

WHRC submission to the Independent Expert on protection against violence and discrimination based on sexual orientation and 'gender identity'

February 2021

The Women's Human Rights Campaign is an international organisation based in the UK. It was set up in early 2019 to promote the Declaration on Women's Sex-Based Rights, <https://www.womensdeclaration.com> which reaffirms women's hard-won human rights, as defined by CEDAW, and argues that these rights are undermined or overturned by the admission of men who consider that they have a feminine gender identity to the category of women. The WHRC has been signed by 15,172 individuals in 124 countries, and by 313 Organisations.

WHRC runs voluntary weekly webinars featuring global women's groups that are signed up to the Declaration, which now has 15,000 signatures and growing. The purpose of our webinars is to report on the progress, lack or loss of women's and girls' rights as set out in CHR and CEDAW/CSW. The information garnered from these weekly reports indicate an alarming trend towards the loss of women and girls' established rights and protections. WHRC receives no funding or support for our effort to protect the sex-based rights of women and girls across the globe.

The tone levelled towards 'gender critical' (GC) groups and organisations in the 'Objectives of the Report' is alarming. It suggests an 'independent' UN expert has an existing bias against feminists and groups who challenge 'gender theory/ideology'. 'Gender ideology' is supported by institutions, governments and lobbyists throughout the world and has achieved an enormous impact and global reach. Given the extent of this influence, it is concerning that Mr Madrigal-Borloz promotes assumptions that place women in the invidious position of being accused of 'fuelling violence' and discrimination towards SOGI agendas. Report from the UN, CEDAW and CSW themselves indicate that women and girls remain the majority of the victims of male violence and are certainly not its orchestrators.

WHRC is concerned only with the preservation of the sex-based rights of women and girls, and how any changes to these protections by states or organisations such as the UN and CEDAW will impact the already underprivileged lives of women and girls globally. The assumption that feminist and GC groups are acting to 'regress' LGBT rights is disingenuous and threatens our liberty to question policies that harm us. Women and girls throughout the world face the loss of single sex spaces and services – and threats of violence, rape and loss of their livelihoods if they speak out. Rights must be balanced fairly and equitably. WHRC abhors violence against people who are same sex attracted and those who reject sex stereotypes. We argue that the adoption of 'gender theory' as outlined in the Thematic Review Objectives must not be conflated with the material reality of biological sex that impacts the lives of women and girls (and men and boys), and that it directly contradicts CEDAW, the CHR and the CSW.

WHRC's Declaration on Women's Sex-Based Rights comprises article 1-9 that reaffirm women's sex-based rights, as follows that WHRC believes addresses for our perspectives the questions raised by the Thematics Review.

Article 1. Reaffirming that the rights of women are based on the

category of sex

WHRC argues that states should maintain the category of sex and not replace it with 'gender' or 'gender identity'. WHRC asserts that what the SOGI expert describes as 'gender theory' would endanger women's and girls' legal, policy and state protections. Women campaigning for the retention of their globally established rights under the UN HRC/CEDAW is not an act of exclusion. Redefining the boundaries that are unique to the sex-based category known as woman seeks to render the category meaningless.

Article 2. Reaffirming the nature of motherhood as an exclusively female status

WHRC asserts that the use of the term 'mother' should not include men, for whom the term 'father' should be reserved. A recent UK court case and appeal have confirmed that mothers who claim a female 'gender identity' must still be referred to as 'mother' on a child's birth certificate.

Article 3 Reaffirming the rights of women and girls to physical and reproductive integrity

WHRC challenges the practice of surrogacy and with it the attendant risks that lead to the global exploitation of some of the poorest and least empowered women and girls. The Human Rights Commission's 'right to establish family life' should not be interpreted as including or endorsing surrogacy. Any medical research that aims to enable men to gestate and produce children is in our view a violation of the reproductive and physical integrity of girls and women. For feminist and GC groups to ask for the protection of our reproductive rights and exclusive sex-based rights is not discrimination or exclusion towards others.

Article 4 Reaffirming women's right to freedom of opinion and freedom of expression

Women, whether as individuals, groups, policy makers, CEDAW representatives, state women's ministers, should be free to communicate ideas about 'gender theory' without being subjected to threats, punished, harassed, formally or indirectly prosecuted, made to live in fear of losing their livelihood, doxxed or no-platformed. Women's sex-based rights include our right to question 'gender theory' in all contexts and freely articulate our concerns. Compelled speech is a violation of UN CHR. Insisting on such speech compulsion would increase policing of women's already difficult lived experiences and would indicate a move towards totalitarianism on the part of the UN. Asking states to protect and guard women's rights to freedom of speech and the ability to articulate their concerns as global citizens is not hate speech or discrimination.

Article 5. Reaffirming women's right to freedom and peaceful assembly and association

States should uphold the rights of women and girls to peaceful assembly and freedom of association with others. This should include groups, venues, leisure organisations, clubs and public spaces that are single sex or for same-sex oriented women only. Women should have the freedom to organise social justice events and marches that foreground our rights to freedom from male violence. We

should be able to campaign freedom from coercive and harmful social practices such as pornography, buying and selling sex, pole dancing and other male-orientated entertainment that damages and denigrates all women and girls collectively on a global scale. To campaign and organise against male violence and assert our legal rights alongside other women is not discrimination towards others or exclusion.

Article 6. Reaffirming women's right to political participation on the basis of sex

Women have a long history of fighting and campaigning for public representation in all walks of public life throughout the world. Some states are a very long way from achieving full participation of women – and where women have been able to participate in politics, that participation must be protected. Women-only positions and quotas are designed to ensure that state organisations are fully representative of women as citizens and taxpayers. WHRC asserts that allowing men who claim a female 'gender identity' into these specific female entitlements is discrimination against women and against the spirit of CEDAW. To campaign for the retention of these sex-based rights is neither threatening nor exclusive towards these other groups

Article 7. Reaffirming women's rights to the same opportunities as men to participate actively in sports and physical education

Single-sex sports were expressly established to ensure that women and girls could participate actively in sports and physical activities that had been the exclusive preserve of men and boys. Single-sex sports have provided women and girls with sporting ability to rise to the top in their field at grassroots and elite level, including on the global stage of the Olympics. Allowing boys and men who claim a female 'gender identity' to enter women's sports teams, competitions, scholarships and changing rooms is sex discrimination and should be prohibited. Campaigning for the retention of single-sex sports is neither 'hate speech' or 'exclusion' but simply aims to ensure a level playing field for the full participation of both sexes.

Article 8 Reaffirming the need for the elimination of violence against women

CEDAW has long been the conduit through which global markers, research and actions have been established that record and seek to eliminate all forms of discrimination against women and girls including violence perpetrated by men and states towards us. WHRC sees no reason to redefine the established reality of male violence against women as 'gender-based'. Such terminology obfuscates the issues that define all forms of such violence against women and girls, from female genital mutilation (FGM) to rape as a weapon used by military and renegades, sex trafficking, forced marriage and the practice of murdering female family members who disrupt male authority. Women and girls must have the freedom to name correctly the perpetrators who have criminally abused them.

Women and girls who experience the entire raft of sex-based crimes against them expect to receive single-sex services that offer refuge, women-centred therapies with opportunities to recover in safe and secure single-sex environments that do not include men. Including men who claim a female 'gender identity' into these single-sex services, such as prisons, health services, hospitals, rehab centres, homeless centres, where toilets, changing facilities, and bathrooms, is a form of sex discrimination and goes against the spirit of CEDAW. Campaigning for the retention of such single-

sex services should not come with threats of closure of the service, loss of funding, or legal action to enforce the inclusion of men, however they identify. It is neither discrimination nor bigotry to expect that women and girls damaged by male and/or state violence should be forced to share such accommodations with men for the sake of 'gender theory'.

Article 9 Reaffirming the need for the protection of the rights of the child

WHRC, along with other GC groups like No Corpo Certo, Transgender Trend UK, Women's Liberation Front, Woman's Place UK, Fair Play for Women and many others, abhor the medical practice of 'gender reassignment' of children, the use of validation, puberty suppressing drugs, cross sex hormones and surgical intervention to alter their healthy bodies. In December 2020 the UK government rejected calls to allow children and adults to self-identify into the opposite sex and stated that UK schools must no longer use the term 'born in the wrong body', promoted by powerful 'gender identity' lobby groups such as Stonewall, Gendered Intelligence and Mermaids. The recent court case regarding the activities and practices of the Gender Identity Services (GIDs) at London's Tavistock Clinic stated that children under 18 are unlikely to have the developmental capacity to be able to consent to the life changing effects of puberty blockers. The court noted that since the inception of the Tavistock GID services no peer reviewed research relating to the gender reassignment of minors was available and thus the long-term outcomes for children undergoing such interventions could not be established. This demonstrates that affirmative approaches and 'gender theory' practices put children at risk and disregard child safeguarding theory, policy and practices. UK NHS services in this area have rolled back their services to comply with rulings from the courts and the government.

It is not discrimination or bigotry by feminists or other gender critical people to ensure that minor children receive appropriate therapeutic services that address their sex/gender questioning issues.

Women's rights to free expression must be protected urgently. For the UN independent expert to set out on a consultation with a firm bias against feminists who stand up for women's sex-based rights goes against the spirit of CEDAW. The UN must take action against the incursion of men who claim a female 'gender identity' into the sex-based category of woman, remember its commitment to CEDAW and cease its attempts to curtail women's freedom of expression and association.

References

Declaration on Women's Sex-Based Rights <https://www.womensdeclaration.com/>

Transgender Trend (2020, 1 December). Keira Bell: The High Court hands down a historic judgment to protect vulnerable children. *Transgender Trend*. <https://www.transgendertrend.com/keira-bell-high-court-historic-judgment-protect-vulnerable-children/>