



## Women's Human Rights Campaign

July 6, 2021

Director Christopher A. Wray  
FBI Headquarters  
935 Pennsylvania Ave, NW  
Washington, DC 20535-0001

Dear Director Wray:

The Women's Human Rights Campaign-USA, Inc ([WHRC USA](#)) strongly opposes the [call](#) by state Attorneys General to add a "non-binary" gender designation in the Uniform Crime Reporting (UCR) system. Individuals claiming "non-binary" identity sometimes assert that they have a mix of both genders and spend some days in "girl mode" and others in "boy mode." Crime data should be collected based on objective criteria, such as biological sex, rather than an individual's subjective sense of self; i.e. gender, on a given day. Failure to collect accurate crime data by sex harms women and girls because it would obscure documentation of persistent and endemic male violence against females.

There are significant differences between male and female patterns of offending, with males committing most of the violent crime and sexual assault. In 2019, males comprised 76.5% of those arrested for aggravated assault, 88% of those arrested for murder and non-negligent homicide, and nearly 97% of those arrested for rape.<sup>1</sup>

Among women, homicide is a leading cause of death among those aged 20-44. A 2017 report in *Morbidity and Mortality Weekly* found that during 2003-2014, 55% of all female homicides were committed by former or current male partners.<sup>2</sup>

WHRC USA is an American nonprofit affiliated with the global nonpartisan organization Women's Human Rights Campaign (WHRC). With signatories in 137 countries, and working in collaboration with 347 organizations worldwide, WHRC is building a global [movement](#) to maintain language protecting women and girls on the basis of sex, and to challenge the discrimination we experience from the replacement of the category of sex with that of "gender identity."

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<sup>1</sup>[Arrests by Sex, 2019. \(ucr.fbi.gov\)](#), Table 42.

<sup>2</sup>Petrosky, Emiko, Janet M Blair, Carter J. Bets, Katherine A Fowler, Shane PD Jack, and Bridget H. Lyons. 7/21/2017. "Racial and Ethnic Differences in Homicides of Adult women and the Role of Intimate Partner Violence – United States, 2003-2014. *Morbidity and Mortality Weekly Report*. 66(28); 741-746. <https://www.cdc.gov/mmwr/volumes/66/wr/mm6628a1.htm>

Our work is organized around our founding document, the [Declaration on Women's Sex Based Rights](#), which re-affirms the rights of women enumerated in the 1979 United Nations treaty, *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW).

Article 8 of the *Declaration*, which re-affirms the need for the elimination of violence against women, calls on nation states to:

*[p]romote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women...*

*This should include recognition that **violence against women is one of the crucial social mechanisms by which women as a sex are forced into a subordinate position compared with men as a sex, and that accurate research and data collection relating to violence against women and girls requires that the identification of both the perpetrators and victims of such violence must be based on sex and not 'gender identity'** [emphasis added].*

WHRC USA strongly supports President Biden's commitment to combating discrimination and to science-based public policy. Adding a "non-binary" gender designation in the UCR would undermine both. "Non-binary" identity is a subjective state of mind, and therefore not appropriate for accurate data collection. Allowing such a designation would obscure patterns of violence by sex, undermine analysis of violence against women and its social consequences, impede effective public policy to remedy violence against women, and therefore would be discriminatory.

Best regards,  
Women's Human Rights Campaign USA Steering Committee:  
Marian Rutigliano  
Kara Dansky  
Katherine Acosta  
Lauren Levey  
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