



Testimony of Vajra Ma, Chair, Women's Human Rights Campaign USA

Before the Maryland House Health and Government Operations Committee

H.B. 1118

OPPOSE

April 7, 2021

Thank you, members of the Maryland House Health and Government Operations Committee, for allowing me the opportunity to provide written testimony in opposition to H.B. 1118.

The Women's Human Rights Campaign (WHRC) is a global nonpartisan group of volunteer women dedicated to protecting women's sex-based rights. Our volunteers include academics, writers, organizers, activists, lawyers, and health practitioners. [The Declaration on Women's Sex Based Rights](#) was created by the founders of WHRC to lobby nations to maintain language protecting women and girls on the basis of sex rather than "gender" or "gender identity." The Declaration re-affirms women and girls' sex-based rights and challenges the discrimination we experience from the replacement of the category of sex with that of "gender identity."

I am the chair of WHRC USA, the U.S. chapter of WHRC. My interest in the legislation before this Committee today, H.B. 1118, is based upon Article 8 of our Declaration, "Reaffirming the need for the elimination of violence against women." This is in keeping with United Nations Declaration on the Elimination of Violence against Women, which provides that states should "[w]ork to ensure, to the maximum extent feasible . . . 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. Single-sex spaces should 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'.

In recent years, there has been an incursion of men and boys into women's and girls' public spaces on the basis of so-called "gender identity," a linguistic mechanism by which men and boys claim the identity of women and girls. This claim has no basis in material reality and is contrary to Article 1 of WHRC's Declaration on Women's Sex-Based Rights, which states 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."

Single-sex residential health care facilities are necessary to the safety of women and girls, who are particularly vulnerable when they are not only sick, but forced to share enclosed spaces such as sleeping areas, restrooms, and showers when they are undressed. Sex crimes are overwhelmingly committed by men against women and children, and it is impossible to tell which men are likely to offend and which are not. How they dress is not an indicator of criminality or its absence.

I've provided a few illustrations below of how men have used claims of "transgender" status to gain access to vulnerable women and girls in formerly female-only spaces for criminal purposes.

[In 2019, a 32-year-old man allegedly assaulted a woman in a Walmart restroom.](#) When the store manager confronted him about being in the women's room he asked, "How do you know I'm not a female?"

[Three teenage water polo players](#) were confronted with an adult male showering in the locker room at the swim center where the team held practice. One of the player's mothers said the girls were "mortified, scared, and traumatized" by the man's presence, but nothing could be done because "no laws were broken."

[A woman leaves a drug rehabilitation residential facility](#) after being forced to share a room with a man, and being accused of "transphobia" for complaining.

[Women in a women's homeless shelter](#) are forced to shower with a sexually harassing man who claims to be a woman..

[A man claiming to be a woman](#) assaults multiple women at Toronto shelters.

[A man claiming to be a woman](#) commits multiple rapes of women inmates in women's prison.

[Multiple assaults by men claiming to be women](#) in women's restrooms have been documented by a major national organization.

[A man who "identified" as a "trans woman" allegedly assaulted a 10 year old girl in a public restroom.](#)

[A man who "identified" as "transgender" allegedly videotaped a woman in a Target fitting room.](#)

[A cross-dressing man allegedly exposed himself to children at Walmart.](#)

[A cross-dressing man allegedly punched a woman in the face because she questioned his presence in the women's restroom in a bar.](#)

And here are some illustrations of the dangers to female mental health patients posed by being housed with men:

An [overview](#) of sexual assault in residential mixed-sex psychiatric facilities.

A lawsuit [settlement](#) by Maryland in a case involving sexual assaults by male patients on a female patient housed in a mental health facility.

These incidents are not mere outliers. They are the direct result of negligent and dangerous policies. [An analysis](#) of 220 media-reported incidents in Target stores from 2003 through August 2017 found a statistically significant increase in reported sexual offenses following introduction of the "gender inclusion policy." Data obtained in the United Kingdom via a Freedom of Information request revealed that [mixed-sex changing rooms are more dangerous for women and girls](#), with just under 90% of sexual assault, voyeurism and harassment incidents involving changing rooms taking place in mixed-sex (or "gender neutral") facilities. In 2015, The University of Toronto [reversed a policy on mixed-sex bathrooms after multiple female students reported incidents of voyeurism](#).

If single-sex services and physical spaces, including residential health care facilities for women and girls continue to be eroded, the ability of women and girls to receive residential health care under conditions that promote their sex-based rights to health care, safety, privacy, and dignity will be impermissibly compromised. It is for these reasons that we strongly oppose Maryland H.B. 1118.



Vajra Ma
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