mention a few: the law on Marriage has been gender neutral since 2009, the law on legal gender change has been in place since 2016 and as of January 1st 2021, gender identity and gender expression is now included within hate crime legislation. Attitudes towards LGBT people [have improved](https://bufdir.no/Statistikk_og_analyse/lhbtiq/?utm_campaign=tema-domener&utm_medium=redirect&utm_source=lhbtiqtall.no&utm_content=lhbtiqtall.no) during the past ten years, most political parties are positive when it comes to safeguarding the rights of LGBT people and organizations working to improve the rights of LGBTI persons access Norwegian government funding for both operational costs and project based activity.

We do, however, see an alarming trend. During the past two years we have seen an increase in the number of individuals and organizations who:

1. question trans people’s existence,
2. advocate against the law on legal gender recognition
3. advocate for the removal of trans people's access to necessary healthcare
4. advocate against comprehensive sexuality education in schools covering topics of sexual orientation and gender identity, and
5. advocated against including gender identity and expression in the law on hate crimes

Their advocacy seems to target FRI in particular. Their tag phrase is that FRI is subverting the natural order in Norwegian society by imposing a so-called ‘radical gender ideology’. The local branch of FRI in Oslo and Viken recently created an overview of articles where FRI is mentioned together with terms such as “radical” and “gender ideology”. This overview showed an increase from seven such articles in 2018 to 60 articles in 2020 - an increase of [757 percent](https://www.friosloviken.no/757-prosent-mer-radikale-er-vi-virkelig-det/?fbclid=IwAR2086svB6W6br3X2EMK7G-CLWfDnJTnUx-i10IZGiASNJD0dmxaZdAuNAY).

These actors access mainstream media, who frequently publish op-eds written by them. The resulting public debate is often framed around topics of whether trans people exist or not, and as such does not provide an opening for trans people to participate in the public debate in a meaningful way.

The actors which converge and frequently write op-eds together include the non-registered group [LLH2019](https://www.facebook.com/llh219/), consisting of a handful of individuals who are quite vocal in national media. Another organisation with seemingly few members is Womens’ Human Rights Campaign ([WHRC) Norway](https://www.whrc.no/). Gender Identity Challenge (GENID) Scandinavia operates across borders, their local branch in Norway seems to consist of, amongst others, healthcare professionals. Others are conservative christians, including from the ruling [Christan Democrat Party](https://www.verdidebatt.no/Truls%20Olufsen-Mehus), representatives from “Partiet de Kristne” (PDK) (The Christian Party) The [organization MorFarBarn](https://www.morfarbarn.no/site/morfarbarn.no/files/7-grunner-for-ikke-a-delta-i-pride-parader.pdf), (MotherFatherChild) has [also been vocal](https://www.dagen.no/meninger/debatt/2020-09-29/Straffelov-og-kj%C3%B8nnskamp-938871.html) about the dangers of the so called ‘radical gender ideology’.

*The claim that trans women do not exist*

A frequent argument made is that there are [only two genders](http://www.xn--tokjnn-eya.no/), and that [sex is inextricably linked](https://www.whrc.no/om-oss/) to gender. The consequence of this is the claim that trans women are not women, and the exclusion of trans women fromen women’s spaces.

The general view of all the above-mentioned organizations is that gender is not something you can change, and they set forth their arguments based on biological terms, contrary to Norwegian law as well as WHO and ICD-11.

*Advocating against gender legal recognition*

A recurring narrative is that trans women pose a threat to women and children. Trans women are framed as  [predator](https://www.google.com/search?q=hengt+ut+som+overgriper+av+kari&oq=hengt+ut+som+overgriper+av+kari&aqs=chrome..69i57j33i160l2.6558j0j4&sourceid=chrome&ie=UTF-8)y [in social media. Attacks against individuals include consistent misgendering, spreading images of](https://twitter.com/TonjeGjevjon/status/1356226643166191623) trans people taken [prior to transitioning](https://www.abcnyheter.no/nyheter/norge/2018/08/07/195421772/jaquesson-delte-privat-bilde-av-transperson-uten-tillatelse-fy-fader-sa-nedrig), spreading [images of their children, posting c](https://twitter.com/cjentoft/status/1196088632618213377)[aricatures](https://subjekt.no/2019/10/20/derfor-gir-vi-hetsende-transfobiske-og-rasistiske-debattanter-taleror-til-a-bedrive-hets/) of trans people depicting their genitals and [media debates](https://www.tb.no/meninger/transkjonnet/helse/jentoft-jeg-er-ikke-ute-etter-a-vare-brubygger/o/5-76-876641) about a specific trans person’s genitals.

Claims in social media include allegations that feminizing pornography (also referred to as “sissy porn”) makes men transgender and that rainbow families engage in grooming.

*Advocating against access to healthcare for trans people:*

The argument is built around the need to protect children and youth [from confusion](https://www.dagen.no/meninger/debatt/2019-06-21/Sju-grunner-for-ikke-%C3%A5-g%C3%A5-i-Pride-parade-765311.html) regarding gender, and a fear of turning young people into lifelong patients, thus undermining an individual’s need for healthcare. As an example some seem to hold the general view that [puberty blockers are dangerous](https://www.aftenposten.no/meninger/kronikk/i/pLVBPV/transtoget-og-tenaaringsjentene-tonje-gjevjon).

The narrative is built around the controversial concept of so-called ’’rapidly onset gender dysphoria’’ and goes a long way in claiming that lowering the bar on access to health services for trans youth would encourage ’’unnecessary’’ transition.  One such example is a documentary which received a fair amount of publicity in Norway. The documentary ‘Transtoget’ (The Trans Train) produced by the Swedish Broadcasting Company SVT which failed to feature stories of trans youth who found access to gender affirming services beneficial. See RFSLs submission regarding more information about this documentary.

## The impact of increased hate speech

*Exclusion of trans people from the public debate*

The public debate about the rights of trans people is framed in a way that does not provide an opening for trans people to participate in a meaningful way. Trans people are frequently left out of the public debate altogether.

Media articles and opinion pieces are frequently followed by verbal harassment against trans people and employees within organizations advocating for their rights.

Our members report an increase in hostility towards trans people, both in comment sections on Facebook and Instagram, and in posts on Twitter.

Earlier this year a news article published by the Norwegian Broadcasting Company NRK about a young trans man’s experiences in Norway, [had to be removed](https://journalisten.no/espen-olsen-langfeldt-facebook-kortnytt/nrk-slettet-facebook-innlegg-etter-sjikane-mot-transperson/449918) on Facebook due to harassment and incitement.

The increased level of hate speech against trans and gender diverse people and the continued harassment of individuals who voice their support for the rights of trans people is concerning as it bars access to participation in public debate. We also worry  that hate speech may lead to other hate crimes.

Hate speech also affects the sense of safety of trans people who speak out and share their stories. People whose lives are up for public debate, and who should be part, are forced out, which becomes a democratic problem as access to public spaces becomes limited for a group of people.

An important part of achieving gender equality is to be able to be visible, and to not receive threats or be subjected to violence or hate speech for doing so, and the increase in hate speech creates an environment of fear around trans and gender diverse people which not only affects these groups, but everyone's freedom with regard to gender expression.

*Hate crimes*

Due to the fact that trans and gender diverse people have only been covered by the sections regarding hate crimes since 01.01.2021 no national statistics are available. The Oslo Police District has registered hate crimes towards trans people the past four years and while the numbers are small there [seems to be an increase](https://www.politiet.no/globalassets/dokumenter/oslo/rapporter/anmeldt-hatkriminalitet-oslo/Anmeldt-hatkriminalitet-i-Oslo-2019) (from 4 cases in 2016, 6 cases 2017, 5 cases 2018 to 9 cases 2019). The increase in numbers may be due to more incidences, it may also imply an improvement in registration routines.

Legal gender recognition has had a tremendous impact on the recognition of trans people and their rights to non-discrimination. We now have a legal framework in place when it comes to public services as well as in the workplace. The demand for equal services entails employees increasing their knowledge in order to provide such services. This in turn has had a positive impact on attitudes towards LGBT people.

However, parallel with an increase in positive attitudes and improved legal protection, we worry about the impact the spread of ill-founded articles and lies about individuals has on the lives of trans and gender diverse people.

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