



EQUALITY FOR ALL ACT OF 2020

The Women's Human Rights Campaign-USA (WHRC USA) has grave concerns about the potential passage of the Equality Act (H.R. 5) as written.

- The current version of the Act adds “gender identity” to the list of protected characteristics in civil rights law which would completely negate the existing sex-based rights of women and girls.
- While the Act aims to add protections for sexual orientation which is both necessary and long overdue, it is actually homophobic in that it conflates sex and gender. Sex is biologically determined at conception and observed and recorded at birth, while gender is nothing more than sex-based stereotypical roles that society rigidly expects men and women to conform to.

The proposed Equality for All Act (EFAA) would prohibit discrimination on the basis of sexual orientation and nonconformity to sex-based stereotypes, while maintaining the existing sex-based protections for women and girls. WHRC USA hopes that a member of Congress will consider introducing the EFAA as an alternative to the current version of the Equality Act.

The EFAA would prohibit discrimination on the basis of sex, sexual orientation, and nonconformity to sex-based stereotypes by:

- completely eliminating the term “gender identity” from the document and replacing it with “nonconformity to sex-based stereotypes;”
- adding the words “of a female person” to follow the phrase “... or on the basis of pregnancy, childbirth, or a related medical condition” wherever it appears in the original document;
- removing any references to “transgender” or “queer”, while maintaining references to lesbian, gay, and bisexual persons;
- replacing the phrase “sex (including sexual orientation and gender identity)” with “sex, sexual orientation, and nonconformity to sex-based stereotypes” wherever it appears in the original document, as we feel strongly that ‘sex’, ‘sexual orientation’ and ‘nonconformity to sex-based stereotypes’ should all stand alone as equally protected characteristics as opposed to as qualifiers; and by
- providing clear, non-circular definitions for any terms the document references.

WHRC USA is the American chapter of an international organization dedicated to protecting women's sex-based rights. Our founding document, the Declaration on Women's Sex-Based Rights, re-affirms women and girls' sex-based rights as enumerated in the 1979 *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) and subsequent international agreements, and challenges the discrimination we experience from the replacement of the category of sex with that of ‘gender identity’. The Declaration is a clear call to law and policy makers to retain the sex-based biological definition of woman. WHRC is a nonpartisan organization.