



# International Federation for Therapeutic and Counselling Choice

Call for inputs:

‘Report on colonialism and sexual orientation and gender identity’  
Issued by the Independent Expert of sexual orientation and gender identity.

## Introduction

According to the guidelines for input provided<sup>1</sup>, the Independent Expert’s report is to be presented to the 78th session of General Assembly in October 2023, which will mark the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights. The International Federation for Therapeutic and Counselling Choice (IFTCC)<sup>2</sup> here undertakes to provide the Independent Expert with perspectives that he may wish to consider in undertaking his research, and in reporting in October to the General Assembly.

## Background

The assumption that anti-homosexuality provisions in former mostly British colonies and protectorates, the target and focus of the current report, is that the Penal Codes that came into existence can be traced to medieval often British Christian attitudes to sexuality. One example of the progression of these laws was as a result of the “Griffiths Code” or the Criminal Code of 1899 from the colony of Queensland, which sought to consolidate all laws applicable to the colony formerly scattered through statutes or books written on criminal law in England. Provisions under the Griffith Code, considered a superior code, relating to ‘unnatural offences’, ‘attempts to commit unnatural offences’ and ‘indecent practices between males’ for example, are considered to be the direct predecessors of laws that later governed the colonies. In 1904 Northern Nigeria’s Chief Justice drew directly on the Griffiths code which was then adopted throughout the unified state of Nigeria. The Nigerian criminal code was later made available, as good practice, for all of Britain’s African colonies. From this arises the assumption that anti-homosexuality legislation is entirely a foreign, often European Christianising import, imposed on unconsenting colonial populations which has become entrenched, even after independence has been achieved, in many of these nations. The danger of this limited historical approach is that it may obscure earlier, more primary precedents and cultural norms, which have led to, or contributed to cultural perspectives considered to be ‘anti-homosexuality’. The outcome of poor limited historical research, that fails to take account of conditions before colonialism, will be to apportion blame to Christian expansion, ignoring the Islamic influence that was at work and sometimes pre-dated colonial rule, in these areas.

The fact is the disposition against homosexual practice pre-dated the colonial presence in Africa. Such practice is banned in Islam in the Koran. Islamic influence was significant on the coasts of Africa, yet there is no mention of this in the documentation briefing those being asked to provide input on this issue. Please may the Independent Expert explain this omission?

## The Ugandan Martyrs

The story of the Ugandan martyrs, for example provides reason to be cautious about ascribing anti-homosexuality as originating in colonial rule and Christian missionary activity. 22 Catholic (later beatified and canonized,) and 23 Anglican converts to Christianity in Buganda (which later became part of Uganda,) were slaughtered between January 1885 and 1887 by the local *Kabaka*, or king of Buganda, Mwanga. The reason for the killings was refusal to submit to the homosexual demands of the king, because of loyalty to the Christian Gospel that each martyr subscribed to. The plight of the martyrs, their faithful refusal to submit to the king, the subsequent growth of both Anglicanism and Catholicism in the country, is welded

<sup>1</sup> <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-report-colonialism-and-sexual-orientation-and-gender-identity>

<sup>2</sup> The IFTCC is a private limited company that was registered in the United Kingdom, in 2017.  
<https://find-and-update.company-information.service.gov.uk/company/10910877>

to the identities of modern Ugandans and Christian citizens. But there is no universal agreement on how to understand this story. The issue is whether the murders of the king's young pages should be remembered as martyrs, faithful to their Christian conversions, or as agents of colonialism. In the words of influencer Stella Nyanzi<sup>3</sup>:

As a Muganda committed to the thankless project of decolonisation, I celebrate Kabaka Mwanga on this national public holiday marked as Martyrs' Day in Uganda. Those so-called martyrs were traitors who betrayed our Kabaka when they yielded to Christianisation and colonisation. Hate me or love me, I refuse to partake of your colonial celebrations of sell-outs who betrayed Buganda, our king and our norms.

Laying societal predispositions to oppose homosexuality at the door of colonialism is a false starting point. African culture is negative about homosexual practice because it is essentially infertile and reduces the possibility of children, thus threatening the continuance of the family or the tribe. To further identify, directly or by implication, Christian teaching as the 'culprit' suppressing the previous free expression of homosexual behaviour in these cultures is false, for (1) Where is the evidence that homosexual practice was a norm in these cultures from evidence within the culture done by members of the culture? And (2) There is clear evidence that homosexual practice was proscribed by Islam and by traditional African cultures.

### **The danger of 'advocacy' versus 'inquiry' research**

Advocacy is about stating viewpoints; inquiry is about asking questions. Clearly, from the important example above, work needs to be done to clarify the facts and to understand the account in the broader socio-political and religious and cultural context. In the hands of advocacy researchers, from either a Christian or from a post colonialist viewpoint, the story can be manipulated to suit the narrative of either position. What is needed is simple inquiry research, where the ideological perspectives of researchers are owned and accounted for and where checks and balances are allowed because we seek facts and not to reinforce the narratives of mono-cultural viewpoints that allow no critique. What is at stake is that 'confirmation bias' is likely to be at work where monocultures of thinking prevail.

### **The reality of 'Confirmation Bias'**

Confirmation bias can take three forms: biased research for information, biased interpretation of information and biased memory recall of information. It is the subtle process by which we confirm our pre-conceived prejudices by selecting information and evidence that supports our viewpoint. Thus we advocate rather than inquire. This is the concern about the assumptions made in the call for inputs presented by the Independent Expert Mr Victor Madrigal-Borloz<sup>4</sup>, who chooses to limit his report "to the issue of the historic and ongoing impacts of colonialism..." and who asks for evidence of "past and present colonial regulation" and who aims "to give account of the different legal and policy measures that have been adopted to recognize and provide reparation and redress for the impacts of colonialism..." What is missing is any acknowledgement of the precedents to colonialism. Whilst he recognises that "Colonialism has produced a complex web of connections between past laws, present colonial legal and cultural legacies, an contemporary violence and discrimination" he makes the organising principle of his study colonialism, again without acknowledging the precedents and context of colonialism.

In short, this exercise appears to be one of providing evidence for the advocacy of colonialism as the main driver of prejudice against diverse sexual orientations and gender identities that "exist, and have existed, in all parts of the world and at all times and recorded history". Colonialism here, is a synonym for Christian teaching and this may well be the target of the research initiative: to take issue with the premise for which the Ugandan king's pages died – that homosexual practise is sinful; that sexual

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<sup>3</sup> <https://www.facebook.com/104668384840220/photos/a.110367814270277/430922065548182/?type=3>

<sup>4</sup> <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-report-colonialism-and-sexual-orientation-and-gender-identity>

'orientation' and sexual identity are late 20<sup>th</sup> century constructivist terms, and that essentialism is not an idea that can be applied to 'homosexual orientation' with universal understanding.

### **The rise of Neo-colonialism and Homo-capitalism**

According to Stuart Chang (2014:313) from an Asian perspective<sup>5</sup>: "the gay rights movement must consider and overcome the potential neocolonialism within the current universalist approach to global gay rights and become more cognizant of the particular historical and cultural contexts of each nation". Applying this to a deeper understanding of the transnational relevance of the Ugandan martyrs, is a case in point. Endong (2016)<sup>6</sup> notes:

Though recent studies in anthropology, art, archeology and anthropological linguistics have clearly associated a number of African cultures with gayism/lesbianism, most Africans continue to interpret western gay-proselytism (particularly the pressure the western democracies exert on African countries) as a form of cultural imperialism or (attempted) neocolonialism. With this, any effort by African governments to arrest such a nefarious phenomenon (western cultural imperialism) is, according to popular imagination, an action worthy to be lauded. In tandem with this, African governments' resistance to pro-gay proselytism systematically builds the image of an audacious and seemingly strong Africa, terribly struggling to let her voice and agenda be valued in international politics. It also builds the image of a Black Africa fervently checking western cultural imperialism and westoxification and 'westocracy'.

One useful definition of neo-colonialism and homo-capitalism will suffice: "The use of economic, political, cultural, or other pressures to control or influence other countries, especially former dependencies". By 'Homo-capitalism' is meant "Capitalist appropriation and assimilation of sexual diversity, especially pertaining to the gay, cisgender, western, white, and upper middle-class men"<sup>7</sup>. This helps us to understand the basis of the UN's attempts to attribute cost to 'homophobia' (in the call for inputs represented by 'reparation' and 'redress'. As Smith<sup>8</sup> argues:

What becomes starkly evident from the United Nations' attempts to attribute a cost to homophobia is based on the assumption that individuals' lives can be examined and conceived in terms of "human capital," with injustices being understood as lowering an individual's stock of capital possessed. This conceptualization of human lives as capital is a central feature of neoliberal doctrine...

The current western preoccupation with banning therapeutic choice in the guise of 'conversion therapy' is another example of the overreach of LGBT activists bent on world domination.

### **The Irony of Criminalisation**

According to Australian Premier in the Province of Victoria, Daniel Andrews:

There was a time in our history when we turned thousands of ordinary young men into criminals. And it was profoundly and unimaginably wrong. [...] This parliament and this government are to be formally held to account for designing a culture of darkness and shame. [...] We are so sorry. Humbly, deeply, sorry.

Andrews marks the criminalisation of those who's sexual behaviours were formerly considered criminal acts. He offers no apparent reflection on the criminalisation that is now being transferred to, or imposed

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<sup>5</sup> <https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=2133&context=facpub>

<sup>6</sup> LGBT RIGHTS MOVEMENT IN AFRICA AND THE MYTH OF THE WHITEMAN'S SUPERIORITY  
[https://www.sociostudies.org/almanac/articles/lgbt\\_rights\\_movement/](https://www.sociostudies.org/almanac/articles/lgbt_rights_movement/)

<sup>7</sup> <https://respublicapolitics.com/articles/neocolonialism-and-the-rise-of-homocapitalism>

<sup>8</sup> Ibid.

upon, individuals who resist the normalisation of homosexual practices, and offer support to those seeking change. He thus rejects those individuals for whom sexual identities and behaviours congruent with their deeply held, and more primary religious values and identities, outweighs the call to identify as 'gay' or 'trans', 'bisexual' or 'questioning'. More worryingly is that this trend to oppose any person seeking or offering help to move out of unwanted sexual behaviours, identities and attractions, is done so without regard to clear research that is showing the benefits of therapeutic and counselling interventions, irrespective of whether change takes place or not<sup>9</sup>. It is incorrect to think there is no such impact on those seeking to leave unwanted feelings since the ban does not indict them. The fact is, by denying them support and refusing to allow them help to maintain their choice, this population is being harmed. They have been abandoned by the professionals who now promote an ideology. Such behaviour is both discriminatory and profoundly patronising.

### **Conclusion**

We call upon the independent expert to widen his research mandate to examine both colonialism and its precedents, and to recognise the tendentious nature of advocacy research that has failed to conduct historical analysis and inquiry further back than the colonial era. We submit that failure to do so will be to simply promote prejudice against Christian teachings and to violate the human rights of groups and individuals who reject government-mandated sexual identity.

**Submitted 26 May, 2023**

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<sup>9</sup> Is the UK Governments Ban on 'Conversion Therapy' Safe? <https://iftcc.org/is-the-government-ban-on-conversion-therapy-safe/>