

Women's Declaration International UN Working Group

To: Reem Alsalem, Special Rapporteur on violence against women and girls, OHCHR,

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Regarding: Input for SR VAWG's report on violence against women and girls in sport

INTRODUCTION

This submission is from Women's Declaration International, (WDI) an international human rights institution, who drafted the Declaration on Women's Sex-Based Rights ('the Declaration' attached). The Declaration has been disseminated worldwide and has attracted significant support. At the time of writing, the Declaration has 37,181 individual signatories from 160 countries as well as 523 organisational collaborators. The organisation is registered in the UK and Wales since 2021.

WDI will discuss violence against women and girls in the context of allowing male athletes to interact in women's sports and the issues of safety, health, fairness as well as international human rights.

FORMS OF VIOLENCE AND DISCRIMINATION

In the Christen Price article, *Women's Spaces, Women's Rights: Feminism and the Transgender Rights Movement*, 103 Marq. L. Rev. 1509 (2020). Available at:

<https://scholarship.law.marquette.edu/mulr/vol1103/iss4/7> she discussed a serious harm to women and girls from trans ideology i.e. males learn that they are free to ignore women's boundaries.

We teach girls that they can and should set boundaries to prevent abuse and exploitation of their bodies. But by allowing male bodies into women's space, we teach girls and women the opposite. If males can ignore women's boundaries into our spaces, males can ignore our boundaries to not touch our bodies. The thesis of the article is that gender ideology imposes a "forced closeness" that elevates men's priorities and desires over women's rights.

By eliminating women only spaces, including in locker rooms, girls and women can no longer avoid the "male gaze." Women and girls must expose their bodies to the male and must observe his body as in the Thomas scandal. This ignores centuries of male violence toward women that

continues today. Statistics on male violence against women remain stubbornly high. According to the U.S. FBI, males are responsible for 97% of murder and non-negligent manslaughter, 96.8% of rapes, 96% of pedophilia cases. See "FBI Crime in the United States 2018." According to RAINN, 9 out of every 10 victims of rape are female.

Gender ideology wants to redefine sex discrimination so that the target of anti-discrimination measures is not women, but men who claim to be women. In fact, some law professors have argued that CEDAW itself should not focus on women. Hence, women's spaces and women's ability to speak our truth i.e. that men are men and are not women are betrayed while the rights of males are enhanced. In one case, a woman who was assaulted by a man was forced in court to

testify that she was assaulted by a woman when it was clear to all in the courtroom that he was a male.

In the article, Price outlines numerous forms of violence and discrimination, e.g. young girls in Wales who are skipping school because of boys harassing them in unisex bathrooms, predators who claim to be women so they can access women's spaces, the inability of girls and women in refugee camps to access water or toilets because of male harassment and violence and the harm to their health.

Price also outlines repeated examples of women losing out on sports titles by men being allowed to compete: track world title 2018, footnote 154; female world championship cycling, 2018, fn 156; women losing funding and safe spaces for victims of violence (page 36); and the erasure of lesbians (p. 38). Another example is the male golfer who won at the NXXT Women's Classic and ranked #1 in the Women's Pro Tour in 2024.

It is not only discriminatory against women, but in fact seeks to reverse the gains women have made. Sex is defined by the United Nations as "the physical and biological characteristics that distinguish males and females." (Gender Equality Glossary, UN Women). It has long been understood in human rights that the stereotyped sex roles of men and women are a fundamental aspect of women's inequality and must be eliminated. Women have struggled for centuries to eliminate defining women according to stereotypical behaviors. On the contrary, trans ideology is asking for validation of those same stereotypical behaviors as proof that they are women.

Women's Sports Policy Working Group kept track of losses by women to men in women's sports. After only 9 months, they had identified more than 578 such losses for women. Another organization, She Won, has been keeping track worldwide. Between 2003 and 2022, 28 national girls or women's sports titles were won by men. By March 30, 2024, they had identified 635 female athletes in 428 competitions who have lost 894 medals in 29 different sports.

<https://www.shewon.org>

The World Rugby Guidelines does not allow those born male to play women's rugby because of the size, force- and power-producing advantages conferred by testosterone during puberty and adolescence, and the resultant player welfare risks this creates. This determination was made after extensive research into available scientific literature, detailed and extensive consultation where the working group heard from independent experts in the fields of performance, physiology, medicine, risk, law and socio-ethics, and subsequent research and consultation on matters arising from the meeting. <https://www.world.rugby/the-game/player-welfare/guidelines/transgender>

The biological advantages from testosterone are:

- Significant increases in total body mass
- Significant increases in lean/muscle mass and muscle density
- Reduction in body fat mass, improving strength and power-to-weight ratio
- Increased height, changed dimensions of important levers, greater bone density
- Increased haemoglobin levels
- Increased heart and lung size

These advantages result in the following performance differences:

- Significantly greater strength (between 50% and 60% percent by adulthood, with relatively greater upper body strength)
- Significant speed advantages (between 10% and 15% over various durations)
- Greater capacity to produce force/power (advantages of between 30% and 40% in explosive movement capabilities)
- Strength-to-weight and power-to weight advantages (even after adjusting for mass, height and similar level of performance (elite, untrained etc.), males have a 30-40% strength advantage)

Research contradicts the theory that a year of suppressed testosterone reduces the advantages. The discrepancy in mass and speed is a significant determinant of various head injury risk factors, including neck forces, neck moments and linear and angular acceleration of the head. <https://www.world.rugby/the-game/player-welfare/guidelines/transgender/women>

A succinct summary of the harm to women from self-identity and other trans-ideology is outlined in the article “From Europe, Asia, North America, Latin America, and Africa, Feminists (2022) "The Erasure of Sex: The Global Capture of Policies on Sex by Gender Identity Activists and the Effects on the Rights of Women and Girls," Dignity: A Journal of Analysis of Exploitation and Violence: Vol. 7: Iss. 4, Article 1.

<https://doi.org/10.23860/dignity.2022.07.04.01> The erasure of “sex” as a category has had and will have profound negative effects on women and girls by undermining protections for them and eliminating state obligations to achieve sex equality contrary to the central purpose of CEDAW.

NON-STATE ACTORS’ PREVENTION ATTEMPTS

In 2022, World Aquatics, the international governing body for swimming, diving, and other water sports, formerly known as FINA, undertook a review of the research and concluded by acknowledging the immutable physical differences between women and men. This conclusion led to rules changes that exclude people who have experienced male puberty from women’s events. In 2023, World Athletics, the international governing body for track and field and all running events, followed suit and came up with similar rules that designate the “female” categories as just for women.

The International Rugby League, the World Boxing Council, USA Powerlifting, USA Swimming, and Volleyball England provide examples of other national and international organizations that have recently issued similar rules for women. The International Body for Cycling, UCI, is undertaking a review after a trans-identified male won an elite race created specifically to give women more opportunities in cycling – a win that gave the winner’s share of a \$35,000 prize to a male.

CONSULTATION BY WOMEN’S GROUPS

A remarkable article over two years in the making “from Europe, Asia, North America, Latin America, and Africa, Feminists (2022) "The Erasure of Sex: The Global Capture of Policies on Sex by Gender Identity Activists and the Effects on the Rights of Women and Girls," Dignity: A Journal of Analysis of Exploitation and Violence: Vol. 7: Iss. 4, Article 1. <https://doi.org/10.23860/dignity.2022.07.04.01>” catalogs the harm to women across the globe by

gender ideology on laws such as anti-discrimination, maternity care; hate speech; health, prisons, and shelters; free speech and expression; and positive or special measures for women who have faced historical discrimination. The impact on the lives of women and their human rights has been profoundly negative. Women-only spaces for public office have been usurped by men who cannot represent women's particular needs because they have not experienced menstruation, pregnancy, birth, or menopause. Thus women's health policy suffers, and resources are not properly allocated.

The article has a detailed outline of the harm to women in sports starting on page 15. The guidelines of less than ten nanomoles/liter per year of testosterone are unscientific and unfair to women competitors. The article illustrates serious physical injuries as well as competitive specific injuries.

The group, "Advocacy for Girls and Women in Sports: Women's Sports Policy Working Group," is made up of athletes, coaches, and sports administrators. Their submission to the Biden administration pointed out that sports is one of the very few places where sex matters. Girls still do not have the same sports opportunities as boys in terms of scholarships or sponsorships. Boys already get at least 25% more opportunities in the U.S. Allowing males to compete would further diminish girls' opportunities. Opportunities already exist for girls and boys to play coed and recreational sports activities together. But allowing males in women's competitive sports sends the message that women are not good enough and so it's acceptable to discriminate against women. It's not men's teams or male players that are suffering any loss, only women.

The Policy Working Group also pointed out with medical support that male fetuses receive an infusion of testosterone in utero and the physical advantage this gives to males begins as early as age 6. It implicates strength, size, oxygen uptake, and other physiological traits. See *BoysvWomen* at <https://boysvswomen.com/#/> for similar comparisons throughout sport. Fairness in competition is precisely why we have age and weight categories – we recognize the advantage physical development gives a competitor. To ignore this when it comes to women's sports is discrimination against women.

The Policy Working Group recalls past Olympics where East German women were given large amounts of testosterone to enhance their performance. That was doping and ruled illegal. To let men compete who already have the testosterone is to disadvantage women.

CONCLUSION

Trans ideology seeks to make violence against women and inequality suffered by women invisible so that nothing needs to be done. Gender ideology is akin to a religion – it's a belief not based on any defensible biological facts. Those who want to hold that belief can, but they should not be allowed to impose their beliefs on others or insist on usurping the rights of others for their own desires.

The goal under CEDAW and ICCPR must be equality, fairness, and safety for women. Under international law, every person is entitled to respect, dignity, and safety. We must learn to accept people as they are and not require that they fit into a certain box. No one should face violence or discrimination in employment or housing etc. We know this is not the reality today, but the solution is to address the violence and discrimination not to grant privileges and rights to one group at the expense of another. The solution is not to take away girls and women's rights and to inflict even more violence on girls and women.

