**Call for input to a thematic report: freedom of religion or belief (FoRB) and sexual orientation and gender identity (SOGI) from:**

Victor Madrigal-Borloz, UN Independent Expert on Sexual Orientation and Gender Identity

<https://www.ohchr.org/en/calls-for-input/2023/call-input-thematic-report-freedom-religion-or-belief-forb-and-sexual>

**INPUT FROM LGB ALLIANCE 15 Jan 2023**

**INTRODUCTION**

On 10th January 2023 LGB Alliance submitted a formal complaint to HE Ambassador Václav Bálek, President of the UN Human Rights Council, about the ideologically motivated behaviour of Victor Madrigal-Borloz, UN Independent Expert on Sexual Orientation and Gender Identity.

The complaint stands and we submit this response to the consultation in the full knowledge that it is the practice of Mr Madrigal-Borloz to ignore any submissions that are not aligned with his commitment to gender identity ideology, deeming them to be “hateful”. None of our comments, reports or responses to consultations ever contain any material that could be described as “hateful”. Mr Madrigal-Borloz chooses to try and silence our views by his inaccurate and unwarranted description.

We will publish this response on our website as we are confident that Mr Madrigal-Borloz will continue his practice of ignoring any LGB voices that disagree with his extremist agenda and will not make our submission public.

**About LGB Alliance**

LGB Alliance is a charity that represents the interests of a rapidly growing number of lesbian, gay and bisexual people – LGB people who have grave concerns about the loss of our rights. Specifically, we are concerned by moves to replace, in law and elsewhere, the category of “sex” with “gender identity”, “gender expression” or “sex characteristics”.

Many of us are long-time gay and lesbian activists who fought for many years to defend and promote the rights of people with same-sex sexual orientation. These hard-won rights are now under serious threat.

**Replies to the questions:**

1. This convoluted question seeks to identify “points of tension” in a society where freedom of religion or belief (FoRoB) exists alongside freedom from discrimination and violence. The answer is clearly that there are none. Those who uphold the central values of a liberal democracy, freedom of religion or belief, would necessarily oppose violence and discrimination against minorities. It is nonsensical to say that any citizen may be free to express their religious or secular beliefs while at the same time allowing others with different beliefs to be attacked or maligned. Assuming that freedom of religion or belief is a reality which exists in practice, there are no areas in which these could be mutually exclusive.

2. Yes. As per answer to question 1.

3. This question is barely intelligible. First, what is meant by gender? Does the Independent Expert mean sex, or gender as in gender stereotypes? Second, there is no such thing as an “LGBT+ individual”. In using this letter group, the Independent Expert is out of step with governments and NHRIs who have realised that acronyms and letter combinations used to group people with totally different characteristics together are at best unhelpful and at worst harmful to some of those concerned.

For example, the acronym BAME, previously used in the UK for black, Asian and minority ethnic people, has been dropped by the UK government and the UK NHRI, the Equality and Human Rights Commission. It is time to stop lumping lesbians, gays, bisexuals and trans people together as one – people with LGB sexual orientation have very different experiences and lives from those who have “gender identity” issues, and the letter combination LGBT obscures those differences. Finally – what is included in the “+” sign? The Independent Expert needs to be clear in the language and signs he uses.

Working back from the question “Has this (religious, traditional, or indigenous narratives or values) informed any legal interventions or public policies?” it is possible to provide an answer - which is: probably not.

Legal interventions or public policies in support of LGB people and T people (the question does not clarify what the “+” covers) have been seen in the UK since the 1960s. Progressive changes in the law and policy are driven by evidence. “Religious, traditional or indigenous narratives” have had no influence.

4. We take the view that “gender identity ideology” – that is, the belief that everyone has a “gender identity”, which should supersede biological sex in law and in all or most areas of life – is itself a quasi-religious narrative. Because of the missionary zeal of activists such as Mr Madrigal-Borloz, the key trend is violence and discrimination against those of us who are lesbians, gays and bisexuals, who are today targeted with more homophobia than ever. Since gender identity ideology is falsely promoted as a “progressive civil liberties movement” by those who seek to impose it worldwide, LGB people are being threatened – and some are going back into the closet. We see frequent examples of defamation and constant attempts to silence LGB people. The following four examples will suffice here.

* The charitable status of LGB Alliance has been challenged by another charity called Mermaids, which promotes childhood gender transition. If Mermaids wins this case, it will be illegal to have a charity that focuses exclusively on the rights of LGB people in the UK in 2023.
* A lecture by Professor Robert Wintemute, a human rights law colleague of the Independent Expert Victor Madrigal-Borloz, was shut down at McGill University, Montreal on Wednesday January 11th, 2023. Why? Because ardent believers in gender identity ideology could not tolerate a trustee of LGB Alliance giving a talk on balancing rights. Professor Wintemute is a gay man with a lifetime of campaigning for LGB and T rights behind him. Yet a group of out-of-control students prevented the exercise of his right to express his views. <https://montrealgazette.com/news/local-news/protest-by-trans-activists-forces-cancellation-of-mcgill-speech>
* In Norway, Tonje Gjevjon faces a jail sentence of up to three years for saying that men cannot become lesbians. Quite apart from the fact that a lesbian is an adult female with same-sex sexual orientation, we ask how such a situation can arise in a society where freedom of belief and religion is protected by law? <https://nypost.com/2022/12/15/tonje-gjevjon-faces-up-to-3-years-in-prison-for-saying-men-cannot-be-lesbians/>
* In June 2022, Nottingham City Council decided to stop a talk by lesbian writer Julie Bindel – “due to what it said were her views on transgender rights.” <https://www.bbc.com/news/uk-england-nottinghamshire-63745075>

In the latter case, the Council was forced to apologise and ordered to pay more than £10,000 in legal fees and £570 in compensation for their unlawful action in stopping the event.

All these examples are a direct result of current efforts to impose a belief system that has all the traits of a religious narrative or even a cult – efforts that are driven by Mr Madrigal-Borloz and other activists.

5. The State has either adopted or is seeking to adopt several pieces of legislation to comply with the demands of gender ideology activists:

1. Gender Self-ID with no medical gatekeeping, no age limits, no restrictions for sex offenders, no waiting period
2. Hate crime laws which ban free speech on sex and gender & gender identity ideology. These have the same effect as blasphemy laws
3. A ban on what is falsely called “transgender conversion therapy” that would outlaw any talking therapy for young people who believe that they have been born in the wrong body
4. The removal of “sex” in law and its replacement with gender

It is interesting to note that many of the countries where these laws have already been passed had a representative who signed the Yogyakarta Principles. As Professor Robert Wintemute has said, the principles were written without any thought for women’s rights. They were also written without any thought for LGB rights – and all the laws outlined above remove existential rights from women as well as LGB people. They are therefore repressive, homophobic, and misogynistic.

If we look at countries where the laws described above have been introduced or are in progress, we can see the link to their participation in the Yogyakarta Principles:

* Argentina - Mauro Cabral Grinspan signed 2006 and 2017
* Australia - Philip Alston signed 2006 and 2017
* Germany - Julia Ehrt signed 2017
* Ireland - Michael O'Flaherty signed 2017
* Pakistan - Asma Jahangir signed 2017
* New Zealand & Scotland - Paul Hunt signed 2017
* USA - David Kaye signed 2017

It is of serious concern that activists who have dedicated themselves to promoting gender identity ideology, which now has all the features of a religious belief, are driving legal changes that reduce our rights and those of women and girls.

6. Women’s groups and LGB Alliance have repeatedly challenged these proposals in Scotland through Judicial Reviews and by other means. Successful challenges by women’s groups and LGB Alliance prevented the enactment of Gender self-ID in England and Wales.

Keira Bell’s case against the Tavistock and Portman Trust challenged the policy of “affirmative trans healthcare” in opposition to the Bills seeking to ban “Transgender conversion therapy”. She gave evidence that she was given hormones and surgery when what she needed was exploratory psychotherapy – precisely the therapy that gender identity activists seek to ban. This case was crucial in alerting the UK public to what is an emerging medical scandal.

Numerous other challenges to these homophobic laws and policies are in progress in the UK – as indeed in the United States, Australia, Canada, Germany, Spain, and elsewhere.

7. No. See above.

8. The right to freedom from violence can never be limited by invoking the concept of conscientious objection. This would make no sense. As for freedom from discrimination, there are numerous examples of discrimination against LGB people in the UK, as illustrated by the examples in our reply to question 3, but as far as we know these have not been defended by invoking the concept of “conscientious objection”.

9. This question is impossible to answer since it begs too many questions and combines too many diverse issues.

10. No

11a. This question highlights the confusion caused by referring to “LGBT+ and gender-diverse persons”. Measures introduced to protect freedom of belief in gender identity are harmful to LGB non-believers – and to children. A poignant case is that of the Church of England’s “transgender guidance”, explicitly endorsed by the Archbishop of Canterbury, which suggests that children as young as five may be affirmed as transgender.

This “guidance” is being challenged and one couple who removed their children from a Church of England school precisely because of the imposition of gender identify ideology, and having their 6 year old son labelled “transphobic”, have been awarded damages of £22,000 in legal costs and “a commitment from the government to reform transgender policies in primary schools” https://christianconcern.com/ccpressreleases/christian-parents-win-commitment-from-government-to-reform-harmful-school-transgender-guidance/

11b. Policies to promote effective participation of transgender persons in public life have led to anomalies such as a male person who identifies as a woman, Mridal Wadhwa, leading a women’s rape crisis centre in Scotland. This is harmful to lesbians and other women who should be able to access the safety of single-sex refuges. Policies that promote the effective participation of transgender persons in religious life have led to the ordination of the Methodist minister Joy Everingham, who asserts that since gender is a spectrum, homosexuality does not exist. A clearer example of the incoherence of referring to “LGBT+ rights” would be hard to imagine.

LGB Alliance urges the Independent Expert to concede that there is a tension, and in places a conflict, between the “SO” and “GI” parts of his mandate, and to get to grips with these disparities by issuing a questionnaire focusing exclusively on the rights of lesbians, gays and bisexuals.

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