



Alianza Evangélica  
Española

## STATEMENT

Barcelona, 12 July 2017

**The Spanish Evangelical Alliance's position on the proposed bill "*against discrimination with regard to sexual orientation, identity or gender expression and sexual characteristics, and of social equality for the LGBTI community*".**

Historically, Protestants in Spain have had to go through suffering and persecution ranging from social discrimination to actual martyrdom; we believe that proactive measures should be implemented to help change how society relates to us. We also believe that government should be proactive in promoting real changes in the laws of religious equality to overcome our historical invisibility and the lack of recognition of our rights.

All public authorities will, therefore, promote Protestant awareness and celebrate our special commemorative dates. Training in social awareness of Protestantism will be mandatory for professionals working in all areas of public services such as employment, health, education, social services, law, police, private security companies, prison officers, juvenile centre workers, sport, leisure and communication. Scientific, sociological and cultural investigation into Protestantism will be promoted. All local and government administrations will promote the participation and representation of Protestants publicly. A State Agency is to be created to fight the discrimination of Protestantism and will include representative Evangelical bodies which will have complete freedom in decision making in matters affecting them directly. An inter-departmental body for the protection of Protestant interests is to be formed. Training workshops and awareness campaigns will be given at all ongoing teacher training centres incorporating Protestant thinking. Protestant doctrine will be fully included in curricula at all educational levels. Publicly funded employment campaigns will take into account equal opportunities for Protestants. The National Centre for the Historical Memory of Protestantism, which the Administration will create with public funding, will coordinate and provide a guaranteed stock of Protestant literature which is to be compulsory in educational centre libraries of towns with a population of over 20,000 people. When a Protestant claims discrimination on the basis of his or her faith and provides substantiated evidence, the defendant shall be required to provide objective and reasonable justification. It is forbidden to preach to a Protestant to convert him to another belief or religion using aggressive counter arguments, even if he asks for it.

**You do not need to say it yourselves, because we ourselves say it: this all would be absolutely inappropriate because it would afford privileges which are incompatible in a democratic society where everyone has equal rights.**

Why is it not appropriate for Protestants and is acceptable for the LGBTI community? Are LGBTI citizens more equal than the rest? Are they to be considered under a greater risk than that of other minority groups who have suffered persecution in the past and who require special protection? The bill under reference does not present any objective evidence that LGBTI people are discriminated against in Spain nor that they may need special protection to justify such a law. The fact is that for some years there has been no sign of any administrative, media or cultural criticism of the LGBTI community. Although we can and do find such criticism towards other groups, the LGBTI thinking and public projection is considered sacrosanct and any criticism or contrasting view is called "homophobia".

### **The proposed bill and hatred, prejudice and intolerance**

This text of the proposed bill is presented as a progressive initiative to combat hate and prejudice. Protestants are very sensitive to both as we have suffered these directly as well as religious discrimination. Our own history has shown us that the roots of hate, prejudice and intolerance go deep because they do not feed off ideology as much as opinion and these take generations to change. A simple reading of the proposal proves that this continues to be the case today; its content is steeped in prejudice and intolerance reminding us of the past dogmatic way of thinking and it is incapable of distinguishing between respect for persons and the right to disagree; and so it promotes discrimination through opinion.

We Protestants love tolerance and this is shown by allowing families to educate their children by their own values. This proposed law limits this right. Protestants love diversity and respect for it is demonstrated by the right to publicly dissent. The proposed law limits this right. Diversity is thereby incompatible with ideologically-driven dogma but this proposal is charged with ideological views and lacks any scientific base to support it. It is itself impregnated with prejudice and intolerance and appears unable to distinguish between respect for people and the right to dissent. It limits, therefore, the freedom of parents to teach values to their children, and the right to disagree and to say so in public. The text is loaded with ideology and lacks any scientific base to support it but in such matters it is unwise to ignore scientific investigation.

### **Progressivism and the proposed law**

Social progress is not defined by elites working from their own agenda, but is built by consensus with all of society, listening to everyone's views, and proved by its results. Progressivism does not develop from values imposed by lobbies; we must evaluate continually what we assume progressivism actually means and why, instead of uncritically accepting the latest fashion. This is not the first time we have fallen into this trap: someone as advanced as Gregorio Marañón hailed the ushering in of the Spanish Republic –Protestants also received it

with expectancy for different reasons – saying that it meant “new life, universality and just progress”. The proof that this is what it actually means is shown by the fact that today we can speak freely about eugenics.<sup>1</sup>

At the time many like him uncritically associated eugenics with progress forgetting that progress is not a slogan if not proven by its results and the results of eugenics were clearly shown in German Nazism. This is a clear warning sign in regard to our current subject.

A correct evaluation of the proposal will not let us conclude that the bill is progressive just because many people believe it to be so, and so we must ask the question, “what kind of a society does it really promote: a society impregnated with tolerance or dogmatism? With diversity or with a specific ideology? With freedom of expression or with coercion or tutelage? Laws drafted by a lobby with its own agenda or drafted after taking into account society’s social diversity?”

### **The proposed law and specific ideology (pensée unique).**

From the start, the draft law establishes some basic tenets which do not flow from any scientific criteria but are purely ideological and are presented as universal, objective truth. From the start, the principle that “gender is a human category that can be in constant evolution and as such has to be perceived as a vital experience, a diverse journey in time and form”; this is a dogma based on ideology, not on scientific evidence, and one cannot build a truly democratic, progressive society based only on dogmas.

The proposal intends to impose a single way of understanding things, and kicks off using specific terminology; thus, the normal congruence between “biological identity” and “gender identity” is attributed to the term “cissexuality”, as if it were a variant of the norm, without any scientific criteria to support it.

It is also assumed without any scientific support that when there is a discrepancy between both identities, and that it is reasonable to correct physical reality with complex treatments and irreversible consequences. In this bill there is no room for any discussion or alternative viewpoints.

As Protestants we reject being under tutelage of doctrinal bodies who declare what is permitted and what you are not allowed to express or believe, and this bill is impregnated with it by the LGBTI action groups, which are granted prerogatives and powers of control that no other group is granted under any other law.

---

1 MARAÑÓN G. “Eugenesia y Moral”. Complete Works. Madrid. Espasa Calpe. 1966 p. 101

## **Discrimination and privileges**

Some of its articles propose reasonable measures, but they become discriminatory when they are applied specifically to the LGBTI groups and not for other groups that need these measures as much or more. Freedom and rights must be for everyone regardless and a good part of the articulation could be obviated with a simple phrase “apply existing legislation”; we cite as examples articles 19.4, 20.1, 20.4, chapter V, 48.2.h and 82.

Protestants know what it means to suffer discrimination and we oppose any discrimination wherever it may come from and whoever its victims may be, but we have never used this to our advantage or claimed privileges over other groups. Privileges for the LGBTI community which are not given to any other collective, run through the entire bill; here are some examples: Articles 16.d, 18.1, 20.6 & 7, 20.bis.5 20 ter, 32.1, 37.5, all of chapter VII, 48.2f, 49, 58, 59.1, 59.4, 59.5, 67.1, 71 & 72.

Article 80 specifically mentions proactive policies in that respect. It continually imposes a biased awareness for this group which we find incompatible with the freedom to hold other views, something which is completely normal in any democratic society, such as seen in art. 6, 7.5 to 58.5, 59.1, or 65.4.

Chapter XII establishes the setting up of National Centre for LGBTI Historical Memory, something which has never been granted to any other collective which has suffered discrimination at any time.

Chapter XIII, regarding asylum and international cooperation, establishes specific protection measures for this community. We do not criticise this but we say that no other similarly high-risk group has been offered this measure of protection. The First Additional Disposition proposes the setting up of a specific Inter-Departmental plan.

## **Threat to democratic freedoms**

The bill penalises not only the breach of law, but also the failure in proactive compliance. It affords the LGBTI activists inordinate and unprecedented powers which no other community holds, through their participation in the “State Agency for Non-discrimination based on Sexual Orientation” and in writing up and implementing rules (art. 91, 92.4, 92.8, 92.10, & 93.) This turns the LGBTI activist into judge and jury and creates a defenceless position for persons and entities against whom this Agency might act.

Gender ideology is imposed from school to university, making it compulsory to include them in curricula and to establish indoctrination in dogma, following the best Tridentine tradition (Chapter VII). We call for compliance with Protocol 1 of the European Convention on Human Rights, which, in its Art. 2 states that “the State shall respect the right of parents to ensure an education in conformity with their own religious and philosophical convictions.” Protestants in the past suffered indoctrination of our children in State schools who imposed dogmas with which we disagreed. We are not willing to go through the same situation again, because the

question is not so much that we disagree with its content but the fact that they are dogmas and are imposed through indoctrination.

The proposed law defines specific measures to support the LGBTI collective at work recognising that companies should establish ethical codes (art. 48.2.m) but it prohibits any that might not follow the proposed law's directives.

In its statement of reasons it establishes that "gender is a human category that can be in constant evolution and as such has to be perceived as a vital experience, a diverse journey in time and form". If the proposed law were coherent it would admit that it cannot prejudge the way that people can walk this "diverse journey". The fact is that it only allows for a one way journey from what it calls "cissexuality" towards all the other varieties because it specifically prohibits a homosexual or a transsexual from returning to their biological sex and establishes severe penalties for any professional who assists them even where they have the interested parties' specific consent (art 94.4.c). Significantly, instead of calling these "restorative" therapies, the law calls them "aversion therapies." Art. 22 requires informed consent for sex reassignment treatments, but such consent is rendered useless for restoration to biological origin. The respect for a person's self-determination, something which is supposedly highly defended by the law as seen in articles 20.2 and 20.5 is thereby completely negated.

Chapter III imposes a dedication of health resources to the LGBTI collective that is not comparable with that of any other social group, including the implementation of Gender Diversity Services, constituting an unfair advantage over other more vulnerable sectors of the population.

It addresses the cross-hormonal treatment of minors with astonishing levity, disregarding the recommendations of medical science; scientific studies show that the vast majority of children and young adolescents who, at some time during their development, had doubts as to the perception of their identity, on completing the adolescent cycle invariably chose their biological sex. It also contradicts the Patient Autonomy Law 41/2002, where it is clear that the child cannot give its own consent in situations comparable to the one mentioned. We demand a greater measure of responsibility when considering such consent to treatment for minors as this has long lasting, deep effects of a permanent nature and can generate irreversible trauma.

Throughout Chapter VIII we find specific measures adopted to support the LGBTI community in relation to the workplace which are not enjoyed by any other minority group. Proof of being a member of the community enjoying such measures also poses difficulties. Will there need to be an LGBTI association where members can register or will a simple declaration be sufficient or perhaps a sworn statement? This definition can cause legal insecurity for people who wish to enjoy the benefits of these specific measures.

Article 58.3 Imposes the allocation of literature resources promoting the LGBTI agenda throughout the nation, something we find is incompatible with the freedom and equal access to publicly held information for all ideologies and beliefs.

Article 59.1.e regarding the promotion of LGBTI awareness in sport brings to mind the mix of sport and ideology reminiscent of totalitarian regimes such as the one we suffered under General Franco.

Chapter XIV imposes specific criteria on the media, together with their corresponding coercive measures. We demand respect for article 9 of the European Convention on Human Rights which establishes freedom of thought, conscience and religion and public expression of those freedoms whilst respecting all others.

Article 74 regarding the inversion of the burden of evidence, eliminates equality of all before the law which is a basic ingredient of the rule of law and thereby generates legal uncertainty.

The proposed sanctions regime seems to us to be exaggerated. We demand that the system of sanctions that is finally decided be applied in all cases with the same rigor when it relates to other social groups. At the same time, it is entirely unacceptable that what is not tolerated against the LGBTI community is, however, tolerated for example, against Roman Catholics, under the pretence of “freedom of speech.”

It must be ensured that the special section of the Public Prosecutor’s office which protects against hate crimes and against discrimination will not limit its actions to the protection of citizens belonging to the LGTBI collective.

Finally, it grants unlimited power to the state, something very foreign to western democratic thinking, by invading areas of competence within civil society and the family. As an example of this the proposal imposes education in some specific values; in some of the Autonomous regional laws it goes as far as a “re-education” of the family in certain specific cases, in the same way as a totalitarian regime acts.

## **Conclusion**

We are not alarmed at the proposition of this law only because it clashes with our Christian worldview, but because it threatens the democratic liberties of all citizens regardless. It is rooted in dogma rather than scientific evidence; it imposes a particular ideology, instead of recognizing the free concurrence of proposals; it contradicts the equality of all citizens by granting one social group privileges over others; it restricts freedom of conscience and freedom of expression; it invades the competences of civil society and the family.

Protestants have built democracy in Europe based on biblical values which have been transmitted via the family and we will continue to do this. We invite legislators to recover the spirit of democracy and genuine diversity in the debate on this bill and not be prey to dogma, a new orthodoxy, tutelage, inequality and intolerance, especially when disguised as progress.

*The Executive Board of the Spanish Evangelical Alliance.*