



Women's Human Rights Campaign

Dear UN Commission on the Status of Women,

We are writing to inform you of the harms to American women and children caused by the redefinition of the word sex to include “gender identity” in U.S. law. These revisions to our laws have had catastrophic effects for women and girls. They undermine the rights, privacy, and safety of women and girls all across the country.

For example:

- The U.S. Senate is currently considering whether to pass H.R. 5, the Equality Act, which the U.S. House of Representatives passed earlier this year. This law would completely redefine the word sex to include “gender identity.” This would mean that any man would be able to access any women’s restroom, changing room, or locker room in all public accommodations, which includes all restaurants, bars, movie theaters, sports arenas, and all recreational areas. Grown men will be able to enter areas that are intended to be restricted to women and girls all across the country. WHRC has submitted this [letter](#) to U.S. Senate Majority Leader Charles Schumer, signed by thousands of women all over the world, to warn him about this danger. We also submitted this [testimony](#) before the U.S. Senate Judiciary Committee, objecting to the passage of this bill.
- Even without passage of the Equality Act, the Biden Administration has *already* issued a number of Executive Orders that will inevitably harm women and girls, in violation of international law and in violation of the principles underpinning the purposes of the CSW.
 - Within hours of taking the oath of office, President Biden signed an “[Executive Order](#) Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.” The Executive Order established that it is the official policy of the Biden-Harris Administration that sex is to be defined to include “gender identity.” The order directed all federal agencies to redefine sex to include “gender identity” throughout federal administrative law.
 - On February 11, 2021, the Department of Housing and Urban Development (HUD) [announced](#) that it will interpret the Fair Housing Act in a manner that redefines sex to include gender identity for housing purposes.
 - On May 10, 2021, the Department of Health and Human Services (HHS) [announced](#) that it will interpret and enforce Section 1557 of the Affordable Care Act (ACA) to redefine sex to include “gender identity.”

- And then, on July 16, 2021, one week before the forty-ninth anniversary of Title IX's enactment, the Department of Education [announced](#) that Title's protections for women and girls in education, including sports, are effectively dead. Now, any male student or athlete can claim to have been discriminated against on the basis of sex if he argues that he was discriminated against on the basis of his "gender identity."
- The U.S. judiciary is also misinterpreting our country's laws in ways that protect men on the basis of their so-called "gender identity." *See, e.g., Hecox, et al. v. Little, et al.*, No. 1:2020cv00184 - [Document 63](#) (D. Idaho 2020).
- California SB 132 allows *any male prisoner, including convicted murderers and rapists*, to be housed in women's prisons. The state has *already* [transferred](#) hundreds of men into the women's state facility. This is in blatant violation of international law. *See, e.g., Resolution 70/175: United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 11(a):* "Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate."
- Washington state, like many other states, also [allows](#) men to be held in women's prisons by virtue of administrative policy, also in violation of international law.

These are just a few examples of the many ways in which the United States of America is in blatant violation of international law by virtue of the manner in which it is treating women and girls.

Incorporating men in women's sports has resulted in horrible injuries to female participants in several incidents. In a bout lasting just over two minutes, male MMA fighter Fallon Fox fractured his female opponent's skull, and the fight ended with her unconscious on the floor. The male advantage of greater strength, size and endurance is irreversible, and leads to an uneven playing field where female athletes cannot compete fairly or safely.

The FBI collects and publishes crime statistics through a program called the Uniform Crime Reporting System (UCR). Table 42 of the UCR contains the FBI's reporting on arrests by sex. Males commit the overwhelming majority of crime, especially violent and sex crime. In 2019 (the most recent data available), males committed 88 percent of murders, 97 percent of rapes, 84 percent of robberies, and 77 percent of aggravated assaults. On June 28, 2021, a group of 21 state (plus Washington D.C.) attorneys general [called](#) upon the Justice Department to "act swiftly to add a non-binary gender designation to its Uniform Crime Reporting (UCR)." Their argument in favor of taking such an action is that because local law enforcement agencies submit their crime data to the FBI using the UCR system, they encounter errors when they try to

submit their data regarding so-called “non-binary” individuals because the UCR system does not permit the entry of a “non-binary gender.” As for what “non-binary” may mean, the letter simply states that “[i]ndividuals whose gender is not male or female commonly use the term ‘non-binary’ to refer to their gender identity.” *This would completely obscure the reality of male violence against women and girls.*

Children are being medicalized and taught the lie that they can change sex when they act or dress outside common sex-based stereotypes.

Lesbian and gay people are being ostracized and framed as bigots for not wanting to be sexually or romantically involved with people who claim to change sex and then say they are lesbian and gay.

Children, same-sex attracted people, and all females in our country are adversely affected by these policies, whether they realize or not, because they allow predators increasingly unfettered access to the most vulnerable members of the female sex class. Many women and girls are in imminent danger, and many have already been harmed. It is time to admit that people can't change sex, that some spaces and activities must be separated by sex, and that the sex-based stereotypes called “gender” harm everyone, most especially women and girls.

We hope that the CSW will pay attention to how women and girls are being treated in the United States of America and to take action where the U.S. is in violation of international laws, norms, and values.

Thank you for your attention to this emergency.

Sincerely,

The Women's Human Rights Campaign, USA