



GATE Submission to the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI)

March 6, 2023

GATE – Global Action for Trans Equality is an international advocacy organization campaigning globally for trans, gender diverse and intersex equality.

GATE welcomes the opportunity to provide input to the United Nations Independent Expert on Sexual Orientation and Gender Identity, Mr. Victor Madrigal-Borloz, ahead of his official visit to the United Kingdom of Great Britain and Northern Ireland (24 April to 5 May 2023).

This submission highlights areas of concern that GATE hopes will inform Mr. Madrigal-Borloz's considerations while he is in the United Kingdom of Great Britain and Northern Ireland.

Background

Over the past two decades, the UK has commonly performed amongst the best of states globally for its Lesbian, Gay, Bi, Trans, Intersex, and Queer (LGBTIQ+) rights record. This has set a strong example of a country which is accepting of LGBTIQ+ people and rights. Whilst this is still broadly the case, the UK's record on trans and intersex equality is of increasing concern amongst LGBTIQ+ communities and advocates in the UK, and elsewhere. A growing range of states now have stronger laws for trans and intersex communities, leaving the UK moving down international indexes tracking LGBTIQ+ equality. Stronger legal measures for trans people are on the books in at least 13 states worldwide, where, for example, trans people do not require a medical or psychological diagnosis or opinion to access Legal Gender Recognition (LGR). Whilst key UK legislation such as the Gender Recognition Act (GRA, 2004) was progressive when it was drafted, it now falls below standards set by these laws. This is the background for campaigning by LGBTIQ+ and human rights Civil Society Organisations (CSOs) in the UK, who recognised a need for UK law to improve.¹

Over the past approximately six years, the UK has become home to one of the most coordinated and well-known anti-gender mobilizations in the world. Combining both traditional and radical actors, anti-gender movements have demonstrated

¹ See, for example, the vision for change set out by Stonewall Trans Advisory Group (2017)

power to shape policy and set agendas in British politics, media, and culture.² The principal target of campaigns has been trans rights, contributing to blocks or roll backs in areas of: LGR based on a self-determination model; and access to safe and inclusive services in healthcare³ and education⁴. Laws, policies and guidance designed to protect trans rights have been contested in areas of prisons⁵ and hate crimes.⁶ Anti-trans rights attacks in the UK have also contributed to conditions that could place wider rights at risk, in areas of: LGBTIQ+ inclusive education⁷,

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conversion therapy⁸, and reproductive rights⁹. UK actors have also been present in international campaigning work. This includes in global policy spaces such as the 65th session of the UN Commission on the Status of Women (CSW) in 2021 (Ahmad 2021).

While there is a broad range of issues Mr. Madrigal-Borloz will address, this submission reflects our existing research and thus focuses primarily on the impact of anti-gender/anti-rights opposition to trans and gender diverse communities.

KEY FINDINGS (Anti-gender opposition landscape)

- Anti-gender movements in the UK have become significantly larger, more visible, and more effective since 2015/2016.
- Fringe groups within fringe groups that erroneously describe themselves as 'feminist' and reactionary elements among supposedly non-heteronormative people who are against inclusive and affirming trans human rights, and the religious right, are very centrally or visibly involved in contesting trans rights (in the media, courts, and policy spaces). However, they are not compelling drivers for this increase in mobilisation and effectiveness in the past approximately six years.
- Rather, there is an important driving role played by right-wing groups, especially on the UK populist and conservative right (and with some important links with trans-Atlantic, and US-based groups).
- These right-wing actors interlink with much of the UK media, commentariat, wider political class, and traditional conservative groups, and parts of the left-leaning media and political class.

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Together they constitute a large coalition of the right/media that is the most influential block.¹⁰

- As a collective movement, these various streams and their allies are enjoying significant success, including rollbacks or blocks on trans rights in education, healthcare, LGR, and (potentially) justice and employment.
- There is also an important role for 'alt lite' and associated online actors, who act to popularise alt/far right ideas, messages, and channels. Key figures within an 'alternative influence network' (Lewis 2018), spanning key social media and especially Web 2.0 channels (notably YouTube and similar) play an important role in linking, mobilisation, and message dissemination in anti-gender and anti-trans attacks in the UK, and internationally.
- More research is needed on the role of the US religious and broader neo-conservative and populist right (e.g., regarding resourcing). However, so far, the evidence is that there is significant overlap and impact coming from the US in terms of key networks, ideas, learning, strategy, technical assistance, and resourcing. Certainly, US actors are prominent 'bridgers' in the movement; playing a key facilitating role between actors not otherwise linked around the map.
- At the same time, the UK anti-gender movement also has its own forms of home grown, national (and nationalist) roots and power that an international origin-story over-simplifies.

Based on the survey commissioned by GATE in which 14 responses were received from the UK, anti-gender groups in the UK are represented as social movements, government actors and political groups.

Anti-gender actors target trans and gender diverse, intersex, migrant, PWDs, cis women, and ethnic and racial minorities and use freedom of speech, sex education, trans women in sports, women's/single sex spaces, "erasure of sex" as their main discursive topics. "Up until recently it had been around 'sex based rights', freedom of speech and 'protecting children'. However, it is becoming more broadly an attack on what is loosely termed 'woke culture' and we have recently seen increasing focus on sex education but also things like Drag Queen Story Time."

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Anti-gender actors coordinate with each other. One respondent stated that “LGB Alliance /Womens Place UK / Fair Play for Women / Sex Matters / Transgender Trend all cross-pollinate social media activities.” Another respondent stated that so-called “gender critical” pseudo-feminist groups like “Sex matters” have combined with pro conversion therapy groups like Genspect, and attended religious right wing events like Family Education Trust's annual conference.” The following link was provided as a source:

<https://transsafety.network/posts/fet-conference-may-2022/>

In the past year (2022), anti-gender groups have been growing in terms of their ability to shape political decisions and impact policies, their political connections are getting stronger, and their financial capacities are increasing. Respondents also state that the number of people supporting their social media and participating in their events is growing.

Lack of political will and government siding with AG actors with some AG actors being in the government were named to be the biggest obstacles to counteracting AG opposition. Media climate, lack of proper legislation, and lack of police effectiveness were named as the second biggest obstacles.

Impact on trans and gender diverse communities

AG groups engage in violence or incitement of violence. “Physical violence has been relatively limited and largely stochastic. A trans woman was subject to a far-right arson attack in 2019, the arsonist had been reposting gender-critical news stories. More recently in 2021/2022, escalations in relatively mild physical violence towards both cisgender and trans women have increased at protests by some more radical anti-trans protesters. The escalating anti-gender rhetoric driven by so-called gender-critical groups has also given rise to interest from far-right groups with terrorist links like Patriotic Alternative who have run a recent campaign against Drag Queen Story Hour” stated one respondent.

Respondents reported that the human rights situation for trans and gender diverse communities has been worsening in the past year. Trans and gender diverse activists and organizations did not recall any verbal physical attacks, or threats in the past year linked to the anti-gender opposition. However, verbal attacks are common. One respondent recalled that their organization was placed on the Gender Mapper map used by gender-critical groups to target trans healthcare even though this organization was not providing medical services. Psycho-emotional stress and/or burnout by staff/volunteers/board as the result of anti-gender opposition was named by all respondents. Fewer advocacy opportunities / limited

ability to reach decision-makers was the second biggest challenge. Legal constraints, the need to stop operations temporarily, limited opportunities to involve allies, internal conflicts, and safety, and security even at online events were also named.

AG actors have managed to remove trans women from participating in gender-appropriate UK sporting activities - including Cycling, Triathlon, Rugby, and Swimming. "Government is planning to eliminate trans-inclusive use of single-sex spaces. The government also appears to have been spurred into attacking trans healthcare although the results of this are yet to come to fruition."