



Transatlantic Christian Council
Building Bridges between Europe and America

March 13, 2021

Victor Madrigal-Borloz
Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity - Office of the UN High Commissioner for Human Rights
via email <ie-sogi@ohchr.org>

Dear Mr. Madrigal-Borloz,

Thank you for the opportunity to provide input relative to your report on “Gender, sexual orientation and gender identity”.

Transatlantic Christian Council is a nonprofit international organization in consultative status with the Economic and Social Council of the United Nations. On behalf of the signatory organizations and others, representing various medical, educational, faith-based, and socioeconomic backgrounds, we believe we can provide some context that could be helpful to you in your report.

Reading the background, the objectives of the report and the key questions and types of input sought for the report fills us with concern. From the first sentence on gender is introduced as theory, which wording contains the claim of verifiable science. It portrays gender as a social construct or socially created. We believe that gender theory is an ideology. On a scientific basis we believe that sexes are based on biology. We also believe that God created human beings male and female, according to the Bible in the book Genesis 1:27: “So God created man in his own image, in the image of God created he him; male and female created he them.” That has not changed. We also acknowledge that all human beings are captive to their sinful nature in which they are fallen, and are in need of redemption. That is possible because of the coming in the world and the saving sacrifice of Jesus Christ, Son of God.

It is from this background that our response is critical and asks for a rethink and we hope that it may contribute to your report. Our input is also in the recognition of the inherent dignity of every human being as an image bearer of God, which entails a political, economic and social framework that respects the right of each individual to live, as far as feasible, in liberty. Far from claiming to be complete, but in this spirit, we provide you with the following input, starting with an introduction, followed by some points on policy, gender ideology, women protection, comprehensive sexuality education and concluding remarks.

Henk Jan van Schothorst – Executive Director – Transatlantic Christian Council (International)

Introduction

- We fundamentally disagree with the *radical and unscientific* transgender ideologies that underpin your request for submissions for your thematic report on Gender, Sexual Orientation and Gender Identity. We believe that the very questions and definitions you use illustrate a gross overstepping of your mandate.
- We are deeply disturbed by what appears to be the end goals of the call for inputs to your thematic report on gender, sexual orientation and gender identity. Please consider our following concerns.
- We believe that the leading questions and rhetoric used in your call for submissions demonstrate a clear bias in favor of radical sexual and gender theories and policies, which have been rejected by a large grouping of UN Member States on multiple occasions.
- The SOGI Independent Expert’s mandate is to advance the rights of persons to be free from violence or unjust discrimination based on “sexual orientation” or “gender identity,” however, your report *undermines* the very foundation upon which sex-based rights and protections are established.
- We support the protection of all fundamental human rights of all persons regardless of sexual orientation and gender identity. Your report, however, is clearly aimed at, among other things, advancing radical gender theories and ideologies that seek to erase all (biological) differences between men and women and undermine the hard-earned gains for women in the area of human rights.
- We denounce all “violence” and unjust “discrimination” regardless but would challenge your definitions for these two terms which go far beyond UN consensus agreements in harmful ways.
- We are concerned by what appears to be an imposition of controversial notions outside the internationally agreed human rights legal framework in ways that contradict the fundamentals of universality.
- We are deeply concerned that your current and past reports have and will go far beyond the content and scope of your mandate in harmful ways. Specifically, the thrust of your work is not in conformity with the principles as listed in HRC Res 5/1 which require “universality,” “impartiality,” “objectivity,” “non-selectiveness,” and a “gender perspective” as understood by States to mean a women’s equality perspective and not a transgender perspective.

Policy

- The term “gender identity” does not appear in any binding international agreements negotiated by the full body of UN Member States. Every time it has been proposed, it has been rejected by UN Member States because it is too controversial.

- We reject your interpretations of the terms “violence” and “discrimination” as encompassing any criticism of radical gender theory or policies that protect women’s private spaces.
- The UN social policies with regard to gender equality were specifically designed to protect sex-based rights, not controversial transgender ideology.
- Intersectionality, gender theory and queer theory are akin to religious beliefs and should not be the underpinnings for UN policies nor international law.
- We oppose the SOGI Independent Expert’s distorted definition for gender and gender-based terms at the UN to encompass radical and unscientific gender ideology and queer theory.
- The SOGI Independent Expert is attempting to establish as a protected class by force of law the controversial concept of “gender identity” (i.e., transgender identity).

Gender Ideology

- We are concerned that the Independent Expert on SOGI is actively trying to identify individuals, groups and countries that do not accept his ideology. What does he intend to do with this list? Will it be used to incite reprisals against those who do not accept radical transgender ideology?
- We are greatly concerned that the UN-appointed Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI) is now at the forefront of UN efforts to reinterpret the concepts of “gender” and “gender equality” beyond the longstanding understanding of male and female and equality between the sexes which would erase all sex-based rights and protections for women and girls.
- The terms “gender” and “gender equality” are common terms used throughout the UN system and in multiple UN documents and resolutions adopted by consensus by UN Member States to advance the equality of women and girls and were never intended to advance highly controversial transgender polities.
- We oppose the efforts of the Independent Expert on SOGI to redefine “gender equality” specifically in UN Sustainable Development Goal 5 to encompass special rights based on sexual orientation and gender identity that would supersede women’s rights and then to mainstream these alleged “rights” throughout the 2030 Agenda.
- The Independent Expert on SOGI is redefining retroactively the term “gender” and gender-based terms in UN documents (i.e., resolutions, treaties, UN 2030 Agenda, etc.) to go beyond the longstanding concept of male and female based on biological sex, and

instead is incorporating the concept of “gender identity” based on unscientific gender ideology.

- The Independent Expert on SOGI is attempting to mainstream queer theory throughout the UN system and to pressure UN Member States to do the same. His intent is to make all States accountable to his radical concept of a “gender framework” that would mainstream SOGI ideology in all laws and policies.
- The idea that a biological male becomes a girl or woman simply by adopting stereotypical female behavior and dress is regressive and harms girls and women by reinforcing the very stereotypes that have resulted in the harassment, discrimination, and violence against girls and women.
- The idea that a biological male can or should try to become or impersonate a girl or woman if they reject stereotypically male behavior or that a female can or should try to become or impersonate a boy or a man is regressive and can damage those who are gender non-conforming or those who reject male or female stereotyped roles.
- The elective, transgender hormonal or surgical interventions that the proposed transgender gender framework would establish as universal rights are prohibitively expensive and would take critical limited resources away from those in developing countries who require basic support for survival.
- If we were to adopt a “gender identity” policy, how would it be defined? If all gender identities (there are over 112 different gender identities as reported on Tumblr) were protected under a gender identity policy, it would create great controversy among UN Member States.
- How can we create policies based on characteristics that are subjective, changeable, self-defined and that cannot be measured or quantified? For example, “Adamasgender” is defined as “a gender which refuses to be categorized,” and “Affectugender” is defined as “a gender that is affected by mood swings?” How can governments be expected to regulate policies based on an individual’s internal or individual experience of gender?
- Since both “gender identity” and “gender expression” are based on internal feelings unique to that individual rather than biological realities that can be independently verified, if we adopt a “gender identity” policy, only gender-confused individuals can determine if some policy or action violates the law. There is no other law in the world that functions this way.
- What if additional gender identities emerge after a policy on gender identity is adopted? Will we then be required to recognize any and all gender identities that are put forward?
- Instead of trying to create special protections for people based on their internal perceptions of themselves which can change over time, we should enforce existing laws and policies calling for the elimination of violence against anyone.

- Elective cross-sex cosmetic medical interventions used to change the outward appearance are expensive and often result in lifelong medicalization of those who previously were physically healthy.
- We are disturbed that failure to provide harmful puberty blockers, cross-sex hormones, and transgender surgeries for transgender-identifying persons is now being considered “discrimination.” The Independent Expert on SOGI also has equated hurt feelings and the inability for transgender-identifying persons to access elective cross-sex cosmetic treatments to the profound oppression and hardships girls and woman face such as inability to access educational opportunities, housing, health care and protection from physical and sexual abuse.

Women Protection

- We strongly oppose the Independent SOGI Expert’s attempts to undermine the hard-won advancements of women and girls whose rights and private spaces are being violated by men who identify as women.
- The best estimate on transgender people is that no more than 0.3 percent of the general population identifies as transgender. Yet this proposed “gender identity” policy can negatively affect the majority of the population, but especially women and girls.¹
- Where “gender identity” non-discrimination policies are in place, women and girls are being denied their right to privacy in public female spaces, such as bathrooms and showers. Some women and girls have even been sexually assaulted.
- Women cannot opt out of the biological realities that put them at higher risk than men for oppression, sexual harassment, and rape. These differences must be acknowledged and protected.
- The proposed conception of a “gender framework” which incorporates radical transgender ideology will lead to discrimination, harassment and violence against women and girls as your proposed framework will erase the very rights and protections designed for them.
- In private spaces and sports, bodies matter. For the privacy, safety, and fairness to girls, male and female biological embodiment and realities must be respected.
- Historically as well as currently, women/girls have been exploited for their reproductive capacity. The global reality for many women/girls is that they still suffer under enforced

¹ Gates, G. (2011). *How many people are lesbian, gay, bisexual, and transgender?* The Williams Institute. Retrieved from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>

gender roles used as justification to exploit their bodies in practices like female infanticide, FGM, child marriages, trafficking, forced pregnancy, forced sterilizations, surrogacy camps, enforced dress codes, corrective rape, lack of access to certain transportation, lack of access to participation in public and political life, etc. The UN can't fight sexism in all of these areas if the category of sex is erased and replaced with "gender identity."

- The questions listed in the submission guidance by the Independent Expert on SOGI reveal that the main goal of his upcoming report is to change the world's commonly held biological understanding of male and female and replace it with the radical concept of "gender identity." This is the antithesis of the UN's mandate to provide rights and protections to women and girls.
- Allowing biological males to opt in to the category of "girl" and "woman" by claiming a female identity will erode the many rights and protections currently extended to girls and women by governments worldwide as the categories of women and girls will become utterly meaningless if a man can be considered to be a woman too.
- Girls and women have been extended special protections and rights because of the disproportionate amount of discrimination, harassment, and violence that girls and women experience—not because they identify as "girls" or "women" but due to the biological reality of being female and the inherent differences between the sexes.

Comprehensive Sexuality Education

- The Independent Expert on SOGI is seeking to implement so-called "comprehensive sexuality education" (CSE) designed to indoctrinate children and mainstream queer theory, an unhealthy belief system that encourages children to disassociate from their biological sex in harmful ways. It should be noted the concepts of "comprehensive sexuality education" and "sexual orientation and gender identity" were specifically rejected from the 2030 Agenda by many UN Member States and that the establishment of this SOGI expert's mandate is a deliberate attempt to override the positions of States opposed to such and coerce them into accepting SOGI rights. This is a direct assault on the sovereignty of UN Member States and an abuse of the UN system.
- We strongly oppose the attempt by the Independent Expert on SOGI to push harmful and ineffective "comprehensive sexuality education" as a major tool to indoctrinate the world's children and mainstream radical sexual and gender ideologies into the rising generation.
- The concepts of "comprehensive sexuality education" and "sexual orientation and gender identity" were specifically rejected from the 2030 Agenda by many UN Member States, a fact that the Independent Expert is ignoring.
- CSE programs typically contain many, and often all, of 15 program elements listed below that are harmful to children (see more information at StopCSE.org):

15 Common Harmful CSE Elements:

1. Sexualizes children
2. Teaches children how to consent to sex
3. Normalizes anal & oral sex
4. Promotes homosexual/bisexual behavior
5. Promotes sexual pleasure
6. Promotes solo and/or mutual masturbation
7. Promotes condom use in inappropriate ways
8. Promotes early sexual autonomy
9. Fails to establish abstinence as the expected standard
10. Promotes transgender ideology
11. Promotes contraception/abortion to children
12. Promotes peer-to-peer sex ed or sexual rights advocacy
13. Undermines traditional values and beliefs
14. Undermines parents or parental rights

We therefore strongly discourage the SOGI expert to refrain from promoting CSE.

- In light of recent findings from a global study on school-based CSE worldwide, we are very concerned by the SOGI expert's push for CSE. In fact, the researchers concluded: *“Three decades of research indicate that comprehensive sex education has not been an effective public health strategy in schools around the world, has shown far more evidence of failure than success, and has produced a concerning number of harmful impacts.”*²
- A study released in 2019 on school-based CSE concluded that “Worldwide, 87% of the school-based CSE programs that measured effects at least 12 months post-program failed to produce sustained effects on any key protective outcome for the intended youth population. School-based CSE programs outside the U.S. showed a lack of success similar to those within the U.S., with 89% of non-U.S. and 85% of U.S. programs that measured these effects failing to produce them.”³
- Research indicates that comprehensive sex education has not been an effective public health strategy in schools around the world, has shown far more evidence of failure than success, and has produced a concerning number of harmful impacts. (See at SexEdReport.org)
- The 2018 UNESCO *International Guidance on Sexuality Education* teaches children, as part of CSE, *“that each person’s decision to be sexually active is a personal one, which can change over time and should be respected at all times.”* (UN Inter-

² Weed, S., Ericksen, I. (2019). Institute for Research and Evaluation. *Re-Examining the Evidence for Comprehensive Sex Education in Schools: A Global Research Review*. Retrieved from SexEdReport.org

³ Weed, S., Ericksen, I. (2019). Institute for Research and Evaluation. *Re-Examining the Evidence for Comprehensive Sex Education in Schools: A Global Research Review*. Retrieved from SexEdReport.org

agency *Guidance*, p. 71). We do not believe sexual promiscuity among youth should be respected and therefore oppose the SOGI expert's push for CSE.

- “Comprehensive sexuality education” has never been accepted in a binding treaty or major UN consensus document. Member States who have expressed strong objections to CSE should be respected by the SOGI mandate holder.
- According to the 2018 UNESCO International Guidance on Sexuality Education, “CSE promotes the right to choose when and with whom a person will have any form of intimate or sexual relationship...” (UN Inter-agency CSE Guidance, p. 18). In other words, CSE, rather than encouraging children to avoid sex, promotes the right for children to have sex even though studies show that sexually active youth are more likely to experience many negative outcomes including:

- Less likely to use contraception
- More likely to experience STIs
- More concurrent or lifetime partners
- More likely to experience pregnancy
- Lower educational attainment (and not necessarily linked to pregnancy)
- Increased sexual abuse and victimization
- Decreased general physical and psychological health, including depression
- Decreased relationship quality, stability and more likely to divorce
- More frequent engagement in other risk behaviors, such as smoking, drinking and drugs
- More likely to participate in anti-social or delinquent behavior
- Less likely to exercise self-efficacy and self-regulation
- Less attachment to parents, school and faith
- Less financial net worth and more likely to live in poverty
- Early sexual behaviors set a pattern for later ones⁴

We therefore strongly oppose the SOGI expert's attempts to strengthen efforts to implement CSE.

- Article 26.3 of the Universal Declaration of Human Rights states that parents have a “prior right” to guide the education of their children. Surely an issue as sensitive as sexuality education should be taught with respect for the rights, duties and responsibilities of parents as enshrined in multiple UN treaties and major UN documents.
- We are deeply concerned that question #4 of the SOGI expert's call for submissions promotes “comprehensive sexuality education,” which has been rejected by many States. More specifically, at the time of the adoption of the UN 2030 Agenda, the African Group stated as part of its reservation (see A/69/PV.101), “*With regard to information and education in the context of sexual and reproductive health services, as referred to under Goal 3 and target 3 ... the African Group does not think that comprehensive sexual*

⁴ Ascend. (2016). *Policy Priorities: Why Sexual Delay Should be the Goal in Sex Education...And Why Teen Pregnancy Prevention Isn't Enough*. Retrieved from <http://www.thepublicdiscourse.com/wp-content/uploads/2016/05/Sexual-Delay-Priorities-1.pdf>

education should be included as part of it.” The SOGI expert’s push to find obstacles to CSE, therefore disrespects the African Group position.

- Children who become sexualized through CSE, among other harms, are less likely to be able to form and maintain stable families as adults. (See WarOnChildren.org.)
- “Gender identity” non-discrimination policies are one of the greatest threats to parental rights and are putting children and families at risk everywhere.

Concluding Arguments

- The implications and consequences of adopting non-discrimination “gender identity” policies are far reaching with grave consequences for children and the family and, are fraught with negative consequences for the very people they were designed to help.
- We are deeply concerned by the Independent Expert on SOGI’s overstepping of his mandate and reject the underlying assumptions upon which this request for input have been made.
- The reason girls and women have been extended special protections and rights is because of the disproportionate amount of discrimination, harassment, and violence that girls and women experience—not because they identify as “girls” or “women” but due to the biological reality of being female and the inherent differences between the sexes. Adopting the “gender framework” which is based upon the Independent Expert on SOGI’s beliefs is privileging one belief system over others, which is a violation of the UN’s mandate to protect individuals’ freedom of thought, conscience, and religion.
- In order to uphold the rights and protections of girls and women, we reject the false assumptions regarding gender in the Independent Expert on SOGI’s call for input for his upcoming “thematic report.”
- The Independent Expert on SOGI is attempting to identify political and religious leaders who speak out publicly against “gender ideology.” We are concerned that such a list could be used to incite reprisals against people who exercise free expression, speech and religious liberty rights.
- Attempts are being made by UN entities including treaty bodies and special procedures (i.e., Special Rapporteurs, UN Independent Experts and working groups) through reports, observations, and recommendations, to redefine “gender” and “gender equality” to encompass controversial concepts related to “gender identity” that run counter to the culture, values, religion, laws and policies of billions of the world’s people.
- We declare any and all efforts by unaccountable UN mandate holders to retroactively reinterpret longstanding UN consensus terms or UN agreements related to gender and sex, that have been used in countless UN consensus agreements, resolutions and treaties,

undermine the entire collaborative UN negotiation process and international human rights framework with serious implications for all peoples.

- We denounce in the strongest terms the Independent Expert on SOGI's attempts to redefine "gender," "gender equality" and other gender-based terms, especially in the UN 2030 Agenda to encompass radical and harmful concepts and gender ideologies that go beyond the concepts of male and female based on biological sex.
- We denounce Independent Expert on SOGI's most recent call to identify political and religious leaders worldwide who speak out publicly against harmful and unscientific "gender ideology."
- We denounce the Independent Expert on SOGI's actions seeking to identify States that are not implementing harmful "comprehensive sexuality education" designed to indoctrinate children and mainstream radical sexual and gender identities and ideologies into our societies.
- We call upon all UN Member States to reject the past and forthcoming reports issued by the UN Independent Expert on SOGI and to censure him for his aforementioned actions that will only serve to denigrate and abolish the many hard-won sex-based rights for women and girls, lead to the destruction of the natural family, and damage children who will receive harmful comprehensive sexuality education designed to indoctrinate them in radical gender and sexual ideologies and queer theories.

Co-signed:

- 1 Christian Council International, CCI (USA)**
 - 2 European Educators' Christian Association, EurECA (Swiss)**
 - 3 Vereniging Gereformeerd Schoolonderwijs, VGS (NL)**
 - 4 Zorg voor het Leven, NPV (NL)**
 - 5 Gezinsplatform (NL)**
 - 6 Bijbels Beraad M/V (NL)**
 - 7 Reformatorische Oudervereniging Nederland, ROV (NL)**
 - 8 Reformatorisch Maatschappelijke Unie Nederland, RMU (NL)**
 - 9 Wilberforce Foundation, WI (Albania)**
 - 10 Kenya Christian Professionals Forum (KCPF) (Kenya)**
- And many others worldwide**