**Mr. Victor Madrigal-Borloz**

Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Catholics for Choice (CFC) is grateful for the opportunity to provide written input to the thematic report of the United Nations IE SOGI exploring the right to freedom of religion or belief in relation to sexual orientation and gender identity.

Catholics for Choice is a nonprofit organization that encounters, educates, and emboldens people of faith who support reproductive freedom. Since 1973, we have worked in the United States and around the world to ensure that all people everywhere can freely determine their sexual and reproductive destinies with dignity, respect, and affirmation. That same year, the Supreme Court issued its landmark ruling in Roe v. Wade cementing the constitutional right to abortion.

Today, CFC’s role in the fight for reproductive health, rights, and justice is crucial. We bring our unique religious perspective and with it an unwavering dedication to defending social justice using values informed by Catholic social teaching. Our faith calls on us to be fearless and forthright, and we answer that call. Our faith calls us to affirm reproductive and religious freedom as essential to Catholic social justice. To that end, CFC strives to dismantle religiously based obstructions to abortion care, contraceptive access, and comprehensive health care, particularly because these barriers disproportionately affect people of color, those working to make ends meet, and the most marginalized among us — including the LGTBIQ+ community.

CFC also adheres to the idea that people should be treated equally regardless of sex, gender identity or gender expression — and we **strongly defend the rights and dignity of the historically marginalized groups, including the LGTBQI+ community, sex workers, indigenous people and people living with disabilities, among others.** The Catholic hierarchy teaches that God created a binary system of male and female bodies that are supposed to complement each other. They believe that women and men are equal in worth and dignity, yet their physical and anatomical differences are evidence that God intends different roles and purposes for them in church, society and the family. This system not only reinforces historically marginalized persons’ suffering but oversimplifies the complexity of gender identity, erasing whole communities of people made in God’s image. Men are always awarded power, authority and dominance, women are relegated to the roles of service, nurturing and adoration, and non-binary or gender non-conforming people are not even recognized.

**Catholics for Choice believes that God’s creation is far more complex. We do not accept that an individual’s purpose is bound by biology or anatomy, and the notion that sex is a binary of male and female is scientifically inaccurate.**

As Catholics, we are taught a theology of social justice that compels us to center the lives of marginalized people who are too often denied the basic human right to access equitable healthcare, to maintain personal bodily autonomy, to have or not have children, and to parent children in safe and sustainable communities. The Catholic Church has a long history of care and concern for those who are the most vulnerable — the very same people who are most impacted by systemic barriers to care, including sex discrimination. **Support for access to the full range of reproductive health services has long been misrepresented as fundamentally incompatible with religion. In reality, despite the opposition of the institutional church, the overwhelming majority of Catholics believe in reproductive freedom because of our deeply held faith, not in spite of it.** For many of us, access to abortion care and birth control are a lifeline and a blessing.

There are a lot of misconceptions about what Catholics believe about sexual and reproductive ethics, and the church hierarchy doesn’t represent the views of all — or even most — Catholics. We know this because we have the data: 68% of Catholics support Roe v. Wade (Pew Aug. 2020), and 1 in 4 abortion patients is Catholic (Guttmacher 2014). 98% of Catholic women have used birth control (Guttmacher 2011). **Anti-choice Catholics can be loud, but they are the minority in the church.**

**CFC honors all individuals as moral agents, free to make their own personal decisions about their bodies, families, and futures according to their own consciences, beliefs, and circumstances and without political or religious interference**. The role of individual conscience — which includes knowledge of ourselves, awareness of our moral principles, and the urge to act — is at the very core of our faith. At the very core of our Catholic faith is our deep respect for the primacy of individual conscience, the final arbiter in any moral decision we make. In our tradition, conscience – which comes from the Latin word meaning “attempt to be true to one’s highest ideal” – is a “link” between human rationality and human freedom, meaning that Catholics must use their reason to discern ethically complex situations. And because our conscience comes from God’s sacred gift of human reason, it is not something that a building, institution, or organization can possess: Only individuals can follow and exercise their consciences. When institutions claim the legal right to have a conscience, they muddy the true meaning and sideline the needs of those seeking care — all in the name of profit. Conscience includes knowledge of ourselves, awareness of our moral principles, and the urge to act.

**What do Catholics believe?**

As Catholics, we believe that we must use all the resources available to us to form our consciences so that we can make the best possible decisions for ourselves, particularly in morally complex circumstances. We regard conscience as both a gift and a responsibility: **We are called to follow our conscience and respect the right of others to do the same**. The Catechism of the Catholic Church confirms that “in all they say and do, the human person is obliged to follow faithfully what they know to be just and right” and “a human being must always obey the certain judgment of his [sic] conscience. If he [sic] were deliberately to act against it, he [sic] would condemn himself [sic]” (paragraph 1790).[[1]](#endnote-1) In other words, **official church teaching tells us not to passively accept what the hierarchy says.**

The Catholic tradition is more than the teachings written down by popes and theologians. Catholics are obliged to understand and thoughtfully consider Catholic teaching. Church teachings on moral decision-making are complex. In Catholic theology, there is room to question and disagree with church teachings and support positions and policies that favor access to the full range of reproductive health options and rights, as well as those that empower sexual orientation and gender identity.

St. Thomas Aquinas addressed the question of what happens when conscience conflicts with the law, explaining that acting against conscience is always a sin because it means second-guessing your own human capacity for freedom of choice. Therefore, to deny one’s conscience would be to deny, in a sense, your own human dignity.

As such, we do not simply ignore church teachings or flippantly choose to support reproductive health and rights just because we feel like it. In forming our opinions, we consider church teachings, Scripture, the guidance of Catholic leaders and theologians, the experiences of fellow Catholics, and our own relationships with reproductive health and LGTBIQ+ rights. We cultivate our consciences through prayer, education, reflection, and being in community with others. Together, all these elements form our conscience. **And data once again proves that individual conscience, not the dictates of the hierarchy from on high, serve as the primary guide for moral decision-making for most Catholics**. According to Pew Research Center, 73% of U.S. Catholics say that when answering difficult moral questions, they rely on their conscience “a great deal,” as compared to 21% on Catholic Church teachings, 15% on the Bible, and 11% on the pope.[[2]](#endnote-2)

Relatedly, **Catholics value the separation of church and state and cherish religious pluralism and diversity**. The Second Vatican Council issued a declaration affirming that “[t]he right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself.” **Religious freedom is an expansive rather than restrictive idea, encompassing both freedom of religion and freedom from religion.** Giving people the space to follow their own consciences in what they believe, and practice is especially important when making critical, deeply personal decisions. Catholic social teaching understands that, while people have the right to their own religious beliefs, everyone also has the right to be free from the religious beliefs of others. Our faith demands that no one imposes a single religious viewpoint on all.

**Unfortunately, the Catholic hierarchy has spent years redefining religious liberty by pursuing religious freedom protections for large institutions and entities.** The Roman Catholic Church is the largest non-government provider of healthcare services in the world, treating one in six U.S. patients at more 600 hospitals across all 50 states. Catholic-owned and affiliated institutions, including hospitals, clinics, and HMOs, are governed by the Ethical and Religious Directives for Catholic Health Care Services (ERDs) authored by the U.S. Conference of Catholic Bishops. The ERDs explicitly forbid medical procedures that contradict church teaching, regardless of the religious beliefs or religious denomination of the patient seeking services or the medical professional providing them.

Ensuring access to the full spectrum of reproductive healthcare, including gender reaffirming care, is essential care and a Catholic social justice value, advancing the common good by allowing people to make their own choices about their bodies, families, and futures; to participate equally in society; and to thrive in their communities with dignity.

**Experiences of people with a disability, transgender people, non-binary people, and people with variations of sex accessing sexual and reproductive healthcare**

The aftermath of the US Supreme Court’s attack on our dearly held rights has impacted every single American, regardless of their capacity to become pregnant. But the people most harmed are those who already endure racism and discrimination when accessing healthcare — particularly Black, Indigenous, and People of Color (BIPOC); those working to make ends meet; members of the LGBTQIA+ community; immigrants; young people; those living in rural communities; and people with disabilities.

The devastating impact of obstructing or coercing another’s conscience by refusing or denying care cannot be overstated. For many patients, refusals of care are not merely an inconvenience, but often result in delay or outright denial of vital care. These refusals are particularly dangerous in situations where individuals have limited options, such as in emergencies, when needing specialized services, in rural areas, in communities of color or with low incomes, or in areas where religiously affiliated hospitals are the primary or sole institution serving a community.

The Ethical and Religious Directives, which are authored by the United States Conference of Catholic Bishops (USCCB) and govern all Catholic-owned and affiliated institutions, including hospitals, clinics and HMOs, [explicitly forbid](https://www.catholicsforchoice.org/wp-content/uploads/2017/01/2017_Catholic-Healthcare-Report.pdf) medical procedures that contradict church teaching. **This is an abuse of our faith**, and the vast majority of Catholics do not want these injustices done in our name. Decades of data and the lived experiences of Catholics around the world prove this to be true.

**Religious exemptions disproportionately harm LGBTQI+ people**, especially those who are transgender, nonbinary, gender nonconforming. They are often refused health care services because of their sexual orientation and/or gender identity putting their health and safety at risk. The recent Center for American Progress report found that:

* Overall, 15 percent of LGBQ respondents, including 23 percent of LGBQ respondents of color, reported experiencing some form of care refusal by a doctor or other health care provider in the year prior;
* Overall, 32 percent of transgender or nonbinary respondents, including 46 percent of transgender or nonbinary respondents of color, reported that they experienced at least one kind of care refusal by a health care provider in the past year;
* 55 percent of intersex respondents reported that, in the past year, a health care provider refused to see them because of their sex characteristics or intersex variation.
* Overall, 30 percent of transgender or nonbinary respondents, including 47 percent of transgender or nonbinary respondents of color, reported experiencing one form of denial by a health insurance company in the past year;
* 28 percent of transgender or nonbinary respondents, including 29 percent of transgender or nonbinary respondents of color, reported that a health insurance company denied them coverage for gender-affirming hormone therapy in the year prior; and
* 22 percent of transgender or nonbinary respondents, including 30 percent of transgender or nonbinary respondents of color, reported that a health insurance company denied them coverage for gender-affirming surgery in the year prior.[[3]](#endnote-3)

**Conclusion**

To summarize, as Catholics, our advocacy must center the most marginalized people in our society, as all people deserve access to the economic, social, and political power and resources they need to make their own conscience-based family planning decisions. We know that each and every human life has inherent dignity and must be treated with respect. This includes advocating for the respect and protection of those trying to navigate a systemically unjust society.

The Roman Catholic hierarchy, however well-financed, powerful, and loud it may be, is not the sole moral arbiter on matters where sexuality and reproduction intersect with religion and faith. **Freedom of religion also means freedom *from* religion.**

Thank you for the opportunity to inform this thematic report of the United Nations IE SOGI. We trust that these comments, along with the many others we anticipate this call for input will receive, will demonstrate the need to advance and strengthen understanding of ethical dynamics between the human rights of persons with diverse sexual orientations and gender identities and the human right to freedom of religion or belief, as well as the narratives surrounding the implementation of these sets of rights. Catholics for Choice commends the IE SOGI, Mr. Victor Madrigal-Borloz for taking this important step in dedicating his report to the 53rd session of the United Nations Human Rights Council.

Please do not hesitate to contact Elyce Nollette-Alston, Director of Special Projects, at enollette@catholicsforchoice.org to provide further information.

Gratefully,



**Jamie L. Manson**

**President**

**Catholics for Choice**

I n Good Conscience

2000 14th St NW, Suite 104 | PO Box 73008 | Washington, DC 20056

(202) 986-6093 | Fax (202) 332-7995

cfc@catholicsforchoice.org | catholicsforchoice.org

1. Catholic Church. (2000). Catechism of the Catholic Church (2nd Ed.) Our Sunday Visitor. Para 1790. [↑](#endnote-ref-1)
2. Pew Research Center, April 12, 2016, “Religion in Everyday Life”. Page 47. [↑](#endnote-ref-2)
3. Center for American Progress, Sept 8, 2022. “Advancing Health Care Nondiscrimination Protections for LGBTQI+ Communities.” [↑](#endnote-ref-3)