



January 2, 2024
Professor Daphna Hacker
Law Faculty and Women and Gender Studies Program
Tel Aviv University
Member, International Committee on the Elimination of
Discrimination Against Women (CEDAW)

Dear Professor Hacker:

Please accept this report from the Women's Sports Policy Working Group (WSPWG), a USA-based group of academicians, administrators, and former elite athletes who are experts in women's sports policy, civil rights law, sex equity, and LGBTQ issues; and ICONS, a network and advocacy group comprised of current and former collegiate and professional women athletes and their families and supporters.

We understand that the UN Committee on the Elimination of Discrimination Against Women (CEDAW) is seeking expert comments on the implications of self sex/gender identification in women's competitive sports and other domains.

We offer the following responses, information, and research for CEDAW consideration.

We appreciate your attention to this issue and would welcome an opportunity to meet to discuss our opinions and information.

First, some notes about terminology:

- We use "sex" synonymously with "biological sex."
- Sex is a fact determined by anatomy, physiology, genetics, and hormones.ⁱ Sex is defined by gametes. Individuals are either female with bodies designed to produce eggs, or they are male with bodies designed to produce sperm. Even individuals whose sex development is atypical, commonly termed intersex or DSD (differences of sexual development) – who for example might have external

genitalia not fully formed, androgen receptors less than typically sensitive, or other anomalies – are fundamentally either male or female. Sex is immutable. Males cannot become female, regardless of gender identity and medical treatments; nor can females become males.ⁱⁱ Every cell in a human body is either XX or XY (with rare exceptions).

- “Gender identity” refers to a psychological state, belief, or identity and can be described by terms such as “transwomen,” “transmen,” “gender-fluid,” “nonbinary,” and any other identity people may adopt – whether once or more often. By definition, gender identity is flexible.ⁱⁱⁱ It can change. Indeed, some people’s gender identity is to be “gender fluid”; they may declare themselves to be women one day or week, and men the next.
- We use the words female, male, girl, boy, woman, and man to denote a person’s sex, regardless of their gender identity.
- We use the word transgender for people of either sex who call themselves trans or transgender.
- We do not use the term “cisgender female” because, biologically speaking, there is only one type of female.
- “Trans women are women” is a political slogan, not a fact. “Transwomen” are men who want to be women or think of themselves as women or “identify” as women. We explain this respectfully, simply to clarify biological facts, because they matter.
- Transgender does not mean what transsexual used to mean (people who had “sex reassignment surgery” to change their appearance from male to female or vice versa). According to recent research by the Washington Post and the Kaiser Family Foundation, 62 percent of trans adults identify as “trans, gender non-conforming” or “trans, nonbinary,” while only 33 percent identify as a “trans man” or “trans woman.” Just 31 percent have used hormone treatments, HRT, or puberty-blocking hormones, and only 16 percent have undergone “gender-affirming” surgery or another surgical treatment to change their physical appearance. This survey was conducted on adults; one can reasonably assume that schoolchildren and college students are even less likely to have used medication or undergone surgery. **Therefore, most trans-identified adults (at least 84 percent) have not had surgery, and at least 69 percent have not taken any medications.**^{iv} Other research confirms that most men who self-ID as women (between 87 and 96 percent) have not removed their testicles or penis.^v
- These definitions have meaning and consequences, especially as they pertain to girls and women. For instance, these definitions shed light on eligibility rules that govern who gets to play in the female sports category. When we read about “transwomen” insisting on playing women’s sports, we should first understand that these people are male.
- ***In other words, in almost 70 percent of the cases, male athletes have “transitioned” into “transwomen” only by virtue of their attire or***

"identity," with zero modifications to their bodies or their abilities. And it's a basic fact of life, proven by scientific research, that male athletes possess a vast performance advantage over women. No wonder female athletes are crying, "Unfair!"

- ***As explained elsewhere, no amount of surgery or hormones can change an individual's sex, nor would such modifications create a fair playing field for women.***
- We mean no disrespect to transgender people who prefer different terms. Our goal is to be clear: Sex is immutable. Males can dress "like women" or put on makeup "like women" or walk or talk "like women" -- or in keeping with stereotypical female behavior and attire – but cannot transform into females via outfits, hairstyles, intention, belief, medication, surgery, or anything else.

It is our understanding that CEDAW is wisely pursuing answers to the following questions:

1. Should self sex/gender identity be recognized as a legal right? And why no/yes?

No. For the following reasons, CEDAW should not recognize self sex/gender identity (known as self-ID, the term we will use throughout this document) as a legal right:

- 1) Self-ID advantages men and disadvantages women – which conflicts with the core purpose of CEDAW: requiring countries to eliminate discrimination against women and girls in all areas and promoting women's and girls' equal rights.
- 2) Self-ID permits men to present themselves as women – via clothing, hairstyles, physical or medical changes, or a simple declaration: "I'm a girl/woman." Thus, self-ID conflates sex with gender identity. These terms are not interchangeable and should not be considered synonymous for legal purposes. Sex is an immutable characteristic, protected under the U.S. Constitution and many other nation's laws.
- 3) If men can choose to identify as women, then women cease to be a recognized and meaningful category of humans with any separate needs from men.
- 4) No laws should grant individuals the right to misrepresent their sex. Otherwise, this can constitute deceptive business practices; result in harm to others, especially women; and muddle data collection and resultant decision-making. This harm can occur across many realms. Here is a sampling of five specific areas:
 - Medical and Scientific Research: When medical entities engaged in research or treatment solicit information about sex, supplying answers

based on gender identity instead may result in harms regarding diagnosis, treatment, medications, and data collection. For example, if a man gets breast cancer but is registered and recorded as a woman, information about the case will cloud data, research, and future decision-making about how breast cancer manifests and responds to treatment in women and men. If we do not collect data based on sex, we will no longer be able to recognize and address any physical or social problems or discrimination based on sex.

- Economic and Other Fraud: When insurance or government agencies solicit information about sex, supplying answers based on gender identity may constitute fraud or result in economic or opportunity harm to others for whom such benefits were intended. For instance, if a man applies for federal loans designated for female small-business owners and self-identifies as a woman on the application, granting him that loan will deprive a deserving woman of those funds.
- Current Sex Discrimination Laws: When laws such as the Title IX (of the United States' Education Amendments of 1972) are established to prevent discrimination based on sex, supplying answers based on gender identity instead of sex would negate the purpose of the law. For instance, if a man receives a college scholarship to play women's sports, granting him that scholarship will deprive a deserving woman of those funds, that college education, and that athletic opportunity.
- Safety in Caregiving and Health Care Settings: When organizations providing intimate care or shelter (involving such things as gynecological exams, maternal health care, nursing-home and hospital care, massage, and domestic violence shelters) offer opportunities for patients or clients to specify a preference for a male or female caregiver, allowing caregivers to shield their sex based on gender identity may result in psychological pain, a privacy violation, or even physical or sexual assault. For instance, if a female hospital patient requests a female nurse to change her catheter and a man who self-identifies as a woman shows up to do the job, the patient – sensing, noticing, or later learning that the man was only posing as a woman – may feel personally violated and betrayed. She will also be more vulnerable to assault than if an actual woman had done the job because regardless of gender identity, men are far more likely than women to assault women. (See Question #3, below.)
- Safety in Incarceration Settings: When prison systems allow any male to self-ID as women (whether due to a genuine gender dysphoria or a pernicious desire to have access to vulnerable women) and those males are transferred into women's prisons due to self-ID laws, female residents are terrified and terrorized. This is particularly true because these men are often violent and sexual offenders being housed with

the most vulnerable women. This is already happening in several countries, including Scotland,^{vi} and several U.S. states, including California, and has had dire consequences for women.

2. Is there reliable data on the impact of a recognized legal right of self sex/gender identity on all stake holders, including cis- and trans- girls and women?

Yes. There are multiple research studies that demonstrate a negative impact of a recognized legal right of self-ID on all stakeholders.

Competition: Since March 2023, the WSPWG has been compiling data about trans (male) participation in women's sports. In less than a year, there have been more than 250 instances of men who self-ID as women defeating women at every level of competition, across more than 40 sports.^{vii} While these athletes are lauded by trans activists as trailblazers, their impact on female athletes is devastating.

*I've left cycling. **Losing to a trans rider hurts on a million different levels.***
— [Hannah Arensman, 24, US cycling champion](#)

"Transgender competitors are ruining our sport."
— [Heather, 66, who quit a ladies shore angling team](#) over trans participation"

At the last contest series I did for Red Bull, I placed second. The trans competitor who won took \$1000 dollars in qualifiers, \$3000 in finals, and \$1,000 in best trick. This totaled \$5000 of the prize money meant for female athletes.

I am sick of being bullied into silence.
— [Skateboarder Taylor Silverman](#)

Access and Opportunity: We can predict what the long-term impact of self-ID laws will be on female athletes because we already have more than one hundred years of records showing that regardless of gender identity, men outperform women in virtually every sport at every age group.^{viii} ***This is why the female category exists: to give girls and women a chance to participate fairly, to benefit from everything sports have to offer, to become champions, and to celebrate female accomplishments.***

If men are allowed to self-ID their way into women's sports, that will spell the end of women's sports as we know it. At that point there will no longer be a category set apart for female athletes to achieve, separate from men.
(See more sports data and extensive endnotes below.)

Sexual Assault and Safety: We also have data showing what happens when males enter women's private spaces. According to one recent investigation of complaints of sexual assaults, voyeurism, and harassment at public fitness centers and swimming pools in London, almost 90 percent of sexual offenses against females took place in unisex changing rooms.^{ix} (See more about physical spaces below.)

3. How should self sex/gender identity as a legal right, or the abolishment of sex/gender as a legal category, impact:

Language

Self-ID – already in place in some U.S. states and several countries – is resulting in judges insisting, absurdly and oppressively, that female victims refer to their male rapists as “she” and “her” in court. The media is following suit, reporting stories about “female rapists” and thus making a mockery of the truth about sexual assault.

Punishments for failing to comply with these Orwellian rules of gender language are severe. People who refuse to call rapists “she” and who describe others according to their sex rather than their gender identity have lost jobs, have been kicked out of graduate programs, have been accused of hate speech, transphobia, and bigotry, and have suffered other career and financial consequences for simply telling the truth. **We must not enshrine into law compelled speech – whereby ordinary people are legally forced to refer to males as women.**

Physical spaces

The perpetrators of violent and sexual crimes against girls and women are overwhelmingly male.^x Self-ID laws, which grant men access to women's changing rooms, restrooms, prisons, domestic violence shelters, and other spaces set aside for women, pose risks of additional physical and sexual harm to women. Granting men access to those spaces endangers women's physical safety and exposes them to lewd conduct and assault when they are at their most vulnerable (naked).

Some people wonder: Aren't men who self-ID as women less violent than other men? This question is based on stereotypes about femininity: a “feminine” man would not be as inclined to be aggressive or dangerous as a masculine man, would he? But there is

no evidence that men who identify as women perpetrate any less violence against women than men who identify as men. In fact, a longitudinal, quantitative study by Swedish researchers found that post-operative males who identify as transgender had criminal-conviction rates that were comparable to male controls.

In other words, sex reassignment did not decrease men's risk for criminal convictions.^{xi}
Males who identify as transgender are not dangerous to females because of their gender identity; they are dangerous because they are male.^{xii}

Males who would not consider the risk and fear of women are the very men who women are most concerned about sharing spaces with. Women do not have the strength, weight, or size of men, and cannot be used to provide safe spaces for males who feel uncomfortable around other men.

Men's desires to be in women's spaces must not supersede female needs for safety. Self-ID renders women legally forbidden to prevent or even discuss their own physical and sexual risk. This is a survival instinct that women need.

Girls and Women Are Entitled to Be Safe in Changing, Toileting and Sleeping Spaces, Away from Males

Females have not abandoned their legal right to privacy from males. Separating women and men in restrooms and changing rooms is a nearly universal phenomenon, a custom that girls and women worldwide have come to expect and rely upon. Women are vulnerable when undressing. Criminal laws have protected women from male voyeurism and assault for more than a hundred years.

Because women know that men are far more likely than women to commit sexual assault, the simple presence of males can be inherently threatening, even traumatic, to women as they themselves are undressing or showering. Naked men also make women feel vulnerable, so naked men in women's spaces tip the scales of power even more in favor of the men. Because male genitals are used as weapons against women, exposing male genitalia is typically a criminal act known as indecent exposure or flashing.^{xiii}

In particular, the presence of naked or near-naked men can be especially traumatic to women who have previously been harassed or sexually assaulted. Twenty-six percent of college-age women report having been sexually assaulted while attending college.^{xiv}

Fears of locker-room assaults are not unfounded. We know that granting males access to changing rooms endangers girls and women.^{xv xvi xvii} According to a recent investigation of complaints of sexual assaults, voyeurism, and harassment at public fitness centers and swimming pools in London, almost 90 percent of sexual offenses against females took place in unisex changing rooms.^{xviii}

Several world religions prohibit women from even being in the same room with males. Enabling males who identify as transgender into these spaces puts an enormous burden on these women, further restricting their lives.

Sex-segregated changing spaces, with clear boundaries that keep all men out, provide girls and women with protection from:

- undressing and showering in front of people who are male, regardless of gender identity;
- revealing such intimate details as when they are menstruating;
- displaying vulnerable rituals such as when swimmers help each other squeeze into tight, competitive swimsuits;
- seeing naked male bodies, including masturbation and erections; and
- hearing male commentary about their naked bodies.

Excluding males who identify as transgender from women's private spaces does not imply that men who self-ID as women are inherently violent – although, as noted above, they are not any less violent than other males. But opening women's restrooms, locker rooms, changing spaces, and other female spaces to men who self-ID as women risks another harm to women: literally opening these doors to all men, including those who are not trans and simply want to take advantage of the situation and harm women.

Women have no way of knowing which males pose a risk. Women cannot mind-read. Even if a male is not a risk, women should not be compelled to trust all men or undress in front of any man.

If men have a legal right to enter a women's public restroom, for example, the women will have no recourse when any man, dressed in any fashion, with any or no gender identity, strides through the door.

Sport

Competitive sport is one of many physical settings where sex differences matter. Men have greater strength, size, speed, and muscle mass. Men have larger hearts, lungs, hands, feet, and skulls. Women have greater body fat, and it is distributed differently than men's body fat. These enormous sex differences result in performance advantages for men in almost every sport. In the few cases where there is no male advantage, that's usually because another powerful presence – such as a horse or a car – is involved.^{xix xx xxi}

Male performance advantages comprise the original and ongoing rationale for separate competitive-sport categories for women and men. Female sport

segregation is not based on a remedy for past discrimination. Rather, sex segregation, practiced internationally, is based on scientific facts.

Formal sex segregation is ubiquitous throughout all of sport. When sports categories are established based on age, disability, or weight, participants are always further divided into male/female sex categories – **because sex is the most powerful performance determinant of all.**

As long-time women's sports advocates, the members of the Women's Sports Policy Working Group have been repeating ourselves for more than 50 years: to give girls and women equal opportunities in sports, they need their own equally and well-resourced teams and experiences. If schools, colleges, or national Olympic squads only offered one team per sport – for instance, one basketball team – females would be almost entirely absent from athletics. That's how massive the male performance advantage is. This is why girls' and women's right to our own sports settings and experiences is essential.

The desires of males who self-ID as women to play women's volleyball or women's tennis or women's swimming or any women's sport must not take precedence over female athletes' rights to play on teams of their own.

Allowing males, however they identify, to compete against women in women's sports constitutes sex discrimination. Legally, the American law known as Title IX requires schools to apportion participation opportunities and financial aid equitably between males and females. The justification for separate-sex sport is based on humans' biological, immutable differences: Males and females cannot fairly compete against each other. It follows that the apportionment of financial aid, scholarships, prize money, and opportunities to compete must be based on immutable physical characteristics.

By its very definition, gender identity – including self-ID – is not immutable. So sex – the unchangeable, immutable quality of being female or male – must be the criteria used to fairly allocate resources and opportunities in sport, rather than gender identity.^{xxii}

And, when sporting organizations allow self-ID (as is true for World Triathlon; USA Triathlon; USA Cycling (non-elite levels); USA Fencing; USA Curling; USA Rowing Juniors; Canadian Powerlifting Union; the UK Roller Derby Association; numerous United States school districts; and others), we are already seeing men who identify as trans entering women's competitions,^{xxiii} and also unscrupulous men who "identify as women" for a day, just to place themselves in a category where they're more likely to win.^{xxiv}

In all cases, it does not matter why a male might want to compete or play with women. **His desires must not take precedence over a female athlete's rights.**

Pre-Puberty, Boys and Girls Show Marked Differences in Sport Performance

Scientific evidence supports this central idea: competitive sports should remain sex segregated. Even pre-puberty, males have substantial testosterone-based advantages, which begin before birth. In utero, male fetuses receive an infusion of testosterone that is later associated with young boys' somewhat greater strength and somewhat greater propensity for aggression – the androgenic effects of testosterone.^{xxv} For example, fitness data from over 85,000 children in Australia showed that, compared to nine-year-old females, nine-year-old males were 9.8 percent faster in sprints (running) and 16.6 percent faster in the mile run. They could jump 9.5 percent farther, could complete 33.3 percent more pushups in 30 seconds, and had a 13.8 percent stronger grip.^{xxvi}

Significant male advantage was also found in a study of Greek children pre-puberty. Compared with six-year-old females, six-year-old males completed 16.6 percent more shuttle runs in a given time and could jump almost ten percent farther from a standing position.^{xxvii} Another Danish study showed six- and seven-year-old males had a higher aerobic capacity (VO2max) than girls in the same age group.^{xxviii}

A 2022 analysis of American swimming records showed that boys' records in the ten-and-unders (nine and ten-year-olds) average 0.57 seconds faster per 100 yards than girls' records. Boys' records jump to an average of 3.01 seconds faster per 100 yards for the 12-and-under group and more than 4.5 seconds faster per 100 yards between the ages of 13 and 18. Jerry Giordano, an attorney who conducted the analysis, concluded that "about two-thirds of the eventual male-female differential in the performance of top swimmers emerges by the age of 12."^{xxix}

The pattern is even more dramatic in children competing in track. Every USA Track & Field male age-group national championship record is better than the girls' record. This is true beginning with the youngest competitive age group (eight-and-under), with the gap growing dramatically during and after puberty.

According to Greg Brown, professor of Exercise Science at the University of Nebraska at Kearney, "Before puberty, boys tend to outperform girls of the same age in tests measuring muscular strength, muscular endurance, running speed, aerobic fitness, ball throwing, and kicking distance. Conversely, girls typically exhibit better performance in tests focused on flexibility. While physical fitness tests do not always accurately predict success in competitive sports, physical fitness is often a prerequisite for success in sports."^{xxx}

Post-Puberty, Male-Female Gap in Sport Performance Explodes

Male performance advantages are dramatically accentuated beginning with the onset of male puberty.^{xxx} As a group, male bodies become faster, stronger, and more powerful than female bodies. The performance gap between male and female athletes that accelerates at puberty ranges from 8-20 percent (in such sports as swimming, cycling, and running), but much greater in strength sports such as weightlifting and boxing.^{xxxii} Male punching power is 260 percent greater than women's.^{xxxiii}























How much does this male advantage matter? Sport scientist Ross Tucker puts it this way. In a theoretical world, if women and men were to compete on an equal basis,

"In 100 athletes competing for university scholarships, the 100 best will be men. In 100 athletes racing for Olympic places and medals, 100 will be men. In 100 players vying for sports in their country's national football [soccer] team, 100 would be men. At any level, across any range, the top 100 (way more, actually, add a zero) in an open competition between all humans would be won, without any exception, by those who benefit from testosterone's effects on muscle, skeleton, heart, blood, and fat."^{xxxiv}

These performance advantages cannot be erased via testosterone suppression.^{xxxv xxxvi}

This chart shows the gap is between the two sexes, and how precarious the situation is for women if males who self-ID as women are allowed to compete against them.^{xxxvii}

- The far-left column lists the track events.
- On the far-right column are women's world records.
- The middle column shows the age of high school boys when their records beat the women's world records.
- Gold icons reveal the winner of these hypothetical competitions. Only in the marathon can the fastest women defeat the fastest teenage boys.
- Note that for the discus, shot put, and javelin, women throw objects that are significantly lighter. Teenage boys, **throwing heavier objects**, still "win."

Event	Boys (Age)	Women
100m	 10.20 (15)	10.49
200m	 20.89 (14)	21.34
400m	 46.96 (14)	47.60
800m	 1:51.23 (14)	1:53.28
1000m	 2:26.30 (15)	2:28.98
1500m	 3:48.37 (14)	3:50.07
Mile	 4:08.80 (15)	4:12.33
2000m	 5:19.33 (16)	5:23.75
3000m	 7:56.40 (17)	8:06.11
5000m	 14:10.92 (15)	14:11.15
10,000m	 28:39.04 (16)	29:17.45
Marathon	2:17:21.00 (18)	 2:14:04.00
3000m Steeplechase	 8:26.81 (18)	8:44.32
400m Hurdles	 51.14 (15)	52.16
High Jump	 2.17m (14)	2.09m
Pole Vault	 5.33m (15)	5.06m
Long Jump	 7.85m (15)	7.52m
Triple Jump	 16.63m (15)	15.50m
Shot Put	 23.86m (15)	22.63m
Discus	 77.68m (15)	76.80m
Hammer Throw	 85.17m (14)	82.98m
Javelin	 74.24m (14)	72.28m

boysvswomen.com

Therefore, to ensure that female athletes have access to fair and safe competition, males who self-ID as girls or women must not be eligible to compete against females.

Sport Achieves Diversity, Equity, and Inclusion by Creating Categories Based on Standards Grounded in Science

Sport categories facilitate inclusion of different types of bodies. This is how sport creates diversity, equity, and inclusion. Sports offer weight classes in boxing, wrestling, rowing, and judo; age categories for children and older athletes in almost all sports; and Paralympic categories for people with disabilities. All categories allow more athletes to compete and allow different athletes to experience the benefits of sport. For example, weight categories allow smaller athletes to shine; age categories allow younger and older athletes to reap sports' many benefits. Sex is the largest determinant of athletic performance than any other categories and must not be ignored.

Sports participants do not get to choose their category. Athletes are eligible for a sport category (based on age, weight, sex, etc.) or not. **Because of the enormous male performance advantage, males, regardless of gender identity, should be universally ineligible to compete in female sport categories.**

Without sport categories, young men would win almost all competitions. Separate, sex-segregated sport categories provide more people with a chance to enjoy competitive victories. Without the two sex categories, female and male, we would never have known about or celebrated the greatest female athletes of all time, including Martina Navratilova, Mia Hamm, Jackie Joyner-Kersey, Serena Williams, Simone Biles, Wilma Rudolph, Mary Lou Retton, Nancy Lopez, Joan Benoit, Peggy Fleming, Lisa Leslie, Ann Meyers, Donna de Varona, Nancy Hogshead, Billie Jean King, and numerous others. All would have been defeated by and overshadowed by countless male competitors and lost to history.

Allowing Males to Self-ID into the Girls' and Women's Category is Sexist

Girls' and women's sports are not the "B" team, a place for the male who identifies as transgender but is not qualified for the men's team to dominate women's competitions. Inclusion of males into women's sports sends the message that females are not deserving of their own sport category: that their efforts and their accomplishments are not worthy of celebration on their own terms.

Female physiology is not akin to males who have weakened their bodies through testosterone suppression (as only a minority do, as noted above)^{xxxviii}. Girls and women need to be given equal opportunities and respected and celebrated for their own unique physiology.

Self-ID only disadvantages girls and women; it never disadvantages boys or men, because girls who want to play on boys' teams never pose a competitive threat.^{xxxix}

There is no parallel threat to male athletes from females who ingest testosterone. Though testosterone gives females an advantage over other females, it does not give them male levels of strength or power and does not change their height or bone structure.^{xl} So men's sports are left to operate unchanged, while women are being threatened with the loss of their hard-won opportunities, their scholarships, their wins, their records, their prize money, and their status as role models.

Drug tests are routinely conducted after elite sporting events. These involve an athlete urinating into a receptacle while being observed by an official – to avoid the possibility of cheating by using someone else's urine. Athletes expect and deserve to have these observers be of the same sex as the athlete. Self-ID would permit men posing as

women to violate the privacy and dignity of all athletes – especially women, who are more vulnerable to male voyeurism, harassment, and assault.

When men self-ID into women's sports, men will be publicly encouraged to punch, tackle, bodycheck, spike volleyballs at, elbow aside, and otherwise physically dominate and injure women while female spectators watch in humiliation and fear.

National and International Sport Governing Bodies Are Affirming Sex Segregation in Sport

In 2022, World Aquatics, the international governing body for swimming, diving, and other water sports, formerly known as FINA, undertook a thorough review of the research and concluded by acknowledging the immutable physical differences between women and men. This led to policy change that excludes from women's events people who have experienced male puberty.^{xli} In 2023, World Athletics, the international governing body for track and field, cross, country, race walking, and all running events, followed suit, as did UCI, the world governing body for cyclists. The International Rugby League, the World Boxing Council, and many national sport governing bodies (including Volleyball England, Athletics Alberta, British Athletics, Rugby Football Union -- British, the UK Sports Council, USA Powerlifting, and the Welsh Rugby Union) have established policies that forbid all males, regardless of age or testosterone levels or self-ID, to compete against females.

Regardless of Gender Identity, Males Should Be Accommodated in Their Proper Sport Category Based on Biology, Like Every Other Athlete

Males who identify as trans should be accommodated so that they, too, can comfortably participate in sports. For trans-identified males who are uncomfortable playing with and against boys or men, such accommodations could take the form of separate scoring for individual sports, separate leagues for team sports, new transgender categories, or other solutions – *so long as there is no direct competition with females and no overall reduction of female athletes' right to their rightful percentage of all participation, scholarship, and prize-money opportunities.*

Minors

Laws that discriminate against women also discriminate against girls. But girls are more vulnerable: to being confused when gaslighted and told that they must refer to males as "she" and must refer to them as girls or women even when they can see for themselves that these people are actually males; to being assaulted in restrooms and changing-rooms; and to having their athletic dreams dashed and their belief in a just world destroyed when told that they must compete in sports against boys despite boys'

unfair physical advantage. Girls are being conditioned from an early age to believe they must deny the reality of their female bodies, their intellect, and their instincts.

Affirmative action

Affirmative action laws are designed to right past wrongs. Under self-ID, men who identify as women can cash in on funds and opportunities set aside for women.

Statistics collection

Accurate information about women and men is used to make policy decisions that affect women's health, welfare, dignity, opportunities, and protection. Invalidating this information with data based on male respondents who are trans interferes with women's rights to have policy decisions based on their bodies and their lived reality.

One particularly egregious example of a data-related result of self-ID: rapes being recorded as committed by "women." Permitting males to change their birth certificates and other legal documents to reclassify them as women is already leading to a seeming increase in "female" rapists – but these assailants are in fact male, and national and international statistics about violence against women must, for myriad reasons including common sense, accurately reflect that fact.

And finally, we applaud this recent statement:

"I share the concern expressed by women and girl athletes and women's sports associations, as well as women and girls on sports scholarships, that the proposed Title IX rule changes [which would allow male athletes to "self-ID" their way onto girls and women's sports teams] would have detrimental effects on the participation of biological women and girls in sports."

-- Reem Alsalem, UN Special Rapporteur on Violence Against Women and Girls

ⁱ United States of American National Institutes of Health, Office of Research on Women's Health. Sex and Gender. Retrieve from: <https://orwh.od.nih.gov/sex-gender>

ⁱⁱ Colin Wright, Reality's Last Stand, "Sex is Not a Spectrum," February 1, 2021. Wright, an evolutionary biologist, explains, "Males are the sex that produce small gametes (sperm) and females produce large gametes (ova). There are no intermediate gametes, which is why there is no spectrum of sex. Biological sex in humans is a binary system. It is crucial to note, however, that the sex of *individuals* within a species isn't based on whether an individual can *actually* produce certain gametes at any given moment. Pre-pubertal males don't produce sperm, and some infertile adults of both sexes never produce gametes due to various infertility issues. Yet it would be incorrect to say that these individuals do not have a discernible sex, as an individual's biological sex corresponds to one of two distinct types of evolved reproductive anatomy (i.e., ovaries or testes) that develop for the production of sperm or ova, regardless of their past, present, or future functionality. In humans, and transgender and so-called "non-binary" people are no exception, this reproductive anatomy is unambiguously male or female [over 99.98 percent of the time](#)."

ⁱⁱⁱ Turban JL, Loo SS, Almazan AN, Keuroghlian AS, "Factors Leading to "Detransition" Among Transgender and Gender Diverse People in the United States: A Mixed-Methods Analysis," LGBT Health. 2021 May-Jun, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8213007/> "A total of 17,151 (61.9%) participants reported that they had ever pursued gender affirmation, broadly defined. Of these, 2242 (13.1%) reported a history of detransition."

^{iv} Annys Sinn, 6 key takeaways from the Post-KFF survey of transgender Americans, Washington Post, March 23, 2023.

^v Ian T. Nolan, Christopher J. Kuhner and Geolani W. Dy, "[Demographic and Temporal Trends in Transgender Identities and Gender Affirming Surgery](#)," Translational Andrology and Urology, June 2019, pp. 184-190.

^{vi} Libby Brooks, "[Trans Woman Guilty of Raping Two Women Remanded in Female Prison in Scotland](#)," The Guardian, January 25, 2023.

^{vii} For a partial listing of men who are winning women's competitions, see <https://womenssportspolicy.org/male-victories-in-womens-sports>

^{viii} Some equestrian, auto-racing, sailing, and marathon swimming events offer rare exceptions to the rule.

^{ix} Andrew Gilligan, The Sunday Times, "Unisex Changing Rooms Put Women in Danger," September 2, 2018, available at: <https://www.thetimes.co.uk/article/unisex-changing-rooms-put-women-in-danger-8lwbp8kqk>

^x Statistics on male violence against women remain stubbornly high. According to the FBI, Males are responsible for 97% of murder and non-negligent manslaughter, 96.8% of rapes, 96% of pedophilia cases. See "FBI Crime in the United States 2018." According to RAINN, 9 out of every 10 victims of rape are female.

^{xi} "[Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden: A Review of Dhejne, et al.'s Finding on Criminal Convictions](#)," Murray Blackburn Mackenzie, April 21, 2021.

^{xii} The study also compared conviction rates of post-op trans-identified males to those of women to test whether trans-identified males successfully became similar to women in that way. They did not. Their rates of conviction, like men's overall rates of conviction, remained significantly higher than women's.

^{xiii} Most trans-identified males do not undergo surgery to remove their penis and testicles. According to three recent studies, only between four and sixteen percent of transgender people undergo genital surgery. Annys Sinn, 6 key takeaways from the Post-KFF survey of transgender Americans, Washington Post, March 23, 2023; Ian T. Nolan, Christopher J. Kuhner and Geolani W. Dy, "[Demographic and Temporal Trends in Transgender Identities and Gender Affirming Surgery](#)," Translational Andrology and Urology, June 2019, pp. 184-190.

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- ^{xiv} David Cantor et. al., Association of American Universities, "Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct," 2019. "According to a recent survey of nearly 182,000 students, 26% of female college and graduate students report non-consensual sexual contact by physical force or an inability to consent since enrolling in the school."
- ^{xv} See WSPWG and Champion Women Policy Statement, "Access to Female Athletes' Locker Rooms Should Be Restricted to Female Athletes" January 2023, available at: <https://championwomen.dm.networkforgood.com/emails/our-position-female-athletes-locker-rooms-should-be-restricted-to-female-athletes>
- ^{xvi} ["Transgender woman convicted of sexually assaulting 10-year-old girl in bathroom,"](#) Fox News, October 20, 2017.
- ^{xvii} ["Trans woman crawled into bed with, assaulted female resident at women's shelter: police,"](#) Jon Brown, Fox News, April 20, 2023.
- ^{xviii} Andrew Gilligan, The Sunday Times, "Unisex Changing Rooms Put Women in Danger," September 2, 2018, available at: <https://www.thetimes.co.uk/article/unisex-changing-rooms-put-women-in-danger-8lwbp8kgk>
- ^{xix} Some equestrian, auto-racing, sailing, and marathon swimming events offer rare exceptions to the rule.
- ^{xx} Carole Hooven, *T: The Story of Testosterone, the Hormone That Dominates and Divides Us*. New York: Henry Holt, 2021.
- ^{xxi} Handelsman, DJ, Hirschberg, AL, Bermon, S. "Circulating Testosterone as the Hormonal Basis of Sex Differences in Athletic Performance," *Endocr Rev.* 2018;39(5):803-29. Epub 2018/07/17.
- ^{xxi} Clark, RV, Wald, JA, Swerdloff, RS, Wang, C, Wu, FCW, Bowers, LD, Matsumoto, AM "Large divergence in testosterone concentrations between men and women: Frame of reference for elite athletes in sex-specific competition in sports, a narrative review," *Clin Endocrinol (Oxf)* 2019, 90:15-22.
- ^{xxii} [Federal Register, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance: Sex-Related Eligibility Criteria for Male and Female Athletic Teams, April 13, 2023.](#)
- ^{xxiii} For a partial listing of men who are winning women's competitions, see <https://womenssportspolicy.org/male-victories-in-womens-sports>
- ^{xxiv} Trans advocates regularly dismiss the idea that people would claim to be transgender when they are not. But as experts in sport, we can assure readers that people cheat in sport. It is expected and millions of dollars are spent ensuring opponents do not have the slightest unfair advantage.
- ^{xxv} Carole Hooven, *T: The Story of Testosterone, the Hormone That Dominates and Divides Us*. New York: Henry Holt, 2021.
- ^{xxvi} Mark J Catley and Grant R Tomkinson, "Normative health-related fitness values for children: analysis of 85,347 test results on 9–17-year-old Australians since 1985," *British Journal of Sports Medicine*, Vol. 47, Issue 2 (January 2013).
- ^{xxvii} Tambalis, KD, Panagiotakos, DB, Psarra, G, et al. "Physical fitness normative values for 6–18-year-old Greek boys and girls, using the empirical distribution and the lambda, mu, and sigma statistical method," *Eur J Sport Sci.* 2016;16(6):736–46, cited in Hilton EN, Lundberg TR, "Transgender Women in The Female Category of Sport: Perspectives on testosterone suppression and performance advantage," *Sports Medicine.* 2021;51: (PMID 33289906 and doi: 10.1007/s40279-020-01389-3).
- ^{xxviii} Eiberg S, Hasselstrom H, Grønfeldt V, et al. Maximum oxygen uptake and objectively measured physical activity in Danish children 6–7 years of age: the Copenhagen school child intervention study. *Br J Sports Med.* 2005;39(10):725–30, cited in Hilton EN, Lundberg TR. Transgender Women in The Female Category of Sport: Perspectives on testosterone suppression and performance advantage. *Sports Medicine.* 2021;51: (PMID 33289906 and doi: 10.1007/s40279-020-01389-3).
- ^{xxix} Jerry Giordano, "The Boy-Girl Difference in Swimming Records," *Ricochet*, June 25, 2022.
- ^{xxx} Greg Brown, "Are There Sex-Based Differences in Athletic Performance Before Puberty?" *Reality's Last Stand*, August 31, 2023.
- ^{xxxi} Handelsman DJ, Hirschberg AL, Bermon S. Circulating Testosterone as the Hormonal Basis of Sex Differences in Athletic Performance. *Endocr Rev.* 2018;39(5):803-29. Epub 2018/07/17.

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- ^{xxxii} Clark RV, Wald JA, Swerdloff RS, Wang C, Wu FCW, Bowers LD, Matsumoto AM 2019 Large divergence in testosterone concentrations between men and women: Frame of reference for elite athletes in sex- specific competition in sports, a narrative review. *Clin Endocrinol (Oxf)* 90:15-22.
- ^{xxxiii} Ross Tucker, ["On Transgender athletes and performance advantages,"](#) *The Science of Sport*, March 24, 2019.
- ^{xxxiv} Ross Tucker, ["On Transgender athletes and performance advantages,"](#) *The Science of Sport*, March 24, 2019.
- ^{xxxv} Transwomen maintain physiological, sex-linked (legacy) advantages even after multiple years on gender-affirming hormone treatment such as testosterone-suppression drugs. For example, hormone treatments do not affect height.
- ^{xxxvi} Hilton EN, Lundberg TR, "Transgender Women in The Female Category of Sport: Perspectives on testosterone suppression and performance advantage," *Sports Medicine*. 2021;51: (PMID 33289906 and doi: 10.1007/s40279-020-01389-3).
- ^{xxxvii} See BoysvWomen at <https://boysvswomen.com/#/> for similar comparisons throughout sport. Undated. Elsewhere on this website, the world records refer to 2016. Some world and high school records in this undated chart have since been broken but there's no reason to believe the gap has changed.
- ^{xxxviii} Annys Sinn, 6 key takeaways from the Post-KFF survey of transgender Americans, *Washington Post*, March 23, 2023.
- ^{xxxix} Some trans-identified females have participated in the men's category after starting performance enhancing drugs like testosterone, but with enormous drops in rankings. One swimmer was a finalist in the women's NCAA National Swimming and Diving Championships and then was in the bottom 2% on their men's league. This swimmer was not close to qualifying for the Men's NCAA Swimming and Diving Championships.
- ^{xl} East German women were given large amounts of performance enhancing drugs like testosterone; enough so that they developed male secondary sex characteristics. Many suffered through lifelong medical problems, including infertility and birth defects. East German women swam slightly faster than their female peers, but they were never competitive against the male athletes of their time.
- ^{xli} World Aquatics' (formerly FINA) policy on transgender athletes: <https://resources.fina.org/fina/document/2022/06/19/525de003-51f4-47d3-8d5a-716dac5f77c7/FINA- INCLUSION-POLICY-AND-APPENDICES-FINAL-.pdf>