

March 14, 2021

Victor Madrigal-Borloz
Independent Expert on Sexual Orientation and Gender Identity
c/o OHCHR-UNOG
8-14 avenue de la Paix
1211 Geneva 10
Switzerland

Dear Mr. Madrigal-Borloz:

In response to the call for written submissions by the Independent Expert, the Family Research Council (FRC) submits the following comment regarding the topics of gender identity and sexual orientation.¹ At the outset we observe that the call for “inputs” is the most ideologically prejudiced request for comments from either a domestic or international governmental organization that we have ever seen.

It is manifest that this exercise constitutes nothing more than an opportunity for the international public to “rubber stamp” the political agenda and ideological narrative of the Independent Expert. Furthermore, this agenda and narrative exhibit a prejudice in favor of sexual and gender theories and policies which have been rejected by a large grouping of UN Member States on multiple occasions. No consideration was given to the legitimacy of the sincerely held religious beliefs of those who may sincerely disagree with the Independent Expert’s agenda.

The 2018 report by the Independent Expert advances radical gender theories that will erase the legal recognition of differences between men and women that undermine many, if not all, of the sex-based gains women have made in the past half-century in human rights law. Similarly, we see your work as a vehicle the imposition of norms and concepts that lie outside the internationally agreed human rights legal framework.

These norms and concepts contradict the fundamentals of universality. For example, the term “gender identity” does not appear in any binding international agreements negotiated by the full body of UN Member States. When the term has been proposed for adoption by the UN Member States, they have rejected its adoption. UN policies

¹ United Nations consultative status was granted to FRC in 2002. Our organization was founded in 1983 and has always been dedicated to the promotion of marriage, the family, the sanctity of life, and religious freedom. Through books, pamphlets, media appearances, public events, debates, and testimony, FRC strives to ensure that the unique attributes of the family are recognized and respected by legislatures, courts, and regulatory bodies whether national or international. Additionally, FRC supports policies and laws that recognize the sanctity of human life in national and international policy. FRC also strives to support religious freedom, and, in this context, we believe the religious freedoms of Jewish Americans are being threatened and must be protected.

promoting “gender equality” were designed and have been understood to protect sex-based rights, not controversial transgender ideology.

Given the Family Research Council’s *general* misgivings about the Independent Expert’s 2018 Report and this current request for “inputs,” we now address two areas of specific concern: first, the harms that “gender” ideology, as advanced by the Independent Expert, will inflict upon women – biological females; and, second, the dangerous conditions to which children are being exposed by gender-transition surgeries and medical-chemical treatments.

The Sex-Based Definition of “Woman” Must Not Be Changed

The Independent Expert is attempting to change the legal understanding of what it means to be a “woman” and “man.” The Family Research Council categorically opposes the effort to replace the sex-based understanding and definition of male/female and man/woman with understandings and definitions based on gender ideology. At the very least, such a change will undermine the hard-won advances and protections of women and girls that have taken place since the United Nation’s founding.

Numerous items in the Independent Expert’s request for comment revealed that the primary focus of the upcoming report is to change the commonly held biological (sex-based) understanding of “male” and “female” and replace it with a radical conceptual framework based on “gender identity.” The replacement understanding, if insinuated into international law, will undermine the United Nation’s mandate to provide rights and protections to women and girls.

This radical, new definition permits biological males to opt-in to the legal/social status of being a “girl” or a “woman.” Allowing biological males to opt-in to female identity will erode the many rights and protections currently extended to girls and women by governments worldwide. The categories of “girl” and “woman” will become virtually meaningless if a man can be deemed to be a woman.

Girls and women have been extended special protections and rights because of the disproportionate amount of discrimination, harassment, and violence that girls and women experience—not because they identify as “girls” or “women” but due to the biological reality of being female and the inherent differences between the sexes.

Female athletic competition will be damaged in numerous ways because the nature of one’s body matters. In sports like football (soccer) or basketball that involve physical contact, biological females could be seriously injured by men. For the privacy, safety, and fairness to girls, male and female biological embodiment and realities must be respected.

Exposing Children to Harm with Surgical and Medical Procedures

The gender framework advanced by the Independent Expert encourages the physical alteration of children with medical and surgical interventions. These interventions increase mental distress and can cause lifelong physical harm including infertility and irreversible body-structure changes. This entire treatment theory ignores fundamental truths of biology and long-established principles of bioethics.

It has long been known that some children suffer from “gender incongruity” (a disconnect between one’s psychological, self-perceived “gender identity” and one’s biological sex) or “gender dysphoria” (distress about such incongruity). Studies have shown that, when left to themselves, most children with such conditions outgrow them and do not identify as “transgender” adults. However, such conditions and identities are increasingly being embraced and actively affirmed, not only through “social transition” (changing one’s public expression of gender identity), but through radical physiological interventions as well. These include the use of drugs to block normal puberty, cross-sex hormones, and gender reassignment surgery.

Each of these procedures has serious negative side effects—up to and including permanent sterilization.² Despite claims to the contrary, these procedures are often not reversible, and they are not evidence based, because research has not shown that these procedures are effective in accomplishing their purpose, which is to improve the patient’s mental health. They violate the most fundamental principle of medical ethics — “First, do no harm.”

Conclusion

In closing, the Family Research Council has a wide range of misgivings about these proceedings. Given the questions posed in the request for comment, a fair observer would only conclude that the final document will be a one-sided presentation favoring sexual and gender theories and policies which have been rejected on multiple occasions by a large grouping of UN Member States.

It seems that no consideration was given to the legitimacy of the sincerely held religious beliefs of those who may disagree with the Independent Expert’s agenda. In fact, the opposite is the case. The writers of the request for comment appear to be actively hostile to religious beliefs and practitioners. Questions 5, 6, 8, 9, and 10 come dangerously close to targeting religious beliefs and observers as the enemies of human

² Peter Sprigg, “Do Not Sterilize Children,” Family Research Council, Issue Analysis IS20J04, October 2020, <https://www.frc.org/gendertransition>

rights of LGBT individuals. This is wholly unacceptable for a call for input that seems to hold itself out as, and should presumably be, objective.

As noted above, the elimination of sex-based definitions of male and female, as the Independent Expert clearly desires, will undermine the hard-won advances and protections of women and girls that have taken place since the United Nation's founding. It will also badly damage women's athletic competitions if biological males can opt-in to these competitions.

Finally, we find no scientific support for the gender framework being advanced by the Independent Expert. It will permit and encourage the physical alteration of children with risky, inadvisable medical and surgical interventions. These interventions increase mental distress and can cause lifelong physical harm including infertility and irreversible body-structure changes.

It is with regret that we find ourselves having to note how biased this call for input seems to be. Nevertheless, Mr. Madrigal-Borloz, thank you for your consideration and for affording the Family Research Council the opportunity to comment on these vitally important topics.

Sincerely,

Travis S. Weber
Vice President for Policy and Government Affairs
Family Research Council
Washington, D.C.

and,

Christopher M. Gacek
Senior Fellow for Regulatory Policy
Family Research Council
Washington, D.C.