

protection of women's and girls' sex-based rights, would essentially remove said rights from all women employed by the Department of Health and Human Services, and from all women and girls connected in any way to institutions controlled or advised by the Department of Health and Human Services. WHRC USA appreciates the opportunity to share with you our concerns. In addition, 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](mailto: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 or objective definition that can be measured by a court of law. 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 health programs and services meant for women and girls.

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

- that women employed by the Department of Health and Human Services, as well as women and girls in all institutions controlled or advised by the Department of Health and Human Services, have access to single-sex (not single-”gender identity”) facilities, including, as applicable, restrooms and locker rooms;
- that discrimination in the healthcare system be prohibited on the basis of sex, and not the ill-defined term “gender identity,” and that sex is not to be interpreted to include “gender identity” in its definition, as outlined in the current form of Section 1557 of the Affordable Care Act put forth by the previous administration.
- that health programs and services intended for women and girls, including programs on domestic violence, remain exclusively for the protection and well-being of women and girls on the basis of sex, not “gender identity.”
- That the Department of Health and Human Services remain committed to using the scientifically accurate and biological reality of sex in all relevant data and statistics that impact women and girls, rather than collecting and using data on “gender identity.” And that the Office on Women’s Health stay committed to using sex-based language that clearly defines women and girls and the unique healthcare services they require on the basis of their sex.

Any interpretation of the aforementioned executive order that did not hold, as a necessity, the



## Women's Human Rights Campaign

1 West 6th St., #102  
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March 5th, 2021

The Honorable Norris Cochran  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Cochran:

As Chair of the Women's Human Rights Campaign USA, I am writing to express my organization's concern 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. I 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 this 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. The Declaration on Women's Sex-Based Rights was created to re-affirm 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." It has more than 2,000 signatories in the United States and more than 15,000 worldwide from 129 countries. The Declaration reaffirms the sex-based rights of women which are set out in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly on 18 December 1979, and adopted, inter alia, in the United Nations Declaration on the Elimination of Violence against Women in 1993.

President Biden's executive order instructs heads of all federal agencies to ensure that all statutes and regulations that prohibit sex discrimination also address discrimination on the basis of sexual orientation and "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. However, we are 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.