

**Input from the Person and Identity Project (PIP) at the Ethics and Public Policy Center
to the UN OHCHR**

**Independent Expert on Sexual Orientation and Gender Identity
Thematic Report on Gender, Sexual Orientation, and Gender Identity**

Mr. Victor Madrigal-Borloz
Independent Expert on Sexual Orientation and Gender Identity
Office of the UN High Commissioner for Human Rights
Via email: ie-sogi@ohchr.org

Dear Mr. Madrigal-Borloz:

Thank you for the opportunity to provide information related to your upcoming thematic report on gender, sexual orientation, and gender identity. The Person and Identity Project (PIP) is a research and educational initiative of the Ethics and Public Policy Center, a nonprofit organization in Washington, D.C. (USA). PIP has a global reach, serving faith-based institutions (primarily Catholic) and persons of all faiths by promoting the dignity of the human person, the significance of sexual difference, the sex-based rights of females, and the fundamental right to religious liberty.

1. Threshold Concerns: Confrontational Framing and Ideological Bias

The original mandate of June 30, 2016 ([HRC 32/2](#)) instructs the Independent Expert to deplore violence and discrimination against vulnerable individuals while protecting universally recognized international human rights in a “fair and equal manner” (HRC 32/2). The Independent Expert is charged with fulfilling its mandate in an “objective and non-confrontational manner” that respects “regional, cultural and religious value systems [and]...sensitivities” and ensures “the sovereign right” of countries to determine their own laws and priorities in light of the “various religious and ethical values and cultural backgrounds” of their people.

Our submission addresses the substance of several “key questions” proposed in the Call for Input, particularly the concerns about “gender ideology” and “religious...narratives and values.” As a stakeholder, the Person and Identity Project (PIP) express strong objections to the privileging of claims based on sexual orientation and gender identity over universal human rights, specifically, the right to religious liberty, freedom of conscience, and the protection of females’ sex-based rights to dignity and equality. Our work with the Catholic Church, faith-based organizations, and women and girls brings us face to face with the harms caused by gender ideology on a daily basis.

Before addressing those substantive points, however, we must express a threshold concern. The Independent Expert’s [Call for Input](#), including the framing of the “Background” narrative, “Objectives,” and “Key questions,” evinces a confrontational spirit and ideological bias that squarely contradicts the Independent Expert’s mandate (HRC 32/2). The questions themselves betray hostility to “the right to freedom of religion, belief or conscience (including the figure of conscientious objection),” and demonstrate a pre-conceived ideological conviction that conscience rights and traditional religious beliefs about the person and marriage have “the

practical impact of limiting the enjoyment of human rights (including sexual and reproductive rights) of LGBT persons” (Key question #5). Similarly, we strenuously object to Key question #7, which asks, “[w]ho are main actors who argue that the defenders of human rights of LGBT individuals are furthering a so-called “gender ideology”? What are their main arguments? Have they been effective in regressing the human rights of LGBT individuals?” This question is deeply offensive, as it sounds more akin to “opposition research” aimed at producing an “enemies” list rather than a good faith effort to understand the concerns of religious and cultural leaders who oppose gender ideology and its related policy goals.

These are but a few examples that demonstrate an unacceptable situation, in which ideological assumptions have been framed as if they were uncontested facts and the diversity of views among States, NGOs, and stakeholders on issues related to sexual orientation and gender identity is unacknowledged or presented as “regressive,” “limiting,” and “hindering” the exercise of human rights (Key Questions 2, 4, 5, 7). The unfortunate result of such framing calls the objectivity and credibility of the Independent Expert, and the resulting report, into serious question.

- 2. Contested policy claims, such as those based on categories of “sexual orientation” and “gender identity,” cannot override fundamental human rights to religious freedom or the sex-based equality rights of females.*

True human rights are universal. Universal Declaration of Human Rights, the foremost human rights document in today’s world, calls on all nations and peoples to recognize that “[a]ll human beings are born free and equal in dignity and rights” (Article I) and “all human rights are universal, indivisible and interdependent and interrelated.” The U.S. Department of State’s Report of the Commission on Unalienable Rights (2020) reminds policy makers that “the UDHR was deliberately limited to a small set of rights on which there was perceived to be a near-universal consensus,” because the idea of “universal human rights” is “strongest when grounded in principles so widely accepted as to be beyond legitimate debate.” In contrast, promoting “contestable policy preferences” as incontestable “human rights imperatives” creates division, “promotes intolerance, impedes reconciliation, devalues core rights, and denies rights in the name of rights.”¹

The privileging of sexual orientation and gender identity is a contested policy preference. Claims based on these categories do not have the status of universally accepted human rights and cannot override fundamental rights to religious freedom or the sex-based equality rights of females. The term “gender identity” does not even appear in any binding international agreements negotiated by the full body of United Nations Member States. We oppose attempts to enshrine the controversial categories of “sexual orientation” and “gender identity” in human rights instruments. In addition, we urge the Independent Expert to resist pressure from LGBT activists, NGOs and stakeholders to label those who oppose gender ideology or support sex-based rights for females as “regressive” or “discriminatory.” Instead, we urge the Independent Expert to affirm the religious freedom rights of individuals and institutions, as well as the sex-based rights

¹ *Report of the Commission on Unalienable Rights*, United States Department of State (2020), 57. Accessed at <https://2017-2021.state.gov/report-of-the-commission-on-unalienable-rights/index.html>

of females, and work towards acceptable solutions that secure opportunity, privacy, safety, and freedom of conscience for all.

- 3. We object to the promotion of gender ideology and related legal and policy efforts that privilege claims based on sexual orientation and gender identity over universal human rights, specifically, the right to religious liberty, freedom of conscience, and the protection of females' sex-based rights to dignity and equality.*

The promotion of gender ideology presents a direct contradiction and challenge to Christian anthropology, the vision of the human person that is at the heart of Catholic religious beliefs and which motivates faith-based outreaches to people of all faith (or none).

As Catholics, we believe with the Catholic Church that all human beings have equal dignity and, like Pope Francis, we condemn violence and unjust discrimination towards females (women and girls) and towards marginalized communities that have suffered and been victimized. As Catholics, we also believe that those who experience same-sex attraction or experience distress or confusion over their sexual identity or who identify as transgender or gender fluid “must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided. These persons are called to fulfill God's will in their lives and, if they are Christians, to unite to the sacrifice of the Lord's Cross the difficulties they may encounter from their condition” (CCC 2358). As Catholic women and Catholic scholars, we unequivocally condemn all violence against persons who experience same-sex attraction or identify as transgender or gender fluid.

We abhor violence against others, whether based on sex, sexual attraction, or an asserted identity at odds with biological sex (e.g., “transgender,” “queer, or “non-binary”). At the same time, we unequivocally oppose the endorsement and promotion of gender ideology, including the concept of gender identity.

The Foundations of Christian Anthropology

As Catholics, we use the term “gender ideology” to highlight the politicized nature of these beliefs about the person and identity—beliefs that are being used to shape policies and laws, compel assent, coerce behavior, and require even those who reject this belief system to use its terminology and follow its norms.

The Catholic church utilizes philosophy to help elucidate its theological teaching about the person. These theological truths are known as Christian anthropology, and they form the foundation for the Catholic Church's moral teachings. In brief, Christian anthropology teaches that the person is a unity of body and soul and that human beings exist as sexed beings, either male or female from the moment of conception. (Science defines sex as the whole-body organization of the human person towards a reproductive role—which means sex is binary (male

or female), immutable, objective, and measurable. According to the Institute of Medicine (2001), “every cell...has a sex.”²

According to Christian anthropology, each person has a God-given sexual identity that allows the person to live in relationship with others in their family, community, and world. Men and women are equal in dignity but are distinguished by sexual difference. The foundation of society is the family, which is formed by the union of one man with one woman, and their children. The family exists logically and ontologically prior to the state, while the duty of the state is to support families in their vocation to love and nurture their children to adulthood. Parents are the primary educators of their children and have responsibility for their care and their moral guidance. As such, parents should have opportunity to choose a school for their children whose practices do not violate the core beliefs of the parents. The Church holds these beliefs to be true not only because they have been divinely revealed but also because reason shows these beliefs to be demonstrably true.

Gender Ideology is Irrevocably Opposed to Christian Anthropology

Gender ideology (or gender identity ideology) denies the significance of biological sex, denies human nature, and proposes a competing (and contradictory) anthropology to Christian anthropology. Gender ideology contradicts and undermines foundational Christian beliefs and is at odds with reason itself. With its own vocabulary, anthropology, and moral teachings, gender ideology is a quasi-religious set of beliefs. It cannot be proved by reason or by experiment, but instead relies on dogmatic insistence of the truth of its propositions. Its central claims are ontological. “This person *was* once a boy but now *is* a girl.” Its tenets stand in stark contrast to Christianity. Thus, requiring a Christian to affirm gender ideology is to force him or her to reject the teachings of his faith—the clash between the Christian vision of the human person and the vision proposed by gender ideology is irreconcilable.

Important Christian beliefs are undermined or contradicted by gender ideology:

- Gender ideology denies the Creator as well as human nature.
- Gender ideology redefines the human person, rejecting the unity of body and soul.
- Gender ideology views the body as raw material for the expression of human will and denies that the body has intrinsic, objective meaning.
- Gender ideology denies sexual difference. It rejects the idea that biological sex is a fixed, knowable reality intrinsically related to the person’s identity.
- Gender ideology asserts that personal identity is reducible to what is desired and willed, separable from objective physical reality.
- Gender ideology misunderstands freedom as a right to unlimited “self-determination,” to choose one’s own identity, including gender identity (“who you are”), regardless of God’s creating each individual human being as male or female.

² Institute of Medicine 2001. *Exploring the Biological Contributions to Human Health: Does Sex Matter?*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/10028>.

- Gender ideology views sexual activity as the preeminent expression of freedom and personal identity. It asserts that sexual rights have priority over other rights, including rights of conscience or rights to religious freedom.
- Gender ideology insists that all gender identities, chosen names and personal pronouns must be acknowledged and affirmed; that transgender persons and non-binary persons (those who identify as other than male or female) have the right to insist that others recognize or affirm their gender identity and call them by their preferred names and pronouns; that others who fail to use the transgender or non-binary person's preferred name or pronouns are guilty of "misgendering" the person, and may face fines or penalties. All of this is to insist that people "agree with something that is not true—or face ridicule, marginalization, and other forms of retaliation" (USCCB, "Created Male and Female," 2017).
- Gender ideology would compel Catholic health care providers to perform "transgender" surgeries and treatments in violation of their consciences.

We have described, in brief, these contradictions between Christian anthropology and gender ideology not to persuade the Independent Expert, or anyone else who does not share our faith, of the truth of these claims. But rather, we offer them to illustrate the deep and irresolvable differences between Christian anthropology and gender ideology and to insist that neither the State nor international law has the power to compel religious believers to adopt and comply with an anthropology so deeply at odds with their religious beliefs.

We oppose any attempts to impose gender ideology on religious believers in violation of their consciences, on youth (without the consent of their parents), or on any State that opposes this worldview. To impose gender ideology, a secular quasi-religious belief that undermines and directly contradicts in many instances the teachings of Christianity, would be a violation of the UN Declaration of Human Rights, Article 18. (Article 18 of the UN universal declaration of human rights: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.)

Sincerely,

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