



Comment on free speech, bathrooms, and sports

Women's Declaration International (WDI) is a global, nonpartisan group of volunteer women dedicated to protecting women's sex-based rights. [WDI USA](#) is its U.S. chapter.

The [Declaration on Women's Sex-Based Rights \(the Declaration\)](#) was created to lobby nations to protect women and girls on the basis of sex rather than "gender" or "gender identity," based on well-established principles of international law.

Article 1 of the Declaration reaffirms that the rights of women and girls are based on the category of sex. The inclusion of "gender identity" in a legal definition of sex necessarily replaces sex with "gender identity," a claimed feeling based on sex-based stereotypes that harm women and girls. The conflict is unavoidable: Either sex is immutable and biologically based, or it is changeable and based entirely on a subjective feeling. If a man can be a woman, the sex category "woman" cannot be protected in law from historic and ongoing discrimination.

Article 4 reaffirms women's rights to freedom of opinion and freedom of expression, including the right to hold and express opinions about "gender identity." This is consistent with the First Amendment of the U.S. Constitution.

Article 7 of the Declaration reaffirms the rights of women and girls to the same opportunities as men and boys to participate actively in sports and physical education, consistent with Article 10 (g) of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and with the original intentions of Title IX Education Amendments of 1972.

As Eric Vilain, a professor of human genetics at UCLA and consultant to the IOC medical commission has [noted](#), "We separate men and women into categories because we want women to be able to win some competitions. There is a 10% to 12% difference between male and female athletic performance." Significant differences in the average bone density, heart size, lung volume, hemoglobin levels, and musculoskeletal development of men and women, among other physical differences, result in men being able to generate higher speed and power during physical activity. Even after two years of testosterone [suppression](#), males [retain](#) physical [advantage](#) over females, especially when it comes to speed and upper body strength.

Article 8 of the Declaration, reaffirming the need for the elimination of violence against women, asserts 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

single-sex provisions should include those that “promote the physical safety, privacy and dignity of women and girls.”

Allowing males, including [school boys](#), into designated female-only spaces such as public restrooms, [changing rooms](#), showers, [spas](#), and so forth, has disastrous consequences for the safety, privacy, and dignity of women and girls, including voyeurism, exhibitionism, filming women while using facilities, sexual assault, and rape.

As to the rights of “transgender people,” nobody *is* “transgender.” The men and boys who call themselves “transgender” claim to be what they are not, and thereby demand access to women’s public bathrooms and women’s and girls’ sports; they are, however, men and boys, based on objectively verifiable and immutable reproductive biology. Men and boys have the protection of all of the laws and policies of the federal, state, and local governments – as men. Humans cannot change sex. Women and girls, along with all other citizens, should have the right to reject the lie that some men are women, without being censored. “Hate speech” policies that prevent people from referring to a man as a man are dangerously anti-democratic. Free speech must not be curtailed because a man’s feelings might be hurt by being called a man. If we cannot tolerate hurt feelings, we cannot tolerate democracy.