

**Witness Statement of Dr Belinda Mary Riddall Bell**  
**On behalf of the Appellant**  
**Date: 31 January 2022**  
**Exhibit: BB1**

**Appeal number: CA.2021.0013**

**FIRST-TIER TRIBUNAL**  
**GENERAL REGULATORY CHAMBER**  
**(CHARITY)**

MERMAIDS

**Appellant**

**and**

THE CHARITY COMMISSION FOR ENGLAND AND WALES

**First Respondent**

THE TRUSTEES OF LGB ALLIANCE

**Second Respondents**

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**WITNESS STATEMENT OF DR BELINDA MARY RIDDALL BELL**

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I, Dr Belinda Bell, Chair of Trustees of Mermaids, Tarn House, 77 High Street, Yeadon, Leeds, LS19 7SP shall say as follows:

1. I have been the Chair of Trustees at Mermaids, the Appellant, since May 2019. My background is in social entrepreneurship and academia. I hold a professional Doctorate by public works, a Masters Degree in Community Enterprise and a Bachelors Degree in Social Anthropology. I am a Fellow of Social Innovation at Cambridge Judge Business School at the University of Cambridge and I designed and led the University's support programmes for social enterprise.
2. I make this statement in support of Mermaids' appeal against the decision of the Charity Commission (the "Commission") (the First Respondent) to register LGB Alliance (an organisation run by the Second Respondents) as a charity in April 2021.

The statement was drafted with the assistance of Mermaids' solicitors following discussions with them.

3. In the course of making this statement, I shall refer to a bundle of documents, which is now shown to me marked '[BB1]'. References take the form '[BB1/X]', where 'X' is the exhibit page number.
4. Matters within this witness statement are within my own knowledge unless I state otherwise, in which case I give the source of my knowledge and belief. Where matters are within my own knowledge, they are true. Where matters are not within my own knowledge, they are true to the best of my knowledge and belief.
5. The focus of this statement is on the effect that LGB Alliance's registration has had, and continues to have, on Mermaids. In this statement I will address (1) Mermaids' objects and main areas of work; (2) LGB Alliance's approach towards trans children and young people; (3) LGB Alliance's attacks on Mermaids; and (4) what LGB Alliance has done with its charitable status.

**(1) Mermaids**

6. Mermaids has been supporting transgender, non-binary and gender-diverse children and young people, and their families, since 1995. By way of explanation, "*gender-diverse*" is an umbrella term that is used to describe gender identities that do not fall within a cisgender/binary framework; it includes (but is not limited to) non-binary identities and transgender identities. I exhibit at [BB1/2-5] a glossary from Mermaids' website which gives a number of useful definitions of these and other terms that are used in this area.
7. Our Objects are: "*To relieve the mental and emotional stress of all persons aged 19 years and under who are in any manner affected by gender identity issues, and their families, and to advance public education in the same.*" One of the most important of these issues is gender dysphoria, which refers to the discomfort experienced by someone whose gender does not match the one they were given at birth.

8. Mermaids was founded in 1995 by a small group of concerned parents sitting around the kitchen table, coming together to share experiences, find answers and look for ways to keep their children safe and happy. Today, Mermaids has evolved into one of the UK's leading LGBT+ charities. We help thousands of children and young people up to the age of 20, as well as their families. We offer secure online communities, local community groups, helpline services, web resources, events and residential weekends. We seek to educate and inform wider society on gender identity by helping professionals to accommodate and reassure gender-diverse young people. We also have a legal and policy department which works to support people in relation to the legal aspects of transition (for example, name changes), as well as commissioning research and working with public bodies to ensure that the voices of trans people are heard by policy makers.

9. We aim to:

- a. reduce isolation and loneliness for transgender, non-binary and gender-diverse children, young people and their families;
- b. provide families and young people with the tools they need to negotiate education and health services;
- c. help young people to cope better with mental and emotional distress, and equip their parents with what they need to offer individual support;
- d. improve the self-esteem and social skills of children and young people;
- e. improve awareness, understanding and practices of teachers, GPs, Child and Adolescent Mental Health Services ("CAMHS"), Social Services, and other professionals, including by providing training. Our work on this front is relatively limited; since April 2021, for example, we have delivered a total of 353 training sessions, 162 of which were in schools.

9. We also have commercial and/or collaborative partnerships with a range of organisations. We work with corporates in various ways, including (a) staff training

and volunteering opportunities, (b) charity of the year partnerships, (c) commercial partnerships, and (d) trans inclusion policy reviews.

10. We do not give healthcare advice. We provide general information on NHS clinical pathways, but we are not involved in the provision of medical care or in advising around whether a medical pathway is appropriate for an individual. Like other voluntary organisations, we can make referrals to the Gender Identity Development Service (“GIDS”), but we think it is better for referrals to come from GPs or CAMHS where possible and rarely do so – our last referral was made in April 2020. This is one of a number of misrepresentations made by LGB Alliance about us which I will discuss in more detail below.

## **(2) LGB Alliance’s approach towards children and young people**

*LGB Alliance’s claims about trans children and young people*

11. In this section, I set out the claims made by LGB Alliance about children and young people who are affected by gender identity issues, i.e. the groups that Mermaids is established to help. (I understand that LGB Alliance’s wider beliefs will be addressed in other evidence filed on behalf of Mermaids.)
12. LGB Alliance’s views can be found in its publications, on its Twitter account, and in communications by Beverley Jackson, Ann Sinnott, Katharine Harris and Malcolm Clark (the four founding directors of LGB Alliance) as well as Allison Bailey, who has acted as a co-founder and remains one of its main public-facing figures (she is credited by LGB Alliance for having “helped us set up” [BB1/7] and gave the keynote speech at its October 2021 conference).
13. Mermaids has always understood that LGB Alliance was formed as a part of the wider “gender critical” movement. My understanding of the expression “gender-critical” is that it refers to a belief that sex is biologically immutable, and that people cannot genuinely transition, with the result that (for example) a trans woman is not a woman and is not entitled to be treated as a woman.

14. One of the reasons Mermaids has been especially concerned by LGB Alliance is that, since its foundation, it has repeatedly focused its efforts on children. As far as I can tell, LGB Alliance appears to accept that adult trans people exist and that they should be allowed to access gender affirming healthcare (though it seeks to deny them various legal protections and refers to trans men as *“female-bodied people”* and trans women as *“male-bodied people”* regardless). However, based on its public communications, LGB Alliance appears to take the view that trans children do not exist, or that they cannot know they are trans before adulthood. (A letter sent on LGB Alliance’s behalf to the Commission by its solicitors on 18 June 2020 said that *“LGB Alliance does not dispute that for some young people transition and gender reassignment will be the right path”* [2.2.4] [BB1/11], but I have seen no evidence elsewhere to suggest that that is its position.)
  
15. LGB Alliance’s original Mission Statement (which was archived on 2 February 2020 and is exhibited at [BB1/15-16]) included as one of LGB Alliance’s four *“Aims”*: *“3. To protect children and young people from being taught unscientific gender doctrines, particularly the idea that they may have been born in the wrong body, which may lead to life-changing and potentially harmful medical procedures.”* It stated: *“In our view, current gender ideologies... are confusing and dangerous to children”*.
  
16. One of LGB Alliance’s major activities is its *“Schools Campaign”*. I exhibit the relevant pages from LGB Alliance’s website at [BB1/17-32]. In summary, it is a campaign against the teaching of gender identity issues as a part of relationships and sex education in schools. There are numerous inaccuracies on this page, but (in summary) it seems to be arguing that children should not be educated about the existence of trans people or the possibility that they might have gender dysphoria. It includes:
  - a. Repeated claims that education on trans issues is harmful because it will *“encourage children to think about whether they should change “gender” instead of staying exactly as they are”* [BB1/29];
  
  - b. a claim that trans children are only *“pretending to be the opposite sex”*, in the same way as *“[a]ll children like dressing to be animals, space creatures, fictional characters”* [BB1/28];

- c. a claim that *“lessons on gender identity that are taught in schools”* have been designed to prepare the ground for a *“worrying trend”* of persuading young lesbian girls that they are, in fact, trans boys (a supposed conspiracy that is described as *“transing away the gay”*) [BB1/30];
- d. reference to *“growing numbers of detransitioners (people who regret “transitioning” and try to revert to their birth sex)”* as evidence that children are inappropriately encouraged to transition [BB1/30];
- e. recommendations for readers to consider materials produced by Safe Schools Alliance and Transgender Trend, organisations which promote similar views (the name of Transgender Trend refers to the view that being transgender is no more than a *“trend”*) [BB1/32]; and
- f. prominent identification of a *“gender identity lobby”*, including Mermaids, as playing a significant role in these problems, with Mermaids potentially being engaged in *“child abuse”* (see below) [BB1/23].

17. On 23 November 2020 Beverley Jackson was quoted by the BBC as saying: *“We don’t think children should be allowed to self-diagnose any medical condition... We need to take a step back and ask why are so many young people presenting at the clinic for a gender treatment?”* [BB1/35] This gives the misleading impression that gender dysphoria can currently be *“self-diagnosed”* when, in fact, it requires a medical professional. It is not possible to self-refer to GIDS. It appears to reflect LGB Alliance’s belief that children who express gender identity issues should not be believed.

18. Such claims have been made most starkly on social media. Much of LGB Alliance’s campaigning on this (and all) issues is conducted through social media, and in particular Twitter, where it currently has over 48,000 followers. I will refer to tweets throughout this statement, but it is worth noting that this is where LGB Alliance has been most frank that it does not accept the existence of trans children:

- a. On 7 October 2020 LGB Alliance tweeted: *“If a child cannot be born in the wrong body, as was generally agreed last week, how can there possibly be a trans child? Doesn’t compute really does it?”* [BB1/37]
- b. On 3 December 2020 Ms Bailey tweeted: *“There are no ‘trans kids’, just children suffering from gender dysphoria who deserve high quality psychiatric & psychological treatment.”* [BB1/37]

19. Based on its published materials, therefore, LGB Alliance has claimed:

- a. that transition is not genuine, but used as a way of *“transing”* children into being heterosexual when they would otherwise grow up lesbian, gay or bisexual (“LGB”);
- b. that gender non-conforming or LGB children are encouraged to believe they must be trans and given rapid access to treatment, resulting in huge numbers of young people being inappropriately given puberty blockers, hormones and surgery; and
- c. that many such young people are not actually trans, and come to regret medical interventions or *“detransition”*.

*Campaigning activities relating to children and young people*

20. LGB Alliance has not only made such statements, but has sought to act on them in a number of ways.

21. First, LGB Alliance’s Schools Campaign urges supporters to write to their children’s schools, as well as MPs and other politicians, to oppose education on gender identity issues. It provided a template letter which asks the MP *“to delay the rollout”* of new relationships and sex education, and points the MP towards LGB Alliance, Transgender Trend and Safe Schools Alliance [BB1/31-32].

22. Second, LGB Alliance has campaigned to influence legislation and policy in this area.

23. I have mentioned campaigning on social media already, but it also engages in extensive political lobbying and advertising.
24. In November 2020, it submitted evidence to the House of Commons Women and Equalities Select Committee claiming that “[m]any young girls and boys are now taught at school that if they are “gender non-conforming” they may have been born in the wrong body. This dangerous indoctrination is continuing...” (paragraph 11); and that “many” LGB groups now “include detransitioners in their ranks” who “regret their decision to “transition”, either because of poor surgical outcomes or because the physical interventions they underwent did not resolve the distress of gender dysphoria. LGB Alliance has written to Mental Health Minister Nadine Dorries with an urgent request drawn up by senior psychiatrists for the NHS to set up a specialist unit to provide care for detransitioners.” (paragraph 20) [BB1/38-42].
25. In March 2021, it wrote to all MPs arguing against a proposed ban on conversion therapy, saying that “affirming a gender non-conforming child as trans, who would otherwise grow up to be lesbian, gay or bisexual, is itself a form of conversion therapy” [BB1/43-45].
26. On 13 January 2022, LGB Alliance sent a van around London with the slogan “Gay Teens Aren’t Sick: Most young people who are prescribed puberty blockers say they are attracted to people of the same sex”, which is apparently to be its “biggest campaign of the year 2022” [BB1/46].
27. Third, LGB Alliance lobbies on issues relating to trans children behind the scenes. I do not know the full extent of this, but materials disclosed by the Department for International Trade under the Freedom of Information Act [BB1/47-71] reveal that representatives of LGB Alliance, for example, met Kemi Badenoch (the Minister for Equalities) on 13 July 2020 and gave her “information” about the “schools campaign” [BB1/69]; they also met the Strategic Policy Adviser to Liz Truss on 12 October 2020 to discuss, among other things, gender identity in “schools, universities etc.” (with reference to Stonewall) [BB1/47].



*The accuracy of LGB Alliance's claims*

28. I will now explain why the claims which I have summarised at paragraph 19 above, which LGB Alliance has sought to promote through its political activities, are false and harmful, in particular to children and young people experiencing gender identity issues.

*(a) The claim that transition is used as a way of "transing" children into being heterosexual when they would otherwise grow up LGB*

29. As explained above, LGB Alliance claims that homophobic parents, in collusion with the "gender identity lobby" (including Mermaids), encourage gay and lesbian children to transition as a means of "transing the gay away". (The use of this phrase echoes a common description of Christian conversion therapies, now generally recognised as abusive, as "praying the gay away"; LGB Alliance often seeks to draw a parallel between that practice and the provision of gender-affirming healthcare.)

30. This is a severe, and in my view dangerous, distortion of reality. It should go without saying, but as Chair of Trustees at Mermaids, I confirm that "transing the gay away" has never been any part of Mermaids' goals. As explained below, Mermaids does not encourage gender-questioning young people to transition, full stop. Our sole focus is on supporting children to find the right path for them, and some of the young people we support conclude that they are cisgender.

31. Further, Mermaids is, and always has been, entirely supportive of LGB young people, including those who are not trans, and currently supports many young trans people who are also LGB. I am not aware of any efforts by other mainstream LGBT+ organisations or healthcare professionals to tell LGB children that they should instead identify as trans, or to place pressure on them to do so; the suggestion that this happens is, in my view, absurd and offensive.

32. Not only is the claim not supported by evidence, it makes no sense:

- a. It is not plausible that homophobic parents (or teachers or healthcare professionals) are likely to be happier with the idea of children being trans than being gay. Adults who are homophobic might be expected to have less tolerance for trans children, not more.
- b. Transition would not be an effective strategy for homophobic parents who wanted to make their children straight. The Government's National LGBT Survey in 2018 found that just 9.4% of trans people identify as straight; 73.1% said they were bisexual, gay, lesbian, pansexual or queer [BB1/72-74]. In other words, many trans people are attracted to people of the gender to which they have transitioned, many others have more complex sexual identities, but very few consider themselves straight. In any case it is not clear to me how it would be possible to "trans" someone out of being bisexual – following transition they would still likely be bisexual.

*(b) The claim that children are pushed into medical treatment which is available with minimal safeguards*

33. As explained above, LGB Alliance claims that the "gender identity lobby" (including Mermaids) and the medical establishment are involved in pushing children towards believing that they are trans, and that those children are given easy access to serious medical treatment with minimal safeguards.
34. I have already stated that Mermaids is not directly involved in medical treatment of children with gender dysphoria, nor do we recommend medical treatment, though we do support children and families who are navigating the process. Our view, in short, is that the medical intervention of puberty blockers (the only form of intervention available to someone under 16) will be the best option for some children with gender dysphoria; for many they will not be. That is a question to be determined on a case-by-case basis by the young person, their doctors and their primary carers. It is not a decision that should, or can, be taken lightly. Our role is to support all gender-diverse children and young people to find the path that is right for them, whatever it may be. In my experience, other LGBT+ organisations in this country tend to take a broadly similar view.

35. Many of LGB Alliance’s attacks have been directed towards treatment at the Tavistock and Portman NHS Foundation Trust (the “Tavistock”), which operates Great Britain’s only GIDS for patients up to the age of 18 experiencing gender dysphoria. The Tavistock’s approach towards ensuring children give informed consent was reviewed and upheld by the Court of Appeal in September 2021 (*Quincy Bell & Anor v The Tavistock and Portman NHS Foundation Trust* [2021] EWCA Civ 1363).
36. As will be clear from the *Bell* judgment, a range of psychological and medical treatments may be available at different ages. The only medical intervention available to under-16s is puberty blockers, which are not prescribed lightly – indeed there is a 2-year waiting list to be clinically assessed for them (*Bell*, [5]). In appropriate cases, cross-sex hormones may be prescribed after the age of 16. Importantly, however, gender reassignment surgery is only available to over-18s (*Bell*, [18]).
37. There is no ‘one size fits all’ approach and, at each stage, extensive assessment is required. Those assessments will involve careful exploration of the young person’s concerns, with no predetermined outcome.
38. This is a hugely complex area in which the evidence base is constantly evolving. The view of the NHS, which Mermaids shares, is that medical interventions will not be required for all young people referred for gender dysphoria issues; in some cases other treatment options will be more appropriate and/or the risks will not outweigh the likely benefit. For some children with gender dysphoria, however, the risks of medical interventions will be outweighed by the benefits, which can be very significant. The BBC reported in 2019 that fewer than half of patients referred to the Tavistock have any medical interventions at all [BB1/76]. A recent study published by the Tavistock, “*Short-term outcomes of pubertal suppression in a selected cohort of 12 to 15 year old young people with persistent gender dysphoria in the UK*”, recorded that 43 of 44 young people prescribed puberty blockers went on to the next stage of treatment, cross-sex hormones, and benefited from that treatment [BB1/78-79]. This suggests that the screening and information sharing process before puberty blockers are prescribed is indeed sufficiently robust and capable of identifying young people who will benefit from medical intervention.

39. Our experience is that children with gender dysphoria can develop an in-depth understanding of their own condition and can become very well informed at an early age, but this is unique to each individual; some individuals do not realise they are trans until later on in life. If they gain this understanding during childhood/adolescence, we think it is right that they are able to make informed decisions about their care with the support of their families and medical professionals. Having said this, the decision to start medical treatment is not one that should (or can) be taken lightly. Children who are referred to GIDS are currently subject to extremely long waiting times for a first appointment, after which they go through an extremely lengthy process. Our view is that the current waiting times (up to two years) are too long, and that distressed children should be seen in a timely fashion, in line with the specified NHS target of 18 weeks – but it is absolutely right that once the process is underway, it is rigorous and involves comprehensive assessment and support, as one would expect in any area of healthcare.
40. LGB Alliance frequently cites the fact that there has been an increase in referrals of children to the Tavistock in recent years, from 138 in 2010-11 to 2,563 in 2017-18 (although it has since levelled off) [BB1/80-82]. The reasons for that increase are not fully understood, but the greater awareness and understanding of gender identity / gender dysphoria in society as a whole is likely to be a significant factor.
41. A parallel could be drawn with the increase in people identifying as LGB as social attitudes have changed – for example, the percentage of the population who identified as LGB increased from 1.6% to 2.2% between 2014 and 2018 alone, with 4.4% of 16-24 year olds identifying as LGB [BB1/83-84]. As most people now accept, that increase has occurred because LGB people have become more visible and accepted, and people feel more able to be their authentic selves. In the 1980s, however, fears that children were being “indoctrinated” and “turned gay” by the “gay lobby” were widespread; they led to Section 28 of the Local Government Act 1988, the infamous provision which stated that local authorities were not allowed to “*promote homosexuality*” or “*promote the teaching in any maintained school of homosexuality as a pretended family relationship*”. Many LGB people who grew up under that regime still bear the scars of the culture of silence and denial it created.

(c) *The claim that many such young people are not actually trans, and come to regret medical interventions or “detransition”.*

42. LGB Alliance claims that a substantial proportion of young people who transition subsequently regret it. As Allison Bailey put it on 29 November 2020: *“Many of the young women concerned have bitter regrets. Please read the stories of these detransitioners, for instance at @post\_trans. We support adults who experience the need for hormones and surgery to relieve their suffering. Children are too young to make such decisions.”* LGB Alliance tweeted similarly on 14 October 2020: *“Puberty is for many a distressing, confusing time. Many will grasp at a solution presented to them, especially if it’s dressed up in attractive YouTube videos and praised as “progressive”. We know now how many teens, largely LGB, are being led down that path and later regret it”* [BB1/85]. I have mentioned at paragraph 24 above a submission to a Parliamentary committee to similar effect. The suggestion that children are choosing (or could choose) to have hormones and surgery is, as explained elsewhere, incorrect; so is the suggestion that trans adults commonly regret transitioning.

43. In reality there is a wealth of evidence to show that such experiences are rare. This does not mean that regret does not exist, however, as it does for many kinds of medical interventions/treatments. One 2019 report found that of 3,398 trans patients who had accessed NHS support, 16 (under 1%) expressed regret, and only 3 made a long-term detransition: *“Study findings are consistent with previous research showing low rates of detransition. Detransition was most often prompted by social difficulties rather than changes in gender identity or physical complications and was most often temporary”* [BB1/86].<sup>1</sup> In Sweden, research covering the period 1960-2010 found that about 2.2% of patients experienced regret, and that it declined significantly over time [BB1/87-98]. In the USA, a 2021 metanalysis of 27 studies, pooling 7,928 transgender patients who had undergone gender-affirmative surgeries, found that around 1% regretted doing so [BB1/99-116].

44. LGB Alliance appears to accept that there is no evidence for its claim that regretting transition is a widespread problem. It has sought to defend this by arguing that *“Building up reliable statistics on detransitioners and others who regret their decision is very*

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<sup>1</sup> <https://epath.eu/wp-content/uploads/2019/04/Boof-of-abstracts-EPATH2019.pdf>

*difficult. Partly because research on this subject is discouraged and partly because those concerned often stay in the shadows, reluctant to return to clinics that treated them".* Beverley Jackson has claimed that *"those who try to conduct academic studies on detransition find their paths blocked"* [BB1/117]. In fact, as I have explained, studies have been conducted on this topic and have not supported LGB Alliance's claims.

45. Those wishing to "detransition" are deserving of respect, support and dignity and Mermaids is here to support them, without judgement. As explained above, our role is to support each individual young person to find the right path for them, whatever it may be. We have worked with young people who initially identify as a binary gender, but subsequently go on to identify as non-binary; we have also supported some young people who decide to transition back to the sex/gender they were assigned as birth. This can be more of an evolutionary process than the kind of regression/reversal the phrase "detransition" suggests, and it happens for many reasons. The fact that the UK is a very difficult place to live as a trans person – indeed the Parliamentary Assembly of the Council of Europe recently ranked it as one of the worst in Europe, saying it *"condemns with particular force the extensive and often virulent attacks on the rights of LGBTI people that have been occurring for several years in, amongst other countries, Hungary, Poland, the Russian Federation, Turkey and the United Kingdom"* [A3] [BB1/118] – can in our experience be a factor in people deciding to "detransition", though it is of course not the only one.
46. We have always continued to support young people who transition back to the sex/gender they were assigned at birth, and have listened carefully to their experiences and insights. It is also important, however, to make sure that their experiences are not cited as a reason to not provide the appropriate treatment for those trans people who need it.
47. By making false claims about "detransition", LGB Alliance is causing real harm to the people who we work with. They create widespread confusion and suspicion about transition, which makes it harder for young people with gender dysphoria to be believed and to access appropriate support. They encourage the idea that young people who are sure that transition is the right path for them should try to fight against

it. For some people this will lead to their transition being delayed – in some cases for many years – which can itself be a source of bitter regret.

48. I also think it harms some “detransitioners” themselves, by removing their autonomy in relation to their previous decision – LGB Alliance’s narrative encourages them to believe that they were completely wrong about themselves, and were tricked and/or misled.

### **(3) LGB Alliance’s campaign against Mermaids**

49. A central goal of LGB Alliance is seeking to undermine the work of a wide variety of organisations which it says have promoted trans rights to the detriment of women, children, and LGB people. After Stonewall, Mermaids has been the second biggest target of its efforts, and we have been relentlessly subjected to some of its worst treatment.

50. The campaign against Mermaids has two aspects which I will go on to describe:

- a. spreading misinformation about Mermaids and its work; and
- b. encouraging organisations not to support or work with Mermaids.

#### *Spreading of misinformation about Mermaids and our work*

51. I have already discussed how LGB Alliance has repeatedly stated in public forums that Mermaids seeks to inappropriately push LGB children into identifying as trans. Such allegations are false and harmful to Mermaids’ ongoing work.

52. Alongside this, LGB Alliance regularly makes other false statements about Mermaids (sometimes by name, and sometimes with allusions to the “gender identity lobby”):

- a. It accuses Mermaids of homophobia (in fact, as explained, Mermaids proudly welcomes all LGB+ people):

- i. On 5 May 2020, LGB Alliance tweeted *“Many groups/programmes are involved in the gender propaganda targeting children: Stonewall, Mermaids, Gendered Intelligence, No Outsiders, GIRES, Educate and Celebrate. There is profound homophobia at the heart of gender identity theory.”* [BB1/130]
  - ii. On 31 May 2020 Malcolm Clark tweeted that the *“gender identity lobby”* was *“steeped in homophobic contempt... and wants to medicalise young lesbians and gays.”* [BB1/131]
  - iii. On 23 March 2020 LGB Alliance tweeted that the *“drive to medicalise gender non-conforming children”* was *“motivated by homophobia and funded by self-serving individuals, companies and organizations.”* [BB1/131]
  - iv. In October 2021 LGB Alliance wrote to Taiwo Owatemi (Labour’s Shadow Minister for Women and Equalities) that *“all the LGBTQ+ groups around the country”* were *“essentially now homophobic”* [BB1/134].
  - v. On 14 January 2022 Allison Bailey tweeted: *“We must never forget that transgenderism is considered a solution to homosexuality by many within the trans movement. The implications of this couldn’t be more obvious or chilling.”* [BB1/132]
- b. LGB Alliance accuses Mermaids of promoting gender reassignment surgery for children (this is demonstrably false: as I have said at paragraph 36 above, such surgery is not provided at all to under-18s) and, occasionally, of child abuse:
- i. Its Schools Campaign webpage prominently displays Mermaids’ name and logo, falsely claiming that Mermaids *“lobbies hard for the lowering of age limits for children seeking untested puberty blocking medication at the Gender Identity Service, Tavistock Clinic”* and adding: *“Some see Mermaids’ promotion of drug treatment and surgery for “gender diverse” children as a form of child abuse”* [BB1/23].



- ii. On 15 September 2019 Allison Bailey tweeted a link to a Times article about Mermaids, adding a comment suggesting Mermaids was engaging in “child abuse” and “chemically castrating [children]” **[BB1/139]**
- iii. On 3 July 2020 2020 LGB Alliance shared on Twitter an article by one of their supporters, Jo Bartosch, which claimed that the trans daughter of our CEO, Susie Green, was simply a homosexual boy who she had encouraged to transition, and that *“having set her child on the trans path, Green is personally invested in defending juvenile cross-sex transition.”* **[BB1/139]**
- iv. On 29 August 2020 Allison Bailey criticised Nigella Lawson for sharing an article about a trans teenager, saying: *“A 14-year-old child is not ‘trans’ they’re experiencing gender dysphoria that they’ll likely grow out of. There’s nothing honourable or romantic about adults celebrating a life of medicalisation & surgery of a healthy young female body. Children are not a political project.”* **[BB1/140]**
- v. On 30 March 2021 Malcolm Clark tweeted: *“What's the best care for young people who think they're trans? A noisy lobby insists we must affirm their gender identity, give puberty blockers to under 16s and surgery as soon as they want it. To do otherwise is "hateful"”* **[BB1/140]**
- vi. On 8 September 2021 Beverley Jackson tweeted: *“I am furious that rampant homophobia is leading children, especially girls, to seek and obtain hormones and surgery to be their “true selves”. Including sterilisation FFS. With the full collaboration of the medics who are either profiting or spineless.”* **[BB1/141]**
- vii. On 16 October 2020 LGB Alliance stated (in response to a tweet from LGBT Foundation) that it was *“[not] ethical to give children untested drugs & hormone treatment, nor to give girls double mastectomies”* **[BB1/141]**

viii. At LGB Alliance's October 2021 conference, Allison Bailey suggested (in her keynote speech) that: *"Up and down the country, and around the world, girls are removing breasts that have never known a lover's caress."*<sup>2</sup>

- c. It regularly accuses Mermaids of deceit and criminality, typically in a bid to persuade our supporters from distancing themselves from us. I discuss this in more detail below.

*Attacks on individuals and organisations who support or work with Mermaids*

53. As well as mischaracterising our activities, LGB Alliance and its trustees have specifically targeted individuals and organisations who have raised funds for us, supported us or worked with us (for example by receiving training from us).

54. This has been a theme from the start, particularly (but not exclusively) in connection with the National Lottery. By way of background, before the formation of LGB Alliance, in 2018-19, *"gender critical"* groups had mounted a major campaign to have the National Lottery rescind funding to Mermaids worth £500,000. That campaign ultimately failed but it caused significant inconvenience and uncertainty to Mermaids. Against that background, LGB Alliance's complaints about Lottery funding are particularly concerning.

55. This has been a focus for LGB Alliance since its foundation. On 16 June 2019, not long before she established LGB Alliance, Beverley Jackson tweeted a link to an article about Mermaids, saying: *"Big Lottery funding should be suspended immediately pending the results of a proper inquiry. Action needs to be taken now and to this end, as a matter of urgency, we call...for an immediate moratorium on all scientifically questionable 'gender identity' teaching within schools"* [BB1/142]. The National Lottery funding is now mentioned prominently on LGB Alliance's Schools Campaign webpage [BB1/23].

56. More broadly LGB Alliance spends a great deal of effort on social media attacking those who publicly support or work with us:

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<sup>2</sup> LGB Alliance conference 21 October 2021: <https://www.youtube.com/watch?v=Otbfv45TRK0>

- a. On 6 March 2020 (responding, I believe, to Starbucks stocking a Mermaid biscuit to raise money for us), Malcolm Clark tweeted a photo of a Café Nero coffee with the words: “...Time for great coffee from a company that doesn't fund the medical abuse of children (or mermaids)” **[BB1/142]**
- b. On 23 April 2020 LGB Alliance shared a tweet arguing that Mermaids “*rasin d’etre is over*” saying: “*Excellent thread. Time to review the Lottery funding of a group which actively promotes transitioning of children under 18?*” **[BB1/143]**
- c. On 10 June 2020 LGB Alliance publicly criticised the actor Emma Watson for donating to Mermaids: “*How embarrassing*” **[BB1/143]**
- d. On 19 June 2020 LGB Alliance tweeted about a BBC Newsnight segment about GIDS saying: “*These are the groups that refer kids to GIDS. How many people know that last year e.g. @Mermaids\_gender received £500,000 from Nat. Lottery and @LGBTFoundation received £2.1 million in funds, including funds from Manchester & Salford City Council, DeptofHealth & @NHSuk [...] Most people have no idea this is going on. We urgently need to publicise this issue. Please donate to our fundraiser for an ad in a national newspaper. It's really expensive. Thank you!*” **[BB1/144]**
- e. On 13 August 2020 LGB Alliance tweeted: “*We hope you are taking note, @lottery\_uk, @Starbucks and all others who pledge support to #Mermaids. There is a scandal brewing here: “transing away the gay” is happening right now in our society and its happening to kids. #LGBIssue? You bet*” **[BB1/145]**
- f. On 16 October 2020 LGB Alliance tweeted: “*Why are @metpoliceuk [the Metropolitan Police] & @NationalHCAW [National Hate Crime Awareness Week] hosting Susie Green from @Mermaids\_Gender on hate crime seminar? Grossly irresponsible. Mermaids has been thoroughly discredited for its active promotion of untested drugs on children, yet the police applaud Green's efforts. #FactNotFiction*” **[BB1/145]**

- g. On 2 December 2020, Allison Bailey commented on a supportive tweet about Mermaids from LGBT Foundation, calling to *“Cut their funding immediately.”* Malcolm Clark shared her post, describing Mermaids as *“monsters”* and adding: *“Cut their funding.”* [BB1/146]

57. LGB Alliance have also repeatedly campaigned for the organisations that we work with, including Government and public bodies, to cut their ties with us. This is often combined with suggestions that we exert some sort of sinister power over those bodies, and that we are part of a powerful, wealthy *“gender identity lobby” “operating in the shadows”* and *“below the radar”* [BB1/147-148], with echoes of the way in which the supposedly all-powerful *“gay lobby”* used to be discussed in the 1980s. For example:

- a. On 21 June 2020 LGB Alliance shared a letter to the Times which argued that: *“The government must now pledge to remove lobby groups such as... Mermaids from children’s healthcare and education”* [BB1/149]
- b. Its website states: *“Publicly funded organisations like... Mermaids... have been spreading disinformation for a decade or more.”* [BB1/154]
- c. On 4 July 2020 LGB Alliance tweeted: *“It is bad enough that @Mermaids\_Gender continue to promote their trans affirmation model for kids with gender dysphoria, despite the @BBCNewsnight expose revealing that this often comes down to ‘transing away the gay’ [...] What is much worse, and quite frightening, is that @UKGOV jumps at their demands. Why is this? @10DowningStreet take action. #ListenToOtherVoices”* [BB1/150]
- d. On 4 July 2020, LGB Alliance tweeted: *“Mermaids is welcomed as an expert by govt departments. It is a consistent lobbying presence at Tavistock Clinic. In a @BBCNewsnight report of 18 June, the clinic’s policy towards gender non-conforming kids is described by former GIDS clinicians as “transing away the gay” [...] It is time for a full parliamentary investigation into the influence of Mermaids on the NHS-funded work of the Tavistock GIDS Clinic, and of the leadership of the clinic where so many young LGB lives are being destroyed.”* [BB1/151]

- e. On 30 July 2020 LGB Alliance tweeted: *“We are pleased that the BBC has dropped Mermaids and other trans groups from its advice line: ‘Mermaids advises schools, the police and social workers but has been accused of promoting gender reassignment for children’”* [BB1/151]
- f. On 1 December 2020 it criticised the BBC for interviewing our CEO Susie Green about anti-trans discrimination (alleging that she *“has a record of spreading disinformation”*) [BB1/152]
- g. On 30 December 2021 Malcolm Clark claimed that Mermaids was *“one of the most insidious organisations in Britain. With luck... one day soon everyone who played a prominent role will be behind bars. The good news is some rats seem to be gathering their case files as water floods the ship.”* [BB1/152]

#### **(4) What LGB Alliance has done with its charitable status**

58. I have been asked to comment on the effect of LGB Alliance’s registration as a charity on Mermaids. I wish to emphasise that nothing in this passage should be taken as a criticism of the Commission. While Mermaids has been harmed by the registration decision, I do not believe the Commission intended this. I am setting out the effects of the decision to explain why we have brought this appeal, and because I am told it is relevant to the question of standing.
59. An (undated) email sent by LGB Alliance’s solicitors to the Commission requesting expedition of its application explained how crucial it considered securing charitable status (emphasis added):

*The Charity was launched in November 2019, making it a new organisation. Although the Charity has secured initial funding through a JustGiving campaign, ticket fees for events and donations from attendees to these events, the Charity is finding it increasingly difficult to obtain funding from other sources whilst it awaits confirmation of registered charity status. The Charity urgently needs to be able to accept more donations as it is currently relying on a loan from an individual who initially wished to make a donation in order to honour its financial commitments. The*

*Charity has two prospective donors who are keen to support its work. However, it is unable to continue conversations with these potential donors until it obtains registered charity status as these donors require the Charity to first register with the Charity Commission. This funding is vital to continue operating the Charity. These prospects include the potential donors listed below, from whom the Charity expects to raise a minimum of £25,000 following its registration [...]*

*The Charity is planning a major public event...The Charity intends to give its supporters the opportunity to make a donation to the Charity when purchasing tickets to the event, and it would be hugely advantageous to the Charity to be able to claim gift aid on these donations in order to best use the opportunity presented by the event for the benefit of the Charity. At the October event, the Charity also intends to seek donations from a number of individuals and requires registered charity status in order to garner greater support and publicity for its programmes and in order to claim Gift Aid on the donations. As a result of the event being postponed, the Charity is also facing a significant gap in the its [sic] fundraising plan before the planned event can take place and have to rely on trusts and other grant making bodies to receive funding. The grant funding options available to the Charity are also restricted while the Charity waits to be registered and, as mentioned above, the Charity is unable to continue conversations with potential donors until it obtains registered charity status.*  
**[BB1/156-157]**

60. After charitable status was granted on 20 April 2021, LGB Alliance tweeted “Message to supporters: charity status changes everything” and “To all those asking how to donate now we’re a charity – please be patient! We’re working through various tasks & as soon as gift aid is enabled we’ll let you know!” **[BB1/158]** Since registration it has been registered for Gift Aid and soliciting Gift Aided donations **[BB1/159]**. By 18 August 2021 it had registered with “Amazon Smile”, which allows shoppers to nominate a charity to receive 0.5% of the cost of their purchases **[BB1/158]**.
61. Charitable status is therefore allowing LGB Alliance to increase its funding, expand its reach, and pursue its activities more effectively. Given that one of its primary activities is (as described above) seeking to stop Mermaids’ work and destroy its reputation and sources of funding, that has a direct impact on us.

62. Perhaps more significantly, charities are rightly held in high regard in the UK and are known to be expected to comply with certain standards. I assume that this is part of why LGB Alliance concluded, as its solicitors put it in the letter referred to above, that it “*require[d] registered charity status in order to garner greater support and publicity for its programmes*”. Since obtaining it, LGB Alliance has used its charitable status to reassure people that its activities are acceptable and its views should be listened to. For example, in a section on its website addressing various “*Myths*”, LGB Alliance writes: “*We are a charity registered with the Charity Commission of England and Wales (number 1194148) and would not be able to be registered if we were a hate group*” [BB1/162].
63. An article written by an LGB Alliance supporter, Jo Bartosch (on the website Lesbian and Gay News) on 21 April 2021 – “*LGB Alliance is granted charitable status: Jo Bartosch reports on how the Charity Commission have rejected “sinister hate group” claims by MPs*” – is a good example of how LGB Alliance and its allies have sought to frame the registration “*victory*” as negating all previous criticisms of the group and obliging MPs to now give them a seat at the table: “*The Charity Commission “concluded that the purposes of LGB Alliance, as properly construed in accordance with the legal framework, are charitable and beneficial.” This is at odds with the ‘sinister’ ‘hate group’ described by John Nicolson MP, a politician who alongside Baroness Barker urged the BBC not to offer a platform to the LGB Alliance. Nicolson and Barker are not the only politicians sheltering behind parliamentary privilege, Kirsty Blackman MP and Jamie Stone MP have also smeared the LGB Alliance as hateful and transphobic....Presumably, the public figures who smeared the LGB Alliance as transphobic are now drafting apologies.*” [BB1/165-168]
64. Jo Bartosch wrote a similar article in Spiked on the same day, “*A victory for the LGB Alliance*”, which again made clear that the “*victory*” was against people who supported trans rights: “*Yesterday, there was a collective stomping of feet and a whine of ‘it’s not fair’ from transgender activists across the British Isles. This followed the granting of charitable status to the LGB Alliance [...] The granting of charitable status to the LGB Alliance threatens to derail the identity-politics gravy train [...] A reckoning is coming, when hard questions will be asked of those who have silenced critics with shouts of ‘transphobia’.*” [BB1/169-172]

65. The group's supporters across social media have adopted that framing enthusiastically. For example, on the day of the decision, one tweet to SNP MP Kirsty Blackman read *"Now @ALLIANCELGB are a registered charity - & I am sure you know hate groups cannot become registered charities in any part of the UK - are you going to apologise for your smears? Especially important since the Scottish Govt should be engaging with them re LGB policies very soon"*; another asked the Labour MP Rosena Allin-Khan *"Please will you congratulate @ALLIANCELGB on becoming a registered charity and apologize for having called them a "transphobic organisation" and a "hate group" [BB1/174].*

66. Since the Commission's registration decision, LGB Alliance has stepped up its activities, suggesting that it has been emboldened by the veneer of credibility the decision has given it:

- a. In October 2021, it managed to get a stall at the Conservative Party conference - the first time it has attended a major party conference.
- b. On 21 October 2021, six months after the Commission's decision, it held its own conference at the prestigious QEII centre in Westminster. Following complaints, the QEII centre stated that it had only permitted LGB Alliance to attend because it was *"a government registered charity" [BB1/177]*. I understand that a wide variety of supporters attended the conference including three Members of Parliament. I do not know their motivations in attending, although it would be reasonable to assume that charitable status played a part. Indeed one of them - Joanna Cherry MP - tweeted during the conference criticising Mike Freer (Minister for Equalities) for refusing *"to meet with the only #LGB rights charity in the country" [BB1/180]*.
- c. Various criticisms were made of the conference; a trans bisexual woman who attended reported having been subjected to harassment, with attendees calling her a *"homophobic nonce"* and a *"mentally ill pervert"* (see [BB1/181-184]). Beverley Jackson responded to criticisms, however, by relying on LGB Alliance's charitable status: *"We had a wonderful day yesterday at our LGB Alliance conference. I noticed various odd accusations floating around. LGB Alliance is a*



*charity. Our conference was open to everyone. That includes people who disagree with each other on a range of issues.” [BB1/180]*

- d. LGB Alliance’s charitable status has plainly bolstered its lobbying activities. On 21 January 2022 LGB Alliance reported attending a meeting with “Mike Freer [Equalities Minister], Baroness Stedman-Scott [Women’s Minister] and the team working on the UK’s proposed conversion therapy ban” at which it seems to have regurgitated the various mistruths and misstatements that I have explained in this statement. The press release boasted about the recent growth of LGB Alliance’s influence: “We’ve come a long way in just over 2 years from a fearful meeting at the Conway Hall to representing the interests of LGB people, at the highest levels of government” [BB1/186-191].

67. In short, LGB Alliance now seem to be using the Commission’s decision as a rebuttal to any accusations that it has spread misinformation, that its tactics are unacceptable, or that it should not be listened to as an authority on LGBT issues.

68. An inevitable consequence of LGB Alliance’s charitable registration is that its false claims about Mermaids, as detailed above, are being taken more seriously, including by those in positions of power and by our potential supporters/ partners. Its ability to damage our reputation by making false claims has increased materially, as has its ability to lobby against our work.

69. Even people who are sceptical about LGB Alliance’s claims might well think twice about publicly supporting us, working with us, or applying for jobs with us, given the climate LGB Alliance has created. We have been contacted prior to delivering training or corporate engagement talks on several occasions recently to be asked whether certain allegations detailed above are true; on each occasion it has taken up staff time explaining the true position. On most occasions we have been able to reassure them, but one recent event was recently pulled on the instruction of the organisation’s senior management. All of this takes us away from focusing on our core work – supporting children and their families to be happy and healthy.

70. Accordingly the registration of LGB Alliance as a charity has caused significant interference with our work, consequences for our reputation, and potential financial cost to us. As it is less than a year on from the registration decision it is hard to measure these effects precisely, but they are real, and I believe that they will become increasingly severe if its charitable status is upheld by the Tribunal.

*Statement of Truth*

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

*Signed:*

A handwritten signature in black ink, appearing to be 'Jlu' or similar, written in a cursive style.

*Date: 31<sup>st</sup> January 2022*