



## CEDAW MUST FOCUS ON WOMEN – July 9th 2025

*Please find below a briefing from WDI outlining why the United Nations CEDAW committee must continue to focus on women. The Committee on the Elimination of Discrimination against Women (CEDAW) is a body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It is composed of 23 experts on women's rights from around the world. The CEDAW Committee is established under article 17 of the Convention and is tasked with the review of the reports of States parties submitted in accordance with article 18 of the Convention. National governments that have committed to CEDAW submit reports to the CEDAW Committee at least every four years. For more information, please contact Women's Declaration on [info@womensdeclaration.com](mailto:info@womensdeclaration.com)*

Women's Declaration International, (WDI) an international human rights institution 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 39,442 individual signatories from 160 countries as well as 547 organisational collaborators. The organisation is registered in the UK and Wales since 2021.

Worldwide women remain the most discriminated against and the most violently attacked group. In the United Kingdom, two to three women are murdered by men per week (Allen et al., 2020). In Afghanistan, the persons prohibited from societal participation are women. In Iran, the persons beaten for not wearing "proper" headgear are women. In El Salvador, the femicide capital of the world, the persons murdered are women.

Male physical violence against women is an epidemic worldwide. The United Nations Declaration on the Elimination of Violence Against Women recognizes that, "Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

In the report A/HRC/59/47, 16 June 2025, Sex-based violence against women and girls: new frontiers and emerging issues, Report of the Special Rapporteur on violence against women and

girls, its causes and consequences, Reem Alsalem outlines in paragraph 1 that violence against women persists at epidemic levels with new forms emerging and some forms not being recognized or reported. She points out in paragraph 3 that, the consideration of sex as a central ground on which women experience discrimination and violence requires that it be prioritized and explores what happens when women and girls' sex-based vulnerabilities are disregarded or ignored.

She points out in paragraph 4 that sex is a biological distinction and in paragraph 5 that gender is the social meaning given to biological differences but that ... "gender" has been wrongly taken to be synonymous with the term 'sex' and such confusion causes numerous and long lasting problems as outlined below.

## **A      Original purpose of CEDAW**

As stated on the UN site, the equality of rights for women is a basic principle of the United Nations. The Universal Declaration of Human Rights makes it clear everyone is entitled to equality before the law and enjoyment of human rights and fundamental freedoms. However, as the UN site points out, the fact that women were human was not enough to guarantee them those internationally guaranteed rights. More had to be done to focus specifically on women because of the history of men's treatment of women over centuries up to today.

Despite efforts on individual topics from 1946 to 1965, women's rights remained elusive. In 1963, the General Assembly requested a specific convention protecting women's rights. The process was not easy and even today many countries have reservations on areas that were the most difficult like equality in marriage and the family, employment, and abolishing customs that discriminate against women.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the General Assembly in 1979 by votes of 130 to zero, with 10 abstentions. On 3 September 1981, 30 days after the twentieth member State had ratified it, the Convention entered into force.

Today CEDAW has been ratified by 189 states. Over fifty countries have ratified subject to certain declarations, reservations, and objections. The purpose of the CEDAW committee is to ensure that the provisions of CEDAW were followed by the countries that had signed and agreed to be bound by it. Society has been and still is based on men's voices. It's women's voices who are silenced. CEDAW was specifically set up for women's rights because they were excluded; men were not.

## **B      CEDAW as written applies to women as a sex class**

Article 1 defines discrimination against women in the following terms:

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 3 requires states parties to guarantee basic human rights and fundamental freedoms to women "on a basis of equality with men" through the "political, social, economic, and cultural fields."

Article 4 notes that "[a]doption...of special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination." It adds that special protection for maternity is not regarded as gender discrimination.

Article 5 requires states parties to take measures to seek to eliminate prejudices and customs based on the idea of the inferiority or the superiority of one sex or on stereotyped roles for men and women. It also mandates the states parties "[t]o ensure...the recognition of the common responsibility of men and women in the upbringing and development of their children."

Article 8 provides that states parties will guarantee women's equal "opportunity to represent their Government at the international level and to participate in the work of international organizations."

The CEDAW committee cannot unilaterally change the definition of a term that radically changes the focus of the convention after countries have ratified the treaty with the understanding it was addressing women's rights. If a country signed a treaty to ban the use of nuclear weapons, the UN Atomic Energy Commission could not redefine nuclear to also mean biological weapons. A biological weapons convention was created to meet that need. If a country signed the Palermo Treaty to fight sex trafficking, the UN Office on Drugs and Crime could not redefine trafficking to mean child abduction by a parent. We have the Hague Convention for that.

### **C To achieve the intended purpose, CEDAW must focus on biological women**

On 16 April 2025 the United Kingdom high court released their decision in *For Women Scotland Ltd. V. Scottish Ministers*. The UK court recognized that women have historically suffered discrimination in society and since 1975 have had statutory protection. The court also recognized that the transsexual community has historically suffered discrimination and has recently been granted statutory protection. The question in the case was how the possession of a Gender Recognition Certificate (GRC) affected the legal interpretation of the Equality Act i.e. was the person with a GRC that said the person was legally female though biologically male to be covered under the provisions protecting sex or those with a gender reassignment or both. The court held that in the Equality Act sex has its biological meaning throughout this legislation: "woman" always and only means a biological female of any age in section 212(1). "To reach any other conclusion would turn the foundational definition of sex on its head and diminish the protection available to individuals and groups against discrimination on the grounds of sex." Women would lose all protection.

The court rightly concluded that their actions do not disadvantage or remove protection from transsexual people with or without a GRC. The existing discrimination prohibition covers discrimination because of the prohibited characteristics and also the perception of the characteristic or association with the characteristic. So a transsexual woman (biological male) could claim sex discrimination because of being perceived as a woman and can compare that treatment with that of a person not perceived to be a woman (whether that is a biological male or a transsexual man perceived to be male). As the court pointed out, no one brings a discrimination

complaint based on being a “woman.” It is based on the protected characteristic of sex. Transsexuals have that same protection.

The court also pointed out that the Scottish interpretation is incoherent and seriously weakens the protections given to those with the protected characteristic of sexual orientation by interfering with their ability to have lesbian-only spaces and associations. It also weakens the protections given to those with the protected characteristic of sex i.e. they would no longer be allowed dignity, autonomy, and safety in separate spaces, communal accommodations, medical care, associations or charities, public sector duties, or sports.

Transsexuals have the inherent freedom and dignity that belong to all people and should have the same rights that any person has. However, those rights should not come at the expense of women and girls. The rights of transsexual people need not and should not destroy the hard-fought rights of women.

Ensuring women’s rights is not a zero-sum game. Rather we must ensure all rights are protected and when there is a conflict, those rights must be balanced in a justified and proportionate manner for the protection of all. No right is absolute. All rights are connected. However, the focus of CEDAW must remain on who the law was meant to protect. Women have faced a historical disadvantage, not males.

#### **D “Sex” and “gender” are defined under existing UN jurisprudence**

Gender is based on patriarchal stereotypes about women and the creation of structures to control them. The World Health Organization defines "gender" as "the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for men and women." “Gender” is a patriarchal designation. It is a prescribed set of behaviors for the sexes, it has changed over time and cultures, and it is created by the prevailing power structure for control of the woman class. The feminist movement has worked to eliminate “gender” and show that any person can be anything depending on their own personal desires, talents, abilities, and efforts. Reinforcing that “gender” exists only reinforces stereotypes taking us backwards.

As the definitions illustrate, “sex” and “gender” are very different things and cannot be used interchangeably. UN bodies including CEDAW have been very clear on this as illustrated by the following statements:

The Committee on the Elimination of Discrimination Against Women, General recommendation No. 33 (2015) on women’s access to justice (CEDAW/C/GC/33) states: Discrimination may be directed against women on the basis of their sex and gender; “gender” refers to socially constructed identities, attributes and roles for women and men and the cultural meaning imposed by society on to biological differences, which are consistently reflected within the justice system and its institutions (para. 7). In CEDAW’s own words “gender” is societal based sexual stereotyping.

Committee on the Rights of Persons with Disabilities, General Comment No. 3 (2016) on women and girls with disabilities (CRPD/C/GC/3): “Sex” refers to biological differences and ‘gender’ refers to the characteristics that a society or culture views as masculine or feminine.”

Committee on the Elimination of Discrimination Against Women, General recommendation No. 28 (2010) on the core obligations of States parties under article 2. (CEDAW/C/GC/28): “Sex” refers to biological differences between men and women, “gender” refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women (para.5).

Committee on Migrant Workers, General comment No. 5 (2021) on migrants’ rights to liberty and freedom from arbitrary detention and their connection with other human rights.

CMW/C/GC/5: State duty to ensure that men and women remain separated, taking into consideration the particular needs of lesbian, gay, bisexual, transgender and intersex persons, in order to guarantee that immigration detention takes place in non-punitive facilities (para. 83(b)) This resolution from 2021 recognizes the obvious need for women to have a safe place separate from men due to the historical and worldwide violence toward women by men. By conflating sex and gender, women are left open to forced association with men and thus vulnerable to violence.

Transsexuals are already protected based on status. The Committee on Economic, Social and Cultural Rights, General comment No. 20 (2009): Article 2 (2) said that sexual orientation and gender identity are protected ground covered by the notion of “other status”.

Increased medical knowledge and scientific research is exposing long-term negative impact on children so that many countries are putting a pause on such medical interventions. (Sweden puts brakes on treatment for trans minors, Stockholm (AFP) 08/02/2023) The community of detransitioners continues to grow and expose the harm done to them. Lawsuits are being filed in countries around the globe claiming medical malpractice. National and international sporting bodies have also been struggling with the issue and have issued conflicting decisions.

## **E Conflating gender and sex creates insurmountable problems**

Since “gender” refers to the social constructions dictated by patriarchy, then women are only protected when they step outside of the social construct. If a woman is the perfect wife doing everything expected of her according to her society, and yet is beaten, she is not protected because the crime was not based on “gender” – she met all the “gender” requirements. The violence was based on sex. If a woman refuses to wear high heels on the job and is fired, she is acting outside her “gender” i.e. the stereotyped role given to her (that women wear high heels) and would be protected. So the only people protected would be transsexuals who stepped outside their “gender” by rejecting it and the biological woman who refuses to adhere to the society’s stereotypes for her. All the other women who are obeying the gender stereotypes, whether by choice or force, are not protected because they are behaving within their “gender” so there is no “gender discrimination.” As the UK decision pointed out, this is an example of the incoherence of using the terms indiscriminately. Yet the violence or discrimination was not caused because of “gender” to which they were adhering, but because of sex. Forcing women to remain in the roles selected for them by men to avoid violence was never the intent of CEDAW.

Eliminating the historical and longstanding structural discrimination and fundamental rights deprivations experienced by women and girls was the intent. Ironically, “gender” is what is used by perpetrators to enforce social constructs and criteria through imposed discriminatory

regulations that violate fundamental rights. This constitutes a harmful cultural practice prohibited by CEDAW Article 5.

Battered women are told that if only she had cooked a better dinner or kept the children quiet or lost weight or didn't argue, the violence would not have happened. Yes, it would. None of those things caused the violence and none of them could end it. Her "gendered behavior" did not cause the violence, nor can any "gendered behavior" end it. She was beaten because she was a woman – because of her sex. To suggest otherwise is to give weight to the victim-blaming myth that somehow the cause of the violence is something she did rather than something she is – a woman.

Women and girls are female whether or not they look, act, or live their lives in a stereotypically feminine manner. To believe that sex is determined by a feminine appearance or mannerisms is to believe that stereotypes about women are real. This belief is offensive, harmful to women, antithetical to human rights, and violates numerous UN treaties and international human rights.

i Conflating sex and gender supports sexual stereotypes and harms women in many ways

As UN agencies have stated above, gender is based on discriminatory sexual stereotypes against women. To reify "gender" is precisely the opposite of human rights because that gives credence to sexual stereotypes as if they define women. The definition of "gender" is based on regressive sex stereotypes and undermines women's sex-based rights. This reliance on "gender" as the definition of women prevents women from organizing or working for women's rights on the political level; violates freedom of belief and conscience; interferes with enforcement of anti-discrimination laws; violates women's privacy, dignity, and safety; and prevents effective affirmative or special measures (Article 5) to remedy historical discrimination and violence against women.

A succinct summary of the harm to women from the use of gender 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 fundamental international human rights law and expressly contrary to the purpose of CEDAW.

Focusing on the social category of gender rather than the scientific category of sex would mean restructuring the antidiscrimination and equality laws, health care, hate speech, prisons and shelters, education, sports, free speech, and special measures to remedy discrimination against women. These concerns are not hypothetical but outlined in the Dignity article with examples of men taking women's places in women-only lists for public office, corporate boards, NGOs, and international agencies thus harming women's political policies and equality. Males have also taken positions in academia, government, and health institutions where they are dealing with women's issues, a topic in which they have had no life experience. The result is that men are making decisions for women without women being at the table. The Dignity article outlines at least 30 cases since 2018 in the U.K. alone showing the harm done to women and girls.

ii Conflating sex and gender leads to violence against women and loss of services

Violence against women occurs when women step out of the stereotyped roles preordained for them by patriarchy but also when women remain in those roles as a warning not to step out. To give those roles validity by reifying “gender” to define what a woman is results in solidifying the discrimination intended by the predominant caste - the opposite of human rights. Wearing a dress or lipstick or high heels does not define a woman. It is a caricature of a woman as defined by patriarchy to attempt to confine women in a role they did not choose. A woman may be assaulted because she is wearing a short skirt thus invoking a violation of sexual mores dictated by men. A woman may be assaulted because she is wearing pants thus invoking a violation of patriarchal norms. In reality, her clothing does not define her. It is simply a stereotype, a control mechanism. The underlying issue is that she is a woman. Article 10( c) of CEDAW says that the committee will work for the elimination of any stereotyped concept of the roles of men and women at all levels. To act as if “gender” defines women is to accept the stereotyped roles rather than eliminate them and thus to decimate women’s autonomy.

Because of prevalent male violence, women need space safe from men to heal. Yet refusing to recognize sex means that men are allowed entrance into women’s spaces. Refusal to bow to men’s demands results in shelters being stripped of funding and women being expelled and assaulted in what should be safe spaces. Where men have been put into women’s prisons, the predictable assaults and pregnancies have occurred. A California women’s prison housed a triple murderer who killed a lesbian couple and their child. No woman could feel safe in his presence. He began harassing one of the female inmates and when she reported it, she was fired from her work position and locked in solitary. The predictable has occurred and at least 16 women prisoners were confirmed as pregnant. In 2021, the California authorities passed out condoms to the women proving they knew what would happen. In 2021, four women sued the state (*Chandler v. CDCR*) for the violation of their rights and safety. In 2024, a male inmate, in prison for sexual offenses raped one woman who is now pregnant and assaulted another within days of being transferred from a male prison.

A woman in the UK had to leave alcoholic counselling because the program had a men’s group, a woman’s group that included men, and a transsexual group – but no group for women only. Since her assailant had been a man, she was not comfortable in the group with men included so she had to leave and found no group for herself. Women were not allowed to freely associate in violation of international norms.

In Spain, a man convicted of violent crimes against women claims he’s a woman now so he should have clemency. A man who beat his wife for objecting to his transition avoided charges on “sex-based violence” because he claims to be a woman. He exercised the very definition of male privilege by using violence against a woman who disagreed with him. Then using gender ideology, he immediately turned around and used the system designed to protect women to excuse his violent behaviour toward women by claiming to be one. This kind of gross manipulation of the language and intent of fundamental human rights documents should not be condoned.

Focusing on gender not sex harms women’s services. States should “[w]ork to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and



programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.” (UNDEVW, Article 4 (g)).

Single sex provisions should include, inter alia, specialized services for women and girls subject to violence, such as rape support services, specialist health facilities, specialist police investigation facilities, public transportation, and shelters for women and children fleeing domestic abuse or other violence. It should also include all other services within which single sex provisions promote the physical safety, privacy, and dignity of women and girls. These include prisons, health services and hospital wards, substance misuse rehabilitation centres, accommodation for the homeless, toilets, showers and changing rooms, and any other enclosed space where individuals reside or may be in a state of undress. Single sex facilities designed to meet the needs of women and girls should be at least equal in availability and quality to those provided to men and boys. Conflating gender and sex makes this impossible.

All of these rights for women are being attacked worldwide by failing to recognize male violence toward women, by men invading women’s safe spaces, and by refusing to allow women to associate with each other or to speak in opposition. Single-sex services and physical spaces for women and girls are vital to provide them with safety, privacy, and dignity. Whether provided by public or private entities, such single sex provisions must be allocated on the basis of sex and not ‘gender identity’ and should be staffed by women on the basis of their sex and not ‘gender identity.’

### iii Conflating sex and gender harms mothers rights and special measures

Along with the Universal Declaration of Human Rights Article 25, CEDAW also emphasizes maternal rights and the social significance of maternity. (Article 11(2)) Maternal rights and services are based on women’s unique capacity to gestate and give birth to children. Use of gender erodes the social significance of maternity and undermines the maternal rights for which CEDAW provides. It threatens to remove all meaning from these categories, as it constitutes a denial of the biological realities on which the status of being a woman, being a lesbian, and being a mother are based.

The use of “gender” would result in ridiculous results regarding the special measures (Article 5) required by CEDAW to remedy historical discrimination against women violating the coherence principle. E.g. because of period poverty many girls lose a week a month from school thus harming their educational possibilities. An African country offered free tutoring to the girls to make up the time they had missed so they could pass college exams. The men who claimed a female identity complained that they did not get free tutoring, so it was discriminatory. Of course they didn’t need it because they had not and did not miss a week of school a month due to menstruation. But the program was cancelled. The girls suffered. Every program one could imagine to remedy existing discrimination against women and girls could be attacked by transsexuals. As required by CEDAW, states could not recognize and remedy historical discrimination and inequality for women because men did not experience it. Taking special measures for women and girls would be decried by those claiming gender as discrimination itself.

### Accurate data are impossible to obtain if sex and gender are conflated.

The CEDAW Committee in its General Recommendation 35 underlines the importance of collecting data and compiling statistics relating to the prevalence of different forms of violence against women in relation to developing effective measures to prevent and redress such violence.



“States should “[p]romote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public.” (UNDEVW, Article 4 (k)).

“Sex-disaggregated data is data that is cross-classified by sex, presenting information separately for men and women, boys and girls. Sex-disaggregated data reflect roles, real situations, general conditions of women and men, girls and boys in every aspect of society. ... When data is not disaggregated by sex, it is more difficult to identify real and potential inequalities.” (UN Women, Gender Equality Glossary).

Conflating gender and sex destroys the ability to collect appropriate statistics. The conflation leads to the collection of data on violence against women and girls that is inaccurate and misleading because it identifies perpetrators of violence based on their gender rather than their sex. Data collection must include recognition that violence against women is one of the crucial social mechanisms by which women as a sex are forced into a subordinate position compared with men as a sex, and that accurate research and data collection relating to violence against women and girls requires that the identification of both the perpetrators and victims of such violence must be based on biological sex and not social gender.

Accurate statistics will be impossible to obtain in every sphere including divorce and custody, employment and education discrimination, and political representation. If it can’t be measured, no baseline exists for comparison. The failure to collect accurate data creates a significant impediment to the development of effective laws, policies, strategies, and actions aimed at the elimination of violence against women and girls. The inability to keep accurate statistical records in every context means that male violence and exploitation against women and girls is hidden. Thus it would be impossible to know what impact CEDAW programs to reduce inequality are having.

#### Making decisions based on “gender” is a harmful cultural practice.

Article 5 of CEDAW states,

“States Parties shall take all appropriate measures:

- a. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

A 1995 UN Factsheet says that harmful cultural practices “reflect values and beliefs held by members of a community for periods often spanning generations” and they are for the “benefit of men” (United Nations, 1995, p. 3). The belief that gender roles are biological is a foundational value of male dominant societies. It benefits men because their “gender role” as defined by them entitles them to benefits, privileges, and political power. Harmful cultural practices persist the Factsheet tells us, “..because they are not questioned and take on an aura of morality in the eyes of those practicing them” (United Nations, 1995, p. 3).

The use of sexual stereotypes i.e. “gender” to categorize women is an example of a harmful cultural pattern. Yet transsexuals are relying on these same stereotypical behaviors to argue that because they look or act or feel a certain way, they are women. The way a person looks or acts does not define a woman but a stereotype of woman. CEDAW Article 11 (3) says: “Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.” Decisions cannot be based on subjective belief or feeling but must rely on evidence-based science.

The mandate of CEDAW Article 5 is to stop harmful cultural practices not reinforce them. (Article 1) In Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices (8 May 2019) (CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev. 1), the CEDAW committee noted that such practices are deeply rooted in social attitudes according to which women and girls are regarded as inferior to men and boys based on stereotyped roles. Sexism says that women do the dishes; feminism says that anyone can do the dishes; gender says that the one who does the dishes is a woman. This is a continuation of sex roles.

The CEDAW committee also noted that the practices highlight the gender dimension of violence and indicate that sex- and gender-based attitudes and stereotypes, power imbalances, inequalities and discrimination perpetuate the widespread existence of practices that often involve violence or coercion. (para.6). Continuing to define women and men by “gender” is a reinforcement of those harmful cultural practices. CEDAW specifically says states have an obligation to change the prescribed “roles” of women and men not to reinforce them.

As the article *The Erasure of Sex* outlines, gender ideology violates several CEDAW provisions:

CEDAWs preamble, art 4.2, 5b on the social significance of maternity, the primordial interest of the child, and 11.1.f on health and reproduction; articles 5, 10c, concerning eliminating stereotyped roles of men and women; 10d on equal opportunities to benefit from scholarships and study grants, Art 7 and 8, concerning being publicly elected in public, private and non-governmental organizations at national and international levels; 10g to equal opportunities in sports and 11c to job security and free choice of profession and employment; 11d to equal remuneration and treatment; Art 6 to a life free from trafficking in women and exploitation of prostitution, and GR 19 and 35 other forms of gender-based violence; 15b the right to choose a spouse and enter marriage, including same-sex relationships.

#### Conflating gender and sex harms women in sports.

Article 10 (g) of CEDAW provides that States Parties shall ensure “[t]he same Opportunities to participate actively in sports and physical education” for girls and women as for boys and men. This must include the provision of opportunities for girls and women to participate in sports and physical education on a single-sex basis. To ensure fairness and safety for women and girls, the entry of boys and men who claim to have female “gender” into teams, competitions, facilities, or changing rooms, inter alia, set aside for women and girls should be prohibited as a form of sex discrimination.

Conflating sex and gender means that transsexuals who were raised as men will obtain and in fact already have obtained these high positions thus cutting out women, who are the intended

beneficiaries. Allowing transexuals into girls and women's sports not only disadvantages the women from excelling in the sport but also physically harms them since the average weight, muscle, and strength advantages lie with those born male. <https://www.shewon.org>

Women and girls also lose their privacy and safety rights as transexuals who were born men are granted unregulated access to sensitive areas like hospitals, gyms, refuges, dressing rooms, and bathrooms. The fear is that sexually violent men will take advantage of the increased opportunity to more easily get into such private spaces and do violence. This has already occurred with "up-skirting" and taking cell phone footage under bathroom doors. Women have been victims of men's violence for 5,000 years and need single-sex spaces for safety, privacy, and dignity.

### **International jurisprudence prohibits erasing sex.**

International jurisprudence prohibits replacing "sex" with "gender." Sex is a biological, scientific, and medical fact. Gender is a sociological and culturally defined description of what are deemed acceptable sexual stereotypes (behavior, clothing, adornment, hair style, voice pitch etc.) in that culture at that time and thus susceptible to change across cultures and across time. CEDAW is tasked to fight against these gender stereotypes that have for so long inhibited women from their human rights and their ability to obtain education, employment, and positions of political power. (Article 5) It has long been understood in the arena of human rights that the stereotyped sex roles of men and women are a fundamental cause of women's inequality and must be eliminated.

International jurisprudence bases fundamental rights on sex not gender. All of the applicable documents and resolutions from the International Declaration of Human Rights to the Convention on Civil and Political Rights to CEDAW to the Palermo Protocol on Trafficking use the term sex to mean biological sex. Sex is defined by the United Nations as "the physical and biological characteristics that distinguish males and females." (Gender Equality Glossary, UN Women). Gender refers to "the roles, behaviors, activities, and attributes that a given society at a given time considers appropriate for men and women... These attributes, opportunities and relationships are socially constructed and are learned through socialization processes." (Gender Equality Glossary, UN Women).

To rely on cultural definitions such as gender that differ and change would make it impossible to protect women and to address harmful cultural practices or religious beliefs. If "sex" disappears, so does actionable discrimination against women – a result that would violate every foundational human rights law.

Women's right to assemble, speak, and petition government are denied by the use of gender. States must uphold women's rights to peaceful assembly and freedom of association. (ICCPR, Articles 21 and 22). This must include the right of women and girls to assemble and associate as women or girls based upon their sex, and the rights of lesbians to assemble and associate on the basis of their common sexual orientation, without including men who claim to have female 'gender identities'.

Women's freedom of speech must include the recognition of the right of women and girls to accurately describe the sex of those who have perpetrated violence against them. Public bodies

such as the police, state prosecutors, and the courts should not impose an obligation on victims of violence to describe their assailants according to the assailants 'gender identity' rather than their sex. By doing so, the state is denying women's right to their own lived observations and experience and punishing women for disagreeing with men.

A woman has been held in contempt of court because she insisted on saying who raped her. She was raped by a person with a penis. A person with a penis is a man. Yet she was not allowed in court (US) to say that the person who raped her was a man but had to use his chosen pronouns to designate that he was a woman. This is coerced speech and a requirement that women accept the subjective belief of another. By mandating that the woman refer to the abuser as female, the victim's realities about male violence and her life experiences are denied. It is "gaslighting" of women worldwide to force women to accept that the objective reality she sees in front of her and has experienced her entire life is wrong. It also creates erroneous statistics as mentioned earlier.

Women's right to hold opinions and speak is violated by forcing women to accept "gender." Foundational international documents all commit to the equal rights and inherent human dignity of women. States should uphold women's right to freedom of expression, including the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media." (ICCPR, Article 19 (1-2)). This should include the freedom to communicate ideas about gender without being subject to harassment, prosecution, or punishment for disagreeing with men.

As CEDAW (CEDAW/C/GC/39) points out, lesbians are targeted for discrimination. But their right to assemble and associate is also under attack as the UK opinion makes clear. Lesbians have been prohibited from marching in Pride Parades unless they accept men in their ranks. Lesbians have been harassed off lesbian dating apps if they said they would not date a male. In Australia, the PRIDE center was allowed to have men only groups, transsexual only groups, and women's groups that include men. But they were not allowed to have women-born-women groups. Also in Australia, a woman was censored on a website for saying females had periods – it offended some men. A scientifically factual statement about a bodily process that all women experience for decades cannot be off limits if women have the right to freedom of speech. If women cannot talk about their own life experiences, if they cannot express their own opinions, if they cannot meet in groups, then they do not have the right of free expression, free association, and cannot organize politically.

Lesbians are prohibited from free assembly to voice their political demands in violation of international norms. They have been effectively barred from collectively organizing or being recognized as distinct populations under the law. They have been prevented from forming civil organizations which exclusively promote their interests. This violates their right to freedom of assembly and their right to organize politically.

States must uphold women's rights to peaceful assembly and freedom of association with others. (ICCPR, Articles 21 and 22). This must include the right of women and girls to assemble and associate as women or girls based upon their sex, and the rights of lesbians to assemble and associate on the basis of their common sexual orientation.

**Persons who claim a gender change are already protected under law**

Every international convention focuses on the dignity and autonomy of the individual person. Some countries have specific protections for transsexual people like Australia and the United Kingdom. The opinion in *For Women Scotland Ltd. V. Scottish Ministers* made it abundantly clear that people with gender reassignment are already protected.

Some states protect transsexuals under the rubric of “sex” or “sexual orientation” such as *Bostock v. Clayton County*, 590 U.S. 644, a United States Supreme Court civil rights decision in which the Court held that Title VII of the Civil Rights Act of 1964 protects employees against discrimination on the basis of sexual orientation or gender identity.

## **Conclusion**

There is nothing wrong with males who like flowers or can cook, it’s the society who labels and mistreats them. There is nothing wrong with girls who want to be doctors and fix cars. It is the societal sex roles and their use as cudgels to force women into subordinate roles that we should be focusing on. It should not matter what pronoun is used; a person should be treated with the same dignity and respect. Humans come in an infinite variety. That should be celebrated; no one should not be shamed or pressured or forced into a box s/he didn’t build. That’s patriarchy writ large.

WDI believes that everyone should have equality and justice. All people should be accepted for who they are - not what they look like, not what country they live in or what religion they believe, not how they dress or walk or the job they do but how they behave as part of the human society. We should not have to change our body, take drugs, and have surgery to be accepted for who we are. Everyone should be safe and should not be beaten or abused.

CEDAW must remain focused on women because the abuse of women has been sex based for centuries. Focusing on gender rather than sex does not address the underlying structural basis of inequality leading to violence. Focusing on gender rather than sex means focusing on an amorphous and changing concept based on societal stereotypes. New scientific research emerges regularly, and states are changing positions rapidly depending on that research. An international convention cannot be based on such shifting sand.

The result of focusing on gender is exactly what patriarchy intends - women's spaces where women can talk to each other and organize to fight patriarchy are gone. Women are silenced, women lose positions and jobs that they should have, and the definition of women becomes a man such as Bruce Jenner, a gold medal decathlon winner in the summer Olympics in 1976 as a man, who was named woman of the year in 2015 by Glamour magazine in the US or Dylan Mulvaney another man who was named woman of the year by Attitude magazine in the UK in 2023.

CEDAW was created to and must remain focused on women. The foundational international treaties use the terms women and men; the non-discrimination language includes not just race, religion, age, but also sex; and UN definitions acknowledge that gender is not the same as sex. The subordination of and discrimination against women is based on sex.

The conflation of the category of sex with gender hinders the protection of women and girls from violence perpetrated against them by men and boys. Using “gender” papers over the essential

fact that women are attacked to keep them as a subordinate caste. Women are then excluded from specialist single-sex services for women and girls who have been subject to violence, such as shelters and health care facilities and other services in which single-sex provision is crucial to the promotion of the physical safety, health, privacy, and dignity of women and girls. The presence of men in female single-sex spaces and services undermines the role of these services in protecting women and girls.

International human rights norms seek to improve women's status by dismantling sex-stereotyping. Gender depends on acceptance and continuation of sexual stereotypes. This precisely illustrates the fallacy of the gender argument. Relying on "gender" is a harmful cultural practice and violates international human rights norms.

While gains have been made in women's rights since 1979 when CEDAW was passed, much remains to be done. Women are still underrepresented in government and international bodies, they are still underpaid and do more of the unpaid labor, they still face excessive violence at home and at war, and face discrimination at work. The reasons for the development of CEDAW still exist and the focus of CEDAW needs to remain on women. To do otherwise betrays the meaning of the convention, will divert resources to persons who have not suffered in the way women have, and hinder the movement for human rights for half the globe's population.

[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