**Submission for academic freedom study**

**Freedom of Expression**

**Universal Declaration of Human Rights (Art. 19)**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Most discussions of freedom of expression focus on the right to *impart* information and ideas. This submission will focus on the other aspects of freedom of expression, which in our view are often overlooked in discussions of this issue: namely to hold opinions without interference, and to seek and receive information and ideas.

1. Any argument stands or falls with the definition of terms. We therefore start with what is meant by “interference”.

The Call for Submissions focuses on “international and regional legal frameworks”, “domestic regulatory frameworks”, and “institutional restrictions, constraints or influence”. In a world governed by national and supranational regulatory bodies, interference would indeed refer to such regulatory frameworks and restrictions, and to action on the part of the authorities whose powers derive from those bodies.

We do not in fact inhabit such a world. Much, if not all, of the world involving the communication of information and ideas, including academic information and ideas – certainly online – is governed not by national or supranational regulatory bodies but by corporate enterprises, which are largely free to set their own rules on what is permissible and non-permissible in exchanges of information and ideas.

To a very large extent, our freedom of expression is controlled by corporate enterprises such as Google, Twitter, Facebook, Medium, and WordPress. These companies decide which information and ideas are permissible and which must be banished. This includes, for instance, operating algorithms that impede certain searches and prioritise particular views over others. The only involvement of national or supranational regulatory bodies is their complete lack of oversight regarding these companies’ censorship.

Thus, those who Google our organization, LGB Alliance, are initially directed by Google’s algorithm to a RationalWiki page with false and defamatory information about us. In our view, this constitutes interference with the right to seek information.

*So our first point is: algorithms operated by corporate enterprises constitute interference with the right to seek and receive information.*

Also in the matter of interference. Twitter, Medium and WordPress regularly remove texts and accounts from their site on the basis of their rules. It can easily be demonstrated that these rules have been devised to suppress views highlighting women’s concerns about the loss of their sex-based rights. This makes it difficult for users of these platforms, including those conducting academic research, to access these views.

*Our second point is therefore that the internal rules operated by corporate enterprises constitute interference with the right to seek and receive information and ideas.*

Our final point on “interference” is more subtle. The aforementioned companies that control the online media landscape suppress other views: those deemed to be fascistic or racist, for instance. By suppressing views that highlight the reality of biological sex, such as what is called “misgendering”, along with views that are widely regarded as obnoxious, these companies create the suggestion that emphasizing the reality of biological sex belongs in the same category as these objectionable ideas.

*Our third point is therefore that the censoring of ideas emphasizing the reality of biological sex, including referring to people according to their birth sex, constitutes interference with the right to hold opinions and ideas.*

1. The other concern we wish to highlight relates to language. For freedom of expression to flourish, those expressing and receiving information and ideas need to possess a common language, or at the very least have access to a reliable translator or interpreter. We are currently living through an era in which ­– in relation to matters of sex and gender – this common language has broken down. Words are used to mean different things, which dilutes the value of freedom of expression. Here, national and supranational regulatory frameworks do matter.

A discussion can be made impossible by changing the terms in which it is discussed. If every reference to the rights of Jews were called “Islamophobic”, it would suddenly become impossible, even in academic publications, to discuss antisemitism. This is what has happened to the issue of women’s rights, and it has profoundly undermined the freedom of expression in academia and in society at large. Activists have labelled all references to the rights of women and girls, who experience discrimination and abuse worldwide on the basis of biological factors, as “transphobic”. They use hate laws, which are intended to prevent violence and abuse of minorities, to silence these discussions.

In addition, activists have sown linguistic confusion by coining new words and redefining existing ones. Because the subject of sex and gender is complex, and many people find this subject-matter awkward and even embarrassing, many people prefer to assume that organisations active in this area are the experts. Most bodies, organisations, companies, even governments defer to these organisations. They do so from the best of intentions, assuming that the aim is to protect the human rights of a vulnerable group.

In introducing new words, activists claim that this is necessary in order to promote the interests of transgender people. Individuals, organisations, companies, and governments of good will, taking such claims at face value, now oblige by using words and phrases like “cis”, “pregnant people”, “gender assigned at birth”, “non-binary”, “gender-fluid” and the like, and solemnly adhere to demands to use specific pronouns, while being quite unaware of the harm being done to women’s rights.

If national and supranational regulatory bodies fail to appreciate the different meanings of “sex” and “gender”; if they fail to appreciate that the word “transgender” is used in relation to a huge number of different kinds of individuals with extremely diverse problems and situations, this makes it virtually impossible to conduct serious discussions on these issues. The immense confusion that has been introduced by activists and unfortunately –

quite often in well-meaning but misguided attempts to be “inclusive” – adopted by national and supranational regulatory bodies has caused immense harm to the rights of women and LGB people. The only people to benefit from this confusion are the activists who introduced it.

The words and phrases are adopted without proper consideration. Likewise the documents enshrining them. The most striking and alarming example of the resulting harm relates to the document known as the Yogyakarta Principles (2007) and the Yogyakarta Principles plus 10 (2017). Surprisingly few people, even in human rights circles, have actually read the text of the Yogyakarta Principles plus 10. Yet activists have successfully ensured that this document is now accepted throughout the international human rights world, and consequently by many governments, as constituting “Best Practice” on sex and gender. Most people referring to it as “best practice” would be astonished to learn that Article 31 of this document calls for *an end to the registration of the sex of babies in birth certificates*. How can there be freedom of expression when the language used is unclear and has been manipulated, and when policymakers do not actually read the documents that are being praised as “best practice”? Most people are well-meaning. But they are also lazy. How can people exercise their right to seek, receive and impart information and ideas in these circumstances?

*Our final point is therefore: national and supranational regulatory bodies are impeding freedom of expression by unthinkingly adopting confused and confusing terminology, and in some cases endorsing documents without proper scrutiny, thus making it virtually impossible to engage in fruitful exchanges of ideas and opinions on sex and gender.*

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