

TANAKA Taro

From: Lisa Jordan <lisajanejordan@outlook.com>
Sent: 14 March 2021 22:19
To: IE Sexual Orientation And Gender Identity OHCHR; Registry OHCHR
Subject: [External] Submission to the report on gender, sexual orientation and gender identity

Question 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?

Yes the UK has the 2010 Equality Act in which 9 protected characteristics exist including Sex (Male or Female of any age), Sexual Orientation and Gender Reassignment are protected against discrimination, victimisation and harassment in civil law. UK Civil law recognises Gender ID and Sexual Orientation as DISTINCT from Sex as both rely on Sex for meaning. EA2010 shows that it is possible to protect trans from discrimination as their own class, not under the category of Sex. In Criminal Law, Transgender Identity and Sexual Orientation are included in protected characteristics for Hate Crimes to highlight that hatred based on either of these is unacceptable.

Question 2: Has the State ratified, signed, or adhered regional or international human rights treaties, declarations, programs or policies or any other international instruments aiming to address violence and discrimination based on sexual orientation and gender identity that involve the implementation of a gender framework (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming)?

Question 3: What kinds of information and data are collected by States to identify forms of violence and discrimination faced by people based on sexual orientation and gender identity? Is the data designed to capture causes and patterns of violence and discrimination against lesbians, gay men, bisexual women, bisexual men, trans women, trans men, and gender diverse persons?

The Crown Prosecution Service gathers this data however it is hard to build an accurate picture because of misinformation recorded by police and courts in recording and reporting of crimes, specifically in relation to the biological sex of offenders and victims which is often recorded as self identified gender identity. Accurate recording of data on the basis of sex is crucial for data integrity. Conflating of sex and gender is a significant problem and affects our understanding of the population and inequalities experienced by sex, sexual orientation and gender identity. Nonetheless this is promoted by trans campaign groups as appropriate and progressive. It is neither appropriate nor progressive.

Question 4: Is comprehensive sexuality education taught in schools?

Yes, <https://www.transgendertrend.com> and <https://safeschoolsallianceuk.net> have lots of good evidence based information on this.

Question 5: 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 legislative or policy measures aimed at addressing or eradicating violence and discrimination based on sex, gender, sexual orientation and gender identity?

I believe that minors should be protected from the harmful effects of puberty blockers as per Keira Bell judgement.

Question 6: 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)?

Question 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?

Sex specific toilets are recognised as positive for women and girls. They are recognised by World Health Organisation and United Nations as important for female emancipation. The relabelling of single sex toilets as gender neutral disadvantages women because women cannot use urinals and therefore provision for men is effectively doubled. It also impacts on women's privacy to deal with menstruation (eg rinsing menstrual cup or washing blood from clothing or hands) and other reproductive matters such as miscarriage.

Trans inclusion policies in schools are undermining the UK Department of Education requirement to provide sex segregated toilets and changing rooms from age 8. This is to the detriment of girls who find themselves sharing facilities with boys. Undermining their bodily privacy at a time when many girls are experiencing periods for the first time and adapting to their developing bodies.

Mixed sex toilets and changing rooms for children and adults, in whatever domain, leads to an increased risk to women and girls of sexual assault.

Conversion therapy should not be conflated for gay and trans identified people. Conversion therapy for "sexuality", being lesbian, gay or bisexual, should be banned. However banning therapy for identity, trans, leads to the affirmation only model for gender dysphoric adolescents and adults which is dangerous pandering to gender ideology especially given the number of detransitioners. The adolescent or adult is led to believe that changing their body to live as the opposite sex is the answer to their problems and is the first step towards lifelong medicalisation, unknown long term harms, lack of sexual function and often sterility. In "reality", no one can change sex- they can only hope to imitate the opposite sex. Therapy is a valid treatment pathway for trans identified people to explore reasons for gender dysphoria and must be treated distinctly from conversion therapy related to sexuality.

Question 8: 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?

No, quite the opposite. Gender ideology has had practical, negative impact on women and the language we use to describes ourselves. For example, imposing the use of gender neutral language for sex specific cancers and using dehumanising language such as "birthing parent" or "pregnant people" instead of mother and pregnant woman, menstruators, uterus havers, vulva owners and referring to maternity services as perinatal services. This is not the case for men who are not described as penis havers or ejaculators!

Question 9: 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?

No, quite the reverse as the Gender Recognition Act reform shows.

Question 10: 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 words man and woman have meaning - male or female, a biological fact. "Sex" is a material reality which should not be conflated with "gender" or "gender identity" which is an unverifiable feeling of internal gender. I believe that everyone should be free to live as they choose without harassment or discrimination because of adopting or not adopting gender norms and stereotypes. However, being female and having a female body (periods, fertility, female cancers, etc) are a material reality not an identity. Gender stereotypes which have restricted women in the past, should not be further entrenched in our lives- they are both regressive and harmful to children. Women should not be required to give up the language that describes our sex, our right to privacy in single sex spaces (toilets, changing rooms, refuges, prisons) or our sports.

Question 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?

After Stonewall decided to focus on transgender matters, the LGB Alliance formed to represent the interests of lesbians, gays and bisexuals. Stonewall have tried to remove single sex exemptions which apply in UK law by wrongly replacing sex with gender identity.

Groups like FairPlay for Women and SexMatters have formed in the past few years because of the increased political and policy focus on the needs of those with trans identities. There is undeniably a conflict in areas which normally involve separation of the sexes.

Question 12: What policies, programs and/or practices has the State adopted to meet Sustainable Development Goals 5 (gender equality) and 10 (reduced inequalities)? Do these rely on gender frameworks inclusive to diverse sexual orientations and gender identities and/or aiming to address violence and discrimination based on sexual orientation and gender identity? Please identify relevant examples.

UK law identifies sex and gender reassignment (self identified) as two separate protected characteristics in 2010 Equality Act. There is inevitably conflict between the two groups however the Equality Act includes exemptions which allows for single sex spaces for females which overrides the inclusion of transwomen since they are the male sex. This applies even if they have changed their legal sex under the Gender Recognition Act. This is a legal fiction and the law must be based on material reality, not an unverifiable gender identity.

Violence against people because of their trans identity is rare, however violence against women and girls is commonplace. International statistics on the murder of transwomen correlates with sex work, particularly in South America and there is little evidence to suggest that these are murders on basis of trans identification.

Women who defend the sex based rights of women to maintain single sex spaces are increasingly attacked verbally, often online, and sometimes physically. There is a rights conflict and responsible policy makers cannot ignore this.