



2021 April 21

Thank you, Chairman Lee, and thank you members of the committee.

My name is Brittany Vessely and I am the Executive Director of the Colorado Catholic Conference (CCC), which is the united voice of the four Catholic bishops of Colorado in public policy. I speak on behalf of the conference this afternoon to testify **in opposition** to HB 1108.

Each person should be treated with dignity, respect, and compassion, as **each person** is made in the image of God. HB 1108 claims to ban discrimination based on “sexual orientation,” “gender identity,” and “gender expression.” However, it actually *codifies discrimination* against anyone with a different belief about human sexuality and forces them to conform to government-mandated beliefs about sexual orientation, gender identity, and gender expression under threat of criminal and financial penalties.

While HB 1108 contains some religious institution exemption clauses, it is unclear that these clauses will truly allow religious organizations to both *profess* and *practice* their well-founded convictions on human sexuality and marriage without being prosecuted for violating the law.

For instance, religious exemption to the public accommodation anti-discrimination requirement is narrow. Although the exemption **does apply** to “a church, synagogue, mosque, or other place that is *principally used* for religious purposes,” the exemption *may be* interpreted to **not** apply to religious-affiliated institutions, like schools or hospitals.

This means that Catholic schools, Catholic hospitals, homeless shelters, adoptive care agencies and other ministries of the Church *may be* forced to conform to these government-mandated beliefs on gender identity and gender expression, or be prosecuted, impacting their ability to serve vulnerable populations.

Additionally, the bill affords **no protections** for private individuals to practice their well-founded convictions on human sexuality in the public sphere. This brings back the 2017 US Supreme Court case, Masterpiece Cakeshop v. Colorado Civil Rights Commission, in which Masterpiece owner Jack Philips was sued for politely refusing to design a wedding cake for a same sex wedding due to his religious beliefs on marriage. The Colorado Civil Rights Commission found Jack violated anti-discrimination law. However, in a 7-2 decision, the US Supreme Court ruled that Colorado was wrong to punish Jack for peacefully living out his beliefs in the marketplace.

If enacted, HB 1108 gives authority to that same Colorado Civil Rights Commission to enforce this new law and decide how “religious expression” and “worship” are applied for religious institutions and private citizens. This is why the bill actually *codifies discrimination* against anyone with a different belief about human sexuality than what is being outlined in the legislation.

We respectfully ask for a “no” vote on HB 1108. Thank you for your time.

Sincerely,

Brittany Vessely
Executive Director, Colorado Catholic Conference

Testimony of Elisa Turner

Before the Senate Judiciary Committee
On H.B. 21-1108

OPPOSE

April 21, 2021

Thank you, members of the committee, for allowing me the opportunity to submit written testimony opposing H.B.21-1108 as it is currently written, and to explain why.

My name is Elisa Turner. I have always voted for Democratic candidates and my politics are very much to the left. I am also a lesbian. Growing up in Texas I witnessed firsthand the impact unequal protection under the law has had on gay, lesbian, and bisexual people as well as those who do not conform to sex-role stereotypes. I want all people to be protected under the law, but not at the expense of the rights, privacy, and safety of women and girls, nor the dignity of lesbian, gay, and bisexual people.

My first point of opposition is the fact that the protected category, so-called “gender identity” is poorly defined and will lead to confusion. This bill defines gender identity as “an individual’s sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth.” This vague, circular definition provides that “gender identity” replaces sex as a protected category wherever there is a conflict between “gender identity” (which is based on personal feelings) and sex (which is based in material reality). This has disastrous consequences for women and girls.

This bill goes so far as to treat “sex” as an optional protected category. There are multiple sections of this bill where “gender”, “gender identity”, and “gender expression” are listed as protected categories, while sex is omitted. For instance, Section 34 (found on p. 25) is amended to read:

(b) Coloradans have a right to receive accurate, confidential, and timely information to make informed decisions that promote their individual physical and mental health and well-being. This right applies to all Coloradans, **regardless of geographic location, ethnic or racial background, income, ability, gender, gender identity, GENDER EXPRESSION, or sexual orientation.**

The omission of “sex” means that Coloradans are not guaranteed the right to receive “accurate, confidential, and timely information to make informed decisions that promote their individual

physical and mental health and well-being” based on sex, they are only guaranteed this information based on “gender identity”, which has no relation to actual physiology. This has dangerous implications as male and female health conditions manifest in different ways.¹ Treating one protected category as merely optional sets a precedent that it may be ignored when convenient.

H.B. 21-1108 defines sexual orientation as “a person’s identity in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.” Far from being inclusive and providing broader protections to same-sex attracted people such as myself, this redefinition is homophobic and should not be codified in law.

The redefinition of “same-sex attraction” to mean “same-gender attraction” is having a deleterious effect on the very group this bill purports to protect: gay, lesbian, and bisexual people. Laws criminalizing homosexuality have all been based on biological sex, not “an individual’s sense of the individual’s own gender”. This history and current reality was acknowledged in the recent Supreme Court decision *Bostock v. Clayton County, Georgia*².

I felt compelled to write this testimony not only as a lesbian, but because I feel the state, and indeed the country, have not had the necessary conversation about what happens on a policy level when the material reality of sex is treated as an optional protected class, which is the outcome of prioritizing “gender identity” over sex in law. I ask the committee to consider what happens to the privacy rights of women and girls in places where they may need supervision while performing intimate functions, such as in care homes, prisons, and hospitals.

I was diagnosed with anorexia at the age of 14 and went through multiple stints in residential, inpatient, and partial hospitalization eating disorder programs as a result. There is very little privacy in these programs. In the mornings, we were weighed in see-through surgical gowns (think yellow dryer sheets). We were not permitted to wear bras or underwear during the weigh-ins without special permission, and we were asked to do a jumping jack in front of staff to make sure we weren’t hiding anything that could manipulate our weight. In 24-hour care, staff monitored us while we used the restroom, including when we needed to change our menstrual products. This observation was always overseen by someone of the same sex. Protocols such as these are at times necessary for the safety of the client, but it also feels extremely vulnerable to be nearly naked in front of a person who is someone you don’t know very well, not to mention someone who has tremendous power over you. I also note that many women I met while in treatment had histories of sexual abuse which either led to the development of or perpetuated their eating disorders.

1

<https://www.heart.org/en/health-topics/heart-attack/warning-signs-of-a-heart-attack/heart-attack-symptoms-in-women>

² https://www.scotusblog.com/wp-content/uploads/2020/06/17-1618_hfci.pdf

I implore the committee to consider whether it is fair or inclusive to force a woman in a mental health facility who has been subjected to past sexual abuse to be observed performing intimate functions by a male staff member claiming a female “gender identity”. By making so-called “gender identity” a protected class, facilities such as the one I was admitted to would also be in violation of the law if they were to refuse to permit a male patient claiming a female “gender identity” to room with female patients, regardless of how the women feel.

These are the situations people much more vulnerable than myself will find themselves in as a result of this legislation, because such legislation allows for no safeguards to be put in place. I ask the committee to reject this bill as written and to not sacrifice the dignity, privacy, and association rights of the women and girls of Colorado in pursuit of an otherwise noble goal.

Thank you.

Elisa Turner
Resident, Denver County, Colorado
Signatory, Declaration on Women’s Sex-Based Rights³

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³ <https://womensdeclaration.com/en/declaration-womens-sex-based-rights-full-text/>



It is a strategic priority of Colorado Christian University to impact our culture in support of traditional family values, sanctity of life, compassion for the poor, Biblical View of human nature, limited government, personal freedom, free markets, natural law, original intent of the Constitution, and Western civilization. The Centennial Institute at Colorado Christian University engages public policy in an effort to advance these principles.

The Centennial Institute is opposing HB21-1108 and respectfully requests a “NO” vote.

This bill modifies the definition of sexual orientation and adds gender expression and gender identity to statutes prohibiting discrimination against members of a protected class. It prohibits discrimination based on gender expression or gender identity in areas including employment, housing, financial services, healthcare, funeral arrangements, access to and participation in public services, education, youth services, criminal justice, and transportation.

Colorado’s efforts to prevent unlawful discrimination has not historically taken into account religious freedom protections. This was on display for the entire country to see with the Masterpiece v. Colorado Civil Rights Commission Supreme Court case. In this case, the Supreme Court condemned the unlawful religious discrimination taking place at the Colorado Civil Rights Commission.

I’m not sure we’ve seen much change. Jack Phillips, a faithful Christian, has continued to be a target by laws like these. And now the legislature is proposing we expand these laws that will create further problems for religious organizations.

By passing this law, the legislature will continue the practice of creating a hierarchy of rights where religious freedom comes second to gender identity expression. Civil rights law is typically based on protecting immutable – non-changing - traits. Gender expression and gender identity by their definition are mutable – they change.

HB-21-1108 has serious religious freedom implications. It threatens the safety of women as it allows biological men in to women’s restrooms. And it challenges the opportunity Colorado’s young women will have to compete in sports.

We strongly suggest a NO vote on HB21-1108.

Thank you for your time, thank you for your service, and thank you for your consideration.

Jeff Hunt

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Centennial Institute
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8787 W. Alameda Avenue
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April 21, 2021

To the Honorable Members of the Colorado Senate Judiciary Committee

From: Joseph Feiten, Westminster Colorado

Re: HB21-1108 "Gender Identity Expression Anti-Discrimination"

Thank you for your service to the people of Colorado. Thank you for allowing me to express my concerns and opposition to House Bill 21-1108. I represent solely myself. For your assistance, here is my letter to you, as my written testimony that more fully explains my concerns that I hope to briefly touch upon in oral testimony to you on April 21, 2021.

My Key Concerns with the Bill:

1. The Bill's proposed definition of Gender Identity refers to it being an individual's "innate sense", but the term is inappropriate and problematic for defining Gender Identity in Colorado law.
2. The Bill does not provide (and should provide) a definition of Gender.
3. The Bill is inconsistent in reference to discrimination based on sex and gender.
4. I fear that if the Bill becomes law, there will be unjust discrimination and unfair hardship for many good people and employers in Colorado in return for reducing discrimination on the basis of gender identity or expression in places of public accommodation. I fear that enactment of the Bill will do far more harm than good for the people of Colorado. I have a suggestion waiving minor infractions.

My Background. I am cisgender and have an innate ("biological") male sex. I have lived in Colorado since 1966. I received my Bachelor degree in Accounting and my MBA from the University of Denver, where I was a Boettcher Scholar.

I have been a licensed Colorado CPA for 42 years, serving 23 years with the major CPA firm of PricewaterhouseCoopers (PwC) and its predecessor, Coopers & Lybrand (C&L). At C&L and PwC, I was a National Director for several years, assisting at times the U.S. Environmental Protection Agency and the U.S. Securities and Exchange Commission with drafting new regulations, amending existing regulations or explaining U.S. "petroleum accounting and auditing" regulations and standards to thousands of people. I left PwC in 2000 to hold senior executive positions in Colorado companies until my retirement in July 2017 from full-time work.

As the former Director of a Colorado public company's Code of Ethics in 2012 (as well as its Chief Accounting Officer), I dealt with issues in 2012 and 2013 of educating employees on Corporate Ethics and that the company does not, and cannot legally, discriminate against employing persons on the basis of sexual orientation, as then defined under Colorado law.

References cited herein:

1. The book *Understanding Transgender Experiences and Identities*, 259 pages, © 2019 ("UTE&I"). Its section entitled "The Complexities of Gender Identity: Toward a More Nuanced Response to the Transgender Experience" was co-authored by Denver psychologist Julia Sadusky and Psychology Professor Mark A. Yarhouse. Both have doctorates in psychology and are key members of the Sexual and Gender Identity Institute, based at Wheaton College in Wheaton, Illinois.
2. The current **GLAAD Media Reference Guide** ("GLAAD Media Guide"). GLAAD had been an acronym for "Gay & Lesbian Alliance Against Defamation" when the GLAAD organization was founded in 1985.

Key Concern #1: the Bill's definition of Gender Identity using the term "innate"

HB21-1108 defines Gender Identity as "an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth." As explained herein, the adjective "innate" is inappropriate in defining Gender Identity in Colorado Law, even though some (not all) people with a transgender identity speak of that identity as an "innate sense of the individual's own gender, which may or may not correspond [etc.]." I suggest that the Bill term "innate sense" be replaced with a "strong belief". Consider the following:

1. Per the Cambridge online dictionary, "An innate quality or ability is one you were born with, not one you have learned."
2. Per my Merriam-Webster's Dictionary (copyright 2004), *innate* primarily means "existing in, belonging to, or determined by factors present in an individual from birth" and is derived from Middle English and ultimately from the Latin word *natus* meaning "born" or "destined by nature". A secondary definition is "belonging to the essential nature of something" for which the synonym is the word *inherent*.
3. The GLAAD Media Guide does not use the word *innate* in its definition of Gender Identity (which says "a person's internal, deeply held sense of their gender")
4. The term "one's innate sex" typically refers to one's biological sex (male or female or in the rare cases of intersex) and is used that way in the UTE&I book. It seems rather confusing and inappropriate to express in Colorado law that one's innate (since birth) sense of gender varies from one's innate (since birth) sex, particularly when we know that a high proportion of children with a transgender identity at times in childhood have by early adulthood a CIS gender identity (corresponding to the child's innate biological sex).
5. **UTE&I p. 18 & 19 excerpt:** "*The reported experience of many transsexuals is that their true self, which they often describe in terms of an innate and unchanging gender identity, [emphasis added] is trapped in the "wrong body" (i.e., the wrong biological sex). But this sort of claim appears to depend on something like a fixed, essentialist identity and the male/female sex binary, which runs afoul of the central convictions of queer theory. This explains why many trans activists who embrace queer theory have often expressed attitudes toward SRS [i.e., Sex Reassignment Surgery] ranging from ambivalence to outright disdain. Moreover, some within feminist quarters have called into question the common feminist assumption that granting innate, biologically based sex differences [emphasis added] will inevitably lead to negative consequences for women."* UTE&I pages 29, 30, 32, 77 and 78 use the word *innate* in reference to one's biological sex.
6. The Bill's current Gender Identity definition could be used to justify discrimination against an individual whose gender identity is found to not be innate, as in the case of an adult who identifies as male in the past but now identifies as female, but maybe the Bill intends that such discrimination be legal. **If that is not the Bill's intent, then changing the definition to "an individual's strong belief of the individual's gender . . ." would seem appropriate.**

Key Concern #2: The Bill does not (but should) define the term "gender" or reference a Colorado law section that defines "gender".

1. **UTE&I, p. 13 excerpt:** "*Sex" and "Gender": Academic Terminology and Its Challenges As used today in most contexts, the distinction is understood as follows: "sex" refers to the biological/physiological characteristics that identify humans as male, female, or intersex (i.e., chromosomes, sex hormones, gonads, genitals, secondary sex characteristics, etc.), while "gender" signals the common traits associated with being a man/masculine, a woman/feminine, or some gender-variant alternative within any given sociocultural context.*

2. The **GLAAD Media Guide** does not define Gender, but rather says in its explanation of Gender Identity: *"Most people have a gender identity of man or woman (or boy or girl). For some people their gender identity does not fit neatly into one of those two choices (see non-binary and/or gender queer [in the Guide]."*

Key Point #3: At times, the Bill refers to "gender" rather than "sex" or "gender identity".

1. In the Bill's various listings of attributes for which discrimination can be based, sometimes the attribute of sex is replaced with the term gender, e.g., the Bill's Section 34 has statute 25-4-401 (1) (b)'s list referring to "gender" (but not sex) but has 25-4-403's listing referring to "sex" but not "gender". Corrections seem in order, for consistency.
2. Be careful that the definitions (or lack thereof) of gender, gender identity and gender expression do not open a legal window allowing an adult pedophile to claim discrimination if denied a volunteer job caring for kids with intellectual disabilities, when his "gender expression" shows a sexual attraction to kids. Perhaps the Bill should expressly state that neither gender identity nor gender expression as used herein includes an adult sexual attraction to children.
3. I see that both current law and the Bill do not prohibit discrimination on the basis of sexual attraction to wearing clothes occasionally of the opposite sex, as in the term cross-dresser (formerly "transvestite). I see no need to amend the Bill in that regard, but it does support clarification of the terms "Gender" and its use in "Gender Identity" and "Gender Expression".

Key Point #4: I fear that if the Bill becomes law, there will be unjust discrimination and unfair hardship for many good people and public providers of goods and services in Colorado.

I regard the case of Colorado baker Jack Phillips to be one of unfair and unjust harassment and punishment for the man's religious belief. For a customer to go to another baker recommended by Jack is a minor inconvenience compared to the excessive cost incurred by Mr. Phillips' responding to legal actions taken against him because his religious beliefs precluded him from providing a custom-made cake celebrating a gay wedding and then the second case where a transgender attorney took legal action against Mr. Phillips for his refusal to provide a custom-made cake celebrating a transgender event. The attack on Mr. Phillips was not good for the LGBTQ members overall.

I suggest the Bill expressly allow discrimination for religious beliefs in cases of public accommodation where the service or goods can be provided from another source at a small inconvenience to the customer similar to the common cases where a provider of goods and/or services to the public is unable for various other reasons (e.g., out-of-stock) but suggests competitor(s) who could possibly provide the goods and/or services. I suspect most LGBTQ persons would support such a provision. My suggestion is akin to long-standing Federal regulations and financial auditing standards that auditors can express a "clean opinion" on audited financial statements that contain "immaterial" errors, misstatements or omissions.

Sincerely and with best wishes,



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Senate Judiciary

HB21-1108 Gender Identity Expression Anti-discrimination
Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Kathleen Boyer For Self	<p>Chair and members of the committee, I urge you to vote yes on HB21-1108. Discrimination in any form is wrong. Strengthening the terminology around gender identity and gender expression will spell out protection for the most marginalized among us. We should all be free to live as ourselves without fear of discrimination. Please vote yes. Thank you.</p>
Megan Burch For Self	<p>Hello. My name is Megan Burch. I am from Littleton, Colorado, and I would like to submit written testimony in support of HB 1108. Unfortunately, I will not be able to provide in person/virtual testimony, as I am a social worker, and have a full day of clients scheduled.</p> <p>I am the parent of a 16 year old who identifies as non-binary. As they made decisions to enter the workforce recently, we had to have discussions about what would be considered a safe working environment for them, an environment in which they would be supported and affirmed in their gender identity. We identified workplaces that would not be congruent with their needs and could create issues with their physical safety and well being. As a cis identifying, heterosexual woman, this was not an experience that I had to navigate when I entered the workforce.</p> <p>This legislation to include "gender identity" and "gender expression" is critical to the protection of my child and other non-binary and transgender folx.</p> <p>Additionally, I am disgusted with the coordinated effort of the Catholic Church to oppose this bill. I want to publicly name something that is happening, and that is the Catholic Church's continued efforts to police LGBTQIA bodies in the name of "religious freedom."</p> <p>As a former Catholic, I am well aware of the coded language used by the Catholic Church to silence the voices of people who experience oppression and abuse. Their stated desire to "profess and practice their well founded</p>

	<p>convictions" is really an intentional effort to continue dehumanizing the value of LGBTQIA people. This is not about religious discrimination, this is not about the safety of women, or protecting women athletes. This is about the Catholic Church's desire to shame and dehumanize non-binary and trans bodies. My hope is that you will see through their efforts to continue engaging legislators in a debate about the inherent dignity and value of LGBTQIA people.</p> <p>Thank you for your time in reading my written testimony.</p>
<p>Autumn Brooks For Clear Creek School District Re-1</p>	<p>Chairperson Pete Lee, Madam Vice Chair Julie Gonzales, and esteemed Judiciary Committee,</p> <p>I am Autumn Brooks, Volunteer Lobbyist for Clear Creek School District Re-1 (CCSD). I am sorry I can't be down in person as the weather may shut down my route home. I am writing in my testimony in favor of the passage of HB21-1108. Many businesses and institutions are already ready doing this. The bill is simply giving a lawful definition to what already exists. It codifies the safety and security of trans gender individuals into law.</p> <p>I have sent an email to each one of you with what I was planning on coming down to tell you in person. Links to my resources are also in that email. I hope you all had a chance to review some of it. Thank you for your time and please vote yes on HB21-1108.</p> <p>Autumn Brooks Volunteer Lobbyist with CCSD</p>
<p>Rae Weber Against Self</p>	<p>I oppose HB21-1108 because I am against further regulation against gender identity expression.</p> <p>Our federal and state constitution protects the rights of all individuals, regardless of their gender identity expression. To add additional regulation is to impose excessive government regulation.</p> <p>In my study of communist societies, I came to the conclusion that the purpose of communist propaganda was not to persuade or convince, nor to inform, but to humiliate; and therefore, the less it corresponded to reality the better. When people are forced to remain silent when they are being told the most obvious lies, or even worse when</p>

	<p>they are forced to repeat the lies themselves, they lose once and for all their sense of probity. To assent to obvious lies is to co-operate with evil, and in some small way to become evil oneself. One's standing to resist anything is thus eroded, and even destroyed. Quoted from Dr. Theodore Dalrymple</p> <p>Although the intent of this bill may be to protect individuals, it is an imposition of terminology. All individuals are protected by law, additional laws and expanding terminology are absolutely excessive.</p> <p>"Reality is what ever the party says it is", from George Orwell's 1984</p> <p>It is essential to the survival of The United States of America that we do NOT create a ministry of truth.</p>
<p>Katie Sixta Against Self</p>	<p>Please OPPOSE HB 21-1108 Gender Identity Expression Anti-Discrimination. This bill will violate people's freedom of religion and their freedom to live out their faith. Laws already exist that safeguard citizens against acts of discrimination, including sexual orientation. Please OPPOSE HB 21-1108.</p>
<p>Michael Petruccelli For Self</p>	<p>To the members assembled,</p> <p>First let me briefly thank you for your tireless work in the state legislature. This thankless work continues despite a global crisis and your commitment to our health and rapid recovery is important and sacred work. Generations of Coloradans' businesses and families will be made stronger due to your commitment to taking COVID-19 seriously while maintaining the work of the people.</p> <p>I write today in strong support of this bill. No doubt you will be accosted by people -- supposedly of faith, but in fact merely people of dogma -- seeking to tell you that their faith empowers them to decide whether to treat an LGBTQ+ person as an equal human under the law.</p> <p>No doubt you will be accosted by these dogmatic folks seeking to tell you that it is their duty to command women of Colorado what they can and cannot do with their body, regardless of rape or personal choice. Though veiled in a thousand</p>

furious lies -- it is the same, withered husk of dogma beating at our gates.

No doubt you will find these same people arguing that an invented nonsense term "biological women" is something you should attempt to assign meaning and give credence to; and that people who have taken the infinitely bold and commendable step of embracing their true gender identity should be punished for their commitment to finding contentment in oneself. The lies and monstrous misrepresentations around restroom use, interactions with minors, and participation in collegiate sports should show you what small, thin straws these dogmatists grasp at: assault is assault no matter who does it; a transgender person is given the right to adopt in Colorado and there is no documented tendency by any reputable healthcare source indicating that a child is less safe in their care -- in fact quite the opposite, children raised by transgender families tend to attend college, achieve higher wages, and vote in more elections compared to cisgendered families.

I put it to you to defend the Colorado way of life, the individual rights of all citizens no matter their identity, and enshrine these equal protections under the law with HB21-1108. Vote yea; vote loudly.

With kind regards,

Michael Petruccelli



Women's Human Rights Campaign

Testimony on behalf of the Women's Human Rights Campaign USA

Before the Colorado Senate Judiciary Committee

On H.B. 21-1108

OPPOSE

April 21, 2021

Thank you, members of the Colorado Senate Judiciary Committee, for allowing the Women's Human Rights Campaign the opportunity to provide written testimony in opposition to HB 21-1108.

The Women's Human Rights Campaign (WHRC) is a global nonpartisan group of volunteer women dedicated to protecting women's sex-based rights. Our volunteers include academics, writers, organizers, activists, lawyers, and health practitioners. The Declaration on Women's Sex Based Rights¹ ("The Declaration") was created by the founders of WHRC to lobby nations to maintain language protecting women and girls on the basis of sex rather than "gender" or "gender identity." The Declaration re-affirms women and girls' sex-based rights and challenges the discrimination we experience from the replacement of the category of sex with that of "gender identity."

This testimony is being submitted on behalf of WHRC USA, the U.S. chapter of WHRC. Our interest in the legislation before the Senate Judiciary Committee today, HB 21-1108, is based upon Article 1 of The Declaration, "Reaffirming that the rights of women are based upon the category of sex." This is in keeping with Article 1 of the CEDAW, which defines discrimination against women to mean, "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms"

Sex is defined by the United Nations as "the physical and biological characteristics that distinguish males from females." (Gender Equality Glossary, UN Women). The Declaration

¹ <https://womensdeclaration.com/en/declaration-womens-sex-based-rights-full-text/>

supports this well established definition of "sex". It has long been understood in the area of human rights that the stereotyped sex roles of men and women are a fundamental aspect of women's inequality and must be eliminated.

The Declaration provides: "States should maintain the centrality of the category of sex, and not 'gender identity', in relation to women's and girls' right to be free from discrimination." It does this because women and girls face discrimination based on our biology as females, and we are unable to "identify" our way out of sex discrimination. The Declaration further provides that this centrality of biological sex "should include the retention in law, policies and practice of the category of woman to mean adult human female, the category of lesbian to mean an adult human female whose sexual orientation is towards other adult human females, and the category of mother to mean a female parent; and the exclusion of men who claim to have a female 'gender identity' from these categories."

In contrast, HB 21-1108 provides that "gender identity means an individual's sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth." It thereby provides that "gender identity" replaces sex as a protected category wherever there is a conflict between "gender identity" and sex in policy. But sex is determined at conception and observed at or before birth; and "gender" is nothing more than sex-role stereotypes that harm women. These regressive stereotypes are materially harmful to women and men and should not be codified in law.

Furthermore, HB 21-1108 defines "sexual orientation in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction."

WHRC-USA fully supports the protection of equal rights for all people who do not conform to sex-role stereotypes; in fact, we have proposed our own bill, called the "Equality For All Act"² (EFAA), as a rational and just alternative to the so-called "Equality Act" that passed the U.S. House of Representatives in 2019 (HR 5). Our proposed bill provides comprehensive federal civil rights protection for women and girls on the basis of biological sex, for homosexuals of both sexes based on sexual orientation (which is based on sex), and for everyone on the basis on nonconformity with sex-role stereotypes. It does not provide any additional protection based on subjective feelings, because feelings are unverifiable and because feelings are not subject to discrimination; it is behavior and it is the state of being biologically female that need protection from sex discrimination.

Because of the language in HB 21-1108 that I've previously cited, the bill as it stands currently is both incoherent and discriminatory. Accordingly, WHRC-USA strongly opposes this bill.

² <https://www.womensdeclaration.com/en/country-info/united-states-america/whrc-usa/usa-news/>

