April 30, 2024

Ms. Reem Alsalem
United Nations Special Rapporteur on violence against women and girls

Email: hrc-sr-vaw@un.org

Subject: Input for SR VAWG

Re: Feedback on Safety and Fairness for Women and Girls in Sport USA

Dear Ms. Alsalem,

As founders of the Independent Council on Women’s Sport (ICONS), we are eager to respond to your call for feedback on violence against women and girls in sports.

ICONS is a network and advocacy group based in the United States that believes the next generation of women and girls deserve the chance to be champions. Our network spans all levels of sport and includes thousands – Olympians and professional athletes, collegiate and high school athletes, parents, coaches and administrators. Our goal is to protect the female category for every woman and girl, at every level, in every sport.

It is well known (and inherently obvious) that when men are allowed to self-identify into women’s sports it heightens the risk of physical injury substantially. Back in 2020, World Rugby ruled that the women’s game should exclude male players because the presence of even one man on the pitch raises the risk of serious injury to head, neck and back by at least thirty percent.[[1]](#footnote-1)

Risk of injury in sport is minimized when the categories are stratified by sex and age and, therefore, involve a similar range of body sizes. Sports accidents causing physical harm can be credibly characterized as “violence” when norms of eligibility are violated and the risk of injuries to athletes of a given category are knowingly elevated. This is exactly what happens when men and boys are allowed to self-identify into sports competitions of women and girls.

Sadly, in the USA, we have seen far too many instances of this form of physical violence over recent years as transgender ideology has aggressively pushed its way into women’s sports. There are now many examples of men and boys injuring women and girls in competition.

It's not surprising that some of the most egregious examples of this violence occur in combat sports. At the professional level in mixed martial arts (MMA) fighting, male fighter Fallon Fox has now broken the skulls of two women.[[2]](#footnote-2) For this, Fox has been heralded as one of the “bravest athletes in history”.

USA Boxing released a new policy that took effect on January 1, 2024 that will allow men to fight against women under certain conditions.[[3]](#footnote-3) Among those ‘conditions’ is a requirement for the man to have undergone ‘sex reassignment’ surgery, in addition to self-declaration of a female identity and ongoing monitoring of his testosterone levels. Of note, those requirements and the option to switch categories apply only to males over the age of 18; a minor male must compete in the category aligned with his sex.

In collegiate sports, the National Collegiate Athletic Association (NCAA) continues to allow males who have chemically altered their testosterone levels access to women’s sports teams and private spaces. The NCAA claims their sport-by-sport approach for setting the amount of testosterone permitted somehow saves their failed policy. It doesn’t. These “acceptable” testosterone levels are arbitrary and meaningless. We know that male advantage can never be undone. But even if it could, a man that has diminished his athletic ability through manipulation of his hormone levels is not a woman. The erasure of women as a sex class must be stopped.

Of particular concern is how out of step the NCAA policy is with the laws of half of the U.S. states. Twenty-five states forbid males from competing in sports designated for women and girls. The NCAA policy also stands in stark contrast to the recently announced National Association of Intercollegiate Athletics (NAIA) policy that protects the female category for those born female.[[4]](#footnote-4) The inconsistencies in U.S. policy will lead male athletes wishing to compete on women’s teams to seek out states and/or athletic associations that allow them the access they seek. And it will result in limited options for women and girls who must flee their home states seeking schools and athletic associations that will protect their rights.

We saw this scenario play out recently in NCAA Division I volleyball. It was discovered that a man who had been competing on a volleyball team in South Carolina, a state that has passed a law to protect female athletes, has transferred to a school in California, a state that explicitly allows men to compete in female sports based on an asserted “gender identity”. A woman who competes against this male is “suffering far more physical injuries and strains than she ever had before in her volleyball career and was constantly icing and rubbing her arms after blocking shots from [him].”[[5]](#footnote-5)

At the collegiate “club level,” Collegiate Water Polo Association (CWPA) released new policy guidelines allowing males to compete in Women’s Club League events. Requirements include a letter confirming the athlete’s ‘gender identity’ and medical validation confirming testosterone suppression. Additionally, the Men’s League will now be considered ‘Co-ed’ and males who identify as female are eligible to compete in both the Co-ed and Women’s categories.[[6]](#footnote-6) This creates multiple categories for men while eliminating a safe and fair category for women.

Water polo is a very rough sport, with plenty of contact between players that can result in concussions, eye injuries, tympanic membrane perforation, fractures, dislocations, and lacerations.[[7]](#footnote-7) There is simply no way that female water polo players will remain unharmed when they are forced to confront a male player in a competitive game.

Women will face this threat directly at the upcoming 2024 National Collegiate Club Water Polo Championships at Texas A&M University. A trans-identified male helped the University of Michigan take home the national club title in women’s water polo in 2023 and he has recently been highlighted as a “player of the week” for their team in 2024[[8]](#footnote-8). The policy that will allow this 31-year-old man to compete against young women for a second time at the national collegiate club championships in water polo cannot be defended. It is openly unfair, unsafe, and harmful to women.

At the high school level in the United States there are a growing number of incidents. A young man injured three female basketball players at a high school game in Massachusetts to the point where the game had to be forfeited.[[9]](#footnote-9) A boy at another school spiked the volleyball so hard at the face of a female player that she experienced a severe concussion and deals with neural impairment that continues to undermine her quality of life even two years later.[[10]](#footnote-10) And a horrifying video caught the moment a female field hockey player lost several teeth and sustained facial injuries when a male participant shot the ball towards her at high speed.[[11]](#footnote-11)

But it is not only physical injuries that concern us. The psychological trauma experienced by female athletes as they struggle to accommodate aggressive males in their sports and private spaces is equally unsettling.

At the collegiate level, the story of NCAA female swimmers having to strip naked in front of male swimmer Lia Thomas is well-known and utterly horrifying (2021-2022). Paula Scanlan, a teammate of Thomas at the University of Pennsylvania, testified before Congress to share her painful story as a sexual assault survivor: "My teammates and I were forced to undress in the presence of Lia, a 6-foot-4 tall biological male, fully intact with male genitalia 18 times per week.”[[12]](#footnote-12) Kylee Alons described how her discomfort with Thomas in the locker room at the national swimming championships led her to change in a storage closet to avoid undressing in the presence of a man.[[13]](#footnote-13)

Perhaps the most insidious aspect of what happened during the Thomas scandal was the way in which the women were silenced and told to ignore their instinctive fear and discomfort. They were emotionally blackmailed and told that the feelings and well-being of a man were more important than their own. That his life depended on their concession. When we tell our girls that they are more valuable as tools of affirmation, as shields of protection for men, this is dangerous. When we tell women that their accomplishments, their desire to win, their hard work and feelings need to be set aside to make someone else feel better, we damage them psychologically. This is abuse of women.

These stories are egregious violations of the rights of women and constitute sexual harassment and discrimination under the law. As a result, sixteen women are suing the NCAA for allowing males access to female sports and private spaces.[[14]](#footnote-14)

The locker room issues have surfaced at the high school level as well. One of the most disturbing incidents involved a young man who has participated on five different girls’ sports teams – basketball, volleyball, track & field, tae kwon do, and rowing. Reports from a parent of one of the girls on the rowing team describe the boy commenting upon seeing one of the girls topless in the locker room – “oooh titties!”.[[15]](#footnote-15) This young man should never have been given open access to the private space that girls use to undress and change. The policies that allow this are failing to protect young girls and their rights in order to affirm the boys.

Outside of the school sports arena, women who seek access to sports, fitness and recreational centers have increasingly seen their privacy rights violated. A recent illustration of such a violation of privacy happened in the state of Alaska.[[16]](#footnote-16) A woman discovered a man in the women’s changing room at a Planet Fitness facility, shaving his beard at the mirror, while a 12-year-old girl sat nearby clutching a towel around her naked body. When confronted, the man claimed that he had every right to be there because he “identified as a woman.” The woman reported the incident to the fitness center management who promptly revoked her membership for being “transphobic” and violating their code of conduct.

In the state of Washington, an 82-year-old woman has been banned from her local YMCA for raising concerns about a man in the women’s locker room.[[17]](#footnote-17) Since speaking out, the elderly woman says she has faced “mob-like attacks, public humiliation, and widespread mendacious reporting” and will be forced to take legal action unless an apology is issued and her membership restored.

In all of these situations it is women and girls who pay the price for their reasonable demands for privacy and security, losing membership and access to their only option for sport, fitness, and health. In this way, physical threats become social ostracization, creating lost opportunities for long-term physical and mental well-being.

Women have fought hard to advance their rights and opportunities in sports. In America, thanks to Title IX legislation, sports scholarships enable many young women to get a college education – including talented female athletes from other countries. Sadly, the many benefits of Title IX are now at risk of disappearing, as the U.S. Department of Education has just released new regulations that turn this landmark law on its head. Their redefinition of sex in our laws to include gender identity is destroying the rights of women and girls.[[18]](#footnote-18)

Ms. Alsalem, we urge you to send a strong message to your United Nations colleagues at all levels and across all departments that allowing men and boys to invade the spaces and sports created for women and girls is harmful and must be stopped immediately.

Sincerely yours with great appreciation,

Kim Jones and Marshi Smith, Founders

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4. https://www.naia.org/transgender/files/TG\_Policy\_for\_webpage\_v2.pdf [↑](#footnote-ref-4)
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