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To: Committee on the Rights of the Child

From: Women's Declaration International (WDI)

Re: Draft general comment No. 27 (202x) on children's right to access to justice and to an effective remedy

17th Feb 2026

- Language is critical to understanding whose rights to access justice and remedies need to be ensured
- "Sex" and "gender" are not the same. Treating them as such results in the conflation and misrepresentation of two separate concepts: a) the biological sexual differences between women and men, girls and boys, and b) the social and cultural stereotyped roles applied to women and men, boys and girls.
- Gender Stereotypes are a Harmful Cultural Practice.
- The definition of "gender" is based on regressive sex stereotypes and undermines women's sex-based rights. To reify that ideology as if it had any validity is antithetical to human rights.

INTRODUCTION

According to the draft general comment No. 27 Objective (7) (a) the present general comment aims to provide a comprehensive understanding of children's right to access to justice and to an effective remedy. Specifically, it seeks to clarify the obligations of States parties under the Convention and provide authoritative guidance to States parties and other actors on legislative and other appropriate measures to ensure access to justice and an effective remedy for children.

WDI is an international human rights organization that drafted the Declaration on Women's Sex-Based Rights ('the Declaration' <https://www.womensdeclaration.com/en/declaration-womens-sex-based-rights-full-text/>). The

Declaration has been disseminated worldwide. At the time of writing, the Declaration has 39,804 individual signatories from 160 countries as well as 552 organisational signatories. The organisation is registered in the UK and Wales since 2021.

The following is our response to the CRC's Draft Comment No 27.

The definition of sex and gender.

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 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.

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).

The 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).

Especially in legal use but also in public parlance it is very important that the words used are clear and convey the correct message so as not to be misinterpreted and misused. “Sex” and “gender” are not the same. Treating them as such results in the conflation and misrepresentation of two separate concepts: a) the biological sexual differences between women and men, girls and boys, and b) the social and cultural stereotyped roles applied to women and men, boys and girls.

Children are already protected from discrimination in the CRC Draft Comment 27

Paragraph 15 (a) and (b) reiterate that nondiscrimination and best interest of the child are foundational elements. Section (a) specifically mentions “intersectionality” to include focusing on the entire child and the child's experience. Under the law, one does not need “gender” to protect LGBT individuals. They are already protected by the mandate of nondiscrimination and sexual equality.

The best interest of children is not protected by gender ideology.

Medical, scientific, ethical, and legal resources have been increasingly exposing harmful experiments on children by gender ideology.

In the UK *The Cass Review: Independent review of gender identity services for children and young people: Final Report, April 2024* outlined that the medical evidence does not exist to justify such dangerous, life altering action as puberty blocker and surgery before the child is of age. Paragraph 6 states: When the

Review started, the evidence base, particularly in relation to the use of puberty blockers and masculinising/feminizing hormones, had already been shown to be weak. There was, and remains, a lot of misinformation easily accessible online, with opposing sides of the debate pointing to research to justify a position, regardless of the quality of the studies.

This lack of evidence not only remains today as paragraph 9 outlines, but is deliberate: The University of York's programme of work has shown that there continues to be a lack of high-quality evidence in this area and disappointingly, as will become clear in this report, attempts to improve the evidence base have been thwarted by a lack of cooperation from the adult gender services.

It is inappropriate to experiment on children when "The evidence is weak and clinicians have told us they are unable to determine with any certainty which children and young people will go on to have an enduring trans identity."

The best interest of the child cannot be to stunt their natural growth, remove healthy parts of their body, and irrevocably tie them to medical treatment for the rest of their lives at a young age. All children should be treated with equality and respect for their best interest but acquiescence to a harmful ideology is doing neither. The health needs of all children should be met with the best available health care but as the Cass report made clear, life altering chemicals and surgery is not justified for children.

Gender Stereotypes are a Harmful Cultural Practice.

The Draft General Comment No 27 refers in several paragraphs to "gender" but the use of sexual stereotypes i.e. "gender" to categorize girls is an example of a harmful cultural pattern. The mandate of CEDAW Article 5 is to stop harmful cultural practices not reinforce them. (Article 1) In 2019, the CEDAW issued recommendations regarding harmful cultural practice. (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. 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 girls and boys by "gender" leads to more violence and suppression of girls' rights not less. Children should be defined by their sex, not their assigned gender role.

Language in a general comment must rely on evidence-based science and there is none for gender ideology. No international consensus, scientific or otherwise, exists on gender ideology. Recent research has resulted in modifications of policy in various countries based on scientifically identified harms. We urge you not to use this language which harms children.

Gender is not the basis of discrimination, but rather structural discrimination itself. Therefore, it cannot be subject to any protection.

The language of the general comment increases discrimination and legal confusion. It is ironic that paragraph 27 of the Draft Comment starts with: States should be mindful that remedial mechanisms may reproduce the dynamics that contribute to marginalizing certain groups of children and that fail to offer equality in redress.

As UN agencies have stated, gender is based on discriminatory sexual stereotypes against women and girls. To mandate “gender” consideration is precisely the opposite of human rights because that gives credence to sexual stereotypes as if they define women and girls, which they do not.

The definition of “gender” is based on regressive sex stereotypes and undermines women’s sex-based rights. To reify that ideology as if it had any validity is antithetical to human rights.

Children with any condition should be treated without discrimination. While intersex children do exist due to physical and biological anomalies, “transgender” children can only mean children who are living outside of the sexual stereotypical roles i.e. gender that their particular society assigned them because of their sex. That is classic sex discrimination and already dealt with in paragraph 15 of Draft Comment 27

Paragraph 28 of the Draft Comment states: “States should take a gender-transformative approach, including by recognizing the gendered nature of certain rights violations and properly investigating related claims.” A “gender-transformative approach” would be to eliminate gender entirely. Making decisions based on “gender” i.e. sexual stereotypes created by patriarchy, is a form of control of women and children in the home or community, at school or in other educational settings and institutions and in wider society. Human rights law specifically says states have an obligation to change the prescribed “roles” of women and men, girls and boys not to reify them. Stereotyped roles must be eliminated, not accepted.

To act as if “gender” defines women or girls is to accept the roles defined by men rather than women’s lived experience and to decimate women’s and girls’ self-autonomy.

In paragraph 29, children’s lack of legal understanding is mentioned. But as outlined in the Tavistock Bv (2020) High Court, Administrative Division, case CO/60/2020, Courts and Tribunal Judiciary [Online].

Available at:

<https://www.judiciary.uk/judgments/r-on-the-application-of-quincy-bell-and-a-v-tavistock-and-portman-nhs-trust-and-others/>

case children are not in a situation to understand the life-long, very serious impacts of the hormones and surgery associated with gender ideology. The court found that most minors lack the competence to make life-altering decisions as it is impossible for them to understand a priori the realities of sexual development.

The court outlined that puberty blocking drugs had been prescribed to children as young as 10 (para 7) and the main issue in the case was whether informed consent in the legal sense can

be given by such children and young persons. The answer was no.

The court repeatedly commented on the lack of evidence the experimental nature of the treatment and the profound impact it has on children (para 24, 28, 34, 35)

Professor Scott (Director of University College London's Institute of Cognitive Neuroscience) testified that because of the neurological development of adolescents' brains, that leads them to make more risky decisions than adults. Because of the risks and implications, children are not able to grasp the implications of puberty-blocking "treatment." (para 45-46).

The court commented that even on the site of those promoting the "treatment," they admitted in 2020 that: **"Little is known about the long-term side effects of hormone or puberty blockers in children with gender dysphoria. ...it is not known what the psychological effects may be.**

It's also not known whether hormone blockers affect the development of the teenage brain or children's bones. Side effects may also include hot flushes, fatigue and mood alterations." (emphasis added) (para 67). They also pointed out that, **"Noted that there was no overall improvement in mood or psychological wellbeing using standardized psychological**

measures." (emphasis added) (73) The "treatment" hasn't even been shown to help.

In their conclusion (para 134) the court found that it was an experimental treatment, there is a lack of clarity over the purpose of it, and the consequences change a person's life in a fundamental way including sterilization and sexual function that no child could fully understand and give informed consent to such actions. (para 138) The court pointed out that this decision is made even more difficult since there is no evidence in favor of it (para 143) and such actions are not appropriate.

The final result is that the "treatment" harms children more than it helps and it harms not only the children who are the subjects of the experiment, but those who are not since it impacts and diminishes their sex-based rights.

Because of this, the Cass report, and other research, more countries, institutions, and health care systems are re-thinking their actions in relation to children who claim to have a "gender identity" issue.

In 2024 in France, Senators sought to introduce a bill to ban such “treatments” for those under 18. Many state in the U.S. have already done that and a case is pending at the Supreme Court.

An example of harm to other children is illustrated in the Draft General Comment paragraph 46 where it says to have sensitivity with regard to age, gender and cultural diversity. Sex is missing. A literal interpretation of this sentence means one must be sensitive to the cultural interpretation of how girls and boys are to act according to male superiority, but they are not to be sensitive to nondiscrimination against girls who act outside of the sexual stereotypical roles assigned to them as girls. This is a violation of human rights and the exact opposite of what the CRC is supposed to be doing.

Likewise in paragraph 82 of the Draft General Comment it states that: Information should be communicated in a gender and culturally-sensitive manner. In real speak that means to communicate sex stereotypes, the very thing the CRC is attempting to eliminate. But you cannot eliminate sex discrimination by eliminating “sex”; you can only make it worse by hiding it in the use of the term “gender”.

The passage of time impacts children’s decisions.

As is pointed out in the Draft Comment section C (1) the sense of time is not the same for children and adults. A great injustice is done to children by permanently harming their body and mind with hormones and surgery.

Studies of children with “Gender Identity Disorder” show that if left alone they will not transition but are more likely to be homosexual. In one study of 44 boys, only one transitioned. Two-thirds were homosexual or bi-sexual men. These findings have been ignored to administer the lucrative hormones and surgeries. In another study, of 70 adolescents referred to an Amsterdam clinic between 2000-2008, 62 were homosexual and one was heterosexual.

The real problem is bullying, homophobia, sexual assault on girls, parents’ rejection – not the child herself. But affirming the transition tells the child she is what’s wrong and if she just changed to fit into societies expectation all will be well. That is affirming her self-hatred to her ultimate harm. So-called “gender affirming care” has been called “a human experiment on children and teens.” (Gerald Posner, *The Truth About Puberty Blockers*, THE WALL STREET JOURNAL (June 7, 2023), <https://www.wsj.com/articles/the-truth-about-puberty-blockers-overdiagnosis-gender-dysphoria-children-933cd8fb>.)

In one study, the main problem the adolescents reported was bullying that resulted in depression and self-harm. Again, the problem is not the child; the problem is the society’s treatment of the child. (Young people with features of gender dysphoria: Demographics and associated difficulties, Vicky Holt, Elin Skagerberg and Michael Dunsford, *Clin Child Psychol Psychiatry* published online 26 November 2014 DOI: 10.1177/1359104514558431 The online version of this article can be found at: <http://ccp.sagepub.com/content/early/2014/11/26/1359104514558431>)

Gender Affirmation can equate to Conversion Therapy

“Gender affirmation” and assisting children in social transition is a very experimental approach. Children are steered to drugs and surgery because of the money and a lifetime on expensive drugs. In a study by

Singh, Bradley, and Zucker, they found that 80% of pre-pubertal boys grew out of their “dysphoria” and 63% were gay. Becoming trans was the least likely adult outcome. The majority of adolescents who identify as transgender are lesbian, gay, or bisexual. Homophobic bullying is common and a possible reason why children want to escape who they are. In fact this movement is “transing away the gay” and turning children who would be lesbian or gay into straight men and women. This is conversion therapy. (Is ‘affirmation’ gay conversion therapy for children and young people? Transgender Trend April 1, 2021)

Paragraph 51 in the Draft Comment decries lifelong damage and irreversible effects from discrimination. The detransition movement is raising the red flag about how ineffective and unjust trans ideology is itself by harming children and leaving lifelong damage. detransmedmal@proton.me

On January 31, 2026 it was announced that a U.S. detransitioner who was given a mastectomy at 16 won a medical malpractice lawsuit and received \$2 million in compensation. Another detransitioner Prisha Mosley in North Carolina, U.S. sued doctors who put her on testosterone at 17 and gave her a double mastectomy. She said she needed therapy not drugs and surgery. Her case survived a motion to dismiss and is moving forward. An Ontario, Canada detransitioning woman who had her breasts and womb removed to change her gender to male is suing medical and health practitioners for failing to consider other treatments during her mental health crisis before ushering her on an irreversible journey she regrets. A variety of web sites exist for peer support, family support, and documentaries about the detransition movement.

Children have a right to justice and an effective remedy (VI). Whether that is a lawsuit against a person or institution that is discriminating or harassing because the child does not fit into the sexual stereotype or whether it’s counseling to understand body changes and the unfairness of social norms, it should not be medical experiments that harm them forever.

Gender ideology discriminates against women and girls: it should not be recognized.

Gender ideology has resulted in the dehumanizing of women by referring to women only by their body parts and processes. In some places of the world, one is not allowed to say women or vagina or menstruation or breasts because others are “uncomfortable.” When girls are coming of age and experiencing menstruation for the first time, to prohibit talking about it is discrimination not to say cruel. That is the same discrimination in a different wrapping that says women cannot be let out of the house or must wear a full cover or must not speak because men are uncomfortable. The result is that women and girls are not able to participate in society and are forced to be silent thus violating many of the tenets of basic human rights.

Reliance on gender ideology has reduced women to body parts and functions. Rather than females, women are pregnant persons or breast-feeding persons or menstruating persons or persons with a vagina or persons with ovaries. Girls who are coming of age cannot even refer to their own bodies with the proper medical names in some places due to gender ideology. This refusal to use the proper names of body parts obliterates women’s physical integrity and destroys women’s human rights. Body parts don’t have rights – people do. We know that attacks on populations are predicated by name-calling of that group to dehumanize them.

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.

Obtaining justice for girls is more difficult, if not impossible, if “gender” is a protected group.

Gender has no set definition and is changeable depending on the society and the time. Such vagueness cannot form the basis of a legal norm or the underpinning of discriminatory principles. Legal clarity is lost by using “gender” for which there is no international norm. The lack of definition is not acceptable to many states. Using “gender” which is a stereotype itself, harms rather than helps girls and boys.

The definition of sex has not become obsolete; women still exist. By using the word “sex” it is immediately clear what group is covered: girls as a sex group, or boys as a sex group, or girls or boys who do not adhere to their societies’ stereotyped roles. By using only “gender,” that is defined differently in each culture and not accepted in some, it is unclear what group is covered.

The point of the CRC that human rights violations should not be culturally determined, nor can culture justify a breach is, itself violated by using “gender” that is solely a culturally determined trait. To pretend 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. But it harms women and girls and ultimately boys and men as well with the growth of toxic masculinity.

“Gender” is an expression of sexual stereotypes created by the superior group to control the subordinate group. “Gender” is completely based on the cultural understanding of sex roles. Gender is what the “superior” sex believes the “subordinate” sex should be. **To base principles on gender is to adopt those very cultural standards that violate international rights. Women and girls have been fighting against such sexual stereotyping for 5,000 years. The CRC should not condone it.**

Using “gender” makes it impossible to implement an effective remedy under the CRC Convention

Using “gender” in addition to sex needlessly complicates the analysis of effectiveness. The use of gender would result in ridiculous results under positive action programs to remedy historical discrimination against girls. For example because of period poverty many girls lose a week a month from school thus harming their educational possibilities. Suppose a country decided, due to this long-standing discrimination based on sex, that they would offer free tutoring to the girls to make up the time they had missed so they could pass college exams. Would men who self-identify as women be eligible for free tutoring though they never experienced the problem of missing school due to period poverty? Every program one could imagine to remedy existing discrimination against women and girls could be abused by men or boys identifying as girls. States could not recognize and remedy historical discrimination and inequality for girls because boys did not experience it. Therefore to take special actions for girls, the actual victims of violence and discrimination, would be decried by those claiming a female-identity as discrimination itself.

The importance of collecting and analysing data by disaggregating sex

Effectiveness of the Convention could not be ascertained if the term “gender” is used. Paragraph 84 of Draft Comment 27 asks for “disaggregated data” regarding violations. If data is not collected by sex, it is useless. “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). For example, a person can change their “gender” every six months in Germany. So if they committed a crime or got a scholarship, how could it be accurately categorized in January as opposed to in July?

Though many such international documents mention the need for accurate data, the conflation of sex with ‘gender’ leads to the collection of data on violence against women and girls that is inaccurate and misleading because it identifies perpetrators of violence on the basis of their self-described ‘gender’ rather than their sex.

Data collection must include recognition that violence against women and girls is one of the crucial social mechanisms by which women and girls as a sex are forced into a subordinate position compared with men and boys 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. Such violence against girls commonly starts when they reach puberty.

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 due to the conflation of biological sex and self-identified gender

Conclusion

If the goal of Draft Comment 27 is to craft and enforce principles that are effective, using “gender” rather than “sex” will not address the underlying structural basis of inequality leading to violence. If the goal is to have provisions that States will accept, using “gender” rather than “sex” will not be acceptable because of the amorphous and changing concepts of “gender” that are based on societal stereotypes, not fact. An international definition cannot be based on such shifting sand

The conflation of gender and sex has caused great confusion resulting in girls being ignored when girls and women are in fact the most frequently targeted victims of crime in the world at the hands of males. International human rights norms seek to improve women’s and girls’ status by dismantling sex-stereotyping. Gender depends on acceptance and continuation of sexual stereotypes. Using “gender” papers over the essential fact that women and girls are attacked to keep them as a subordinate caste. Relying on “gender” is a harmful cultural practice and violates international human rights norms.

In an ideal world, there would be no gender. Society should not determine what role a person plays in it. We should all be encouraged to be our best. It should not matter if a man cries, or a woman rides a motorcycle. That is the world we work for, not one where society chooses a role for the sexes based on a hierarchical system, but one where each person is free to choose their own role within society to add to the rich tapestry of humanity. That is the ideal to which human rights Conventions aspire. Each person has the right; each person is accepted for who they are. No re-assembly is required.