

- that school districts are advised of the necessity of using, in all grade levels, curricula that are materially accurate about human biology and reproduction and also of ensuring, in all grade levels, that no instructor promotes the concept of “gender identity,” a.k.a. sex stereotyping, as this constitutes the promotion of discrimination against women and girls and also introduces the false and damaging concept that some children are “born in the wrong bodies.”

Any interpretation of the aforementioned executive order that did not hold, as a necessity, the protection of women’s and girls’ sex-based rights would essentially remove said rights from all women employed by the Department of Education, and from all women and girls employed or educated by institutions controlled or advised by the Department of Education. WHRC USA appreciates the opportunity to share with you our concerns, and I would be happy to answer any questions you might have about the necessity of protecting the sex-based rights of women and girls. Please contact me at info@womensdeclaration-usa.com if I can be of further assistance.

Sincerely,

Vajra Ma
Chair, Women’s Human Rights Campaign USA

According to the United Nations, the word “gender” refers to “the roles, behaviors, activities, and attributes that a given society at a given time considers appropriate for men and women.” For women, who have suffered for millennia from the constraints society has imposed upon us, gender is hardly something to be preserved or protected. Further, “gender identity” is a concept that has no coherent meaning. By definition, the only “identity” that can be conferred by “gender” is a stereotype.

We observe an alarming trend in which the term “gender identity” has come to be used as the basis of the claim that some men and boys are, in fact, women and girls, either because they outwardly conform to feminine stereotypes or because they claim an inner conformity to such stereotypes. Neither of these standards in any way demonstrates that any man is actually a woman, nor that any boy is actually a girl, and so the claim of “gender identity” lacks any basis in reality.

We observe, again with alarm, that entities both public and private are in the process of eroding women’s and girls’ sex-based rights, and, particularly, in eliminating women’s and girls’ single-sex spaces, in deference to men’s and boys’ desire to “identify” as women and girls and to enter spaces that were intended for the exclusive use of women and girls in order to protect their bodily privacy and safety. Examples of this include the opening of women’s and girls’ restrooms, locker rooms, and changing rooms to men and boys and the inclusion of men and boys in women’s and girls’ single-sex sports.

President Biden’s executive order contains an important constraint: The mandate for federal agencies is to include coverage of “gender identity” only “*so long as the laws do not contain sufficient indications to the contrary.*” We urge you to consider that most, if not all, of the policies, rules, guidance, etc. developed by federal agencies relating to legal protections based on sex were developed to ensure that women and girls could fully participate in a society that has often denied us opportunities on the very basis *of our sex*. Inclusion of undefined, unknowable, subjective “gender identity” more often than not will undermine the goals of these laws.

In implementing President Biden’s executive order, we urge you to ensure:

- that women employed by the Department of Education, as well as women and girls in all institutions controlled or advised by the Department of Education, have access to single-sex (not single-“gender identity”) facilities, including, as applicable, restrooms and locker rooms;
- that school districts are reminded of their obligation, under Title IX of the Education Amendments of 1972, to ensure that female students are given equal opportunity to participate in sports, which necessarily includes the provision of single-sex (not single-“gender identity”) sports; and



Women's Human Rights Campaign

1 West 6th St., #102
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March 8, 2021

The Honorable Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary Cardona:

As Chair of the Women's Human Rights Campaign USA, I am writing to express my organization's concerns regarding President Biden's Executive Order 13988, 86 C.F.R. 7023 (2021), on Preventing and Combatting Discrimination on the Basis of Gender Identity or Sexual Orientation, and to ask that it be implemented in such a way that does not conflict with the sex-based rights of women and girls. We have not, as a country, taken the time to carefully evaluate exactly what the impact will be on women and girls of defining the word sex to include "gender identity." We must now take the opportunity to have this important conversation.

The Women's Human Rights Campaign (WHRC) is a global nonpartisan group of volunteer women dedicated to protecting women's sex-based rights, and WHRC USA is the U.S. chapter of WHRC. 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, which has more than 2,000 signatories in the United States and more than 15,000 worldwide, from 129 countries, 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."

As an organization concerned with the sex-based rights of women, WHRC USA advocates for the rights of lesbians alongside the rights of all other women. We are, therefore, supportive of efforts to end discrimination on the basis of sexual orientation. We are, however, opposed to the concept of "gender identity," and particularly to the conflation of "gender identity" with sex. Since sexual orientation means same sex attraction, not same "gender identity" attraction, such a conflation essentially erases sexual orientation as a discrete category. This is profoundly homophobic.