

Declaration on Women's Sex Based Rights

On the re-affirmation of women's sex-based rights, including women's rights to physical and reproductive integrity, and the elimination of all forms of discrimination against women and girls that result from the replacement of the category of sex with that of 'gender identity', and from 'surrogate' motherhood and related practices.

Introduction

This Declaration reaffirms the sex-based rights of women which are set out in the Convention on the Elimination of all Forms of Discrimination against Women adopted by the United Nations General Assembly on 18 December 1979 (CEDAW), further developed in the CEDAW Committee General Recommendations, and adopted, inter alia, in the United Nations Declaration on the Elimination of Violence against Women 1993 (UNDEVW).

Article 1 of the CEDAW defines discrimination against women to mean,

“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.”

Sex is defined by the United Nations as “the physical and biological characteristics that distinguish males and females.” (Gender Equality Glossary, UN Women).

The CEDAW places obligations on States Parties to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations customs and practices which constitute discrimination against women.” (Article 2 (f)); and to take, in all fields, “appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.” (Article 3).

It has long been understood in the area of human rights that the stereotyped sex roles of men and women are a fundamental aspect of women's inequality and must be eliminated.

Article 5 of the 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.”

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).

Recent changes replacing references to the category of sex, which is biological, with the language of ‘gender’, which refers to stereotyped sex roles, in United Nations documents, strategies, and actions, has led to confusion which ultimately risks undermining the protection of women’s human rights.

The confusion between sex and ‘gender’ has contributed to the increasing acceptability of the idea of innate ‘gender identities’, and has led to the promotion of a right to the protection of such ‘identities’, ultimately leading to the erosion of the gains made by women over decades. Women’s rights, which have been achieved on the basis of sex, are now being undermined by the incorporation into international documents of concepts such as ‘gender identity’ and ‘Sexual Orientations and Gender Identities (SOGIES)’.

Sexual orientation rights are necessary in eliminating discrimination against those who are sexually attracted to persons of the same sex. Rights relating to sexual orientation are compatible with women’s sex-based rights, and are necessary to enable lesbians, whose sexual orientation is towards other women, to fully exercise their sex-based rights.

However, the concept of ‘gender identity’ makes socially constructed stereotypes, which organize and maintain women’s inequality, into essential and innate conditions, thereby undermining women’s sex-based rights.

For example, the Yogyakarta Principles state that,

“Gender identity is understood to refer to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve

if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.” (Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007).

The right of individuals to dress and present themselves as they choose is compatible with women’s sex-based rights.

However, the concept of ‘gender identity’ has enabled men who claim a female ‘gender identity’ to assert, in law, policies, and practice, that they are members of the category of women, which is a category based upon sex.

The CEDAW General Recommendation No. 35 notes that, “General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention as well as general recommendation No. 33 on women’s access to justice confirms that discrimination against women is inextricably linked to other factors that affect their lives. The Committee’s jurisprudence highlights that these may include...being lesbian.” (II, 12).

The concept of ‘gender identity’ is used to challenge individuals’ rights to define their sexual orientation on the basis of sex rather than ‘gender identity’, enabling men who claim a female ‘gender identity’ to seek to be included in the category of lesbian, which is a category based upon sex. This undermines the sex-based rights of lesbians, and is a form of discrimination against women.

Some men who claim a female ‘gender identity’ seek to be included in the legal category of mother. The CEDAW emphasises maternal rights and the “social significance of maternity”. Maternal rights and services are based on women’s unique capacity to gestate and give birth to children. The inclusion of men who claim a female ‘gender identity’ within the legal category of mother erodes the social significance of maternity, and undermines the maternal rights for which the CEDAW provides.

The Beijing Declaration and Platform for Action (1995) states that,

“The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment”. (Annex 1, 17).

This right is undermined by the use of ‘surrogate’ motherhood, which exploits and commodifies women’s reproductive capacity.

The exploitation and commodification of women's reproductive capacity also underpins medical research which is aimed at enabling men to gestate and give birth to children.

The inclusion of men who claim a female 'gender identity' within the legal categories of woman, of lesbian, and of mother 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.

Organizations that promote the concept of 'gender identity' challenge the right of women and girls to define themselves on the basis of sex, and to assemble and organize on the basis of their common interests as a sex. This includes challenging the rights of lesbians to define their sexual orientation on the basis of sex rather than 'gender identity', and to assemble and organize on the basis of their common sexual orientation.

In many countries state agencies, public bodies and private organizations are attempting to compel persons to identify and refer to individuals on the basis of 'gender identity' rather than sex. These developments constitute forms of discrimination against women, and undermine women's rights to freedom of expression, freedom of belief, and freedom of assembly.

Men who claim a female 'gender identity' are being enabled to access opportunities and protections set aside for women. This constitutes a form of discrimination against women, and endangers women's fundamental rights to safety, dignity and equality.

Article 7 of the CEDAW affirms the importance of measures to eliminate discrimination against women in political and public life, and Article 4 affirms the importance of temporary special measures to accelerate de facto equality between men and women. When men claiming female 'gender identities' are admitted to women's participation quotas and other special measures designed to increase women's participation in political and public life, the purpose of such special measures in achieving equality for women is undermined.

Article 10 (g) of the CEDAW calls on States Parties to ensure that women have the same opportunities as men to participate actively in sports and physical education. Due to the physiological differences between women and men, the exercise of this right by women requires that certain sporting activities are single-sex. When men claiming female 'gender identities' are enabled to

participate in women's single-sex sporting activities, women are placed at an unfair competitive disadvantage, and may be placed at increased risk of physical injury. This undermines women's and girls' ability to have the same opportunities as men to participate in sports, and therefore constitutes a form of discrimination against women and girls, which should be eliminated.

It has long been understood in the area of human rights that violence against women and girls is universally endemic, and is one of the crucial social mechanism by which women are forced into a subordinate position compared with men.

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.”

This domination and discrimination is based on sex and not on ‘gender identity’.

The conflation of the category of sex with the category of ‘gender identity’ hinders the protection of women and girls from violence perpetrated against them by men and boys. It increasingly enables men who consider that they have a female ‘gender identity’ to claim access to female single sex victim support services and spaces, as both service users and as service providers. This includes specialist single-sex provisions for women and girls who have been subject to violence, such as shelters and health care facilities. It also includes 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, and could make women and girls vulnerable to violent men who may claim a female ‘gender identity’.

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.

“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).

The conflation of sex with ‘gender identity’ leads to the collection of data on violence against women and girls which is inaccurate and misleading because it identifies perpetrators of violence on the basis of their ‘gender identity’ rather than their sex. This 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 concept of ‘gender identity’ is increasingly used to ‘gender reassign’ children who do not conform to sex stereotypes, or who are diagnosed with gender dysphoria. Medical interventions that carry a high risk of long-term adverse consequences on the physical or psychological health of a child, such as the use of puberty suppressing hormones, cross-sex hormones, and surgery, are used on children who are not developmentally competent to give full, free and informed consent. Such medical interventions can cause a range of permanent adverse physical health effects, including sterility, as well as negative effects on psychological health.

Preamble

Recalling the commitment to the equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, in particular the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the United Nations Convention on the Rights of the Child (UNCRC), as well as the United Nations Declaration on the Elimination of Violence against Women, the United Nations Declaration on the Right to Development, the United Nations Declaration on the Rights of Indigenous Peoples, the Council of Europe Convention on preventing and combatting violence against women and domestic violence (“Istanbul Convention”), the

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ("Maputo Protocol"), and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Belem do Para Convention").

Re-affirming a commitment to ensuring the full implementation of the human rights of women and of girls as an inalienable, integral and indivisible part of all human rights and fundamental freedoms.

Acknowledging the consensus and progress made at previous United Nations world conferences and summits, including the International Women's Year in Mexico City in 1975, the United Nations Decade for Women in Copenhagen in 1980, the United Nations Decade for Women in Nairobi in 1985, the World Summit on Children in New York in 1990, the Earth Summit on Environment and Development in Rio de Janeiro in 1992, the World Conference on Human Rights in Vienna in 1993, the International Conference on Population and Development in Cairo in 1994, the World Summit on Social Development in Copenhagen in 1995, and the World Conference on Women in Beijing in 1995, with the objective of achieving equality, development and peace.

Recognising that in the first decades of the United Nations human rights approach there was a clear understanding that discrimination against women was based upon sex.

Noting that United Nations human rights agreements, policies, strategies, actions and documents recognize that sex role stereotypes, now more commonly called 'gender stereotypes', are harmful to women and girls.

Recognising that the clear concept of sex role stereotyping has now been confused through the use of the language of gender.

Concerned that the concept of 'gender identity', has been incorporated into many influential, but non-binding, international human rights documents.

Noting that use of the language of 'gender' rather than sex, has enabled the development of a concept of 'gender identity' in which sex stereotypes are seen as innate and essential, which in turn has formed the basis of an erosion of the gains in women's and girls' human rights.

Concerned that men who claim a female ‘gender identity’ assert in law, policies and practice that they are members of the category of women, and that this results in the erosion of the human rights of women.

Concerned that men who claim a female ‘gender identity’ assert in law, policies and practice that sexual orientation is based upon ‘gender identity’ rather than sex, and seek to be included in the category of lesbian; and that this results in the erosion of the sex-based human rights of lesbians.

Concerned that some men who claim a female ‘gender identity’ make claims to be included in the legal category of mother in law, policies and practice, and that such inclusion erodes the social significance of maternity, and undermines maternal rights.

Concerned at the exploitation and commodification of women’s reproductive capacity which underpins ‘surrogate’ motherhood.

Concerned at the exploitation and commodification of women’s reproductive capacity which underpins medical research aimed at enabling men to gestate and give birth to children.

Concerned that organizations that promote the concept of ‘gender identity’ attempt to limit the right to hold and express opinions about ‘gender identity’ by promoting attempts by state agencies, public bodies and private organizations to use sanctions and punishment to compel persons to identify individuals on the basis of ‘gender identity’ rather than sex.

Concerned that the concept of ‘gender identity’ is used to undermine the right of women and girls to assemble and associate as women and girls based upon their sex, and without including men who claim to have female ‘gender identities’.

Concerned that the concept of ‘gender identity’ is used to undermine the right of lesbians to define their sexual orientation on the basis of sex, and to assemble and associate on the basis of their common sexual orientation, and without including men who claim to have female ‘gender identities’.

Concerned that the inclusion of men and boys who claim to have a female ‘gender identity’ into competitions and prizes set aside for women and girls, including competitive sports and scholarships, constitutes discrimination against women and girls.

Concerned that the conflation of sex and ‘gender identity’ is leading to the recording of inaccurate and misleading data used when planning for laws, policies and actions relating to employment, equal pay, political participation, and distribution of state funds, inter alia, thereby hindering effective measures aimed at eliminating all forms of discrimination against women and girls, and at promoting the advancement of women and girls in society.

Concerned that policies based on the concept of ‘gender identity’ are being used by state agencies, public bodies and private organizations in ways which threaten the survival of women only service provisions, including victim support and health care services.

Concerned that the concept of ‘gender identity’ is used to justify the intrusion of men and boys into single-sex spaces aimed at protecting the safety, privacy and dignity of women and girls, and at supporting women and girls who have been subject to violence.

Concerned that the conflation of sex and ‘gender identity’ is leading to the recording of inaccurate and misleading data about violence against women and girls, thereby hindering the development of effective measures aimed at eliminating such violence.

Concerned that the concept of ‘gender identity’ is used to obscure the sex of perpetrators of sex-specific crimes, such as rape and other sexual offences, thereby hindering effective measures aimed at reducing such crimes.

Concerned that the erasure of sex-specific actions, strategies and policies for women and girls will undermine decades of United Nations work to recognize the importance of women only services in disaster zones, refugee camps, and prisons, and in any context where the use of mixed-sex facilities would be a threat to the safety, dignity and protection of women and girls, and particularly vulnerable women and girls.

Emphasising that the concept of ‘gender identity’ was developed specifically out of a body of postmodern and ‘queer theory’ in the West and is being disseminated through powerful organizations internationally, including in countries where the term ‘gender’ does not exist in local languages and cannot easily be understood.

Recognising that the United Nations Convention on the Rights of the Child states that, for the purposes of the Convention, a child is every human being

below the age of 18 years; and that the Declaration of the Rights of the Child 1959 states that,

“the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection.”

Recognising that the United Nations Convention on the Rights of the Child (Article 3) states that, in all actions concerning children, the best interests of the child shall be a primary consideration.

Noting that the concept of ‘gender identity’ is increasingly used to ‘gender reassign’ children who do not conform to sex role stereotypes or who are diagnosed with gender dysphoria, and that medical interventions that carry a high risk of long-term adverse consequences on the physical and psychological health of a child, such as the use of puberty suppressing hormones, cross-sex hormones, and surgery are used on children. Children are not developmentally competent to give full, free and informed consent to such interventions, which may lead to permanent adverse consequences, including sterility.

Recognising that the use of puberty suppressing drugs, cross-sex hormones, and surgery on children are emerging harmful practices as defined by Part V of the 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 on harmful practices.

Noting that the use of puberty suppressing drugs, cross-sex hormones, and surgery on children meet the four criteria for determining harmful practices in that:

- (a) These practices constitute a denial of the dignity and integrity of the individual child and a violation of the human rights and fundamental freedoms enshrined in the two Conventions, in that they involve medical interventions that carry a high risk of long-term adverse consequences on the physical and psychological health of children who are not developmentally competent to give full, free and informed consent to such medical interventions.
- (b) These practices constitute discrimination against children and are harmful in so far as they result in negative consequences for them as individuals, including physical, psychological, economic or social harm and/or violence and limitations on their capacity to participate fully in society or develop and reach their true potential. Such negative consequences may include long-term physical

and psychological health problems, permanent adverse health consequences such as sterility, and long-term dependence on pharmaceutical products such as synthetic hormones.

(c) These are emerging practices that are prescribed or kept in place by social norms that perpetuate male dominance and inequality of women and children, on the basis of sex, gender, age and other intersecting factors, in that they arise from a concept of ‘gender identity’ which is based upon sex role stereotypes.

(d) These practices are imposed on children by family members, community members or society at large, regardless of whether the victim provides, or is able to provide, full, free and informed consent.

Concerned that some non-binding international documents claim that children have innate ‘gender identities’ which require protection under Article 8 of the UNCRC in the same way as national identity, as a matter of the child’s human rights. This claim is based on the assertion that children are born ‘transgender’, for which there is no objective scientific evidence.

Article 1

Reaffirming that the rights of women are based upon the category of sex

States should maintain the centrality of the category of sex, and not ‘gender identity’, in relation to women’s and girls’ right to be free from discrimination.

(a) For the purposes of this Declaration, the term “discrimination against women” shall mean “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”. (CEDAW, Article 1).

States should understand that the inclusion of men who claim to have a female ‘gender identity’ into the category of women in law, policies and practice constitutes discrimination against women by impairing the recognition of women’s sex-based human rights. States should understand that the inclusion of men who claim to have a female ‘gender identity’ in the category of women results in their inclusion in the category of lesbian, which constitutes a form of discrimination against women by impairing the recognition of the sex-based human rights of lesbians.

(b) States “shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”. (CEDAW, Article 3).

This should include the retention in law, policies and practice of the category of woman to mean adult human female, the category of lesbian to mean an adult human female whose sexual orientation is towards other adult human females, and the category of mother to mean a female parent; and the exclusion of men who claim to have a female ‘gender identity’ from these categories.

(c) States should “condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”. (CEDAW, Article 2).

This should include the elimination of that act and practice of discrimination against women which comprises the inclusion of men who claim to have a female ‘gender identity’ in the category of women. Such inclusion erodes women’s rights to safety, dignity and equality.

(d) States should ensure that the words ‘woman’, the word ‘girl’, and the terms traditionally used to refer to women’s body parts and bodily functions on the basis of sex continue to be those used in constitutional acts, legislation, in the provision of services, and in policy documents when referring to persons of the female sex. The meaning of the word ‘woman’ shall not be changed to include men.

Article 2

Reaffirming the nature of motherhood as an exclusively female status

(a) The CEDAW emphasises the “social significance of maternity”, and Article 12 (2) states that “States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period”.

(b) Maternal rights and services are based on women’s unique capacity to gestate and give birth to children. The physical and biological characteristics that distinguish males and females mean that women’s reproductive capacity cannot be shared by men who claim a female ‘gender identity’. States should understand that the inclusion of men who claim a female ‘gender identity’ into the legal category of mother in law, policies and practice, and the corresponding inclusion of women who claim a male ‘gender identity’ into the category of

father, constitute discrimination against women by seeking to eliminate women's unique status and sex-based rights as mothers.

(c) States should ensure that the word 'mother', and other words traditionally used to refer to women's reproductive capacities on the basis of sex, continue to be used in constitutional acts, legislation, in the provision of maternal services, and in policy documents when referring to mothers and motherhood. The meaning of the word 'mother' shall not be changed to include men.

Article 3

Reaffirming the rights of women and girls to physical and reproductive integrity

(a) States should ensure that the full reproductive rights of women and girls, and unhindered access to comprehensive reproductive services, are upheld.

(b) States should recognize that harmful practices such as forced pregnancies, and the commercial or altruistic exploitation of women's reproductive capacities involved in 'surrogate' motherhood, are violations of the physical and reproductive integrity of girls and women, and are to be eliminated as forms of sex-based discrimination.

(c) States should recognize that medical research which is aimed at enabling men to gestate and give birth to children is a violation of the physical and reproductive integrity of girls and women, and is to be eliminated as a form of sex-based discrimination.

Article 4

Reaffirming women's rights to freedom of opinion and freedom of expression

(a) States should ensure that women have the right to "hold opinions without interference". (ICCPR, Article 19 (1)). This should include the right to hold and express opinions about 'gender identity' without being subject to harassment, prosecution or punishment.

(b) 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 (2)). This should include the

freedom to communicate ideas about ‘gender identity’ without being subject to harassment, prosecution or punishment.

(c) States should uphold the right of everyone to describe others on the basis of their sex rather than their ‘gender identity’, in all contexts. States should recognize that attempts by state agencies, public bodies and private organizations to compel individuals to use terms related to ‘gender identity’ rather than sex are a form of discrimination against women, and shall take measures to eliminate this form of discrimination.

(d) States should prohibit any form of sanctioning, prosecution or punishment of persons who reject attempts to compel them to identify others on the basis of ‘gender identity’ rather than sex.

Article 5

Reaffirming women’s right to freedom of peaceful assembly and association

States should uphold women’s rights to peaceful assembly and freedom of association with others. (ICCPR, Articles 21 and 22). This should 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’.

Article 6

Reaffirming women’s rights to political participation on the basis of sex

(a) States “shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country”. (CEDAW, Article 7).

This should include forms of discrimination against women which consist of the inclusion in the category of women of men who claim to have a female ‘gender identity’. All measures taken specifically to improve women’s access to voting rights, eligibility for election, participation in the formulation of government policy and its implementation, the holding of public office, performance of all public functions, and participation in non-governmental organizations and associations concerned with public and political life, should be based upon sex

and not discriminate against women by the inclusion of men who claim to have female ‘gender identities’.

(b) States should ensure that the “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women” (CEDAW Article 4) shall apply only to persons of the female sex and shall not discriminate against women through the inclusion of men who claim to have female ‘gender identities’.

Article 7

Reaffirming women’s rights to the same opportunities as men to participate actively in sports and physical education

Article 10 (g) of the 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 should 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 identities’ into teams, competitions, facilities, or changing rooms, inter alia, set aside for women and girls should be prohibited as a form of sex discrimination.

Article 8

Reaffirming the need for the elimination of violence against women

(a) 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)).

These measures should include the provision of single-sex services and physical spaces for women and girls to provide them with safety, privacy, and dignity. Whether provided by public or private entities, such single sex provisions

should 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’.

(b) Single sex provision 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, 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. These facilities should not include men who claim to have female ‘gender identities’.

(c) 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)).

This should 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 sex and not ‘gender identity’.

“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).

(d) States should “[i]nclude in analyses prepared by organizations and bodies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women.” (UNDEVW Article 5 (d)). This should require states to ensure that the identities of perpetrators and victims of violence against women and girls are recorded on the basis of sex and not ‘gender identity’ by all public bodies, including the police, state prosecutors, and the courts.

(e) States should “[d]evelop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms.” (UNDEVW, Article 4 (d)).

This should 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 their ‘gender identity’ rather than their sex.

Article 9

Reaffirming the need for the protection of the rights of the child

(a) “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” (Article 3 (1) UNCRC). States should recognize that medical interventions aimed at the ‘gender reassignment’ of children by the use as puberty suppressing drugs, cross-sex hormones and surgery do not serve the best interests of children. Children are not developmentally competent to give full, free and informed consent to such medical interventions, which carry a high risk of long-term adverse consequences to the physical and psychological health of the child, and which may result in permanent adverse consequences, such as sterility. States should prohibit the use of such medical interventions upon children.

(b) States should recognize that medical interventions aimed at the ‘gender reassignment’ of children by the use of drugs and surgery are emerging harmful practices as defined by Part V of the 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 on harmful practices.

(c) States should establish data collection and monitoring processes in relation to these practices, and enact and implement legislation aimed at eliminating them. States’ provisions should include legal protection and appropriate care for children harmed by such practices, and the availability of redress and reparations.

(d) States should “recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.” (UNCRC, Article 24). This should include protection of the healthy body of the child from the use of drugs or surgery to effect ‘gender reassignment’ treatment.

(e) States should “ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health...as well as competent supervision.” (UNCRC, Article 3). This should include preventing organizations that promote the concept of ‘gender identity’, or constituencies that have no clinical expertise or child psychology background, from influencing health services for children.

(f) States should “respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.” (UNCRC, Article 5). States should prohibit state agencies, public and private bodies, medical practitioners, and other child welfare professional from taking any action which seeks to compel parents to consent to medical or other interventions aimed at changing the ‘gender identities’ of their children.

(g) States should “recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.” (UNCRC, Article 28). This should include the right of the child to the development of school curricula which are materially accurate about human biology and reproduction, and include information about the human rights of people of diverse sexual orientations, taking into account the evolving capacity and psychological developmental stages of the child.

(h) States should ensure inclusion in teacher training and continuing professional development programmes of accurate material about human biology and reproduction, and information about the human rights of people of diverse sexual orientations, which should include the challenging of sex stereotypes and of homophobia.

(i) States “agree that the education of the child shall be directed to [t]he preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes...” (UNCRC, Article 29). This should include measures to ensure that organizations are not allocated state funding to promote sex stereotyping and the concept of ‘gender identity’ in educational institutions, as this constitutes the promotion of discrimination against women and girls.

(j) States “shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.” (UNCRC, Article 36). This should include effective and appropriate legal measures with a view to abolishing: traditional and emerging practices which enforce sex role stereotypes on girls and boys; diagnosing and treating children as having been ‘born in the wrong body’ when they do not conform to traditional sex role stereotypes; identifying young people who are same sex attracted as suffering from gender dysphoria; and using medical interventions on children which may result in their sterilization or other permanent harms.

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