



To: The United Nations Independent Expert

By e mail only: [hrc-ie-sogi@un.org](mailto:hrc-ie-sogi@un.org)

12<sup>th</sup> March 2023

Dear sir,

## 2023 visit to the UK

### Introduction

1. The Gay Men's Network is a grassroots UK-based organisation established to fight all forms of homophobia. We produce policy submissions to government on matters affecting homosexual males and advocate for our interests more widely. This document constitutes our response to the invitation of the UN's Independent Expert on the protection against violence and discrimination based on sexual orientation and the (contested concept) of "gender identity" ("IE") to provide information on domestic issues of relevance to his forthcoming visit.
2. We note the IE's identification of "particularly useful information" in his call for submissions and we take into account the content of the Human Rights Council resolution 32/2 and the two most recent reports to it by the IE of 17.11.2011 (A/HR/19/41) and 4.5.2015(A/HR/29/23). We also note the position and recent contribution of the IE to the Scottish Parliament regarding the Gender Recognition Reform Act (Scotland) and the marked tension between that and the position of the equivalent officials dealing with violence against women and girls and the prohibition of torture respectively.
3. In our submission, we identify three areas of deep concern for homosexual males which thus far appear to be absent from considerations of the IE.
  - First, we draw attention to institutional homophobia, both driving and pervading gender medicine which is disproportionately targeted at same sex attracted youth.
  - Second, we draw attention to the fact that self ID gender recognition legislation compromises same-sex spaces for homosexuals.
  - Third, we draw attention to the teaching of "gender identity ideology" in schools and demonstrate how this regressive ideology fuels homophobia and relies on homophobic tropes.
4. We note that there is much to applaud in (A/HR/19/41) and (A/HR/29/23). The work and statements of the IE in respect of critical topics, such as homophobic killings across the world, is to be supported and commended. We regret that this good work is set within a context of what appears to be uncritical support for gender identity ideology and a call for policies based on this

doctrine. We therefore ask the IE to carefully consider the plurality of positions within the UK, regarding this ideology and the homophobic aspects of it we emphasise.

### Present position in the UK for homosexual men

5. The UK is currently in the midst of an intense and serious debate regarding gender identity ideology and the practical effects of institutions and workplaces embracing this doctrine. We are gravely concerned that a well-known charity, “Stonewall” has chosen to redefine homosexuality as “same-gender” attraction moving away from and in conflict with s.12 Equality Act 2010 protected characteristic of “same-sex” attraction. We are further concerned that the CEO of that charity referred to lesbians unwilling to countenance sexual encounters with the opposite sex as “sexual racists”. It is now commonplace for homosexual men in online environments to be called “genital fetishists” simply for saying they are same sex attracted and men who say this in online dating environments frequently lose accounts for “transphobia”. This is an existential attack on the concept of same-sex attraction and homosexuality driven by gender identity ideology.
6. We are concerned that homosexuals who challenge the homophobia of gender identity are targeted for silencing or their right to political assembly is challenged. In 2022, Mermaids (currently subject to a safeguarding investigation) sought to strip charity status from the single UK charity for homosexuals and bisexuals, the LGBA Alliance. That action alone speaks to a deep desire to curtail civil advocacy for the protection of homosexuals and we are concerned that this tension appears not to be reflected in UN work on the subject. There is a balance and a distinction to strike in our view.

### Homophobia in the provision of “gender medicine”

7. We have actively drawn attention to homophobia in the field of gender medicine in policy papers on “conversion therapy<sup>1</sup>” and NHS England Interim Service Specifications<sup>2</sup>. In August 2022 the Gender Identity Development Service at the Tavistock and Portman NHS Trust was ordered to close on the basis it was deemed “not safe”. Evidence of a homophobic medical scandal without parallel is now unfolding and the field generally is now subject to an independent and forensic review by Dr Hilary Cass.<sup>3</sup> In a review of Hannah Barnes’ book on the subject “Time to Think” published in The Times, journalist Hadley Freeman wrote<sup>4</sup> (emphasis added):

*“When Gids asked adolescents referred to the service in 2012 about their sexuality, **more than 90 per cent of females and 80 per cent of males said they were same-sex attracted or bisexual.** Bristow came to believe that Gids was performing **“conversion therapy for gay kids”** and there was a bleak joke on the team that there would be **“no gay people left at the rate Gids was going”**. When gay clinicians such as Bristow voiced*

<sup>1</sup><https://static1.squarespace.com/static/6200252604e9795287de2ada/t/621ff167d49b731100b1b248/1646260583939/Gay+Men+UK+Consultation+Response+Branded+9.pdf>

<sup>2</sup><https://static1.squarespace.com/static/6200252604e9795287de2ada/t/6383d9a527b35315f2b2bfaf/1669585318479/GMN+NHS+Consultation+Response.docx.pdf>

<sup>3</sup> <https://cass.independent-review.uk/>

<sup>4</sup> <https://www.thetimes.co.uk/article/tavistock-gender-clinic-puberty-blockers-nhs-investigation-fh7pngj0v>

*their concerns to those in charge, they say it was implied that they were not objective because they were gay and therefore “too close” to the work. (Gids does not accept this claim.)”*

8. The gravity of the vast over representation of homosexuals and bisexuals is aggravated by the fact that all the available data suggests that gender incongruence is always most likely to be a passing and transient phase for a young person with statistics showing 90%+ patients desist. Autism is a notable co-incident factor and the clinical patterns across the world suggest an explosion in patients and a skew towards the female sex (the figures for the UK indicate an increase of in excess of 5000% for girls during the operational period of the Tavistock).
9. Issues at the Tavistock were contemporaneously raised (see appendix 1 of the GMN NHS submission<sup>5</sup>) but staff raising concerns were silenced or side lined. Charities in the UK appear to have wielded disproportionate influence over state-provided healthcare in this area. Other charities notionally supposed to protect homosexuals have been silent in the face of this scandal and state actors like human rights bodies or children's commissioners appear to have been unwilling or unable to challenge ideological malpractice, disproportionately impacting homosexuals.
10. We are naturally troubled by the growing evidence of a homophobic medical scandal playing out in the UK and across much of the Western world. This concern is compounded by the widespread institutional failure to protect homosexuals which we suggest amounts to a clear instance of discrimination and a serious safeguarding failure. We also register a concern that the IE's reports do not appear to reflect this growing global problem or recognise a clear tension between gender identity ideology's insistence on 'affirmation only' gender based medical treatment which inevitably (in growing numbers) adversely affects young homosexuals. This is a clear oversight. Across the West the phenomenon of detransition and homosexual advocacy groups fighting gender identity ideology are major concerns of homosexual populations; they are both noticeable by their absence from reports thus far.
11. We express a further concern as regards so called “conversion therapy bans” and encourage the IE to consider our policy response in this area. Badly drafted bans fuel the very problem they claim to address by criminalising paediatricians and therapists helping children struggling with gender incongruence or dysphoria. It cannot be right that an “affirmation only” approach (which regards a child's self-diagnosis as definitive) be enshrined in law on pain of criminal penalty. This encroaches on the proper clinical judgment of medics, and it ignores completely homophobia, both circumstantial and internalised, as drivers for cross sex identification.

### Homophobia in gender recognition

12. Same-sex spaces are of particular significance to homosexuals both socially and politically. For homosexual men these could take the form of places to socialise all the way through to therapeutic environments. “Gender Recognition Reform” allows for the state to confer upon a person of one sex, the legal status of the opposite. We note with concern the enthusiastic support in the IE's reports for “simplifying” these processes and we are concerned that insufficient attention has been given to the question of how such policies affect homosexuals and our rights to assemble.

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<sup>5</sup><https://static1.squarespace.com/static/6200252604e9795287de2ada/t/6383d9a527b35315f2b2bfaf/1669585318479/GMN+NHS+Consultation+Response.docx.pdf>

13. We note with grave concern the Tasmanian case of Hoyle<sup>6</sup> in which a lesbian was required to apply for legal permission to hold a lesbian only event lest she be liable for “gender identity discrimination”. Her application was refused on the basis that an all-female, all lesbian event was so discriminatory. This is a clear example of homophobia where gender identity ideology is embedded in legislation. This matter is now a live concern in the UK following the ruling of Lady Haldane in the petition of For Women Scotland Ltd<sup>7</sup>, which held that a GRC permits the holder the legal status of the opposite sex for certain purposes.
14. We note that the IE gave evidence and his support to the Scottish Government in relation to the recent legislation in this area. We note that he did so in opposition to the equivalent official on VAWG emphasising the impact legislation in this area has on single sex spaces. We note with concern and surprise the partisan and unequivocal support for legislation in this area contained in the relevant reports, accompanied by the claim that such measures apparently represent an “intentional standard”. Finally, we note the relevant legislation was held by the UK Secretary of State for Scotland to violate the provisions of the Scotland Act 1998 (a view supported by two retired UK Supreme Court Judges).
15. We respectfully ask that the IE reviews the position he appears to have adopted in respect of this area in two respects. In the first place, the case of Hoyle puts beyond doubt that trans and homosexual rights can come into conflict. The IE should not in such circumstances prefer one set of rights over another and so it cannot be right for him to give vocal support to state actors such as the Scottish Government. Accordingly, we ask the IE to review his recommendations re” streamlining” legislation in this area of demanding it adhere to what he believes to be “international standards”. Second, we make the point that homosexual freedom of political assembly around our shared characteristics is a human right we are entitled to. Homosexuals such as Ms. Hoyle should never have been put in a position of having to require state permission simply to associate and homosexual men by analogy should not face such a position. Requiring us to do so, and then denying us such a right is an anti-gay measure that simply curtails our right to civil advocacy.

### Homophobia in education based on gender identity ideology

16. Relationship and Sex Education (RSE) lessons in the UK are presently a subject of national debate and ought to be an issue the IE considers as regards homophobia. Recently, Miriam Cates MP drew attention to age-inappropriate content in such lessons and the influence of extreme gender ideology as promulgated by some charities such as Stonewall. The New Social Covenant Unit, a body which Ms. Cates MP co-founded in 2022 has recently published a detailed and worrying report regarding these matters which the Prime Minister is now acting upon in the form of a wholesale review in this area.
17. We support this review principally because gender identity ideology is deeply homophobic, and we are concerned that age-inappropriate teaching has the capacity to fuel a backlash against homosexual males who may be (wrongly) perceived to be responsible for this trend. It is ideological and unscientific to teach children that there are 100 genders. It is homophobic to tell children who do not fit rigid gender stereotypes that they are “nonbinary” or may be born in the wrong body. The IE may consider that the exponential rise in children expressing cross sex

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<sup>6</sup> Jessica Hoyle and LGB Alliance Australia (Review of Refusal of an Application for Exemption) [2022] TASCAT 142 (24 November 2022) - <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/tas/TASCAT//2022/142.html>

<sup>7</sup> [https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2022csoh90.pdf?sfvrsn=8eee302c\\_1](https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2022csoh90.pdf?sfvrsn=8eee302c_1)

identifications in the field of gender medicine is indicative of a social contagion and that lessons such as this are catalysing this social trend.

18. In 2019 the UK Department for Education published new statutory guidance for RSE. This guidance requires that "gender identity" be taught. We are deeply concerned that this development was contrary to Equality Act 2010 duty not to discriminate on the basis of belief, and we repeat that we regard the concept of gender identity as a homophobic trope, reliant on stereotypical externalities associated with one or other of the biological sexes. We respectfully ask that the IE consider this area and how it affects homosexuals.

### Suggestions re meetings

19. The IE has asked for suggestions of persons with whom to meet during his visit to explore issues relating to homophobia. We ask that the IE ensure such meetings reflect the plurality of opinion within homosexual activism and we ask that he meets with our directors. It would not be right or politically balanced for the IE to confine meetings to those supportive of gender identity ideology, particularly where bodies such as GMN have drawn attention to the conspicuous homophobia of this ideology. We further suggest the IE meets with other pro same-sex attraction groups such as LGB Alliance.
20. We ask that the IE consider meetings with MPs of all political persuasions who have highlighted the homophobia we have described, in particular Miriam Cates MP, Rosie Duffield MP and Joanna Cherry KC MP. The IE should also contact Dr. Hilary Cass OBE who is currently leading a review into the provision of gender medicine in the UK.

### Conclusion

21. The IE's visit to the UK represents an opportunity to critically examine modern homophobia, particularly that emanating from the modern gender-based movement. We hope very much that this opportunity will be taken. Across the planet, more and more male homosexuals are making their voices heard on this issue and pointing out clear and obvious examples of homophobia such as we have referred to in this response.
22. It cannot be right that the voices of homosexuals such as ours are ignored or discriminated against because they raise serious critiques of gender identity ideology. It is our view that a homophobic medical scandal without equal is playing out across the globe and that opposition to that has been silenced or ignored. The UN and by extension the IE should address the reality of this unfolding debate and confront the clear homophobia of gender identity ideology.