

**UN Expert on Sexual Orientation and Gender Identity**  
**Thematic report: Gender, sexual orientation and gender identity**  
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**GIN-SSOGIE's Contribution**

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## Table of Content

1. *Gender, religious narratives and legislative / policy measures .....Page 3*
2. *Religious narratives supporting LGBTI rights .....Page 7*
3. *Gender-related concepts used to introduce regressive measures against LGBTI people and other minority groups .....Page 11*
4. *The right to freedom of religion, belief or conscience and the enjoyment of human rights .....Page 14*
5. *Political and religious leaders and their impact on the actions, activities, projects, public policies or application of gender frameworks .....Page 15*
6. *Main actors arguing that defenders of human rights of LGBT individuals are furthering a so-called “gender ideology”? Main arguments, effectiveness & strategies .... Page 18*

GIN will be providing input for the UN SOGI Expert's upcoming report on "Gender, Sexual Orientation and Gender Identity":

<https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/GenderTheory.aspx>.

We will be focusing specifically (although not exclusively) on the questions below and 3 specific regions (Latin America, Eastern Europe and Sub-Saharan Africa):

- 1. Are there examples where the concept of gender has been used in religious narratives or narratives of tradition, traditional values or protection of the family to hinder the adoption of (or already existing) legislative or policy measures aimed at addressing or eradicating violence and discrimination based on sex, gender, sexual orientation and gender identity?**

### ***The case of Poland***

In Poland, the government wants to renounce the Istanbul Convention based on the claim that it runs against traditional values and promotes 'gender ideology'. Catholic Bishops Conference in Poland has championed this view of the convention.

### ***The case of Hungary***

In the context of the Covid emergency situation, the government submitted a proposal on the amendment of the Hungarian Fundamental Law which was accepted 15th of December 2020. The amendment says: "*Hungary protects the institution of marriage as the association between a man and a woman and the family as the basis for the survival of the nation. The foundation of the family is marriage and the parent-child relationship. The mother is a woman, the father is a man.*" What is new is not the concept of marriage (in the new constitution since 2012) but the concept of family defined by Hungarian legislators – essentially erasing existing Hungarian rainbow families. Further, the amendment proposed by Justice Minister Judit Varga in November and accepted in December declares that children must be guaranteed an "*upbringing based on values stemming from Hungary's ... Christian culture.*" It also says Hungary "*protects children's right to the gender identity they were born with,*" using language consistent with a government campaign to outlaw transgender identities.

This is not new. In May 2020, the introduction of Article 33, ended the legal recognition of transgender people. The Hungarian government condemned a book of modern fairy tales for children as "homosexual propaganda". In the book, there are also LGBTQ characters and other characters from minority groups. Making one community a target/an enemy, makes the other groups (for example, all single parents wanting to adopt) the next possible enemies and creates

a hostile environment for everybody who does not fit into the preferred family model of the Hungarian government and makes all those children raised up in such families unsafe and insecure<sup>1</sup>.

In general, activists in Hungary declare that the public and political discourse around LGBTQ rights has become increasingly hostile<sup>2</sup>.

### ***The case of Nigeria, and Western Africa***

In Nigeria, patriarchy is deeply rooted. Gender is conceived in strictly binary terms, and female sexuality is valued only as a means of procreation. The notion of gender is only expanded beyond men and women by feminists and a few non-conservative activists. Conversations around gender norms, gender mainstreaming, gender equality totally excludes LGBTQI persons. Policies that support gender equality, gender mainstreaming completely exclude sexual orientation and gender identity. The only gender-neutral law in Nigeria is the Violence against Persons Prohibition Act. Nigerian feminists when they failed to domesticate the Convention on the elimination of all forms of discrimination against women changed their tactics and named a bill Violence against women Prohibition bill. It was only passed when through agitations it was named Violence against Persons Prohibition Act to include men even when it is clear that women are receivers of violence and men are the perpetrators. However, the law offers a window of opportunity for the debate to end violence against persons irrespective of sexual orientation and gender identity.

The notion of gender has been used to challenge the adoption of legislative policy and measures and in some cases has been used to challenge law reform or the passage of laws already signed and ratified at the international level. For instance, some laws and specifically the Nigerian Constitution stipulates that any treaty adopted at the international and regional levels require a certain percentage of votes from legislators before they can become implemented at the domestic level. Many members of the national assembly have religious and cultural biases which inform their decision. The constitution in section 12 particularly requires all international treaties to be domesticated before they can have the force of law in Nigeria. As a result, bills on CEDAW, the African Union Protocol on the Rights of Women in Africa and all other gender sensitive international instruments would have to pass several readings, gaining the consent of the two-third majority of the senators in the National Assembly before they can be passed into law. Moreso, because the domestication of CEDAW falls under the exclusive legislative list in the Constitution, it must be ratified by majority of all the houses of Assemblies in the federation

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<sup>1</sup> Source: <https://www.reuters.com/article/us-hungary-lgbt-book-idUSKBN26T2WY>

<sup>2</sup> Sources: <https://www.reuters.com/article/us-hungary-lgbt-constitution-idUSKBN27Q34Z> and <http://abouthungary.hu/blog/heres-what-you-need-to-know-about-the-proposed-amendment-to-the-fundamental-law-its-about-the-protection-of-families/> and <https://time.com/5897312/hungary-book-lgbt-rights/>

before it can be enacted into law. During this consultative period, religious and traditional leaders are consulted and their views and recommendations are weighty and often relied upon. Considering that Nigeria is a very 'religious' country, traditional and religious leaders are the moral clocks of the nation. In the case of the same sex marriage prohibition Law passed in Nigeria, it has been widely supported through the argument that homosexuality is un-African and must be challenged by all.

In Uganda and Nigeria, inherited Penal Codes from Britain, have been strengthened by harsh new legislations - there seems to be no end in sight. Many African political and religious leaders argue that decriminalising homosexuality would be akin to promoting it and that it goes against their traditions and culture. Hate speech against LGBTQI people is very common in churches with bible verses to back them up.

Another pointer is in the articles of CEDAW. The process of passing the CEDAW bill into law in Nigeria to make it enforceable was stalled at the National Assembly because of the misinterpretation of articles 12 and 16. Article 12, which basically provided for sexual and reproductive health rights, has been conservatively interpreted as that which seeks to legalise abortion under the disguise of reproductive health and family planning. Article 16 on the other hand has been criticised as that which is anti-religious and contrary to culturally laid-down rules on betrothal and marriage. The points against article 16 include the age of marriage, compulsory registration of all marriages in an official registry, rights on the choice of family name; full consent in betrothal and marriage among other points; it is feared that men's monopoly power over marital issues, which has generally become the norm, would be challenged by the female.

In some countries, applications of law are problematic and apply differently in different states - for instance Nigeria has a tripartite system of law, statutory, customary and religious laws. Nigeria is divided into a "Muslim-dominated north," where 12 states are governed under Sharia law provisions as an alternative to federal law, and a "Christian-dominated south," which is governed by federal law in conjunction with customary laws that have pre-colonial origins and vary widely across ethnic groups (Academic Researcher 11 Dec. 2018). The presence of tripartite laws makes it difficult to adhere to the Constitution. In Northern Nigeria for instance, while the Nigeria government has its police force, the North under Sharia have Hisbah police who are much more passionate and stringent about enforcing rules, because of the religious values associated with the Sharia laws. There are also Sharia courts where cases can be determined thereby giving absolute power to the Hisbah police. There have been reports of arrest of LGBTQI people by Hisbah and attacks.

This is also the case for some West African countries; Liberia has a dual justice system with both traditional/community practices and legal systems. This has reportedly affected the number of

cases of rape being reported for legal redress as cases arising out of communities are often compromised by the traditional justice system and involvement of traditional leaders in the referral system for victims and family members.

According to a representative of an LBQ organisation in Nigeria, sexual minority women face dual discrimination of being both women and possessing a sexual orientation or gender identity contrary to Nigerian societal norms. The abuse and discrimination experienced by sexual minority women begins within their families and is pervasive in workplaces, educational institutions, health care facilities, social settings and religious institutions. In the case of families, young women have been reportedly raped by family members as a means of curing them from lesbianism. It is often referred to as 'curative rape', and goes unchallenged.

### ***The case of Russia***

Currently we do not have any legislative initiatives aimed at addressing and eradicating violence and discrimination based on sex, gender, sexual orientation and gender identity. On efforts to abolish harmful laws see Question 3.

- 2. Are there examples where a concept of gender has been used in religious, traditional, or indigenous narratives or values in a manner which promotes the acceptance of persons with diverse sexual orientations or gender identity or protects LGBT individuals from violence and discrimination as well as covering a wider range of persons (for relevant examples, see para. 3 of the Independent Expert's Report to the 73rd Session of the United Nations General Assembly)?***

### ***The case of South Africa***

We would like to share the work of the Fellowship of Christian Councils of Southern Africa (FOCCISA) whose program focuses on both the inclusion of diverse sexual orientation and protection of LGBT individuals from violence and discrimination in churches which by extension includes wider society. Christianity is one of the main religions in Southern African countries thus making the work of FOCCISA a key contributor in efforts to promote the human dignity and equality of LGBTI individuals in a context where religious texts are used to justify exclusion, homophobia, violence and discrimination. Recent research done by the Other Foundation found that in this region churches and homes are the two key places where LGBT individuals experience the highest degrees of social exclusion.

### **Background to the Project**

The ongoing violence against LGBTI persons in Southern Africa coupled with the homophobic theologies from churches led to the conference of Presidents of Christian Councils, General Secretaries of Christian Councils, other representatives of the executive committees of Christian Councils and Gender program officers of Christian Councils under the theme: *The role of the churches in the context of violence on marginalized groups such as LGBTI persons* in Johannesburg, South Africa from 29th August to 1st September 2016. The overall goal of the conference was to help the churches in Southern Africa to find ways of addressing the pressing need for a religious response to violence and religious persecution of LGBTI people in Southern Africa. It aimed at helping the church leaders to develop a gospel of advocacy against violence on the LGBTI people. There were 5 (five) papers that were presented at this meeting. At the end of the conference it was decided to launch a project to train dialogue facilitators from member churches to pioneer initiatives in their local churches to address challenges of violence and exclusion experienced by LGBTI persons because of homophobic theologies. The resource for the training would be the papers presented at the conference and the core values would be: 'nothing about us without us' which means that the project would include LGBTI persons as both participants and facilitators; human dignity and equality of all persons created in the image of God; dialogue as a method of communication which allows for respectful exchange of differences

and safe space for learning together; confidentiality and commitment to practical interventions that will ensure justice and inclusion of LGBTI persons in church and society. So this project is the intervention which has been developed by the Christian Councils to focus on LGBTI persons and how the churches in Southern Africa and communities can be empowered to protect and fully accept them in their midst.

#### Description of project in relation to the two issues raised.

How does FOCCISA address these two main issues of: (a) using gender to promote values that promote acceptance of persons with diverse sexual orientations or gender identity and (b) using gender to protect LGBT individuals from violence and discrimination?

As mentioned above the project is informed by values that ensure equality of all participants, and the inclusion of LGBTI people in all aspects of the program. The content of the material covers definitions of gender that are non-binary and inclusive of gender non-conformity which extends to include persons with diverse sexual orientations and identity. The commitment to the fundamental Christian anthropology that all human beings are created in the image of God permeates every aspect of the training: creating safe spaces for all to be welcome without judgement or disrespect or any form of harm or discrimination. In our bible studies we employ the method of Contextual Bible Study which starts with experiences of persons in the group as the first step in interpretation; then reading the biblical texts together in search for liberation, compassion and justice of God; and we conclude with an action plan to resist injustice, discrimination, hate and exclusion of persons created in the image of God with equal dignity and full access to the spiritual resources freely given by God to all of humanity without discrimination.

To have religious leaders in the same group as equal human beings with LGBTI persons is truly the first step in resistance to theologies and practices of discrimination, exclusion and hate against LGBTI people. For many religious leaders this is the first time they are sharing the same room and training with LGBTI persons. We work with GIN and LGBTI organizations to prepare them before the training because many LGBTI people have experienced rejection from church leaders and theologies of rejection and discrimination. So for the coming together of these groups is truly a miracle and a sign of what happens when human dignity is a value that is allowed to have practical application for justice for all. Further in the broader context where LGBTI are described as 'unAfrican' and 'unChristian' and a 'Western agenda' the coming together in the spirit of equal dignity as all are created in the image of God without exception is a prophetic witness for justice.

A pre-screening of religious leaders is made so that those who are committed to the human dignity of all, justice and willingness to engage and learn with and from LGBTI as equal persons created in the image of God participate in the program. Together the classic text used to justify homophobia, exclusion, discrimination, hate and rejection of LGBT, namely the destruction of



Sodom and Gomorrah, is read and reflected upon. The reading together of the story in Genesis chapter 18 and 19 including references from other parts of the bible to Sodom and Gomorrah. None of these references in the Hebrew Scriptures mention sex and homosexuality as the cause of the destruction. The ultimate interpreter of the Bible for Christians is Jesus and he also does not mention sex or homosexuality in reference to Sodom and Gomorrah. In the rest of the New Testament, Jude refers to sexuality. So as the group reflects on the different interpretations of the sins of these cities including: failure to care for the poor (Ezekiel 16: 49-50); lying, killing and adultery (Jeremiah 23:14); lack of hospitality refusing to accept the messengers of God and their messages (Jesus – Matthew 10:15). The multiple traditions in the bible dismantle the received interpretation and allow for other ways of reading the story that cause renewed reflections that promote human dignity, inclusion, equality and non-discrimination.

The method of dialogue is the communication practice of the workshop. The values that sustain and promote dialogue are: human dignity, equality, the image of God and humanity as one family. Sharing of personal stories and journeys is important in the process of recognizing our common humanity and similarities. LGBTI people are often sexualized which is an act of violence that does not recognize the fullness of their humanity which is shared by all human beings that is common such as: dreams, success, education, failure, fears, joys, sorrows, friendship, faith, jobs and everything human.

This inclusive reading together of biblical texts within the context of shared values that promote the human dignity of LGBT and diverse genders and sexualities is a subversive and liberative resistant act in a region where churches are divided on the status of LGBT persons and some promote theologies of exclusion, discrimination and violence. These small steps are hopefully the beginning of new creative faith initiatives that put into practice the fundamental belief shared by all Christians that all human beings are made in the image of God therefore worthy of dignity, equality and rights. This is not a 'Western agenda', it is a question of faith and the fundamental belief in the human dignity, equality of all human beings without discrimination or harm. The culture brought by Jesus: 'Let the one without sin be the first to throw the stone at her' (John 8:7).

#### Responses from participants

For many participants seeing, relating and learning from LGBTI participants was a transformative journey as well as re-reading the scriptures together particularly the other references in the bible to the famous story of Sodom and Gomorrah, and especially Jesus' interpretation of the destruction. More than this the human interaction, sharing meals, being in same groups, listening to each other's stories was the turning point of recognizing the human dignity of the other made in the image of God – equally, and that discrimination, exclusion is inconsistent with God's liberation and creation of all human beings as equal with dignity made in the image of God. All

human beings standing together on the same level as recipients of God's love, salvation, gifts and call to mission of liberation and justice.

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

**Gender narratives: the case of Poland, Armenia and Eastern Europe**

A number of Polish boroughs have proclaimed themselves ‘LGBT-free zones’ claiming to be fighting ‘gender ideology’ or ‘LGBT ideology’.

In Armenia, discrimination against the LGBT+ community remains a major problem in countries of Eastern Europe, reinforced by discriminatory social norms and continuous public stigmatisation, as well as a lack of political will to enact legal and policy frameworks to address discrimination. While the LGBT+ community repeatedly experiences institutionalised discrimination and violation of fundamental human rights in all areas of public life (healthcare, education, employment), a major and often overlooked facet is religious exclusion. Members of the community are continuously condemned and excluded by church authorities, as well as church constituencies based on their sexual orientation and/or gender identification. This most commonly leads to the alienation of this group from religion and church. Moreover, parents of LGBT+ children risk experiencing the same stigmatisation within their churches and many choose to stay silent, which often gives rise to mental health concerns and sometimes also family breakdown.

There has been quite a lot articulated about “woman”, “man” and “gender” concepts in the Armenian society. The term “gender” had been a subject of many fragmental debates taking place mostly within civil society circles. The word “gender” can be manipulated and used by different social flows, including church representatives, traditionalists, nationalist youth groups, etc. and misrepresented by the mass media, especially via social media.

In many non-traditional religious communities’ women have secondary, even tertiary roles. Men deny the role of women in their communities by two ways – through idealization or marginalization. Many feminist groups consider the problem of marginalization of women as a false interpretation of Holy Scriptures by men for justification of their patriarchal authority. The pastors of non-traditional religious communities mention that the rate of divorce in their communities is comparatively low as during their preaching the pastors regularly talk about family, its firmness, the importance to forgive and other values. If a couple is a regular attendant to the same church, the possibility for reconciliation is very high.

However, the basic problem identified in almost all religious communities is the issue of education for women. Especially in rural areas women get married at an early age and do not have a chance to get quality education in order later on to educate their children. Because the majority of men in rural areas go away for seasonal work, the basic functions connected to household, and the education of children rests on women. Thus, non-educated women may not educate their children which directly impacts the education level of the new generation and in the future shall impact the country.

### **The case of Hungary**

An amendment was approved defining family as "based on marriage and the parent-child relation. The mother is a woman, the father a man" makes same-sex couples unable to adopt, even if one of them applies as a single person. "The main rule is that only married couples can adopt a child, that is, a man and a woman who are married," Justice Minister Judit Varga said. Single people will now require special approval from the government to adopt – which approval will be happening on what basis? - this, no-one knows<sup>3</sup>.

### **The case of Russia**

There are several examples of such laws. In Summer 2020, the Constitution was amended. Among several amendments, the new Constitution enshrined "marriage" as "a union between a man and a woman". Previously the definition of marriage as a union between a man and a woman was stated only in the Family Code. The amendments also introduced a concept of God to the Constitution. A text was introduced to Art. 67: "Russian Federation united by millennial history, keeping ancestors' memory who passed on to us our ideals and faith in God".

Also in the Summer 2020, a bill amending a Law on the Protection of Children was introduced to the State Duma (Parliament). Among other things, it required all persons who had changed their gender marker in their birth certificate to change it back to the one assigned at birth, and to again reiterate the definition of marriage as a union between a man and a woman. This would have created a discrepancy between gender in the passport and gender in birth certificate for transgender people. Upon entering into marriage, one should have presented both a passport and a birth certificate, and in case of discrepancy, the marriage could not have been conducted, thus prohibiting transgender persons entering into marriage whatsoever. The bill also introduced new policies on Juvenal Judiciary. The bill faced both wide support and opposition from many

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<sup>3</sup> Source: <https://www.bbc.com/news/world-europe-55324417>

actors, including religious actors. Currently, the bill has been sent back for revision, and it is likely it will not be made into a law.

Russia presents other laws concerning gender, a law on domestic violence in particular. While keeping in mind that persons of any gender identity can become victims of domestic violence, it is evident that the majority of domestic violence survivors are women. Domestic violence was yet decriminalized in 2017, the main argument behind decriminalization was based on traditional and family values: what happens in family stays in the family, and mild violence sometimes might be necessary or even welcome between a husband and a wife, or parents and children. The law was introduced by MP Mizulina<sup>4</sup> who is currently one of the main political actors protecting family values and battling 'gender ideology'. Currently however, more and more experts and actors see the harmful impact of the law, and there are many initiatives to abolish it and introduce a bill protecting survivors of domestic violence.

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<sup>4</sup> Reference: [https://en.wikipedia.org/wiki/Yelena\\_Mizulina#Legislative\\_work](https://en.wikipedia.org/wiki/Yelena_Mizulina#Legislative_work)

- 4. Are there initiatives taken by States in connection with the right to freedom of religion, belief or conscience (including the figure of conscientious objection) that have had the practical impact of limiting the enjoyment of human rights (including sexual and reproductive rights) of LGBT persons?**

### **The case of Poland**

The Rainbow Virgin Mary is a good example: <https://www.shethepeople.tv/lgbtqia/polish-court-acquits-activists-virgin-mary-with-rainbow-halo/>

### **The case of Russia**

Currently there are no such initiatives directly aimed at LGBT persons. However, freedom of religion is currently limited in Russia in general, and it affects LGBT communities and LGBT persons of faith. Legally, the main law limiting freedom of religion is the law “On Freedom of Conscience and Religious Associations”, in particular amendments adopted in July 2016. These amendments impose limitations on the activity of religious groups: one must register a religious group, and to register it one needs to own a space which is not a living premise. Religious practice on living premises is prohibited. Any religious figures or leaders who do not have Russian citizenship must obtain an invitation from a registered religious group to practice their religion in Russia (chapter 3.1 of the law on Freedom of Conscience). This leads to many religious groups who do not own a non-living premise going underground, and to religious leaders fearing of speaking out on any political themes in fear their registration will be revoked. Many religious leaders are not Russian citizens and they can be deported in such a case.

Furthermore, the case of Jim Mulcahy is interesting. He was an MCC pastor for many years, and after that became Orthodox priest. In 2016, after the amendments were adopted, he came to the city Samara to the local LGBT+ organization, to speak about LGBT community and faith. He did not have any license, and was not performing any rituals or doing any sermons. However, he was detained during the event under that law and deported after several days in a detention centre, where he was refused essential medical care, which impacted his health. He was banned from returning to Russia for 3 years. Now, after this case, religious leaders who are known for working with/speaking of LGBT+ communities and other related topics are afraid to come to Russia. Affirmative religious leaders are afraid to speak up in any way and to be associated with LGBT+ communities in fear of losing their registration.

**5. Have there been public expressions or statements by political and/or religious leaders that have led to indefinite extension, modification or suppression of actions, activities, projects, public policies or application of gender frameworks?**

**The case of Poland**

A number of Bishops have expressed such views in the last couple of years, most notably Bp Marek Jędraszewski who referred to LGBT+ people as 'rainbow plague' and compared it to Stalinist regime. Polish government continues to claim that LGBT+ people are not discriminating against in Poland, yet we still cannot have sexual identity and orientation added to laws against discrimination. Sexual education is basically non-existent in Polish state schools, and NGOs offering it have been banned from schools, all on the basis of "protecting children against sexualization".

**The case of Hungary**

The above mentioned expressions and statements, legislations and legislation amendments make activists modify their programs and activities. For example, in the last 2 years, anti-LGBTQ people have started to attack events on Pride Month. Last year, due to COVID, there was no Pride March but Pride events were held with a limited number of participants. In 2019, the Open Day of Mozaik was attacked. The organizers, Mozaik Community – an LGBTQ and allies Christian ecumenical community) have expressed that *"we have to prepare for these attacks – extreme right-wing people want to disturb our events and they want us not to have these events and to be afraid. This was the second time our open-day event was attacked (attack meaning emotional attack and verbal abuse, verbal harassment). We have to delegate some of the organizers and our allies to "keep guard" and communicate to the attackers that they are not allowed to disturb the safety of the participants. This takes energy and human resources."*

**CSE in Ghana, Kenya and South Africa**

In Ghana and Kenya especially there has been recent contestation and discussion around the introduction of CSE into schools. In both cases, it seems that CSE is viewed as a proxy for the introduction of rights for sexual and gender minorities, as well as for the right to abortion and preserving national sovereignty. And religious actors have vocally opposed the introduction of CSE.

The contestation around CSE in Ghana followed from the World Congress of Families Africa Regional conference which was held in Accra, Ghana in November of 2019, and in Kenya was linked to the ICPD25 conference held in Nairobi in November of 2019. In both cases the relevant Catholic Bishops’ Conference expressed strong condemnation of the introduction of CSE:

“It (CSE) is a subtle way to introduce this gay and lesbian thing to our children ... It is unacceptable!” the President of Ghana Catholic Bishops’ Conference (GCBC), Archbishop Philip Naameh<sup>5</sup>

In November of 2019 Ghana’s President Akufo-Addo clearly stated that the planned CSE curriculum did not include LGBTI issues<sup>6</sup>, but it appears that in fact in the end the implementation of the CSE curriculum has been halted in Ghana.<sup>7</sup>

In February 2020, Advocates for Christ Ghana made the following statement: “It is becoming clear that there is, potentially, a conspiracy by some local and foreign actors to find a way to get CSE into the Ghanaian education system, at all costs. It is evident that their intention is to subtly influence social norms and views relating to sexuality in the country and ultimately to nudge our acceptance of sexual orientations and practices such as those espoused by the LGBTQI community. But not on our watch!”

In Kenya, as recently as May 2020, the Catholic Bishop’s Conference was still publicly in opposition:

The Bishops are “totally opposed to CSE,” Bishop Paul Njiru Kariuki who heads the Commission for Education of KCCB that is spearheading the campaign told ACI Africa Friday, May 22, cautioning that if the program is included in the education curriculum in Kenya, it “will bring in lesbians, gays and that is going to destroy our country.”<sup>8</sup>

Similar statements have been made by religious actors in South Africa, but have gained less traction. Family Watch International continues to run the StopCSE campaign<sup>9</sup> but, it appears, with limited success.

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<sup>5</sup> [Proposed Comprehensive Sexuality Education Way to Introduce Homosexuality: Ghana Bishops \(aciafrica.org\)](https://www.aciafrica.org/propose-comprehensive-sexuality-education-way-to-introduce-homosexuality-ghana-bishops)

<sup>6</sup> [CSE: Calm down, no LGBT agenda in curriculum - Akufo-Addo \(modernghana.com\)](https://www.modernghana.com/news/148484/cse-calm-down-no-lgbt-agenda-in-curriculum-akufo-addo)

<sup>7</sup> <https://www.graphic.com.gh/news/general-news/ghana-news-religious-leaders-applaud-president-for-declaration-on-cse.html>

<sup>8</sup> [Bishops in Kenya Renew Campaign against Comprehensive Sexuality Education Commitment \(aciafrica.org\)](https://www.aciafrica.org/bishops-in-kenya-renew-campaign-against-comprehensive-sexuality-education-commitment)

<sup>9</sup> [StopCSE.org | PROTECT THE INNOCENCE OF CHILDREN \(comprehensivesexualityeducation.org\)](https://www.stopcse.org/)



- 6. Who are 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?**

### **The case of Poland**

It seems that the main proponents are the Polish Roman Catholic Bishops. It is hard to tell at this point who is the initiator and who just follows suit; both the Roman Catholic Bishops of Poland and the government argue that all anti-discrimination efforts go against Polish traditional values.

### **The case of Brazil**

Brazil has experienced what is being called “bolsonarism”. According to Caio Prado Junior<sup>10</sup> “bolsonarism” is “the rise of Jair Bolsonaro and his political agenda—mixing economic ultraliberalism with racist, misogynistic, homophobic, xenophobic, and militaristic leanings (including the apology of dictatorship and torture)”. The “bolsonarism” is structured upon what has been labeled “gender ideology” and “the moral agenda”. One of its highest-ranking representatives is the Minister of Women, Family and Human Rights, Damara Alves. Alves is an evangelical pastor well known for her attacks to LGBTIQ+ peoples. One of her famous quotes is: “boys wear blue and girls wear pink”, proclaimed when she became the Minister of Women.

The São Leopoldo Declaration<sup>11</sup>, written by advocates, activists, theologians and researchers from around the world and coordinated by GIN-SSOGIE, explains that “the notion of ‘gender ideology’ has, as its inception, the opposition to the proposals of the United Nations Conference on Population in Cairo in 1994 and the IV World Conference on Women in Beijing in 1995 carried out by conservative religious leaders. These leaders promoted the idea that these advances regarding women’s empowerment were ‘dangerous’ for the Traditional Family model. In 1994 the concept of the ‘gender agenda’ also emerged. That is, they presented social movements as destabilizing the social order due to the changes that transformed the logic of gender inequality. Subsequently, in 1997, these conservative sectors coined the notion of ‘gender ideology’ to pejoratively refer to women’s sexual and reproductive rights”.

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<sup>10</sup> Source: <https://brooklynrail.org/2019/02/field-notes/Bolsonarism-and-Frontier-Capitalism>

<sup>11</sup> Source: <https://gin-ssogie.org/family-and-traditional-values-regional-joint-declarations/san-leopoldo-declaration/>

The same declaration affirms that “regarding the LGBTIQ+ population, the religious fundamentalist sectors have used a weak and irresponsible reading and interpretation of the sacred texts, which has been cis-hetero-patriarchal. At the same time, they have used fallacious and pseudo-scientific arguments to misinform the general population. These arguments have been used for sowing fear and political purposes, and to preserve the power structures that include state militarism as well as religious and political authoritarianism, on whose basis rests the cis-hetero-patriarchal structure of ‘the’ Traditional Family, the cornerstone of the dominating powers”.

In this context, the minister, Damares Alves, has had important opportunities to represent Brazil at the UN, but she has done this using falsehoods and misinformation about the reality in Brazil. At the UN Human Rights Council 46th Session, Damares Alves gave a speech that has been criticized by many institutions, NGOs and social movements. The Brazilians NGOs Catholics for the Right to Decide and Anis Bioethics Institute have raised five issues about Minister Damares’ speech<sup>12</sup>:

- When the Minister Damares Alves says that children and teenager are a priority of the government, the same government takes away from school what could protect the lives of children and teenagers: sexual education;
- Alves appears in the video with some indigenous elements on the wall behind her promoting a certain tokenism. But the question is: where is the potable water that the Minister Alves could not provide during the pandemic? Where is the government to save the Acre Estate? Where was her Ministry to save lives in Manaus Estate? Alves presents an allegory;
- Alves presents an empty discourse about the importance of protection to elderly and indigenous people. The Minister has forgotten to say that Brazil is the worst country in world in fighting the COVID-19 pandemic;
- Minister Alves talked about the priority of searching for disappeared people. But there is a history that the government wants to ignore: who asked Marielle to be killed?;
- When Alves affirms that people with disabilities have priority in her Ministry she lies. The families that have access to the “benefit of continued provision” due to the Zika had experienced a lot of barriers to access the “emergencial aid” provided by the government in 2020.

The reality in Brazil is that “gender ideology” has been used as an instrument of oppression against women, LGBTIQ+ people and indigenous people, by creating false rhetoric about the

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<sup>12</sup> Source: <https://www.instagram.com/ascaticas/>

true issues: Brazil continues to be the number one country in the world that kills trans people<sup>13</sup>; an LGBTQI+ person is assaulted every hour in Brazil<sup>14</sup>; 1 in every 4 girls are victims of sexual violence before 18 years old<sup>15</sup>. These are some of the numbers that illustrate the importance of a radical advocacy on gender, sexual orientation and gender identity in Brazil.

### **The case of Latin America (more widely)**

In the last fifteen years, the regional sphere and the Inter-American system have become an increasingly active advocacy space for religious sectors, especially conservative ones. In the particular field of the Organization of American States (OAS), a space for interaction with civil society has been developed for several years within the framework of each annual assembly and summit (triennial). Since 2017, the system of civil society participation changed from an instance of thematic tables - where each organization registered, to participate with other organizations in the construction of inputs for specific fields to be addressed in each assembly - by a system of coalitions, composed of a minimum set of 10 organizations, which meet and register from a particular theme, and then participate in a round table together with national representatives. Thus, we find coalitions of women, LGBTIQ, Afro-American and indigenous groups, among others.

Within these coalitions we also find religious representatives. Catholic organizations have always tended to act in a more organic way within the various coalitions already present in OAS, where the religious did not stand out as a prominent element, but was articulated with the discourses, practices and positionings of these spaces. In the case of evangelicals, they have tended to create their own groups, with coalitions based on its own idiosyncrasy. Thus, in the 2018 assembly (Washington) there were three evangelical coalitions, five in 2019 (Medellin) and at least three in 2020 (Washington, virtual format). Beyond the particularity of these coalitions, they work in a fully articulated way with other coalitions within the Dialogue with Civil Society, to promote and defend common agendas, generally aligned with the value issues, defense of the traditional family and opposing any "progressive" proposal.

The particularity of these coalitions is that they are promoted by and composed of movements and organizations that are no longer framed at a local or national level, but at a regional level. In this sense, we find, for example, movements such as "Con mis hijos no te metas" [Do not mess with my children], which began in Peru but is already present throughout South America. They are opposed to any non-traditional sexual education agenda. There is also a strategic group such as the Ibero-American Congress for Life and Family [Congreso Iberoamericano por la Vida y la

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<sup>13</sup> Source: <https://antrabrazil.org>

<sup>14</sup> Source: <https://www.cartacapital.com.br/diversidade/um-lgbt-e-agredido-no-brasil-a-cada-hora-revelam-dados-do-sus/>

<sup>15</sup> Source: <https://www.eumeprotejo.com/cartilha>

Familia], which began in Mexico but now articulates churches and organizations from all Latin American countries, and includes Spain. This platform articulates churches and organizations from a political agenda with the following elements:

- 1) creation of a regional political training center,
- 2) a platform of evangelical legislators that discuss common agendas,
- 3) a political communication center and
- 4) an advocacy agenda in the framework of the OAS, which precisely concentrates all evangelical coalitions.

In addition, there are networks such as “Parlamento y Fe” [Faith and Parliament] and Capitol Ministries, which work with evangelical officials to contact other politicians at the local level and provide training and coordination. In sum, these events reflect a change in the mechanisms of advocacy, which is far from being local to be organized much more formally and structurally from a regional and multilateral logic.

In this articulated work between evangelical and other coalitions with a pro-life agenda, there are also agreements regarding the main discourses and thematic axes to be addressed both in the institutional discussions and in other advocacy efforts. Among the most important, we can highlight the following:

- There is a claim from the "right of sovereignty", where it is established that agreements in regional or multilateral spaces should not interfere in the countries, even more so when they "disagree" with the national Constitution.
- There is a defense of the traditional family model, where it is stated that any promotion of sexual diversity, egalitarian marriage or any other issue related to sex education, entails a principle of "interference" by sectors that, in some cases, are explicitly titled as "gender ideology".
- From the principle of life from conception, there is a clear discourse against the legalization and decriminalization of abortion, which is not presented as religious but as "scientific".
- There is a reappropriation of the issue of secularism and religious freedom as a way of appealing to a defense by the religious world against any claims of other minorities, that stress moral issues.
- There is a reappropriation of the rhetoric of human rights and their demands, making the progressive sectors a kind of "extreme position" with respect to the issues on their agenda.

In contrast to these groups, within the Inter-American system we also find efforts by progressive religious sectors to present an alternative agenda. This is the case of the Coalition of Religions for Peace, composed of faith-based organizations and religious representatives, which is not linked to agendas on sexual diversity issues but on sustainable development, environmental justice and gender violence. We also have the case of the Coalition of Religions, Beliefs and Spiritualities in Dialogue with Civil Society, which is composed of more than 25 civil society organizations, interfaith dialogue spaces, faith-based organizations and other movements, whose objective is to accompany coalitions that promote human rights agendas, especially on LGBTIQ issues, sexual and reproductive rights, and feminist agendas.

In summary, we can say that the multilateral spaces have been transformed into spaces of dispute of religious agendas, with two objectives: 1) to achieve greater political resonance through the incidence of spaces of greater political scope and 2) to build strategies of articulation between civil society. However, one of the strategies of the neoconservative sectors is precisely to work more directly with national missions and embassies, in order to de-legitimize civil society organizations.

### **The case of Hungary**

This list includes:

- Government- legislators
- Government media and
- Church (mainly Catholic, Reformed) mainstream media.
  - Preachers in church call attention to the petitions of “Citizen Go”, an organization who asked to ban the children’s book mentioned in Q1. Vasarnap.hu (= Sunday.hu) is the church mouthpiece of the Hungarian government. Right-wing radical politician (now in opposition) destroying children’s book because of “gender ideology”.

Their efficiency: see Q1 (they regressed the right for adoption, connecting it to special permission in the case of single parents: which indirectly discriminates against LGBTQ parents as registered civil partnership is not recognized as marriage when it concerns adoption) as the church and the state works together in this strategy. They are also sadly very successful in inciting verbal aggression, emotional violence and hostility.

## **The case of Nigeria**

Men who view feminism as problematic and too empowering challenge all forms of gender ideology. Media, politicians, anti-LGBT groups, some religious and traditional rulers and some members of faith based groups including women. They argue that being LGBTQI is not natural, it is not biblical; they claim it is a foreign culture and behaviour which can be stopped.

Their actions have made it impossible for LGBTQ rights to be respected and protected. Some of them wield a lot of influence such as conservative religious leaders, and the media sensationalising issues of LGBTQI people, while the traditional and religious leaders have closed their minds to any conversation. The struggle for women and girls' rights has never been won, Nigeria is a patriarchal nation and women's rights have not received the attention it requires. According to the most recent nationally representative data by the Nigerian Demographic and Health Survey (2018), 25% of men across Nigeria believe that it is acceptable for a man to beat his wife if, among others, she refuses him sex, goes out without telling him or burns food. Most women and girls experience violence between the ages of 15 and 49. While domestic violence is a violation of fundamental human rights which the Nigerian Constitution is against, there are still provisions that make it legal to engage in domestic violence against women. The provision of the Penal Code applicable in the Northern part of Nigeria specifically encourages violence against women. The beating of a wife for correction is legal by the use of (Section 55 (1) (d) of the Penal Code).

Women's rights and bodily autonomy is still a topic for debate. Some portions of the Penal and Criminal codes of Nigeria criminalise safe abortion; it is the same way bodies of LGBTQI people are legislated upon.

### **Annex: Comments by Nigerian ambassador and Police Officer**

In a statement dated 19 September 2006, the Nigerian ambassador to the United Nations, Joseph Ayalogu, stated, "The notion that executions for offences such as homosexuality and lesbianism [are] ... excessive is judgmental rather than objective. What may be seen by some as disproportional penalty in such serious offences and odious conduct may be seen by others as appropriate and just punishment.

In January 2019, Dolapo Badmos, the spokesperson for the Lagos State Police Command, has warned homosexuals to flee the country or face prosecution. She said in an Instagram post: "If you are homosexually inclined, Nigeria is not a place for you. There is a law (Same-Sex Prohibition Act) here that criminalises homosexual clubs, associations and organisations with penalties of up to 15 years in jail. So, if you are a homosexual in nature, leave the country or face prosecution. But before you say, 'does this matter?' Kindly note that anything against the law of the land is

criminal and all crimes will be punished accordingly no matter how small you think it is. Anyone convicted of entering into a same-sex marriage contract or civil union faces up to 14 years imprisonment. All LGBT candidates in Nigeria should beware. 13 years after the first comments not much has changed from government representatives.