



[Womensdeclaration.com](http://Womensdeclaration.com)  
Women's Declaration International  
Ltd  
Company number 12039415  
Registered in England and Wales  
Registered address: Suite A, 82  
James Carter Road, Mildenhall, Suffolk  
IP28 7DE UK

The Declaration on Women's Sex-Based Rights has been signed by 37,810 individuals from 160 countries and is supported by 523 organisations

To: Reem Alsalem, Special Rapporteur on violence against women and girls, OHCHR,  
[hrc-sr-vaw@un.org](mailto:hrc-sr-vaw@un.org)  
Regarding: Solicited Report for SR VAWG

WDI International respectfully submits in response to the call for input inclusion in the thematic report of 2024, UN General Assembly 79th session.

1) This submission focuses on injuries caused by the inclusion of individuals with XY chromosomes (men and boys) in the XX chromosome (women's and girls') category. Injuries include at least the following:

- 1) Serious Physical Injuries<sup>1</sup>
- 2) Injuries to Sexual/Bodily Privacy<sup>2</sup>

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<sup>1</sup> For reports of injuries: *Gaines, et al. v. NCAA, et al. Complaint, UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION, pp.75-79*, at, <https://drive.google.com/file/d/16ClcxSu2DvL1uPYfY8DcLWY90klGRK74/view> (accessed 3/28/24); "After Suffering Concussion at the Hands of Transgender Athlete, High School Volleyball Player Becomes Spokeswoman," Sports Litigation Alert, May 5, 2023, at <https://sportslitigationalert.com/after-suffering-concussion-at-the-hands-of-transgender-athlete-high-school-volleyball-player-becomes-spokeswoman/> . Abby Patkin, "Injuries involving trans basketball player at Mass. school spark controversy" Boston.com, 3/4/24, at <https://www.boston.com/news/high-school-sports/2024/03/01/injuries-involving-trans-basketball-player-at-mass-school-spark-controversy/> ; Anna Slatz, "Trans-Identified Male Seen Injuring Female Player During Women's League Game," ReduXX, 5/31/23, at <https://reduxx.info/exclusive-trans-identified-male-seen-injuring-female-player-during-womens-league-game/> ; Matthew Impelli, "Shocking Field Hockey Injury Sparks Fight Over Transgender Athletes," Newsweek, 11/03/23

<sup>2</sup> "Unisex changing rooms put women in danger," *Times UK*, at: <https://www.thetimes.co.uk/article/unisex-changing-rooms-put-women-in-danger-8lwbp8kgk>; Fair Play For Women, Unisex changing rooms put women in danger, 2021, at

- 3) Unfair Competition<sup>3</sup>
- 4) Loss of Women's and Girls' participation in sports<sup>4</sup>
- 5) Legal Intimidation and threats of prosecution<sup>5</sup>

2) We emphasize emergent areas of injuries such as

- a) suppression of freedom of expression to advocate for women-only sports and women-only spaces

Athletics Canada's former head coach **was threatened by the Canadian Olympic Committee lawyers** after expressing discontent when three biological males took the top three places in the women's 800m at the 2016 Olympic Games.

**“This was such an injustice I wanted to speak out, and then I got a call from the Canadian Olympic Committee's lawyer saying that if I opened my mouth, I would be banned for life in sport.”** said coach Peter Eriksson.<sup>6</sup>

In Gaines, et al. v. NCAA, et al. we learn that “criticism of the NCAA for permitting a male bodied athlete to compete in the women's competition would not be tolerated. Female student-athletes were warned that they were scholarship athletes and did not have the right to speak out on this issue.” (para 356-57).

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<https://fairplayforwomen.com/unisex-changing-rooms-put-women-in-danger/>; *Gaines, et al. v. NCAA, et al.*, para 377-78 and 412-417.

<sup>3</sup> Gaines, et al. v. NCAA, et al., throughout. The SheWon.org website catalogs instances of female athletes losing to MTF individuals.

<sup>4</sup> Fair Play for Women, How 'Inclusion' in Sports is Harming Women and Girls, Jan. 2024, at <https://fairplayforwomen.com/wp-content/uploads/2024/01/How-inclusion-in-sport-is-harming-women-and-girls-by-Fair-Play-For-Women-14-Jan-2024.pdf> (accessed 3/28/24). In addition, e.g., “Two Female Darts Players Leave Dutch Women's Team In Response To Participation Of Trans-Identified Male,” ReduXX Team, March 24, 2024, at <https://reduxx.info/netherlands-two-female-darts-players-leave-dutch-womens-team-in-response-to-participation-of-trans-identified-male/>

Three pool players quit: ReduXX 11/13/2023 on Twitter: [https://twitter.com/ReduXXMag/status/1724102818586333592?ref\\_src=twsrc^tfw|twcamp^tweetembed|twterm^1724102818586333592|twgr^e9bbc5c75f2ccc075faad352cb573090c0887493|twcon^s1\\_&ref\\_url=https://reduxx.info/netherlands-two-female-darts-players-leave-dutch-womens-team-in-response-to-participation-of-trans-identified-male/](https://twitter.com/ReduXXMag/status/1724102818586333592?ref_src=twsrc^tfw|twcamp^tweetembed|twterm^1724102818586333592|twgr^e9bbc5c75f2ccc075faad352cb573090c0887493|twcon^s1_&ref_url=https://reduxx.info/netherlands-two-female-darts-players-leave-dutch-womens-team-in-response-to-participation-of-trans-identified-male/), and <https://twitter.com/ReduXXMag/status/1728092278785286308>.

<sup>5</sup> In Australia, reporting on injuries by a trans athlete prompted censorship of ReduXX, deletion of feminist Kirralie Smith's Facebook page with 47,000 followers, and legal warning to feminist site Ovarit. See Anna Slatz, “Trans-Identified Male Seen Injuring Female Player ...,” ReduXX, 5/31/23, <https://reduxx.info/exclusive-trans-identified-male-seen-injuring-female-player-during-womens-league-game/>

<sup>6</sup> Yulia Alma, “An Injustice” : Former Canadian Olympic Head Coach Speaks Out ...” ReduXX, April 7, 2023, <https://reduxx.info/an-injustice-former-canadian-olympic-head-coach-speaks-out-against-results-of-2016-olympics-calls-for-sex-segregated-sport/> (accessed March 28,2024). Hereinafter, Alma, “Injustice”.

**b)** There is a diminishing ability to speak about sex and to advocate for rights of the female sex.

“You are not allowed to speak about sex in Canada,” according to UK academic Alice Sullivan, a sociologist who was named by the UK Ministry of Science to head a national inquiry on sex and gender.<sup>7</sup> The Canadian Minister of Justice cancelled Sullivan’s speech. The administrator explained, “she wasn’t authorized to give me a reason, but ... of course we know the reason ... there’s no right to speak about sex in Canada.”<sup>8</sup> When sex-speech is suppressed, there can be no advocacy for the rights of women and girls.

**c) Loss of Status, Reputation and Livelihood**

To winners, investments in years of hard training generate social recognition and accolades, which in turn bring further career opportunities. Such awards are lost when the competition is lost to XY individuals competing with XX individuals. [SheWon.org](http://SheWon.org) documents 620 female athletes who lost a combined total of 879 medals, records, scholarships or other recognitions, in 423 competitions in 28 different sports.

Bishop, who placed fourth, behind the three XY DSD competitors, lost a lucrative contract with Nike.<sup>9</sup> Coach Eriksson, who spoke in support of Bishop, lost his own reputation and his coaching career.<sup>10</sup>

**d) Death Threats – Loss of Safety, Loss of Home, Psychological Torment**

The woman who finished sixth in this same race, spoke on camera after the race. “According to Eriksson, Sharp also received threats against her life and against her family from the transgender community following her televised reaction.”<sup>11</sup>

Canadian coach and women’s rights activist Linda Blade tweeted, “...Sacrificing a woman and her entire career on the alter of #GenderIdeology. Just let that sink in.”<sup>12</sup>

**e) Overt Sex Discrimination in Guidelines for XY individuals to Participate in XX category sports**

Even when testosterone is pharmaceutically suppressed, “retained male advantage” endures.<sup>13</sup> However, testosterone focuses inclusion guidelines. In an outrageous discriminatory manner, the testosterone guidelines for trans-XY individuals are set at higher levels than for XX

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<sup>7</sup> Raoul Simons and Susie Coen, “British academic ‘deplatformed’ by Canadian government ...,” *Telegraph*, 3/14/24, at: <https://www.telegraph.co.uk/world-news/2024/03/14/candian-goverment-cancel-culture-alice-sullivan-gender/> (accessed 3/28/24).

<sup>8</sup> *Ibid.*

<sup>9</sup> *Alma*, “*Injustice.*”

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Gaines, et al. v. NCAA, et al. note 1, p.5.*

individuals.<sup>14</sup> Neither does NCAA monitor testosterone levels in trans-XYs *even though it performs random drugs tests on women* (Gaines, et al. v. NCAA, et al. para 301-04). Blatant sex discrimination animates policies such as, e.g., the World Athletics Association, which after the 2016 Olympics rescinded its previous policy of blanket inclusion of all MTF in the women's category. WAA decided to allow inclusion of XY individuals if their testosterone was 2.5 nmol/L. The former Canadian coach, Eriksson, stated, "If you had that level of testosterone as a woman, you'd get a life suspension ... 99% of women have under 1 nmol/L of testosterone. It is hypocrisy."<sup>15</sup>

The NCAA has testosterone level guidelines for XY chromosome individuals to participate in the women's category substantially above the testosterone naturally produced by women.<sup>16</sup> Testosterone levels allowed by the rules for XY individuals vary by sport even though no objective grounds create "femaleness" at different levels of testosterone for different sports.

Testosterone policies set standards that brazenly favor males.

**3)** Efforts to include biological males in female sports categories are led and implemented by a diverse range of authorities (seemingly intent on implementing Principle 3 of the Yogyakarta Principles), including but not limited to, governments, sports governing bodies, and trans rights promoters.

**4)** The inclusion of MTF and DSD males in women's and girls' sports conflicts with the rights of women and girls, giving rise to diverse injuries.

In order to implement human rights reporting requirements, sex-based records must be kept. Sex-based reporting is incapacitated by Yogyakarta Principle 3.

The claim that a "trans woman is a woman" undermines the rights of women and girls. A trans woman is, in fact, a trans woman, to wit, a man who would like to be perceived as a woman. Such individuals are distinct from the sex-based category of females.

**5)** Sexual predation on women and girls by authority figures in sports is now supplemented by the harms caused by including XY individuals (men and boys) in the category of women and girls.

**6)** The erasure of sex as a category in most or all official and quasi official documents, for example, in Canada in 2018 the Ministry of Justice and of Commerce impaired documenting discrimination and violence against women and girls.<sup>17</sup>

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<sup>14</sup> Gaines, et al. v. NCAA, et al. para 228 - 290, 318, 344, 350 *passim*.

<sup>15</sup> Alma, "Injustice."

<sup>16</sup> Gaines, et al. v. NCAA, et al. para 54-61 and 179-246.

<sup>17</sup> Secrétariat du Conseil du Trésor du Canada, "Moderniser les pratiques du gouvernement du Canada en matière d'information relative au sexe et au genre : sommaire du rapport," 2018, available at, <https://www.canada.ca/fr/secretariat-conseil-tresor/organisation/rapports/sommaire-moderniser-info-sexe-genre.html> (accessed 3/28/24).

7) Substantial bias against women and girls is evident in governing authorities who prioritize MTF trans rights over women and girls. This anti-female sex bias is blindingly obvious in the sex discriminatory testosterone guidelines.

8) Evidenced by the anti-female bias of “testosterone level” policies, the interests of women and girls are not sufficiently represented in sports governing bodies.

9) WDI disputes the very idea of a “trans gender child” and supports banning the medicalization of children and youth. WDI deplors the medicalization of youth too young to understand the implications of such treatments.<sup>18</sup> Laws that respect the rights of children and youth to mature with intact sexual organs also ensure that all children and youth enjoy their natural capacity to compete within their sex-based categories.

World Rugby has developed a reasonable policy for adult transitioners.<sup>19</sup>

10) Lessons learned:

1) sex should not be erased from law, nor should sex be reduced to testosterone and trans women and DSD individuals are men.

2) sex must be documented for human rights reporting;

3) no medical transition of children;

4) erasure of sex (XX chromosomes) in favor of gender-identity:

a) leads to physical injuries, loss of bodily and sexual privacy, and loss of fairness

b) creates sex discrimination via testosterone guidelines that advantage XY individuals

c) impairs women’s and girls’ dignity, equality and participation, prompting women to quit sports and removing women and girls from the top-tier winners, negatively impacting status, financial awards, and career-life trajectories.

d) impugns the mental health of women and girls who refute that males are females.<sup>20</sup>

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<sup>18</sup> Article 9, Declaration of Women’s Sex Based Rights, Women’s Declaration International, available at:

<https://www.womensdeclaration.com/en/declaration-womens-sex-based-rights-full-text/#introduction> Even World Professional Association for Transgender Health (WPATH) Experts acknowledge children cannot understand and consent. See the leaked WPATH communications at, WPATH Files, pp.10-15, available at <https://static1.squarespace.com/static/56a45d683b0be33df885def6/t/6602fa875978a01601858171/1711471262073/WPATH+Report+and+Files111.pdf>.

<sup>19</sup> World Rugby policy, <https://www.world.rugby/the-game/player-welfare/guidelines/transgender/women>

<sup>20</sup> *E.g.*, One Penn swimmer said, “I saw Thomas smash records — break all of our team records, was nationally ranked, ...,” she said. ‘This university head came in and told us that Lia being on the team was non-negotiable. They also told us that if we ever spoke out about it, we would regret it, and we would spend the rest of our lives wishing that we hadn’t. We would never be able to find a job ...’ The college, Scanlan said, **offered psychological services to teammates opposed to having Thomas on the team.** ...’ she said. **‘... to tell us that we need therapy and we need mental help if we’re uncomfortable undressing next to (Thomas), that is completely insane.’** Vanessa Miller, “Former teammate of trans swimmer

e) replaces a stable biological category with a mystical “gender identity”.

**11) Recommendations:**

- 1) preserve sex categories for sports and trans women compete with men
- 2) retain sex in official documents to document sexual (in)equality, violence, and discrimination
- 3) retain sex specific spaces for private bodily tasks
- 4) prohibit gender transition for children and youth

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Lia Thomas: ‘It’s so important that we have laws,’” The Gazette, 3/26/24, available at <https://www.thegazette.com/higher-education/former-teammate-of-trans-swimmer-lia-thomas-its-so-important-that-we-have-laws/>

