



19th November 2021

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To,
Mr. Priyank Kanongoo,
Chairperson,

National Commission for Protection of Child Rights (NCPCR)
5th Floor, Chanderlok Building,
36 Janpath,
New Delhi-110001, India

Subject: Concerns regarding the “Inclusion of Transgender Children in School Education: Concerns and Roadmap” Training Material issued by the NCERT on 1st November, 2021.

Sir,

We are the [Indian](#) chapter of the Women’s Human Rights Campaign.

Women's Human Rights Campaign (WHRC) is a group of volunteer women from across the globe dedicated to protecting women's sex-based rights. The [Declaration on Women's Sex Based Rights](#) was drafted to lobby nations to maintain language protecting women and girls on the basis of sex rather than "gender" or "gender identity." With signatories from 140 countries, WHRC is one of the largest volunteer-run International women’s rights groups.

We are writing to you as concerned citizens to share our objections to the latest Training Material issued by the NCERT to train teachers on gender identity and the inclusion of “transgender children.” While we understand that NCERT has since taken down the material, we wish to point out the dangers of such a curriculum for any future versions of the materials. As well as an overarching appeal to spokespersons from communities that are critical of gender identity ideology - women like us who are opposing this from a clinical and feminist standpoint.

We believe that the introduction of gender identity in school curricula and corresponding changes to school infrastructure (such as toilets) on the basis of gender identity would harm the physical, psychological, and emotional well-being of the children.

The training material issued by the NCERT fails to engage with gender identity in a critical, scientific manner.

The NCERT defines “gender identity” [page 4] and “transgender” [page 4] as follows:

“Gender Identity: refers to one’s personal sense of their gender. It can correlate with a person’s assigned sex at birth or can be different.”

“Transgender: is an umbrella term, an adjective, referring to an individual whose gender identity is different from the sex assigned at birth”.

However, in reality, biological sex is not “assigned at birth” to humans, it is observed and recorded. Biological sex is not externally determined by someone else for us to “choose” differently later.

Furthermore, the NCERT makes the following unsubstantiated statement [page 34] about children and gender identity without citing legitimate sources:

“Since gender identity also develops as a part of this recognition or understanding of ‘self’ (often in childhood, sometimes in children as young as 3 years of age) it is very important that children face an encouraging environment in order to develop a positive and coherent identity.”

But this conflicts with established principles of development psychology. According to the concept of [sex constancy](#), children develop the cognitive ability to understand sex as permanent only from the ages of seven or eight onwards. But the material says that children as young as three can also have a gender identity. It also gives suggestions [Annexure-I, “P”] about the introduction of gender identity in school curriculum starting from the 3rd Standard when children are about the ages of seven or eight. So teaching gender identity to children, before and as they begin to develop sex constancy, would misinform and mislead children.

The conflation of ‘sex’ and ‘gender’

In addition to being in conflict with biological facts, the material is riddled with inconsistencies about biological sex and gender at many places. The conflation of sex and gender are fundamental to gender identity. Gender identity argues that whether a person is a man or a woman is not dependent on their biology but their innate, self-perceived feelings. But biological sex is dimorphic and immutable in humans. Whereas gender is the socially constructed roles considered appropriate for the members of each sex- men (masculinity) and women (femininity).

No extent of surgery, cross-hormones, or puberty blockers can change the fact that women are [adult human females](#) (large gamete: ovum) and men are [adult human males](#) (small gamete: sperm). The NCERT itself recognises, at multiple places [page 3, section 4.0], that sex and gender are different. Yet, it retains the concept of gender identity. In doing so, the material follows the same disregard for biological reality that gender identity espouses.

Problems with NALSA v Union of India (2014) and the Transgender Persons (Protection of Rights) Act, 2019

The judgment of the Hon'ble Supreme Court of India in [NALSA v Union of India](#) recognised that transgender persons are to be accorded a legal status under Indian laws. The Transgender Persons (Protection of Rights) Act, 2019 the provisions of which came into force on 10 January 2020 is a culmination of the efforts to give effect to NALSA and to enact a legislative framework to protect the rights of the transgender community at the central level.

The Court took into account certain international guidance and laws, which are not of uniform status i.e the Court extensively uses the Yogyakarta principles, which, it must be highlighted are not international law, nor indeed, best practice.

Furthermore, the Supreme Court held that the word "sex" as given under Article 15 includes "gender identity". The Court recognised that "sex" was a protected category due to the fact of sex-based oppression and sex stereotypes. While it [said](#) that, "Both gender and biological attributes constitute distinct components of sex", instead of defining "gender" as a set of sex stereotypes, it referred to gender identity to conclude that protection from sex-based oppression under Article 15 includes gender identity.

But "gender" is not innate, personal or unique. It is a set of social roles and stereotypes that are externally imposed on members of each sex. These roles traditionally accord a higher social status to men over women.

It is pertinent to mention here that gender identity has changed the very meaning of the word "gender". Gender is no longer understood as a social structure riddled with hierarchy wherein women are accorded an inferior status; instead, genderists claim gender to be some unique feeling. Therefore, the Hon'ble Court should not have included "gender identity" within the meaning of "sex" under Article 15 because sex stereotypes are attached to a particular sex; and not individual or personal feelings.

Moreover, the claimants in NALSA did not make a claim to change sex, but only recognition as a third category. Yet, the Transgender Persons (Protection of Rights) Act of 2019 provides for self-identification as the opposite sex. Therefore, both the NALSA judgment and the Act of 2019 follow the same problematic idea of the conflation of sex and gender.

International human rights law enshrines non-discrimination and other rights on the basis of sex, not gender

Article 2 of the International Covenant on Civil and Political Rights (ICCPR) states that "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, *sex*, language..."

The crucial importance of this distinction for women's rights and empowerment can be seen from the use of 'sex' as the basis in international treaties regarding women's rights - these treaties are applicable in Indian law.

Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which India has [ratified](#), recognises that 'sex' not 'gender' is the primary basis for oppression, discrimination towards, and subjugation of women and girls.

Misuse of “intersex” by the NCERT guide

The term “assigned at birth” is relevant to babies born with DSD (Disorder of Sex Development) conditions and has been [co-opted](#) by gender identity. That some people have DSD conditions does not negate the fact that biological sex is real and [dimorphic](#)- a vast majority of individuals are born either as male or female. But this has been interpreted by gender ideologues to argue that sex is somehow a spectrum. The existence of persons with DSDs, does not negate the utility of sex as a basis for categorisation and non-discrimination. Persons with DSDs ([0.02% of the population](#)) are still identifiable as one of the two sexes.

Lack of proof that medical interventions reduce “gender dysphoria”

The effectiveness of these interventions in terms of alleviating gender dysphoria and the overall well-being of the individuals is unbacked due to a lack of [follow-up](#) studies. For Chapter 3, “Physical and Physiological Aspects of Physical Education and Sports” of the Health and Physical Education book for Class XI students, NCERT suggests that teachers should convey to the students that puberty blockers are “available and accessible.” But this is not true as puberty blockers and cross-sex are expensive, and their effectiveness is unproven. Therefore, to say that puberty blockers, hormones or surgeries will “help” [page 5] individuals suffering from gender dysphoria is misleading and unscientific.

ZERO mention of health risks but multiple mention of usage of “puberty blockers” and synthetic hormones

Continuing with its unquestioned acceptance of gender identity, the NCERT encourages teachers to “affirm” the gender identity of children. Additionally, in Chapter- 3, “Physical and Physiological Aspects of Physical Education and Sports” of the “Health and Physical Education” book for Class XI students the NCERT suggests that teachers talk to children about puberty blockers. However, there is not a single mention of the kind of medical risks that result from the use of puberty blockers, cross-hormones and “gender-affirmative” therapies [page 5].

Puberty blockers are given to children with [precocious puberty](#), used to treat endometriosis in women; prostate cancer in men; and to cause [chemical castration in sex offenders](#). The administration of puberty blockers, even in adults, is [limited](#) because of their serious [side effects](#), and in children and adolescents owing to its irreversible impacts on the body.

Therefore, any mention of medical interventions, especially to children, must highlight their risks on the health of the individual (or the child). We believe that it is monumentally irresponsible on the part of the NCERT to not have done so anywhere in the material.

Selective examples from around the world to suit the “trans” agenda

India constantly looks up to developed nations of the West like the UK and the USA for the progress that gender identity has made in terms of legalisation of self-identification and medical interventions. But what has probably missed the attention of the NCERT is the rising number of cases which show the harms of gender identity.

Last year, a 23-year old woman in the UK named [Keira Bell](#) sued and won against the gender clinic which put her on puberty blockers when she was sixteen years-old. The judgment of the High Court in the UK noted that puberty blockers are “[experimental treatments](#)” and should not be administered to youth at the age of 16 or above (the age of consent for medical treatment in the UK) without prior permission from a court. While the judgment has been [overturned](#) by the Court of Appeal, it reveals how gender identity has taken over [medical establishments](#) which are implementing experimental and potentially harmful medical interventions on minors. A latest [article](#) where the doctors (Board members of the World Professional Association for Transgender Health (WPATH)) who blew the whistle on the harms of “affirmative” care interventions has been ignored in the training material.

Dangers of stereotypes

Why can we not encourage our children to enjoy their preferences, without having to deny their biological sex? Boys may be effeminate in that they prefer dolls, dresses, playing with girls or the colour pink. But this does not mean that they are “girls” or female because such behaviour is typically expected of girls. Such boys remain human males with certain physiological and biological characteristics. So ignoring this material fact and treating them as if they were girls is just another way of telling children that they are not good just the way they are. It is regressive to teach boys that if they want to play with dolls then they are not boys at all, they are something else. To put it simply, boys/girls do *not* have to be masculine/feminine to be boys/girls at all. So it is disappointing to note that the NCERT endorses gender identity as something worth teaching to children.

Dangers of blind affirmation of “gender”

The material also fails to understand gender dysphoria in a medical context. Genderists claim that children or adults who have gender dysphoria are necessarily transgender and any diagnosis otherwise would exacerbate their distress. But there are a number of reasons why a child or an adult may experience gender dysphoria. So medical or psychological experts need not always have to affirm a child in her/his self-perceived “gender” and put them on the path of transition- which involves expensive and irreversible medical interventions. Yet, the NCERT does not take the same into account as it encourages teachers to “affirm” [page 33] the gender identity of the child. Children

deserve to be taught about gender dysphoria in a medically informed manner; instead of the rhetoric peddled by the trans rights lobby.

Co-option of Hijras

Another co-optation by gender identity which the material follows is the conflation of Hijras and other similar communities of the sub-continent with the Western, modern-day concepts of transgenderism, non-binary and gender identity. [page 2 and page 8] The Hijras are [mainly](#), though not exclusively, a community of gender non-conforming males with a unique history and a set of practices of their own; whereas “transgenders” are men/women who “self-identify” as those of the opposite “gender” (read: sex) which self-identification as the opposite sex is recognised as valid under law, in many countries like India, the UK, Mexico, Brazil and more.

Gender ideology has [co-opted](#) the Hijras to suggest that transgenderism was prevalent in the past in developing countries like India. It is a political tool to claim that transgenders are a historically oppressed group. Furthermore, genderists use the argument to claim that the idea of the sex-binary is a Western, colonial imposition since transgenders exist in countries of the Global South. But biological sex has always been treated as dimorphic in India as well. The historical oppression of Indian women and girls- sati, dowry, prostitution, female foeticide and infanticide, persecution during menstruation, sexual violence and the like were all prevalent in pre-colonial India. They bear testimony to the fact that pre-colonial Indian society was organised around a clear demarcation of sex and sex roles. So the evidence of ideological dishonesty among promoters of “gender identity” is more than one. The voices and history of the Hijras get subsumed under the foreign-imposed politics of transgenderism; and the sex-based oppression of Indian women is rendered meaningless without a political identifier which, even under Article 15 of the Indian constitution, is sex-based.

Semantics

Since trans-identifying individuals have a biological sex- we advise that the same be captured in the terminology used to refer to them. The current words “transwomen” (for men who “identify” as women) [page 6] and “transman” (for women who “identify” as men) [page 6] thus perpetuate a falsity. Therefore, “transwomen” should be referred to as “trans-identifying males” and “transmen” should be referred to as “trans-identifying females”.

Erasing female-only spaces/opportunities

Trans-identifying men are already participating in women’s sports like weightlifting ([Laurel Hubbard](#)), contact sports like [handball](#) and extremely gory combat sports like [MMA](#); and pushing women out of sports [scholarships](#) meant for them.

We oppose making sports mixed and on the basis of gender identity. This is because the physiological differences between males and females matter in terms of eligibility and outcomes in sports. But the same has been completely overlooked by the NCERT.

On January 5, 2021, the [Bombay High Court](#) allowed a trans-identified male to contest village panchayat (town council) polls as “female” from a ward reserved for women, saying that such persons have the right to a “[self perceived gender identity](#).” These women-only election slots are allotted on rotational quotas as a form of affirmative action that would benefit the women of a constituency and encourage female participation in politics. These quotas are a temporary shock that will shift normative perceptions (albeit extremely slowly) and might potentially encourage female candidates to compete against men.

These are cases and examples which the NCERT should have taken note of before suggesting that gender identity be taught in schools. The repercussions of “gender identity” on the sex-based rights of girls apparently do not matter more than including male members in female-only spaces and quotas in a country that is riddled with cases of sexual violence.

Safety and well-being of girl children

While it is good to pursue values such as “inclusion” and “diversity”, the introduction of gender identity would particularly jeopardise the safety and well-being of girl children. The recognition of biological sex as real is important because girls, and women, are discriminated on the basis of their sex; and not an innate sense of self.

According to a [report](#) of the United Nations Population Fund, 45.8 million Indian girls are ‘missing’, which is a descriptor for prenatal or postnatal mortality in girl children, due to son preference. These girls make up the world-wide mortality numbers not because of an innate ‘feeling’ of being female; but because they were biologically female and hence not wanted.

Indian girls, some as young as [five](#) years-old, are sold and trafficked into the sex trade not because of their gender identity, but because of their sex. Many Indian women are able to exercise their right to free movement because of women-only [compartments](#) in public transport like the metro. These women-only coaches, hostels [page 40], toilets, changing rooms, and medical wards offer women and girls safety from the ever-present threat of male aggression. So allowing children to use toilets [page 40] not according to their sex but gender identity would put girl children at the risk of male violence. Sex-segregated bathrooms allow girls to move freely, safe from male aggression; so they are a right and not a privilege or a barrier to inclusivity.

Many girls, especially in the rural areas, drop out of school because there is no toilet which they can safely use. NCERT itself acknowledges the important contribution of female-only toilets to ensuring access to education to girls in India [page 41]. The implementation of gender-neutrality in school toilets would be a move backwards- as girls would be discouraged from going to school, more so during menstruation. So losing the assurance of a female-only bathroom would have cascading repercussions on the right of girls to have access to education in India.

Redefining legal protected class of the Female sex

The word “cis” is used in gender ideology to distinguish between individuals who adopt and those who don’t, a trans identity. So women- adult human females now become “ciswomen”, as opposed to men who “identify” as women (trans-identified men). But men, despite their identification as women, remain men and hence the terms “cis” and “trans” are meaningless.

Moreover, the dichotomy between “cis-women/girls” and “trans-women/girls” is spurious as it creates a sub-class of oppressed “women”, who are actually men, within the category of women-adult human females. This fictitious dichotomy is then used to assert that “transwomen” should have [access](#) to “cis” women’s bathrooms, changing rooms, reserved seats and other sex-segregated categories because “transwomen”, by virtue of their trans identity, are more oppressed than “ciswomen”. Whereas in reality, these are men and women (and girls) have every right to exclude them from these sex-segregated spaces.

That some of these men undergo surgical procedures which make them look like women does not change the fact there is a threat of male assault against women. So to teach girls from a young age that they should let men and boys into their sex-segregated spaces and benefits for the sake of being “inclusive”, is no different from the ages-old patriarchal socialisation of women and girls to give priority to the demands of men over their own safety and integrity.

NCERT’s course curriculum is anti-female

For Class VII, Social and Political Life, Chapter 5 “Women Change the World” NCERT suggests that teachers should talk about how trans-identifying males have defied stereotypes. But adult men who “identify” as women are in fact, men. Many Indian women have, and continue to, defy stereotypes and fight against male supremacy in India. Mere identification does not mean that men can now be mentioned under women’s achievements and struggles. So there is no reason why trans-identifying males should be included in a chapter dedicated to women.

For Class X, Science, Chapter 8 “How do Organisms Reproduce” NCERT suggests the following addition to textbook authors and teachers:

“It can be highlighted that reproduction by a transgender person may be possible in cases where certain organs are preserved and eggs/sperms are cryopreserved.”

It is cruel that the NCERT should refer, albeit implicitly, to exploitative practices like surrogacy as an option for trans-identifying people. Surrogacy is a gross [violation](#) of the right to physical integrity of women. It should not be treated as an option for anyone, including trans-identifying people, to have a child.

For Chapter 6, “Who I Am?” of the book “Honeysuckle”, Language for Class VI NCERT suggests that teachers should share a story about a boy who likes to wear dresses, go shopping, and read

about make-up. He says, “I think I want to become a girl when I grow up.” Since when is it progressive or liberal to define girls and women on the basis of stereotypes?

NCERT’s course curriculum has grossly ignored homosexuality

The existing curricula teaches children about human reproduction, birth control, and debunks myths about menstruation among others. But it does not discuss about sexual orientation- heterosexuality, homosexuality, and bisexuality.

Homosexuality is no longer an offence in India since section 377 of the Indian Penal Code, 1860 was struck down by the Hon’ble Supreme Court of India in 2018. But the curriculum does not mention this fact. Nor does it teach that same-sex attraction, whilst socially stigmatised in India, is not an abnormality. Instead, it goes in vapid detail about transgenderism and “non-binary” touching upon harmful chemical alterations needed to be transgender. We would argue that it illustrates, rather implicitly, despite the sexual orientation, the only alternative to being heterosexual is to be transgender or “non-binary.”

Sexual orientation is an extremely important topic to adolescents. As it is during this stage of their lives their bodies go through changes and they will start experiencing attractions. Many of the students could be same-sex attracted and deserve to know that homosexuality is not a crime or deviance.

India is a homophobic country wherein it is not acceptable for a woman/man to love another woman/man. There are [cases](#) in India where lesbians have undergone sex change surgeries and identified as men so that they could be with their partners. So a teenage girl may come to believe that she is a “boy” because she feels attracted to other girls. And gender identity exacerbates this with its insistence on unquestioned and total affirmation of self-identification.

It is perfectly okay for her to be a girl who is attracted to members of her own sex; and we need to inculcate in adolescents that they do not need to alter their bodies and claim to be of the opposite sex if they are same-sex attracted. Instead, the training material emphasises upon inclusion of gender identity and puberty blockers. The NCERT should have taken into account this possible consequence of the introduction of gender identity on same-sex attracted adolescents whose homosexuality would be erased by their “trans” identities.

When homosexuality was depathologized by the mental health community, it resulted in it being demedicalized. It used to be that some of the most abhorrent conversion therapy practices involved inhumane medical treatments like chemical castration. What the trans rights activists are looking for with affirmative therapy and wanting to depathologize transgenderism, is they're actually looking to medicalize gender nonconformity. Instead of encouraging children to dress however they wish, present and be attracted to whomever they want, trans activism claims that feeling “discomfort” or “dysphoria” is totally normal, but one has to go through extreme procedures to alleviate themselves from it. As an organisation that advises government bodies on policies and programmes for

qualitative improvement in school education, NCERT's training material inadvertently preaches conversion therapy on same-sex attracted children.

In conclusion:

We agree that children who do not conform to sex stereotypes face exclusion and bullying. Children who are struggling to conform to the stereotypes imposed upon their sex deserve empathy and care from everyone- the State, society, parents, teachers and peers. But we do not agree that gender identity intervention offers any solution.

Gender identity further entrenches the trauma by making the child and everyone around her believe that the only way she can really live as she wants to, is by fitting into the boxes of "gender." Identifying as "non-binary", "agender" or "genderfluid" is antithetical to their own case because these identities rely upon the existence of a "binary" which one is trying to "identify" out of. Instead of trying to abolish it, such identities reaffirm and indoctrinate it into gullible young minds.

We insist that the NCERT take the concerns expressed by many women from around the world- academics, researchers, journalists, philosophers, filmmakers, and activists about the harms of gender identity into account. Not just for the proposed training material that has since been taken down, but for all future proposals too. It is imperative to do so to ensure the well-being of the younger generation and to protect the sex-based rights of girl children.

**With sincere thanks to your time and appeal to your urgent attention,
WHRC India**



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