

The Diocesan Committee for Bioethics
Catholic Diocese of Hong Kong
Catholic Diocese Centre,
12/F, 16 Caine Road,
Hong Kong

The Secretary,
Inter-departmental Working Group on Gender Recognition,
5th Floor, East Wing, Justice Place,
18 Lower Albert Road, Central, Hong Kong

20th December 2017

Dear Sirs,

Re: Response on Gender Recognition Public Consultation

The Diocesan Committee on Bioethics of the Catholic Diocese of Hong Kong was formed in June 2005, comprising lay representatives of various Catholic medical and healthcare professional organizations, to communicate with the curia to make timely and appropriate response on healthcare issues, especially in the field of medical ethics. In its terms of reference, the Committee has been charged with making known the position of the Catholic Church on bioethics issues. It is in the discharge of this duty that the Committee responds to this consultation exercise.

We recognize the distress and suffering of people (as well as those close to them) who experience discordance between the biological sex and gender identity. Even though gender identity confusion is no longer treated as a psychiatric disorder, the associated afflictions (e.g. depression and suicidal ideations) should be treated as true maladies requiring charity and tender care. We also reject all forms of bullying, hatred and unjust discrimination against those who suffer from gender incongruence. The people living in such difficulty deserve compassion, sensitivity and help from our society.

At the same time, we affirm the universal, inviolable and inalienable dignity of every man and woman, irrespective of their sex and gender, standing up for and promoting the human flourishing of all people, especially those who are suffering, marginalized and vulnerable. In particular, the inherent worth and identity of every child should be respected and valued by all. Nevertheless, we are absolutely, resolutely and fundamentally opposed to gender ideology, on which gender rights and its advocacy depend. Therefore we are against the idea of gender recognition as well as all practical steps to achieve it. We note that there are injustices which may result from the lack of gender

recognition¹, but we would feel that such injustices be eliminated by piecemeal amendment of laws to address specific problems which have arisen, rather than to implement a general gender recognition scheme which would be of great detriment to society. We present our reasons for rejecting gender ideology below.

Rejection of Gender Ideology and Gender Recognition

Human beings, being made in the the image of God, were created “male and female”². However recently, the idea of biological sex has been increasingly replaced by the concept of gender, with the biological differences between sexes “tend[ing] to be denied, viewed as mere effects of historical and cultural conditioning. In this perspective, physical difference, termed *sex*, is minimized, while the purely cultural element, termed *gender*, is emphasized to the maximum and held to be primary. The obscuring of the difference or duality of the sexes ... has in reality inspired ideologies which, for example, call into question the family, in its natural two-parent structure of mother and father, and make homosexuality and heterosexuality virtually equivalent, in a new model of polymorphous sexuality.”³ This in turn promotes the idea that “all persons can and ought to constitute themselves as they like, since they are free from every predetermination linked to their essential constitution.”⁴ This is however contrary to our conception of the inherent dignity of human beings:

Learning to accept our body, to care for it and to respect its fullest meaning, is an essential element of any genuine human ecology. Also, valuing one’s own body in its femininity or masculinity is necessary if I am going to be able to recognize myself in an encounter with someone who is different. In this way we can joyfully accept the specific gifts of another man or woman, the work of God the Creator, and find mutual enrichment. It is not a healthy attitude which would seek “to cancel out sexual difference because it no longer knows how to confront it”.⁵

Hence we utterly reject “an ideology of gender that “denies the difference and reciprocity in nature of a man and a woman and envisages a society without sexual differences, ... that promote a personal identity and emotional intimacy radically separated from the biological difference between male and female ... [where] human identity becomes the choice of the individual, one which can also change over time”. ... It needs to be emphasized that “biological sex and the socio-cultural role of sex (gender) can be distinguished but not separated”. ”⁶

¹ eg, the case of rape law cited in para 5.16 of consultation document.

² Gen 1:27

³ Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World, Congregation for Doctrine of Faith, 2004, para 2

(http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20040731_collaboration_en.html)

⁴ Ibid, para 3.

⁵ Encyclical “Laudatio Si”, 2015, para 155

(http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html)

⁶ Apostolic Exhortation “Amoris Laetitia”, 2016, para 56

Apart from the above perspective which derives from our world view, which is informed by religion, there are also medical aspects which argue against gender ideology and by extension gender recognition schemes. The sex of a human being is determined by its genetic makeup, which acts through the formation of the gonads, leading to secretion of sex hormones which directs the development of the sexual characteristics of the male or female human being concerned. Whilst acknowledging that sexual development, like any other areas of development of organs and tissues in a growing embryo or foetus, can be subject to problems and errors⁷, normal sexual development results in a baby with a normal set of sexual organs and characteristics at birth. These babies then develop a gender, which correspond to their biological sex.⁸

When a person develops a gender that conflicts with his or her biological sex, gender dysphoria results. However, such a “belief that he or she is something they are not is, at best, a sign of confused thinking. ... [It is] an objective psychological problem exists that lies in the mind not the body, and it should be treated as such.”⁹ The American College of Pediatricians then quoted the DSM-5 “as many as 98% of gender confused boys and 88% of gender confused girls eventually accept their biological sex after naturally passing through puberty”,¹⁰ implying that perhaps some form of gender confusion can be transitory or perhaps form an abnormal stage through which some individuals develop on the way from a normal child to a normal adult. Even when society changes behaviour and accepts their gender confusion, “[r]ates of suicide are nearly twenty times greater among adults who use cross-sex hormones and undergo sex reassignment surgery, even in Sweden which is among the most LGBTQ – affirming countries.”¹¹ This would suggest a psychological morbidity due to this gender confusion per se, independent of any societal pressures, bullying or discrimination. It is not logical to change the way the majority of a community behaves towards the confusion of a small minority of individuals, with the expressed intention of helping them, only to find that confirming their confusion still leaves them with important psychological morbidity. Surely the better way is to tackle the psychological issues head on.

In view of the above, we firmly **reject** gender ideology on which gender rights and its advocacy depend and reiterate our opposition to **any and all forms of gender recognition**.

Issues 2 to 15

Whilst we remain resolutely opposed to the idea of gender recognition (GR), we understand that

http://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf

⁷ It is noted that the problems of persons with such disorders is specifically excluded from consideration by the terms of reference of this working group.

⁸ cf para 1 and 2 in Gender Ideology Harms Children, Position Statement of American College of Pediatricians, Sept 2017. (<https://www.acpeds.org/the-college-speaks/position-statements/gender-ideology-harms-children>)

⁹ Ibid, para3.

¹⁰ Ibid, para 5.

¹¹ Ibid, para 7.

society may nevertheless disagree with us and decide that GR legislation will finally be enacted. It is in light of this possibility and with the following teaching in mind that we venture to give some opinion to the rest of the consultation:

“When legislation in favour of the recognition of [gender recognition] is proposed for the first time in a legislative assembly, the Catholic law-maker has a moral duty to express his opposition clearly and publicly and to vote against it. To vote in favour of a law so harmful to the common good is gravely immoral.

When legislation in favour of the recognition of [gender recognition] is already in force, the Catholic politician must oppose it in the ways that are possible for him and make his opposition known; it is his duty to witness to the truth. If it is not possible to repeal such a law completely, the Catholic politician, recalling the indications contained in the Encyclical Letter *[Evangelium vitae](#)*, “could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality”, on condition that his “absolute personal opposition” to such laws was clear and well known and that the danger of scandal was avoided. This does not mean that a more restrictive law in this area could be considered just or even acceptable; rather, it is a question of the legitimate and dutiful attempt to obtain at least the partial repeal of an unjust law when its total abrogation is not possible at the moment.”^{12 13}

It is in this spirit of limiting the harm of gender ideology that we would propose the most restrictive conditions on any GR scheme that might arise, should society finally decide to forge ahead with gender recognition despite our opposition, that the following comments on the consultation issues 2-16 are made as below:-

Issue 2-5: Our response is yes to all of the issues in as much as we would feel recognition should only be reluctantly be considered only after the completion of full complement of gender reassignment procedures. However, we regard gender reassignment surgery as illicit and unjustifiable mutilation which goes against the principle of totality^{14 15} With the current situation of medical resources being stretched even to cope with life threatening diseases, we would argue for such surgery to be given a low priority for public resources.

Issue 8: Age requirement for gender recognition – the prevailing age of majority

The American College of Pediatricians noted that “as many as 98% of gender confused boys and 88%

¹² Considerations Regarding Proposals to give Legal Recognition to Unions between Homosexual Persons, Congregation for Doctrine of Faith, 2003, para 10

(http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_en.html)

¹³ Although the document is about homosexual unions, this also applies to gender recognition. Similarly, although addressed to Catholic politicians, it also applies to Catholic institutions such as the Diocesan Bioethics Committee.

¹⁴ See Catechism of the Catholic Church Para 2297

¹⁵ A full account of how we see gender reassignment surgery can be found at 歐陽嘉傑:變性人 – 醫學和倫理的探索 (<http://archive.hsscol.org.hk/Archive/periodical/spirit/S101g.pdf>)

of gender confused girls eventually accept their biological sex after naturally passing through puberty.”¹⁶ Adolescence is a time when many influences (biological, peer- pressure, societal etc) can cause confusion on the developing minds and bodies of young people. Setting the age requirement at the prevailing age of majority lets these young persons work through their confusions at their own pace, without giving society a chance to confirm them in a confused position that they may then grow out of.

Issue 9: Marital status requirement for gender recognition – married persons should be ineligible for gender change.

Issue 10: Parental status requirement for gender recognition – yes, if GR is allowed for minors; but we do not feel that minors should qualify for gender change; see response to issue 8 above.

Issue 11: Recognition of foreign gender change – No, but persons satisfying local requirements may be allowed to apply *de novo*.

Issue 13: Type of gender recognition scheme, if adopted –(b) a judicial scheme, whereby issues related to gender recognition are considered by the courts on a case by case basis as it seems to be the most restrictive

Issue 14: Adopting a scheme similar to overseas gender recognition scheme - No

Issue 16: Adopting a possible dual-track gender recognition scheme - No

We also add that in the event of gender recognitions schemes being forced onto society despite our opposition, measures must be put in place which will secure freedom of religion and conscience, both rights protected by international treaties as well as local law.¹⁷ Of the different schemes including opt-out and opt-in that can be considered for religious bodies, we would prefer the idea of opting in for gender recognition schemes.

Conclusion

The reasons for rejecting gender ideology and consequently gender recognition by the Diocesan Committee for Bioethics has been set out above. Gender ideology which “attempt to sunder what are inseparable aspects of reality ... [as well as try] to replace the Creator”¹⁸ is diametrically opposed to our world view informed by our Catholic faith. The American College of Pediatricians has taken a stand against gender ideology as harmful to children. We concur and go further to assert that it is harmful to society at large. The essence of our response is that we **absolutely and categorically reject**

¹⁶ See footnote 10.

¹⁷ Article 18 of both the Universal Declaration of Human Rights and the International Convention on Civil and Political Rights (to both of which Hong Kong is a signatory) as well as article 15 of the Hong Kong Bill of Rights.

¹⁸ See footnote 6.

the introduction of a gender recognition scheme. In the event of society pushing through with gender recognition in spite of all its harms, we would suggest enactment of a scheme that is most restrictive in the interests of harm limitation.

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