



High Court Judgement, Friday 22nd March, 2013 Statement on behalf of CORE ISSUES TRUST

We are grateful for the court's recognition that Stonewall Ltd's intrusive and on-going, multi-city bus poster campaign neither successfully "tackles prejudice" nor is likely to "promote understanding" [136]. However Mrs Justice Lang's judgement has missed an important opportunity to show sensitivity, understanding and respect for an unfairly marginalised minority who choose to move away from homosexual identity and practice. The claim that same-sex attraction is fluid (as implied by the banned advertisement) is widely recognised scientifically (for both women and men). It is therefore wrong to infer that such a claim "denigrates people". It does not. Rather the people who are denigrated in this judgment – and whose freedom is fettered – are those who reject a "gay" identity.

In attributing the dangers of the "medicalisation" of homosexuality to Core Issues Trust, the judgement is likely to increase and entrench prejudice against ex-gay individuals, for whom there is no protection in the law, and to unintentionally collude with attempts to misrepresent the work of the Trust. The judgement states that the Trust, as a corporate body, has no sexual orientation and is not protected by Section 12 Of the 2010 Equality Act [155/157]. But the Trust is seeking to establish the rights of the aforementioned marginalised people.

The Trust also acknowledges the court's recognition that "Transport for London's decision-making process was procedurally unfair" [175], applying its Advertising Policy "inconsistently and partially" as regards Core Issues Trust versus Stonewall and the British Humanist Association.

However, this judgement enables TFL's arbitrary decisions, based on the volume of orchestrated opposition to continue - with no recourse for response within the same advertising media, from those with a different view. A major factor influencing both the banning of the advertisement and the legal judgment appears to be that "the advertisement would cause grave offence to a significant section of the many inhabitants of London" [177(b)]. It is true that many people posted objections on the *Guardian* and *Transport for London* websites. The speed of these responses suggests the existence of a highly efficient network of people who can quickly be called upon to use social media to stifle any debate on the subject of human sexuality. A few hundred people can thus exert an undue degree of control over public discourse in society.

The sustained attempt to allow only one side of debate about homosexual practice together with the refusal to balance minority interests reflected in this judgement appears to suggest that in deciding who is to be heard, we are close to 'trial by Twitter'. If gay networks such as Stonewall Ltd., cry 'foul' then we are guilty within the hour rather than having access to the slow careful process of the law.

The judgement implies that regardless of how politely countering statements are made, and irrespective of whether these are posed in religious terms or not, to oppose the favoured view of homosexual practice is not permissible within British public space. Such totalitolerance is instructive of the 'evangelical' role Equalities Legislation plays in our society in promoting homosexual practice, and which appears to have little regard for minorities other than those with the three "protected characteristics". We call this discriminative social engineering.

The Trust is only content with the judgement as far as it encourages TFL to re-examine its advertising policy practices, and that it prevents intrusive advertising campaigns from Stonewall Ltd and others on buses. Today's decision is likely to stifle open and free debate about an important topic. The Trust will seek to appeal points of law arising out of the judgement. Ends