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January 17, 2024

RE: Protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly

Lesbians are targets of violence and discrimination and our rights to expression, assembly, and association have been violated by gender identity.

Lesbians right to association and assembly is violated by insertion of men who self-identify as women into women's spaces. Organizations that seek to keep their focus on lesbians have been stripped of funding and lesbians have been expelled and assaulted in what should be safe spaces. A California women's prison houses a triple murderer Dana Rivers who killed a lesbian couple and their child. Yet he was put into a women's prison. No lesbian could feel safe in his presence.

Lesbians are targeted for discrimination by the society in general. But they also suffer because men with obvious male characteristics claim to be lesbians and then attack lesbians who refuse to date them. Lesbians have been prohibited from marching in Pride Parades unless they accept men in their ranks. Lesbians who refuse to have sex with men who claim to be women have been harassed on social media and forced to leave lesbian dating spaces. In Australia, the PRIDE center was allowed to have men only groups, "trans" only groups, and women's groups that include men claiming to be women. But they were not allowed to have women-born-women groups for lesbians. So men who claim to be women can have private meetings, but women-born-women cannot.

Two lesbian breakfast clubs I participated in broke up because men who claimed to be women continued to come and tried to take over. Lesbian dances, lesbian potlucks, lesbian hikes all are no longer able to be advertised publicly and have gone back underground in order to save lesbian spaces. Being underground makes it hard for young lesbians just coming out to find proper role models.

Thus lesbians are prohibited from free assembly to voice our political demands. We have been effectively barred from collectively organizing or being recognized as distinct populations under the law. We have been prevented from forming civil organizations which exclusively promote our interests. This violates their right to freedom of association and assembly and our right to organize politically, all in violation of international norms.

The denial of free association and assembly also denies women free expression. Much research shows that language and behavior changes in a women's group when men enter. (Karpowitz, Christopher and Mendelberg, Tali, *The Silent Sex: Gender, Deliberation, and Institutions*, Princeton University Press, 2014) In fact men speak 70-75% of the time in mixed groups with negative results in decision-making and the silencing of women who are interrupted and ignored. (Chemaly, Soraya, *In Mixed Gender Groups, Can You Guess Who Talks the Most?*, RoleReboot, October 22, 2015)

In mixed groups, women did not get their proportionate talking time until the group was four women and one man. A lone man in a group speaks; a lone woman in a group does not. Rogers, Brittany Karford, *When Women Don't Speak*, Spring 2020, Y Magazine, <https://magazine.byu.edu/article/when-women-dont-speak/> I had a personal experience of this in Kazakhstan in 2000. Our women lawyers conference had just a few men and we had one in our small group of seven. Yet the woman voted for the lone man to be the spokesperson for the group. I intervened and said, "If this were a group of six men and one woman, would the men elect the one woman to be the spokesperson?" They all immediately said no and reversed their decision.

In the book, *The Silent Sex*, Karpowitz and Mendleberg showed that when a group made decisions by majority rule, women were ignored. When a group made decisions by consensus, women had almost the same speaking time as the men. Men who claim to be women don't change their behavior when they are in groups with women. They continue to use the same speech patterns to monopolize the conversation, interrupt women, and disregard them. In the two lesbian breakfast groups that disbanded after men started attending, the quality of the conversation and interaction among participants changed dramatically with the man monopolizing the time and the topics of discussion. After talking to the person about the behavior that did not change and then asking the person to leave which was refused, the groups then dissolved as lesbians stopped coming.

In Australia, a woman was censored on a website for saying females had periods – it offended some men who claimed to be women. A scientific factual statement about a bodily process that all women experience for decades is off limits for discussion because men, who after all claim to be women, were offended. This is not only the height of absurdity but a violation of lesbians' freedom of expression.

Lesbians right to expression is also violated as any public criticism of gender ideology has resulted in discrimination and violence. Lesbians are accused of hate speech for disagreeing that men can become women or that a penis is a "lady penis." Lesbian's books are burned, they are attacked on the internet, and they are sued because they made factual and scientific statements that disagreed with men.

A laundry list of international documents speak about the commitment to the equal rights and inherent human dignity of women. States should ensure that women have the right to "hold opinions without interference." (ICCPR, Article 19 (1)). This should include the right to hold and

express opinions about 'gender identity' without being subject to harassment, prosecution, or punishment.

States must uphold lesbian's right to freedom of expression, including the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media." (ICCPR, Article 19 (2)). This should include the freedom to communicate ideas about 'gender identity' without being subject to harassment, prosecution, or punishment.

States must uphold lesbian's rights to peaceful assembly and freedom of association with others. (ICCPR, Articles 21 and 22). This must include the right of lesbians to assemble and associate as lesbians based upon their sexual orientation, without including men who claim to have female 'gender identities.'

Being lesbian or gay is not a pathology so there is no need to fix the person who is acting outside of the boundaries of sexual stereotypes. Telling the person s/he must change to meet society's expectations is the harm. A person who is dressing or acting differently from the patriarchal norm for their sex is not the problem. The problem is the patriarchal norm.

The solution is changing society not changing the person. While feminism has sought to improve lesbian's status by dismantling sex-stereotyping, (*Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) sex stereotyping is a form of sex discrimination), gender self-identity depends on acceptance and continuation of sexual stereotypes.

Gender is nothing more than a set of expectations from society about how a person is to act. Gender ideology says that changing who you are is the solution for anyone who acts outside of that set of expectations. Such an ideology undercuts the feminist message that the expectations of society about how men and women are to act is not only wrong, but harmful to both women and men. Lesbians rebel against such societal strictures; gender ideology succumbs to societal strictures.