



Testimony of Vajra Ma, Chair, Women's Human Rights Campaign USA

Before the Texas Senate Committee on Health and Human Services  
On Senate Bill 982

## OPPOSE

April 7, 2021

Thank you, members of the Texas Senate Committee on Health and Human Services, for allowing me the opportunity to provide written testimony in opposition to Senate Bill 982.

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 Rights](#) ("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."

I am the chair of WHRC USA, the U.S. chapter of WHRC. My interest in the legislation before the Senate Committee on Health and Human Services, Senate Bill 982, is based upon our organization's opposition to the replacement of the category of sex with that of "gender," and specifically on Article 1 of the Declaration, "Affirming that the rights of women are based on the category of sex."

Senate Bill 982 would require that, in situations involving the collection of demographic data, the Health and Human Services Commission, and/or the Health and Human Services agency involved in the collection of such data, ask individuals who receive benefits under a health benefits program, "What is your current gender identity?", which may be answered by selecting one of the following options: "female, intersex, male, nonbinary, transgender female, transgender male," and "another sex or gender written in by the individual."

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

supports this well-established definition of "sex." Further, it has long been understood in the area of human rights that "gender" (that is, the sex-role stereotyping of men and women) is a fundamental aspect of women's and girls' inequality and must be eliminated.

"Female" and "male" are sexes, not "gender identities." To conflate sex and "gender," as Senate Bill 982 would require, is harmful to women and girls, in that it turns the status of being female into a subjective feeling based entirely on sex-based stereotypes of behaviors and costumes.

Such a conflation is also detrimental to the very purposes of data collection. The United Nations stresses the importance of collecting data and compiling statistics for the purposes of developing effective measures to prevent and redress discrimination against women: "Sex-disaggregated data is data that is cross-classified by sex, presenting information separately for men and women, boys and girls. When data is not disaggregated by sex, it is more difficult to identify real and potential inequalities." (Gender Equality Glossary, UN Women).

Importantly, it has been noted that 'sex is a vital statistic; "gender" and "identity" are not. Society has many legitimate interests in recording and maintaining accurate information about its residents' sex, for purposes of identification, tracking crimes, determining eligibility for sex-specific programs or benefits, and determining admission to sex-specific spaces, to name just a few examples. In contrast, there is no legitimate governmental interest in recording a person's subjective "identity" or giving that identity legal significance in lieu of sex.'" (*Amicus* brief at 15, Women's Liberation Front, *R.G. and G.R. Harris Funeral Homes, Inc. v. EEOC and Aimee Stephens*, No. 18-107, 2019).

In addition, the Office for National Statistics (ONS) in the U.K. recently shelved proposals to replace questions about sex with questions about so-called "gender identity" in the national census, having "confirmed the ongoing strength of need for data on sex." (See Census 2021: Final Guidance for the question ["What is your sex?"](#).)

It is to the detriment of women and girls in Texas and elsewhere if the reality of our sex is seen as no more important than a feeling, a performance, or a costume based on sex-role stereotypes, and it is to the detriment of accurate record keeping if recipients of state benefits are invited to describe themselves with terms that have no basis in reality when accurate and useful demographic data are needed.



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