

RESEARCH SERIES

Common Ground

Talking with the Catholic Church about the human rights of LGBT+ people

by Jon Miller



Open
For
Business

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About Open For Business

Open For Business is a coalition of global companies making the case that inclusive, diverse societies are better for business and better for economic growth. The purpose of the coalition is to advance LGBT+ inclusion globally, by promoting the economic and business case for equality of opportunity for everyone, across the world.

Open For Business coalition partners share a deep-rooted commitment to diversity and inclusion in their own workplaces, and they are concerned about the spread of anti-LGBT+ policies in many countries in which they operate. In order to promote open and inclusive societies where business can flourish, the coalition presents the data that demonstrates inclusion is better for business and better for economic growth.



About this report

What is the purpose of this report?

This report aims to frame a new dialogue with the Catholic Church on the human rights of LGBT+ people. The dialogues of the past have more often taken the form of confrontation rather than conversation, and yet it is clear that areas of common ground exist with the Catholic Church on the subject of LGBT+. This report aims to articulate and expand upon these areas of common ground.

What is the origin of this report?

In April 2019 a delegation of senior leaders from the Open For Business coalition travelled to the Vatican to join a meeting with the Pope's most senior official, Cardinal Secretary of State Pietro Parolin, alongside the members of the International Bar Association (IBA) and the International Lesbian & Gay Association (ILGA). This report is a continuance of the dialogue that began during that meeting and aims to build on the Cardinal's observation that there are "areas of common ground".

What is its scope?

The Vatican meeting was intended to discuss the criminalisation of same-sex sexual activity, and in particular the impacts of this on the human rights of gay people. This report aims to continue this dialogue and presents evidence that criminalisation has consequences which run counter to the teachings of the Church. In addition, this report presents some evidence of the impact of discriminatory laws on trans people, as well as responding to the recent Vatican statement on "gender theory".

Who is it for?

This report is submitted respectfully for the consideration of His Holiness Pope Francis and the Cardinal Secretary of State Pietro Parolin. It is written for all those who are interested in a constructive dialogue with the Catholic Church on the human rights of LGBT+ people.

Who are the authors?

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Executive summary

This report highlights how we perceive this to be dissonant with Church teaching as we understand are represented in the Catechisms and other sources of Church doctrine. It presents evidence that discrimination against LGBT+ people has consequences that run counter to the teachings of the Church. The stigmatisation of LGBT+ people causes real suffering. This report highlights how this is dissonant with Church teaching as represented in the Catechisms and other sources of Church doctrine^a.

	THE TEACHING OF THE CHURCH	THE IMPACT OF STIGMATISATION
1. Economic Marginalisation	Pope Benedict XVI spoke out against “economic marginalisation” and Pope John Paul II wrote that “the poor should rise above poverty and wretchedness and should better their condition in life”.	LGBT+ people often suffer discrimination that prevents them from fully participating economically. Laws which discriminate against LGBT+ people in effect institutionalise the economic marginalisation of those people.
2. Social Marginalisation	In the Gospels, Christ gives many examples of continually reaching out to those who felt ignored, excluded or marginalised. Speaking of homosexual men and women, Church teaching states that “They must be accepted with respect, compassion, and sensitivity”.	LGBT+ persons are pushed to the margins of society and excluded from the public sphere. As a result of discriminatory laws, they are denied access to public services or participation in public life and excluded from community life.
3. Violence	Pope Francis has said, “Faith and violence are incompatible”. The Congregation for the Doctrine of the Faith has stated, “It is deplorable that homosexual persons have been and are the object of violence in speech or action”.	Laws which criminalise same-sex relationships fuel stigma, legitimise prejudice and expose people to violence in public places, in family settings and in institutional contexts, as well as further abuses, such as hate crimes, death threats, and torture.
4. Health	“Life and physical health are precious gifts entrusted to us by God,” according to the Church’s teaching, which states that “Concern for the health of its citizens requires that society help in the attainment of living-conditions”.	LGBT+ people face poorer health than the general population in countries that do not support LGBT+ inclusion. This is partly because LGBT+ people face barriers in accessing health care and are reluctant to seek medical attention due to stigmatisation.
5. Education	Pope Francis has spoken often about the importance of education. It is essential for individuals to take their place in society, as the Church teaching states: “Participation begins with education and culture”.	LGBT+ people often find it difficult to access education. In many cases, they may be actively excluded from school or university; more often, they suffer violence and bullying, or other forms of harassment and discrimination.
6. Meaningful Work	Pope Francis wrote that “Work is a necessity, part of the meaning of life on this earth, a path to growth, human development and personal fulfilment”. Church teaching cites Genesis (3:14): “Work honours the Creator’s gifts and the talents received from him”.	LGBT+ Individuals are unable to fully participate in the life and culture of the workplace, impeding their ability to find personal fulfilment through work. Discrimination against LGBT+ people in the workplace is prevalent in countries with anti-LGBT+ laws.
7. Economic Initiative	Pope John Paul II wrote of the importance of “economic initiative” –entrepreneurialism or enterprise: “Everyone has the <i>right of economic initiative</i> (italics added); everyone should make legitimate use of his talents to contribute to the abundance that will benefit all”.	The evidence shows that societies that are more LGBT+ inclusive have higher levels of entrepreneurialism, stronger clusters of creative industries and more innovation.
8. Development	Church teaching states, “the common good requires the <i>social well-being and development</i> (italics added) of the group itself”. Development provides what is necessary to lead “a truly human life: food, clothing, health, work, education and culture, suitable information, the right to establish a family, and so on”.	LGBT+ inclusive societies are better able to develop economically and provide for the wellbeing of their citizens; by contrast, the evidence shows that discrimination against LGBT+ people acts as a brake on development.
9. Dignity	Church teaching states that “The intrinsic dignity of each person must always be respected in word, in action <i>and in law</i> ” (italics added). Vatican II states that “although rightful differences exist between men, the equal dignity of persons demands that a more humane and just condition of life be brought about”.	Criminalising same-sex relations creates stigmatisation of gay people that undermines this dignity. Sex characteristics, sexual orientation, and gender identity are integral aspects of our selves, according to the United Nations. As points 1 to 8 make clear LGBT+ individuals are subject to exclusions and indignities on many levels.

^a Full sources are given in the body of the report.

A Path Forward

IN LIGHT OF THE GRAVITY OF THE FINDINGS PRESENTED HERE, URGENT ACTION IS NEEDED TO ALLEVIATE THE SUFFERING THAT LGBT+ PEOPLE ENDURE AS A RESULT OF STIGMATISATION.

This report is intended to frame a constructive dialogue. However, the information presented here requires an immediate and compassionate response. If we are to end the stigmatisation of LGBT+ people around the world, it is clear that action must result from dialogue.

There are two ways that the Catholic Church can act to alleviate suffering caused by LGBT+ discrimination.

First, the Vatican could issue a public statement clarifying the official policy of the Holy See on the criminalisation of homosexuality. Currently the position is confused: Pope Francis has made a number of comments and gestures in support of LGBT+ people, but in several countries the Catholic Church is actively supporting criminalisation (for example, in the Caribbean: Barbados, Jamaica, and St Lucia).

This statement could call upon the international community to recognise that criminalisation of homosexuality and any form of consented intimate acts between adults is an intolerable affront to human dignity. Such a statement from Pope Francis would have a considerable positive impact on the lives of LGBT+ people.

In the opinion of the UN Independent Expert on Sexual Orientation and Gender Identity: "I am convinced that a pronouncement of His Holiness would [be] of fundamental importance in the work of fighting violence and discrimination that affects hundreds of millions of people every day"¹.

Second, the Vatican could better understand the real-life experience of trans people. Recently, the Vatican's Congregation for Catholic Education published a statement on trans issues,

titled 'Male and Female He Created Them: Toward a Path of Dialogue on the Question of Gender Theory in Education'.

Although positioned as an invitation to dialogue, it does not appear to be based on any dialogue with members of the trans community. Sadly, the critique does not take into account the real-life experience of trans people. It perpetuates some misconceptions which have contributed to the stigmatisation and suffering of trans people.

Therefore, the Church could reach out to trans people in order to better understand their lives and correct misconceptions. This would allow the official statements of the Church on trans issues to move towards informed compassion and inclusion, and away from stigmatisation.

A new recognition of the importance of inclusion may be emerging in the Catholic Church, under the leadership of Pope Francis. "I have a dogmatic certainty: God is in every person's life," he once said, in a break from orthodoxy. "Not just Catholics. Everyone! ... Even the atheists. Everyone!" In a religious context, that sounds like the spirit of inclusion; it can allow us hope for the direction the Church may take on the human rights of LGBT+ people.

After all, this is the same Pope who washed the feet of inmates at a young offender's institute near Rome – including Muslims and women; and who waded through crowds of refugees on the island of Lampedusa, using an upturned fishing boat as the altar for an impromptu mass. Perhaps Pope Francis and the Catholic Church can become the embodiment of a religion that can listen, empathise, seek to understand and embrace differences.

Introduction

WHY ARE GLOBAL BUSINESSES TALKING WITH THE CATHOLIC CHURCH ABOUT LGBT+ RIGHTS?

The purpose of this report is to describe the areas of common ground that exist with the Catholic Church on the subject of LGBT+ rights. In particular, it aims to frame a dialogue between the Catholic Church and members of the global business community, focusing specifically on the Church's position on laws that criminalise same-sex relations^b.

Globally, there is a clear long-term trajectory towards inclusion for LGBT+ people. The majority of nations have passed LGB inclusive laws over the past half-century – from legally prohibiting discrimination, to protecting LGB people against hate crime.² Since 2012, ten countries have removed laws that criminalise same-sex relations.

Many in the global business community strongly support this progress towards LGBT+ rights. The evidence shows that societies thrive when they are open, inclusive and diverse, and that laws which discriminate against LGBT+ people run counter to the interests of business and of economic development.

However, in many parts of the world a vicious backlash against LGBT+ rights is underway, including a wave of anti-LGBT+ populism in predominantly Catholic countries such as Brazil, the Philippines and Poland. Gay sex is still illegal in 69 countries, and in several of these countries the Catholic Church is actively supporting criminalisation (for example, in the Caribbean: Barbados, Jamaica and St Lucia). In 2016, the Catholic Church even lodged an appeal with the Supreme Court of Belize to overturn a decision which decriminalised homosexuality.

Against this background, in April 2019 a delegation of senior leaders from the Open For Business coalition travelled to the Vatican to join a meeting with the Pope's most senior official, Cardinal Secretary of State Pietro Parolin^c. It was an unprecedented high-level conversation about the Church's position on LGBT+ rights around the world.

During that meeting, research was presented showing that criminalising same-sex relations causes considerable loss of dignity for LGBT+ people: individuals are defined as criminals, and this stigma is used to justify their segregation and discrimination, and too often it legitimises violence^d.

Encouragingly, His Eminence Cardinal Parolin spoke of "areas of common ground", giving his assurance that concerns for the dignity of LGBT+ people are also concerns of the Church. He referred to the Church's teaching on the importance of compassion towards those who suffer and emphasized the refusal of all forms of violence – verbal, mental or physical.

Open For Business believes there are yet more "areas of common ground". For example, our research shows that criminalising same-sex relations causes social exclusion and economic marginalisation and adds especially to the burdens of the poorest.

In contrast, the evidence shows that societies are better able to develop when individuals are free to act according to their own sense of sexual preference or gender identity. If such matters are allowed to remain questions of individual conscience, then societies are better able to provide meaningful work and sustainable livelihoods for their citizens.

^b *Same-sex relations* is a term used in this report to refer specifically to sexual relations and laws which cover same-sex relations including anti-sodomy laws which are applied to men who have sex with men, as well as laws which prohibit sexual activity between women.

^c The Church granted a private audience with Cardinal Secretary of State Pietro Parolin to around 50 LGBT+ advocates from around the world, and Open For Business was privileged to lead a delegation of senior executives from Accenture, Brunswick, Deutsche Banks, EY, IBM, Linklaters, and Microsoft.

^d Joint research by the Inter-American Court of Human Rights, the International Bar Association, and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

These, too, are all areas of common ground. This document articulates and expands upon these shared concerns, providing evidence that laws which criminalise same-sex activity are associated with a broad range of negative impacts for individuals and societies.

Yet millions of people are currently criminalised in this way – perhaps one of the most rejected populations on Earth. His Holiness Pope Francis has made comments of support for the human dignity of gay people, which will surely strengthen the hearts of many who suffer. However, we believe that the Holy See can play a more significant role in advancing decriminalisation.

Real Lives

UNDERSTANDING THE IMPACTS OF LAWS THAT DISCRIMINATE AGAINST LGBT+ PEOPLE.

Much of the evidence in this report is in the form of societal and economic data on the harm caused to LGBT+ people by discriminating laws. Of course, first and foremost our shared concern is with the impact of these laws on the real lives of those who suffer, and so we begin with some short portraits of individual experiences.

Donovan from St. Lucia

Donovan Monerville is a gay man in a highly intolerant country where homosexuality is a crime. He truly understands what it means to appreciate life and sees simple things like using public transport as a luxury. "Being gay in St. Lucia is one of the hardest and most challenging things ever. Every day you step out of your house, you have to be prepared to be made fun of, ridiculed and sometimes even get hit with stones and bottles. You need to be a warrior. If you are gay and weak, St. Lucians can kill you or drive you to kill yourself"³.

KAB from Uganda

A Ugandan lesbian who asked to be referred as "KAB" was outed to her mother when her brothers found messages on her phone indicating she was a lesbian. They beat her and kicked her out of her home. Her family also stopped paying for her university fees until she agreed to see a counsellor who would "straighten [her] out." KAB writes about her experience with counselling: "I fully understood that my sexuality was not something I could switch on and off like a light bulb but I obliged because I needed the educational support"⁴.

Sergio from Colombia

A high-school student in Bogotá, Sergio was 16-years-old when he was "outed" by one of his teachers, who forced him to hand over his mobile phone containing an intimate image of him with another boy. Sergio found the shaming and harassment that followed unbearable, and he committed suicide. According to local media, Sergio's mother charges that her son had been discriminated against and bullied at the school, a Catholic institution, because he was gay⁵.

Bobby from the United States

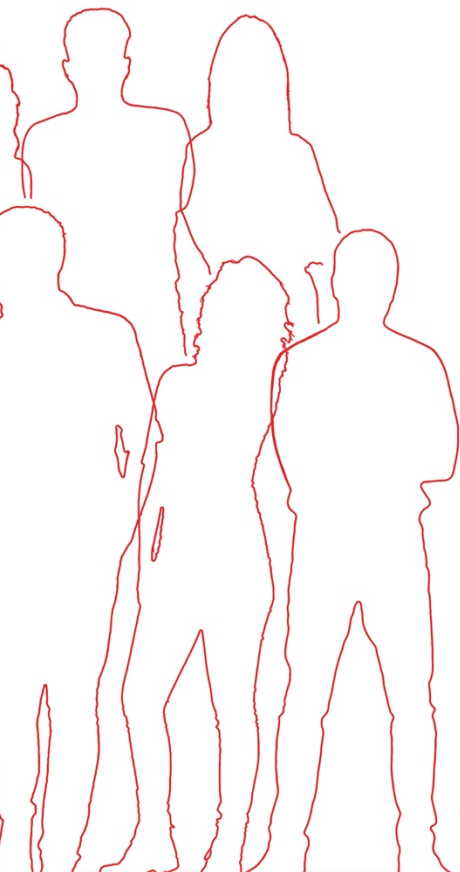
Four years before he killed himself, 16-year-old Bobby Griffith wrote in his diary: "I can't let anyone find out that I'm not straight. It would be so humiliating. My friends would hate me, I just know it. They might even want to beat me up...I guess I'm no good to anyone...not even God. Life is so cruel, and unfair. Sometimes I feel like disappearing from the face of this earth"⁶.

Valentina from Russia

An 18-year-old student from Russia, Valentina told Human Rights Watch: "The school was a living hell. I always felt an atmosphere of hatred. Some teachers spoke out against LGBT people and my classmates supported them. I often faced rude insults, humiliating jokes – harsh words that can even be called threats. It became so unbearable that I decided in my last year [I left the school]"⁷.

Brithany Cervantes from Peru

Because she is a transgender woman, Brithany was stabbed with a broken bottle multiple times and she almost died. A municipal security agent witnessed the attack but did nothing, and he even drove away and left Brithany – who nearly passed out from loss of blood – to her fate when she approached him for help. Transgender women are exposed to the risk of violence because social prejudices make it almost impossible for them to find other means to make a living and they often become sex workers working the streets late at night. Brithany "faces nightly violence, pimps extorting her for using 'their' sidewalk, and hostility and even beatings from law enforcement officials"⁸.



Orisa from Nigeria

A young female doctor from Abuja joined an online dating group and arranged to meet a woman, who was in fact an undercover female police officer. After refusing to pay a bribe, Orisa was reported to the authorities. Although she was not charged with any offence, Orisa lost her job as a doctor and the stigmatisation she suffered was so extreme that she was forced to leave the country⁹.

Robiansyah, Yogi Pranata and Julius from Indonesia

Three transgender women, Robiansyah, Yogi Pranata and Julius, were arrested in an anti-LGBT+ raid by municipal police on a beach on the island of Sumatra. At a local government building, they were given "Islamic guidance" and hosed down with water from a fire truck. The officers claimed that it was a form of "mandi wajib" – an Islamic bathing ritual required to cleanse oneself after sexual intercourse¹⁰.

Eric from Malawi

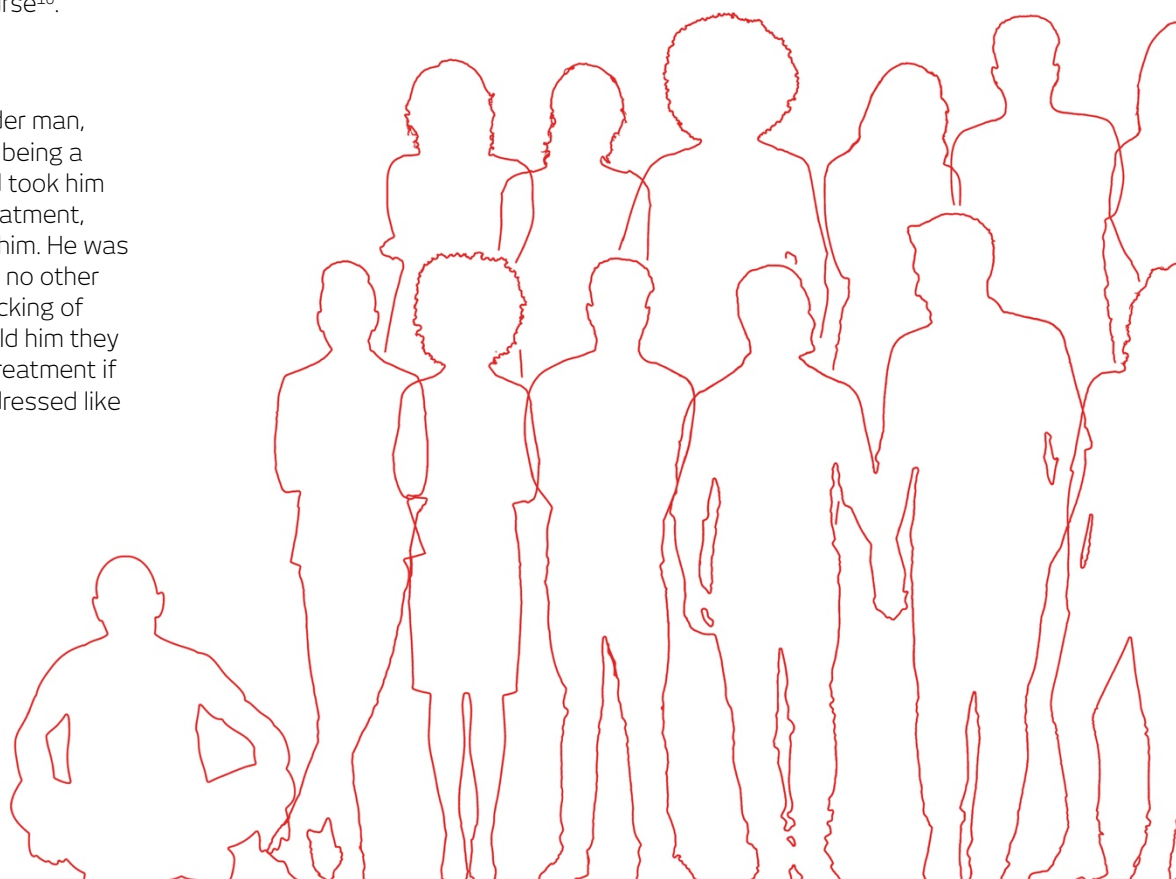
Eric, a 25-year-old transgender man, was physically assaulted for being a "lesbian" and when his friend took him to the hospital to receive treatment, nurses refused to attend to him. He was given pain relief tablets, "but no other medication, no x-rays or checking of anything else" and nurses told him they would only give him proper treatment if he came back the next day dressed like a proper lady¹¹.

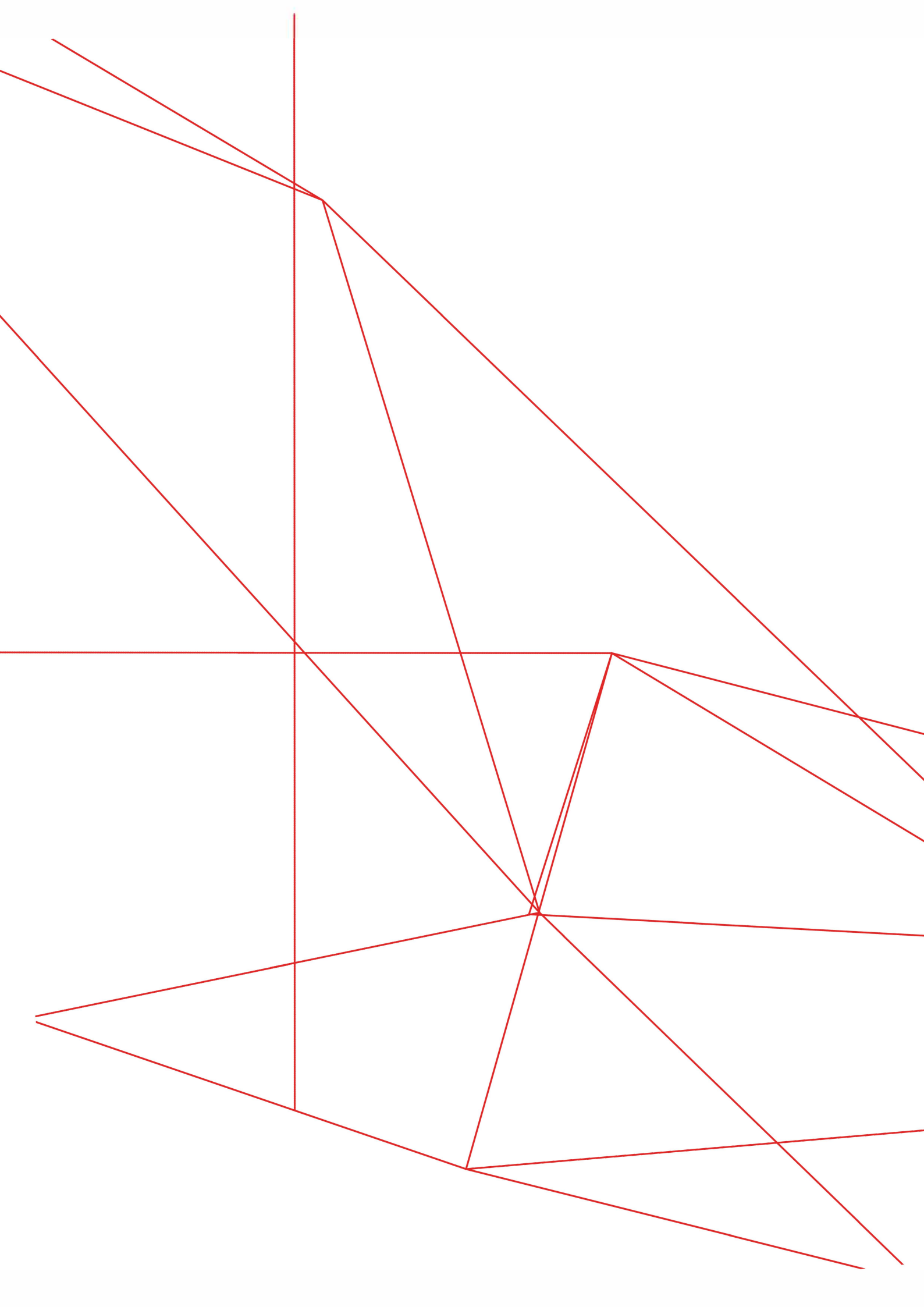
Borys from Ukraine

Borys Zolotchenko is a gay Ukrainian man and was severely beaten by around 10 men ahead of an LGBT+ pride parade he was helping to prepare. Like many people around the world, Borys risks violence to protest for his dignity. "I'm becoming more and more convinced that the March of Equality needs to be organised" he said after the attack. "We must show the authorities and society that safety and equality must be accessible to all Ukrainian citizens"¹².

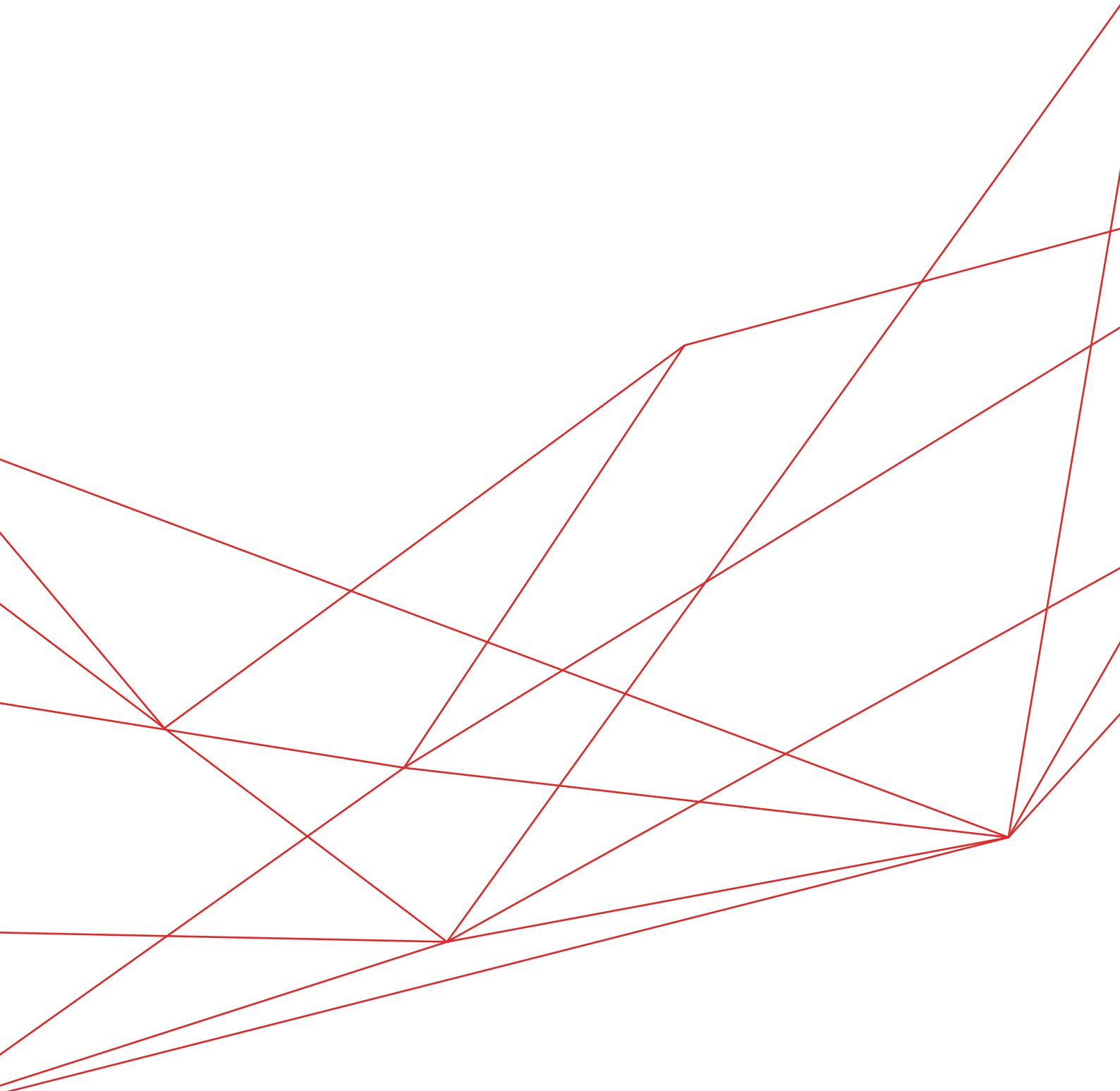
TC from the United States

TC was subjected to conversion therapy in 2012 when he was 15 years old after his parents discovered he was gay. The conversion therapy practices took place in the basement of a church after school hours. TC recalls: "The first step – which usually lasted six months – [is] where they 'deconstruct us as a person.' Their tactics still haunt me. Aversion therapy, shock therapy, harassment and occasional physical abuse. Their goal was to get us to hate ourselves for being LGBTQ...and they knew what they were doing.... The second step of the program, they "rebuilt us in their image." They removed us of everything that made us a unique person, and instead made us a walking, talking, robot for Jesus. They retaught us everything we knew. How to eat, talk, walk, dress, believe, even breathe. We were no longer people at the end of the program"¹³.





Areas of common ground



1. Economic Marginalisation

The Teaching of the Church

Pope Benedict XVI spoke out against “economic marginalisation” and wrote about “the right to a just wage and security of the worker”ⁱ. Pope John Paul II wrote that “*Unemployment* almost always wounds its victim’s dignity and threatens the equilibrium of his life”ⁱⁱ and “Its [the Church’s] desire is that the poor should rise above poverty and wretchedness and should better their condition in life; and for this it strives”ⁱⁱⁱ.

The Impact of Stigmatisation

Employment constitutes the largest part of income for most people, and so is essential to people’s livelihoods – and yet LGBT+ people suffer discrimination during the hiring process, are less likely to be in employment, and earn less than non-LGBT+ counterparts. In many cases, LGBT+ people are explicitly excluded from certain professions. Laws which criminalise same-sex relations in effect institutionalise the economic marginalisation of LGB people.

LGBT+ people are likely to face discrimination in the hiring process

- Experiments in several countries, including the US, UK, Sweden, Belgium, Italy, Greece, Cyprus, Germany, Austria, and Canada, have found that LGBT+ applicants are significantly less likely to be invited for a job interview. CVs were submitted which were near-identical except that some suggested the applicant may be gay by including a reference to volunteering for an LGBT+ organisation¹⁴.
- To get one job interview a gay male applicant would need to apply to 14 jobs, but a heterosexual man would only need to apply to nine, according to one US study¹⁵.

LGBT+ people are less likely to be in employment

- A review of studies comparing the employment of LGBT+ and non-LGBT+ people in OECD countries found an average “employment gap” of 5.9%¹⁶.

Gay and bisexual men earn less than heterosexual men who have the same qualifications

- A review of studies on comparative pay found that the average “pay gap” for gay/bisexual men compared to heterosexual men with the same qualifications was 11%¹⁷.

LGBT+ people may be actively excluded from some professions

- In some countries, occupational licensing requirements for many public and private sector jobs include “moral fitness,” potentially making it harder for openly LGBT+ people to hold such jobs as doctors, dentists, lawyers, or realtors.

The effects of school bullying can follow people into working life

- A study found that those who had been bullied in school – whether homosexual or heterosexual – were less likely to be employed and had lower wages. But those effects were even stronger for gay men, adding to the wage gap they experienced compared to heterosexual men¹⁸.

2. Social Marginalisation

The Teaching of the Church

In the Gospels, Christ gives many examples of continually reaching out to those who felt ignored, excluded or marginalised. Speaking of homosexual men and women, Church teaching states that “They must be accepted with respect, compassion, and sensitivity”^{iv}. Marginalisation is the opposite of participation, and it has to do with the fundamental right to participate in a community’s public life. The Social Doctrine of the Church states that “participation is a duty to be fulfilled consciously by all, with responsibility and with a view to the common good”^v. It is also important for “all human growth”.

The Impact of Stigmatisation

LGBT+ persons are pushed to the margins of society and excluded from the public sphere. They suffer from two distinct types of social marginalisation: first, structural marginalisation includes the denial of access by LGBT+ individuals to public services and denial of participation in public life; second, community marginalisation is exclusion from the life of a community, and may involve ostracization, shaming and violence.

Criminalisation reinforces the social marginalisation of gay people

- Data suggests that the existence of criminalising laws reinforces negative attitudes towards homosexuality¹⁹.
- Conversely, data from a number of countries shows an improvement in public sentiment towards homosexuality (as measured by the proportion of people stating that do not want to live next to a homosexual) following decriminalisation in Belize (2016), Lesotho (2010), Mozambique (2014), Nepal (2008), Nicaragua (2008), and Panama (2008)²⁰.

Media representation reinforces the social marginalisation of LGBT+ people

- LGBT+ persons are often presented as a social anomaly, placed in the same category as shocking news, scandals, or entertainment and depicted as persons with “foreign lifestyles” that are opposite of the traditional local culture.
- Some countries have laws banning positive portrayal of LGBT+ people in media; for example, the Singapore Media Development Authority prohibits the “promotion or glamorization of the homosexual lifestyle”²¹.

LGBT+ refugees suffer from “double marginalisation”

- Data on LGBT+ asylum seekers are patchy, but many LGBT+ claimants have come from Gambia (where former president Yahya Jammeh went on record saying he would eradicate all homosexuals); from Senegal (a country with extremely severe punishments for same-sex relations); and from Egypt (where “public morality” laws are used to target LGBT+ people with raids and mass arrests).
- LGBT+ asylum seekers also come from Chechnya, Iran, Tanzania and Uganda – countries in which persecution of LGBT+ people is widespread.
- LGBT+ refugees frequently find themselves facing both xenophobia and LGBT+ discrimination in their host countries; in the words of the organisation Open Migration, “they live a kind of double stigma”²².

Transgender young people are among the most marginalised and vulnerable in the world

- The United Nations’ Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography reported that transgender young people are among the most marginalised and vulnerable because of the degree of discrimination they experience in housing, education, employment, and health²³.
- Transgender young people suffer further marginalisation when they are alone and unsupported by family and friends, leaving them especially vulnerable to prostitution²⁴.

3. Violence

The Teaching of the Church

In his meeting with representatives of the LGBT+ community, Cardinal Secretary of State Parolin told us, “the teaching of the Church is very clear about the refusal of all kinds of violence against the human person”. Pope Francis has said, “Faith and violence are incompatible”^{vi}. The Congregation for the Doctrine of the Faith has stated, “It is deplorable that homosexual persons have been and are the object of violence in speech or action”^{vii}. Church teaching states that “Peace and violence cannot dwell together, and where there is violence, God cannot be present”^{viii}.

The Impact of Stigmatisation

The evidence shows that laws which criminalise same-sex relations fuel stigma, legitimise prejudice and expose people to violence in public places, in family settings and in institutional contexts, as well as further abuses, such as hate crimes, death threats, and torture. In fact, a report by the United Nations found that the data available suggest that in many parts of the world,

“[LGBT+ people] face the near-certainty of suffering violence during their lives, and that as a general rule they live every day in the awareness and fear of it.”²⁵

The violence reported against LGBT+ persons includes death threats, beatings, corporal punishment imposed as a penalty for same-sex conduct, arbitrary arrest and detention, abduction, incommunicado detention, rape and sexual assault, humiliation, verbal abuse, harassment, bullying, hate speech, and forced medical examinations, including forced anal examinations and so-called “conversion therapy”.

Violence is perpetrated by State agents in connection with laws that criminalise same-sex relations

Examples include:

- Unlawful detention, torture, ill-treatment and killing of LGBT+ individuals in Chechnya in the Russian Federation²⁶.
- Persecution, unlawful arrests and detentions, torture, and ill-treatment in Azerbaijan²⁷, Egypt²⁸, and Indonesia²⁹.
- Forced anal examinations have been reported in Cameroon³⁰, Egypt³¹, Kenya³², Lebanon³³, Tunisia³⁴, Turkmenistan³⁵, Uganda³⁶, and Zambia³⁷. This amounts to torture or ill-treatment and is considered a medically worthless procedure³⁸.

State violence extends into the private space of LGBT+ persons

- Police use social media and GPS-enabled applications, commonly used by gay persons to connect with each other, in order to locate and arrest them, often by means of entrapment. This has been reported in Egypt, Lebanon, Iran, and South Korea³⁹.
- Police are also reported to use personal data stored in mobile phones, including the history of live communications and messages, to identify other persons suspected of being gay, leading to further arrest and detention⁴⁰.

Violence is perpetrated by non-State actors including local militia, gangs, religious extremists, and extreme nationalists

- In Central America, numerous reports have been made of violent attacks against and killings of lesbian, gay, bisexual, trans, and gender non-conforming persons, in particular trans women, by criminal gangs⁴¹.

Violence is perpetrated by partners, family, and local community members

- A study in Asia found that the primary perpetrators of violence against lesbian and bisexual women and trans persons are within the family⁴².
- There are cases of spousal violence by heterosexual husbands of lesbians in forced marriages⁴³.
- A survey showed that 61% of bisexual women and 37% of bisexual men reported having experienced rape, physical violence and/or stalking by an intimate partner, and that 46% of bisexual women had been raped⁴⁴.

Sexual violence may include so-called “corrective rape”

- Lesbian and bisexual women are at risk of becoming victims of rape as punishment or in efforts to “change/correct” their sexual orientation⁴⁵.
- A study of trans men in Ukraine found that a majority have been victims of correctional rape, the abuse occurring on an ongoing basis in many cases⁴⁶.

LGBT+ people may be subject to “conversion therapies” intended to change an individual’s sexual orientation or gender identity and expression

- So-called “conversion therapies” are widely repudiated by major mental health organisations as they may cause severe pain and suffering and lead to depression, anxiety, and suicidal ideation⁴⁷.
- Such treatments may be construed as torture. For example, they may include binding a gay or bisexual man to a table and applying ice, heat and electricity to the body whilst forcing them to watch videos of gay men having sex. The subject is intended to associate these images with pain and develop an aversion to same-sex relations⁴⁸.
- A study shows the extent of this practice at the global level: in the United States of America alone, some 698,000 lesbian, gay, bisexual, trans, or gender non-conforming persons have received “conversion” therapy at some point in their lives, and over half of them reportedly when they were adolescents⁴⁹.

4. Health

The Teaching of the Church

"Life and physical health are precious gifts entrusted to us by God," according to Catechism 2288, which goes on to state that "Concern for the health of its citizens requires that society help in the attainment of living conditions"^{ix}. Catechism 2211 states, "The political community has a duty... to ensure especially, in keeping with the country's institutions, the right to medical care"^x.

The Impact of Stigmatisation

LGBT+ people face poorer health outcomes than the general population worldwide and are more vulnerable to health disparities in countries that do not support LGBT+ inclusion⁵⁰. This is partly because LGBT+ people face barriers in accessing health care – including denial of care, inadequate care – and a reluctance to seek medical attention due to previous experience of or fear of discrimination or criminal penalties.

Stigmatisation leads to poor health outcomes for LGBT+ individuals

- Anti-LGBT+ prejudice, stigma, and discrimination, expose LGBT+ individuals to excess stress, which, in turn, causes adverse health outcomes, resulting in health disparities for LGBT+ individuals compared with heterosexuals⁵¹.

Anti-LGBT+ laws undermine the fight against HIV/AIDS

- The consensus of medical opinion holds that the prospect of criminal prosecution could dissuade, gay and bisexual men and trans women, populations disproportionately burdened by HIV worldwide, from accessing HIV prevention and treatment, thus undermining efforts to reduce HIV transmission⁵².
- Studies from Malawi, Namibia, and Botswana have demonstrated that criminalising same-sex sexual behaviour creates formidable barriers to seeking HIV testing and further services⁵³.
- A study across 38 European countries found that gay and bisexual men living in countries with higher levels of stigma against LGBT+ people had higher odds of sexual risk behaviour, unmet prevention needs, not using testing services, and not discussing their sexuality in testing services⁵⁴.

Criminalising same-sex relations has negative impacts on mental health

- A review of laws in 44 countries which criminalise same-sex conduct between women asserts that the negative effects of these contexts on lesbian and bisexual women include poor mental health and suicide⁵⁵.
- A study of men who have sex with men in Kenya found high levels of depression (16%), compounded by experiencing trauma or abuse, which is considerably higher than the national prevalence of depression (6%)⁵⁶.
- A study of men who have sex with men in Russia found that depressive symptoms have been exacerbated by the passing of anti-gay propaganda laws⁵⁷.

Suicide and suicidal thinking are more common in LGBT+ individuals

- A review of research from seven different countries found that LGB adults are twice as likely as heterosexual adults to have attempted suicide⁵⁸.
- Young LGB people are also at a higher risk of suicide attempts and suicidal thinking, as shown in studies from the United States, Canada, Australia, New Zealand, Guam, Belgium, Switzerland, Norway, Turkey, and Hong Kong⁵⁹.
- A US national survey of 6,000 participants found 41% of transgender respondents reported attempting suicide compared to 4.6% of the general population⁶⁰.

5. Education

The Teaching of the Church

Pope Francis has spoken often about the importance of education, for example: “[Education] is not so much a question of content but of teaching how to think and reason in an integrated way”^{xi}. It is essential for individuals to take their place in society, as Catechism 1917 states: “Participation begins with education and culture”^{xii}.

The Impact of Stigmatisation

LGBT+ people often find it difficult to access education. In many cases, they may be actively excluded from school or university; more often, they suffer violence and bullying, or other forms of harassment and discrimination. Teachers and other school officials are often unsupportive: they may turn a blind eye, or even encourage and participate in the harassment. As a result, LGBT+ people are often disadvantaged in terms of education.

Violence and bullying against LGBT+ people in schools is widespread

- In Mexico, a survey showed that bullying was common against gay boys (75%), lesbian girls (50%), and transgender students (66%)⁶¹.
- In Ecuador, 26% of LGB students reported experiences of physical violence⁶².
- In parts of Africa, violence in schools against “boys who look or act like girls and girls who look or act like boys” is widespread: such violence was reported by 18% of students in Swaziland, 41% in Namibia, and 44% in Lesotho and Botswana⁶³.
- Studies from a number of countries show that LGBT+ students who have been bullied attain lower grades and are less likely to attend college⁶⁴.

Teachers and school officials are often unsupportive of LGBT+ students

- Less than half of LGBT+ students who are bullied at school report those incidents to school officials because they don’t expect support, according to a US study⁶⁵.
- Of those students who did report the incidents, 64% reported that school staff either did nothing or advised them to ignore the abuse⁶⁶.

Teachers and school officials may promote hostility towards LGBT+ students

- Anecdotal evidence from countries including Burundi, Kenya, and India indicates that teachers may actively create an unwelcoming environment for LGBT+ students⁶⁷.
- In Hong Kong, a study found that teachers describe LGBT+ people as “disgusting” and “abnormal”; the same study found that 41% of students believe that LGBT+ people are “psychologically abnormal”⁶⁸.

LGBT+ students may find it harder to access education

- A World Bank study showed that boys are three times more likely to be refused enrolment when described as “feminine” (15%, as opposed to 5%)⁶⁹.
- There are frequent reports of students being expelled for being gay, for example in Colombia⁷⁰, Nigeria⁷¹, Russia⁷², South Africa⁷³, Uganda⁷⁴, and the UAE⁷⁵, as well as Christian schools in the United States⁷⁶.

6. Meaningful Work

The Teaching of the Church

Pope Francis wrote that “Work is a necessity, part of the meaning of life on this earth, a path to growth, human development and personal fulfilment”^{xiii}. Catechism 2427 confirms the importance of work to the human person, citing Genesis (1:28 and 3:14): “*Human work* proceeds directly from persons created in the image of God” and “Work honours the Creator’s gifts and the talents received from him”^{xiv}.

The Impact of Stigmatisation

LGBT+ individuals are unable to fully participate in the life and culture of the workplace, impeding their ability to find personal fulfilment through work. Discrimination against LGBT+ people in the workplace is a global phenomenon, and many may try to conceal their LGBT+ identity. Being comfortable to be yourself and knowing that you are in a workplace that encourages you to be yourself, is a prerequisite to finding fulfilment and meaning through work – and yet this is denied to many LGBT+ people.

Discrimination against LGBT+ people at work is widespread

- In the European Union, a survey of 90,000 LGBT people found about one in five (19%) reported discrimination at work in the prior year. Rates ranged widely across EU countries – from 11% in Denmark and 12% in Holland to 27% in Lithuania and 29% in Cyprus⁷⁷.
- In Brazil, 40% of LGBT+ workers say they have experienced discrimination in the workplace, and 51% believe that it exists⁷⁸.
- In China, a survey of 18,000 LGBT people found that 21% reported some kind of workplace discrimination⁷⁹.
- In Thailand, a survey of more than 2,300 LGBT people found that 29% of lesbians, 19% of gay men, and 60% of transgender people reported workplace discrimination and harassment⁸⁰.
- In Latin America, a survey of more than 2,800 LGBT Ecuadorians found that 44% reported experiencing workplace discrimination. Violence in the workplace was also strikingly common, reported by 22% of the LGBT survey participants⁸¹.

Many workplaces do not protect LGBT+ people from discrimination

- A survey across Hungary, Argentina and South Africa found that many LGBT workers are reluctant to file complaints about discrimination for fear of losing their jobs, because of a lack of confidence in complaints procedures⁸².

Many people feel the need to conceal LGBT+ identities in the workplace

- In the US a random sample of almost 1,200 LGBT+ people showed that half of them are not open to their co-workers⁸³.
- In China, a survey of 18,000 LGBT people found that three-quarters were not out in their workplaces⁸⁴.

LGBT+ people may be typecast into certain fields of employment

- In Argentina, a study found that gay men may be encouraged to work in call centres and in customer services, while being discouraged from working in the mining sector⁸⁵.
- Trans women report finding greater social acceptance and better pay in the entertainment sectors and in sex work⁸⁶.

7. Economic Initiative

The Teaching of the Church

Pope John Paul II wrote of the importance of “economic initiative” – what we might call entrepreneurialism or enterprise – on two levels: for the person and for the development of society. “Everyone has the *right of economic initiative*, everyone should make legitimate use of his talents to contribute to the abundance that will benefit all”, and “Development demands above all a spirit of initiative on the part of the countries which need it”^{xv}. Vatican II links this spirit to economic development: “technical progress, an inventive spirit, an eagerness to create and to expand enterprises ... all the elements of development must be promoted”^{xvi}.

The Impact of Stigmatisation

The capacity to foster economic initiative and innovation is a key driver of progress and development. This is particularly true at a time of global disruptive technological change, when a country’s industrial and economic orientation may quickly change. The evidence shows that innovation and LGBT+ inclusion go hand-in-hand.

LGBT+ inclusive economies are better able to innovate

- The Global Innovation Index measures country innovation (e.g. R&D spend, IT infrastructure, education, knowledge creation and impact). The index correlates strongly with net approval of same-sex relations, with a value of 0.74⁸⁷.
- Data from 100 major cities around the world shows that LGBT+ inclusion is a predictor of the potential for innovation in a city: the stronger the performance on LGBT+ inclusion, the more likely a city is to provide an enabling environment for innovation⁸⁸.
- Conversely, those cities where discrimination against LGBT+ people is prevalent have lower levels of innovation⁸⁹.

LGBT+ inclusive economies have higher rates of entrepreneurialism

- A diverse population with different lifestyle patterns has been found to stimulate innovation and leads to new forms of production.
- Research has found that there are higher levels of new firm creation in cities with a greater proportion of gay male residents – particularly in higher value service sectors⁹⁰.
- This may be because more diverse cities have low barriers of entry for highly skilled workers, and these workers are more likely to create innovative new businesses⁹¹.



It is not just about technological innovation, but innovation in the broad sense. And it concerns an atmosphere of tolerance, free expression and cosmopolitanism, all characteristics of ... the “open society”. Today, they are highly conducive to the generation and dissemination of ideas, and to entrepreneurship, innovation and economic growth.

World Economic Forum⁹²



Innovation ecosystems need to be understood as a community or combination of communities, where the social dimension is critical.

World Bank⁹³

8. Development

The Teaching of the Church

Catechism 1908 states, "The common good requires the *social well-being* and *development* of the group itself. Development is the epitome of all social duties. Certainly, it is the proper function of authority to arbitrate, in the name of the common good, between various particular interests; but it should make accessible to each what is needed to lead a truly human life: food, clothing, health, work, education and culture, suitable information, the right to establish a family, and so on"^{xvii}.

The Impact of Stigmatisation

LGBT+ inclusive societies are better able to develop economically and provide for the wellbeing of their citizens; by contrast, the evidence shows that discrimination against LGBT+ people acts as a brake on development.

Stigma, discrimination and violence against LGBT+ people impact on the UN Sustainable Development Goals

- Agenda 2030 adopted by the UN General Assembly in September 2015 committed all member States to implement development in a way that "leaves no one behind"⁹⁴.
- Former UN Secretary General Ban Ki Moon asserted that achieving UN Sustainable Development Goals will only be realised if member States reach all people, regardless of their sexual orientation or gender identity⁹⁵.
- UN agencies, academia, and civil society organisations have documented the negative impact of discrimination and violence against LGBT+ people inter alia on education, health, employment, housing, access to water and sanitation, social protection, access to justice, and food security⁹⁶.
- Mounting evidence suggests that stigma, violence and discrimination against LGBT+ individuals significantly hinder social and economic progress. According to the UN, this has "a direct impact on national ability to achieve sustainable development goals"⁹⁷.

Criminalising same-sex relations undermines economic development

- A recent study of legal and economic data for 132 countries from 1966-2011 shows that economic harms are caused by limitations of LGB rights – such as lost labour time, lost productivity, underinvestment in human capital, and the inefficient allocation of human resources.
- The study looks at eight categories of legal recognition and protection for LGB people, such as decriminalisation, anti-discrimination, and partnership recognition, and finds that the addition of one category is associated with an increase in real GDP per capita of just over \$2,000⁹⁸.

Countries with LGBT+ discrimination are often held back by corruption

- Data shows a link between corruption and attitudes towards LGBT+ people. There is a correlation between Transparency International's Corruption Perception Index and data on attitudes to same-sex relations with a value of 0.63⁹⁹.
- Anti-LGBT+ countries often resist anti-corruption efforts: of the 15 states that have not ratified the UN Convention on Corruption, same-sex sexual relations are illegal in nine of them, and LGBT+ people face legal challenges in the remaining six countries¹⁰⁰.
- Hostility to LGBT+ groups signals a broader lack of openness: governments that shut down NGOs focusing on LGBT+ issues also obstruct those focusing on corruption, term limits, land rights, censorship, environmental protection, women's rights, and fair treatment for minorities¹⁰¹.

Countries with LGBT+ discrimination are less able to attract Foreign Direct Investment (FDI)

- For emerging and developing economies, FDI is a significant component of growth. However, evidence shows that emerging markets that are less open and inclusive attract less FDI¹⁰².
- Foreign Direct Investment data shows that inward FDI flows are positively correlated with societal acceptance of homosexuality as a way of life. The same study shows that more tolerant countries also get better sovereign debt ratings¹⁰³.
- LGB inclusion is a predictor of higher Foreign Direct Investment: this is shown by cross-national correlations of FDI with attitudes to homosexuality. For example, if Jordan's attitudes towards homosexuality adopted those in the most tolerant emerging markets, one would expect FDI in Jordan to double¹⁰⁴.

LGBT+ discrimination results in a 'brain drain' – the emigration of talented and skilled individuals

- The UN and the OECD report that migration for work has risen by one-third since 2000. This includes a high number of skilled workers: for example, one in nine university graduates from Africa now lives and works in the West. Many will not return: skilled workers are six times more likely to stay away¹⁰⁵.
- Skilled workers emigrate to more LGBT+ inclusive countries: reports claim that significant emigration as a result of anti-LGBT+ environments has taken place in India, Jamaica, Nigeria, Russia, and Uganda¹⁰⁶.

9. Dignity

The Teaching of the Church

The Congregation for the Doctrine of the Faith has stated that every person “has a fundamental identity: a creature of God, and by grace, his child and heir to eternal life,” and further that “The intrinsic dignity of each person must always be respected in word, in action *and in law*” (italics added)^{xviii}. Pope John Paul II wrote that “At stake is the dignity of the human person, whose defence and promotion have been entrusted to us by the Creator”^{xix}. Vatican II states that “although rightful differences exist between men, the equal dignity of persons demands that a more humane and just condition of life be brought about”^{xx}.

The Impact of Stigmatisation

Dignity is the value and respect due to a person for their own sake, and criminalising same-sex relations creates stigmatisation of gay people that undermines this dignity. Sex characteristics, sexual orientation, and gender identity are integral aspects of our selves, according to the United Nations¹⁰⁷. As the preceding pages make clear, LGBT+ individuals are subject to violence, discrimination, and harassment, they are economically and socially marginalised, and they have reduced access to education, health care and meaningful work. The dignity of LGBT+ persons is further undermined by systematic humiliation, degradation, infringement of privacy and the disruption of family life.

LGBT+ people are subject to systemic humiliation and degradation

- In Indonesia, there are reports of LGBT+ people being “hosed down” by fire trucks as part of what it called a ‘mandatory bath’, or ghusl – presumably a symbolic cleansing designed as a public humiliation¹⁰⁸.
- In Mali, false social media profiles have been used to “hunt homosexuals” in order to “expose and humiliate” them¹⁰⁹.
- In Europe, LGBT+ asylum seekers seeking refuge from criminalising countries are often subject to humiliating interrogations to “prove” their sexual orientation or gender identity and face discrimination and violence from other asylees¹¹⁰.
- In Azerbaijan, people are reported to be detaining transgender people and cutting their hair off¹¹¹.
- In Bangladesh, although LGBT+ individuals are rarely prosecuted, they face public shaming from law enforcement officials¹¹².
- In Cameroon, LGBT+ people in custody are humiliated by being forced to show their genitals so that police officers can take photographs of them¹¹³.
- Degrading forms of violence suffered by LGBT+ individuals include torture, forced medical exams, conversion therapies, and sexual violence.

LGBT+ people are subject to violations of privacy

- In Tunisia, the government is confiscating and searching gay men’s phones and computers, using personal data and conducting forced anal exams in order to gather evidence for prosecutions¹¹⁴.
- In Bangladesh, police raided a private LGBT+ gathering and paraded the detainees in front of the media¹¹⁵.
- In Egypt, the government bought surveillance technology from a cybersecurity firm, which is being used to monitor conversations between LGBT+ people¹¹⁶.
- In Kenya, health care providers have breached the privacy and confidentiality of LGBT people by exposing their sexual orientation¹¹⁷.

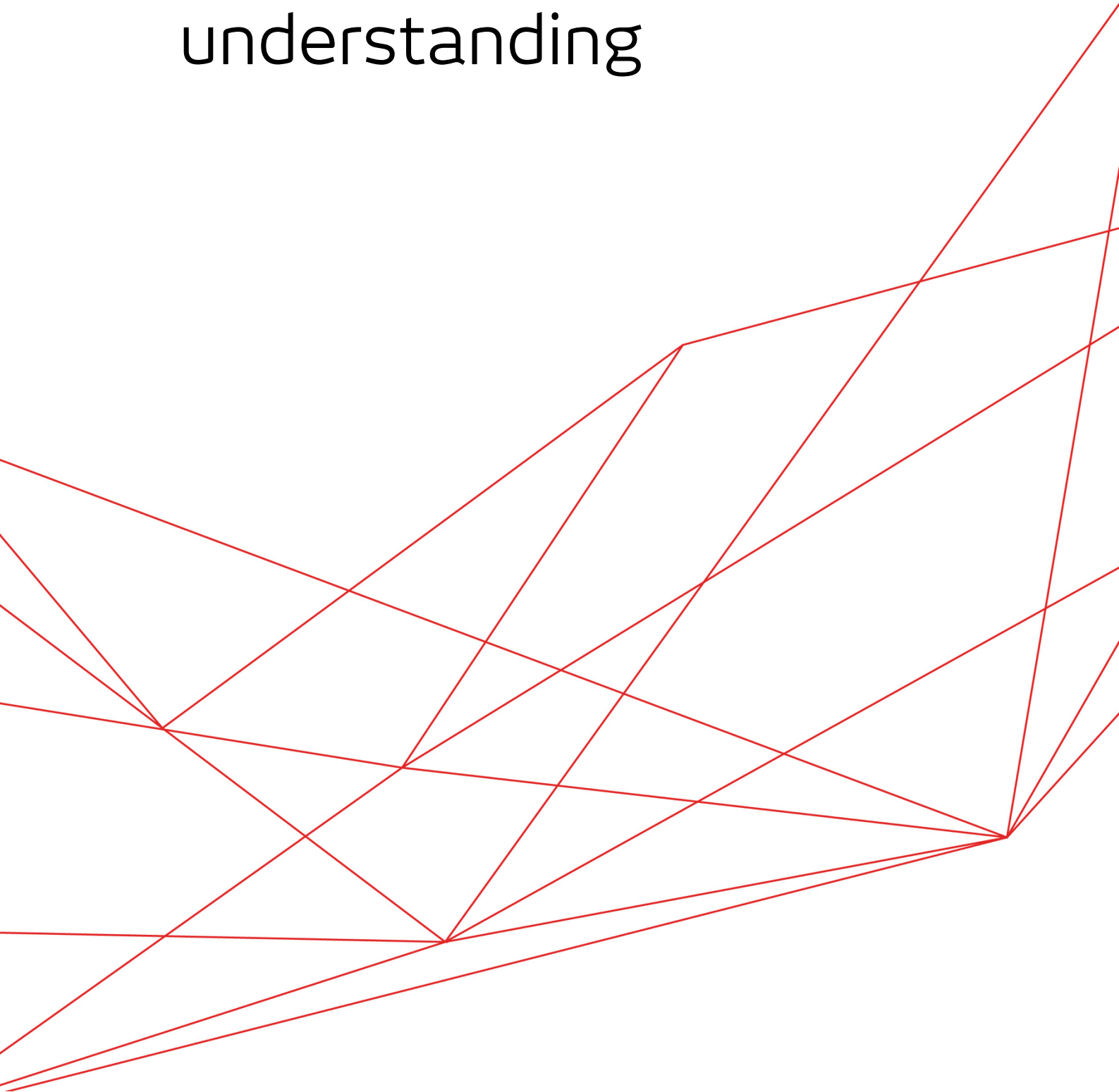
LGBT+ people are subject to extortion and blackmail

- A survey of gay men in Malawi, Namibia, and Botswana found that blackmail was one of the most prevalent human rights abuses they faced, with 18% of those in Malawi, 21.3% of those in Namibia, and 26.5% of those in Botswana reporting incidents of blackmail¹¹⁸.
- A study in Abuja, Nigeria, similarly suggested that 23.1% of respondents had been victims of blackmail¹¹⁹.
- A survey of LGBT+ people in Lebanon and Syria showed they had been sexually and financially exploited by armed actors or civilians at the risk of having their identity revealed¹²⁰.
- In Ghana, people set up fake online profiles in order to gather evidence against LGBT+ people that can be used to blackmail them¹²¹.
- Even a false claim that someone is LGBT may create such reputational damage and legal difficulty that a person will pay to silence rumours.
- A report on blackmail experienced by LGBT people in Sub-Saharan Africa by OutRight Action International found that “It completes the... exclusion from the realm of dignity”¹²².

The dignity of the family is undermined by stigmatisation of LGBT+ people

- LGBT+ people form part of families – as children, parents, grandparents, spouses, siblings – and the violence, abuse, and discrimination that they face also negatively affects their families and communities.
- A study in Asia found that the primary perpetrators of violence against lesbian and bisexual women and trans people are within the family¹²³.
- Stigmatisation robs many LGBT+ people, including youth, of safe, caring, and nurturing family environments.

Towards a shared understanding



The origin of modern laws that criminalise homosexuality

LAWS THAT CRIMINALISE SAME-SEX SEXUAL ACTIVITY HAVE THEIR ROOTS IN POWER AND POLITICS, RATHER THAN CONCERN FOR PUBLIC GOOD.

The first secular law that made homosexuality a crime was introduced in England by King Henry VIII in 1533. The Buggery Act carried the death sentence and provided for the seizure of property. Historians argue that part of the justification for England's disengagement from the Roman Catholic Church was based on stigmatisation of homosexuality: monasteries in England were portrayed as dens of '*manifest sin, vicious carnal, and abominable living*', and the law was used to appropriate the Church's assets¹²⁴. Modern laws that criminalise homosexuality therefore have their origins not in morality or concern for public good, but in power and politics.

The criminalisation of homosexuality spread as England's global influence grew. In North America, such laws began to be associated with religion: for example, the East New Jersey law of 1683 described the crime of buggery as an '*offense against God*', and the Massachusetts Bay code of 1641 imposed the death sentence for buggery, heresy, witchcraft, and blasphemy¹²⁵. As Britain's Empire expanded, so the laws spread: the Indian Penal Code of 1860 was exported to Malaysia and East Africa, and the 1861 Offences Against the Person Act and the 1885 Criminal Law Amendment Act were rolled out across West Africa and the Caribbean.

Today, up to 45 countries retain British laws that criminalise homosexuality, either imposed directly via British rule, or imported by jurisdictions whose laws are based in whole or in part on the laws that were imposed in British colonies. The colonies of other imperial powers do not suffer such a legacy: France, Spain, Belgium, Italy, and The Netherlands based their legal systems upon Roman law and Napoleon's civil code. The latter was deeply influenced by the spirit of liberty and the Enlightenment and said nothing on homosexuality¹²⁶.

A number of Muslim-majority countries criminalise homosexuality, usually because they incorporate Sharia law into their criminal law. However most Muslim-majority countries do not criminalise, and a report by the Human Dignity Trust finds there is no "clear and direct" causal connection between Islam and criminalisation¹²⁷.

Therefore, the majority of modern laws criminalising homosexuality are relics of the British empire. They can be seen as part of a broader exercise of establishing control on populations by imposing "moral order". For instance, the Indian Penal Code of 1860 made a crime of '*carnal knowledge against the order of nature*' and '*gross indecency*'. Historians point out that references to '*the order of nature*', '*gross*' and '*indecency*' bring an unusually moralistic undertone to the laws¹²⁸.

In Britain, Theresa May recognised this legacy of empire: "As the UK's Prime Minister, I deeply regret both the fact that such laws were introduced, and the legacy of discrimination, violence and even death that persists today." She went on, "As a family of nations we must respect one another's cultures and traditions. But we must do so in a manner consistent with our common value of equality"¹²⁹.

Religious freedom and the human rights of LGBT+ people

THE RIGHT TO RELIGIOUS FREEDOM IS BEING USED TO JUSTIFY LGBT+ DISCRIMINATION. RELIGIOUS EXEMPTION LAWS ARE NOT BORN OF A NEUTRAL CONCERN WITH RELIGIOUS FREEDOM, BUT CAUSE REAL HARM TO LGBT+ PEOPLE.

Recent years have seen serious threats to religious freedoms in many parts of the world: Christians are harassed, and churches attacked in North Africa; Orthodox Christians and Jehovah's Witnesses are persecuted in Russia; anti-Semitism and Islamophobia are on the rise across Europe and the United States. As Cardinal Secretary of State Cardinal Parolin observed recently, this widespread threat to religious freedom "strikes at the very core of the enjoyment of fundamental human rights"¹³⁰.

Many in the international business community share this concern for the right to religious freedom, as part of their respect for fundamental human rights. For example, the coalition partners of Open For Business have codes of conduct that prohibit discrimination on the basis of a person's religious cultural identity or their religious beliefs. Religious freedom is an integral part of any commitment to workplace equality and inclusion.

The right to religious freedom is established in a number of international and regional human rights treaties, and has three key components¹³¹:

- a) **Internal:** There is an absolute right to possess one's own religion, thoughts, and beliefs. Nobody can be told what to believe.
- b) **External:** There is also a right to *manifest* one's religion, for example, praying with others and conduct such as wearing certain clothes or items.
- c) **Freedom from coercion:** Religion cannot be imposed by the state on individuals. This includes the right *not* to believe in any religion.

These rights and freedoms are intended to protect against the persecutions described above. However, in a number of countries the right to religious freedom is being invoked to justify discrimination against LGBT+ people. This is occurring

in domains as diverse as employment, education, health care, and housing. Increasingly, religious freedom is being cited as a basis to deny products and services to LGBT+ people.

In jurisdictions which have legal non-discrimination protections in place, "religious exemption" laws have been passed which allow discrimination against LGBT+ people. When this exemption is applied, LGBT+ people have no clear recourse when they are fired, evicted, or refused service because of their sexual orientation or gender identity. In addition, as Human Rights Watch point out,

*"Such laws also threaten the basic dignity of LGBT people, sending a clear message that their rights and well-being are not valued and are contingent on the goodwill of others"*¹³².

Real Lives: Religious Exemption Laws Cause Harm

Testimony from the United States demonstrates that religious exemption laws can cause suffering to LGBT+ people, particularly at times when they are in need of help:

- The mother of a gay teenage boy called a paediatric practice about his upcoming check-up and she said, "we've seen you our whole life and our son is gay, and we just wanted to make sure it wouldn't be an issue." The paediatrician said, "you need to understand this is a Christian-based office and we may not be a good fit for your family any longer." And this happens all the time¹³³.
- Krista and Jami Contreras, a lesbian couple in Michigan, brought their new-born infant to the paediatrician for her first check-up and were told that the paediatrician had decided she could not see the infant – who was six days old – because of her religious objections¹³⁴.

- Bobby, an 18-year-old man suffering acute anxiety related to his sexual orientation and gender identity, found it difficult to find a therapist or counsellor who would work with him. On one occasion he was told, "we don't treat that here"¹³⁵.
- Jack Zawadski found it difficult to find a funeral home that would transport and cremate the body of his late husband, Robert Huskey. One business reneged on a contract when it found out they were a same-sex couple. Zawadski and his family had to cancel Huskey's memorial service and transport his body to a crematorium 90 miles away¹³⁶.

In each of these stories, professionals are able to deny providing a service if they feel that doing so conflicts with their religious or moral beliefs. In this way, religious exemption laws limit the possibility for compassion, and obscure any concern for the well-being of the person who is asking for help.

Towards a more constructive dialogue

It does not appear that religious exemption laws are born of a neutral concern with the right to religious freedom; instead, they seem to be part of a backlash against gains in LGBT+ equality and can be seen as expressions of hostility towards LGBT+ people. Despite evidence that these laws cause harm, lawmakers display little regard for the dignity and welfare of those who are turned away.

If religious exemption laws spread further, they will reinforce the stigmatisation and social marginalisation of LGBT+ people. The appeal to religious freedom encourages a rhetoric that embraces discrimination against LGBT+ people. It polarises the public debate and strengthens the notion that religious belief is incompatible with respecting the dignity of LGBT+ people.

Open For Business coalition partners are committed to non-discrimination in

relation to employees, customers, suppliers, and partners, and are working to tackle discrimination in the workplace and beyond. Religious exemption laws run counter to this commitment.

The evidence is clear: embracing the LGBT+ community is good for business and good for economic development. Discrimination against LGBT+ persons has consequences which counter the teaching of the Church. Here, perhaps, lies the ground for a more constructive dialogue on religious freedom and the human rights of LGBT+ people.

Inclusion for trans people

MISUNDERSTANDINGS ABOUT TRANS ISSUES MAY CAUSE FURTHER MARGINALISATION AND EXCLUSION FOR TRANS PEOPLE.

A journey of understanding

The business world, like the Catholic Church, continues a journey of understanding on trans issues. Many companies are learning what it means to treat trans employees fairly and with dignity – for example, providing support during transition, recognising name changes, ensuring confidentiality and data protection, providing appropriate access to facilities such as bathrooms, and creating a workplace culture that values inclusion and is free from discrimination.

The Catholic Church is also learning what it means to treat trans people with dignity. Pope Francis said that trans people “must be accompanied as Jesus accompanied them”¹³⁷. When a trans Catholic man wrote to Pope Francis to say that he had become estranged from the Church since his transition, he received a surprise phone call from the Pope and subsequently met him in person. In an account of the meeting, he said the Pope helped him overcome the pain of rejection. “Today, my soul is in peace”, he said¹³⁸.

Attitudes are shifting. According to a recent survey of Catholics in the United States, 68% say they feel more supportive towards transgender rights than they did five years ago¹³⁹. This reflects a broader journey of understanding that the world is taking. As recently as May 2019, the World Health Organization announced that transgender is no longer classified as a mental health disorder. Instead, it will be classified under sexual health, in order to “reduce the stigma while also ensuring access to necessary health interventions”¹⁴⁰.

Common ground on trans rights

In June – Pride month in many countries – the Church released its first extensive document on gender theory, calling for a new dialogue on trans issues. Although the document raised many concerns in the trans community, it is an important first step in a dialogue.

The Vatican document is called *Male and Female He Created Them: Towards a Path of Dialogue on the Question of Gender Theory in Education* and is intended to be a guide for Catholic schools and their staff. It was published by the Congregation for Catholic Education, and sets out clear “points of agreement, with a potential to yield growth in mutual understanding”. These points include the following:

- Any dialogue must begin with a clear acknowledgment that there have been failings to combat unjust discrimination “through the centuries”. The document speaks of “a certain rigid *status quo*, delaying the necessary and progressive inculturation of the truth of Jesus’ proclamation of the *equal dignity of men and women*”.
- The document identifies within the Church “a sort of masculinist mentality, veiled to a greater or lesser degree by religious motives.”
- The document emphasises the need “to respect every person in their particularity and difference, so that no one should suffer bullying, violence, insults or unjust discrimination based on their specific characteristics (such as special needs, race, religion, sexual tendencies, etc.)”
- The document argues that an important role of education lies in “educating for active and responsible citizenship, which is marked by the ability to welcome all legitimate expressions of human personhood with respect.”

FOUR KEY AREAS OF MISUNDERSTANDING ARE OUTLINED AS FOLLOWS:

#1 GENDER IS NOT THE SAME AS BIOLOGICAL SEX

#2 GENDER IDENTITY IS NOT A MATTER OF INDIVIDUAL CHOICE

#3 BEING A TRANS PERSON IS NOT AN IDEOLOGICAL POSITION

#4 TRANSGENDER IS NOT A NEW PHENOMENON

The suffering of trans people

The Church teaches the importance of compassion for those who suffer, and elsewhere in this report we present examples of how stigmatisation causes real suffering for trans people:

- 41% of trans people in the US have attempted suicide compared to 4.6% of the general population¹⁴¹.
- Trans people may be subject to cruel and degrading treatment such as having their hair cut off, forced nudity, being forced to wear men's clothes, and other forms of public humiliation.
- Trans men are subject to "corrective rape".
- Transgender young people are among the most marginalised and vulnerable in the world because of the degree of discrimination they experience in housing, education, employment, and health¹⁴².
- Transgender young people suffer further marginalisation when they are alone and unsupported by family and friends, leaving them especially vulnerable to prostitution¹⁴³.
- Trans people face high levels of discrimination in the workplace, and in many cases will find acceptance and better pay in sex work.

Points of difference

The "points of agreement" outlined in the Vatican document are a good starting point for a meaningful journey of understanding on trans issues. However, the overall critique of the Vatican document does not accommodate the real-life experience of trans people. It perpetuates some misconceptions which have contributed to the stigmatisation of the trans community.

Some have suggested that this document will add to the suffering of trans people, not reduce it. As one transgender Catholic said, "there are those who will be attacked and marginalised by people who will find justification for their prejudice in this paper. All of that is heart-breaking"¹⁴⁴.

#1 Gender is not the same as biological sex

The document calls on Catholic schools to teach young people that gender is fixed at birth and holds that "gender theory" has misled people to think that gender is different from biological sex. This is in direct contrast with medical definitions of gender and biological sex.

For example, the World Health Organization writes:

"Gender is used to describe the characteristics of women and men that are socially constructed, while sex refers to those that are biologically determined. People are born female or male but learn to be girls and boys who grow into women and men. This learned behaviour makes up gender identity and determines gender roles"¹⁴⁵.

#2 Gender identity is not a matter of individual choice

A central part of the critique offered in the document is that "gender theory" is "founded on nothing more than a confused concept of freedom in the realm of feelings and wants, or momentary desires provoked by emotional impulses and the will of the individual, as opposed to anything based on the truths of existence". It argues that "Human identity is consigned to the individual's choice".

However, arguing for trans rights is not the same as arguing that gender identity is simply a matter of individual choice. Instead, being a trans person is a response to gender incongruence, which is described by the World Health Organization's International Classification of Diseases (ICD) as "characterised by a marked and persistent incongruence between an individual's experienced gender and the assigned sex"¹⁴⁶.

#3 Being a trans person is not an ideological position

Several times the document refers to "ideology"; the medical literature clearly shows that being trans is much more than simply a response to ideology¹⁴⁷. The document uses the term "gender theory"; trans advocates point out that this term places the rights of trans people in the realms of conjecture and doctrine, whereas in fact there is an established body of scientific knowledge on trans issues¹⁴⁸.

#4 Transgender is not a new phenomenon

The document positions transgender as a new development, associated with "post-modern culture" and "new anthropological theories". There is considerable historical and anthropological evidence to the contrary. For example, Sumerian and Akkadian texts from 4,500 years ago document transgender priests¹⁴⁹. In a number of ancient cultures there are accounts of what might be described

as non-binary or third-gender people, and of gender dysphoria and sex reassignment surgery – including in Ancient Egypt and across Africa, indigenous peoples in the Americas, Viking-era Norse, medieval Europe,

China, and Japan¹⁵⁰. There was even a Roman emperor, Elagabalus (d. 222 CE), who preferred to be called a lady not a lord, who wanted to change gender and has been seen as an early trans figure¹⁵¹.

Real trans lives

UNDERSTANDING THE IMPACTS OF LAWS THAT DISCRIMINATE AGAINST TRANS PEOPLE.

Mother of a transgender girl, United States

The mother of a transgender girl describes the caring response from her daughter's Catholic primary school and from their parish sister, who told her: "The world is changing, and the Church can be slow to catch up. But your child should be treated with love, compassion and kindness. Who are we to turn our backs on her?" The mother adds, "My child's transition has not led to the 'destabilisation of the family institution'. If anything, family bonds are stronger"¹⁵².

Ji-a, trans woman, South Korea

A trans woman in South Korea responds to the notion of choice: "Do you really think I would choose this? I've lost jobs, I've been attacked, I've been humiliated over and over again. This isn't a choice for me, it's who I am. I know the Church thinks this is just some kind of gender consumerism. But nobody would go through what I've been through unless they really had no choice"¹⁵³.

Ariel Nobre, Brazil

Ariel grew up in a devout Church-going family. Designated female at birth, he identified as male and was sent to a conversion therapy centre at 18. "They wanted to cure me," he says. "I stayed there six months. Then I quit the Church completely". By 27 his life had become very difficult. He was violently attacked and saw little hope for a better future. "I had no prospects for life, for work, for love," he said. "I chose to kill myself." Nobre survived his ordeal and has since become an artist and filmmaker¹⁵⁴.

Sr. Luisa Derouen, United States

"Acknowledging and claiming their truth as transgender is a profoundly spiritual experience for many transgender people," says Sr. Derouen, who ministers to the trans people. "[They] have struggled to be honest with themselves, those they love, and with God far more than most people. [One of my trans friends] says, 'I'd rather be hated for who I am than loved for who I am not.' How many of us can say that "living in our truth" is as important as it is for transgender people"¹⁵⁵.

Leah Hintz, United States

Leah Hintz, who is transgender, live-tweeted coming out to her Catholic grandmother, who responded, "You've always been so kind and sensitive. Now I see femininity in those memories. I'm proud of you for recognising who you are and living as your true self. You're a beautiful woman and, no matter who you become, I love you"¹⁵⁶.

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About the author



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Jon is a Partner at Brunswick, where he works with companies on how they can make a more positive societal contribution. He founded Open For Business, a coalition of global companies

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