April 29, 2024

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

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

Dear Ms. Alsalem

The International Consortium on Female Sport (ICFS) wishes to respond to your call for feedback on the increase in severe discrimination against women and girls in sport that is amounting to violence and theft of opportunity.

Early in April 2024, the online magazine *Reduxx* has published a story about a team in Australian women’s football with five male players that is causing women to drop out of the league due to injury.[[1]](#footnote-2) In one collision with a male player a woman had her leg broken in two places. In a moment of agony, she made a comment about this injury happening because of the presence of a male opponent and she was suspended from the league for eight weeks for violating the code of conduct regarding respecting other players. Meanwhile, the man who caused this injury was not penalized at all.

The phenomenon of female athletes having to contend with the physical danger of males self-identifying into their sports is becoming increasingly common. There are now over three hundred men across more than fifty-seven sports who have aggressively inserted themselves into the female sports arena.[[2]](#footnote-3) While it is always unfair to the female athlete, it becomes downright dangerous when this happens in contact sport.

A couple of examples will suffice. In England a Grown man (31 years of age) going by the name of Francesca Needham violated both sex and age boundaries by playing football (soccer) against teenaged girls and, of course, broke the leg of one of these girls. Adding to the absurdity of this situation, when other women’s teams refuse to play against the team that included him, “Francesca” acted like the victim and threatened legal action.[[3]](#footnote-4) [**Note:** In the same article it is estimated that at least 50 transgender players are registered in women’s leagues across England.]

Meanwhile in Canada, male rugby player Ash Davis - a man who had been given an award as the “hardest hitter” in the men’s league in 2022 - then decided to identify as “non-binary” in 2023 and was allowed to play in the women’s league, injuring three female players.[[4]](#footnote-5) [**Note:** Contrary to the World Rugby guidelines, Rugby Canada upholds the position that any player “should be able to participate as the gender with which they identify.”[[5]](#footnote-6)]

Ms. Alsalem, it should come as no surprise that such violence happens when men and boys are permitted access female sports competitions. Whether athletes are the best in the world, youths in a junior talent pathway, or masters of all ages, male domination in body size, speed, strength, power, endurance, and overall performance is well documented.

At the prepuberty level boys are taller, heavier, stronger, faster, more agile, more explosive (in jumping and throwing), and have better cardiovascular endurance than girls.[[6]](#footnote-7) And this difference is greatly magnified post puberty, with males being stronger by 25%-50%, more powerful by 20%-160% (depending upon the sport), 40% heavier, and 10-13% faster than females.[[7]](#footnote-8)

To date, over nineteen peer review studies have shown that it is not possible to mitigate the male performance advantage through testosterone reduction,[[8]](#footnote-9) which is why the UK's Sports Councils concluded in their 2021 Guidance for Transgender Inclusion in Domestic Sport[[9]](#footnote-10) that it is not possible to reconcile inclusion of male-born participants with safety and fairness to women and girls.

This is an intersectional issue, of course. In the UK, Muslim women have been told they must accept trans identified males in their formerly women-only teams, and that this is not against their religion because “transwomen are women.”[[10]](#footnote-11) Orthodox Jewish women have been told the “ladies only” swimming pool is now trans-inclusive, meaning there may be naked male bodies there.[[11]](#footnote-12) Disabled women, or women who have had a mastectomy and prefer single-sex activities, find they are sharing a yoga class or a swimming pool with males, and the changing room afterwards too.[[12]](#footnote-13) These and other examples are reported here.[[13]](#footnote-14) The emotional impact of these situations can be significant, as these accounts show.

Ms. Alsalem, it is imperative that the United Nations takes a stand for women and girls by sending a clear message to both state and non-state actors that equal human rights on the basis of sex are an established and explicit cornerstone of international and national human rights and equality law.

The UN International Bill of Rights[[14]](#footnote-15), the UN Core Human Rights Instruments and the Olympic Charter outline explicit established rights, protections, and entitlements *on the basis of sex*.

Article 2 of the Universal Declaration of Human rights says:

*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

This means females are entitled to the same opportunities as males (regardless of gender identity) and should not be discriminated against by forcing women to contend with degrees of exposure, discomfort and danger that men (regardless of identity) would never be expected to tolerate.

Article 3 of the International Covenant on Economic, Social and Cultural Rights says:

*The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.*

CEDAW article 10g says:

*States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*
*(g) The same Opportunities to participate actively in sports and physical education.*

All these long-accepted international codes of conduct are being contravened by the replacement of “biological sex” with “gender identity.” Policies claiming to be inclusive are excluding women and girls from sport.

We observe that this current form of sex discrimination arises from the Yogyakarta Principles.[[15]](#footnote-16) Strangely, while this document has not been officially adopted by the United Nations, legislators across the Western world have been using it to undermining the human rights of women and girls.

Allow us to offer two recommendations:

**RECOMMENDATION 1:**

It would be helpful if the UN adopted a precise definition of terms. We recommend the following:

**Sex** - Either of the two categories (male and female) into which humans are divided on the basis of their reproductive and biological functions as usually observed at or before birth and recorded on their birth certificate. Sex is immutable and unchangeable from conception and throughout the lifespan.

**Gender**

1. An alternative word/vernacular term for the noun definition of biological sex.
2. An evolving set of social roles, expectations, and stereotypes that are ascribed to biological sex and vary with time and culture. [**Note:** Given the ongoing, shifting meaning(s) ascribed to this word, using “gender” to mean “biological sex” should be avoided.]

**Gender Identity** - For some people: A personal, internal perception, subjective feeling, preference, or belief of belonging to, or associating with, a particular gender, that may change with time and circumstance. [**Note**: Many people do not feel they have a ‘gender identity’ given this may be perceived as accepting the sociocultural stereotypes of what it means to be a woman or a man.]

**RECOMMENDATION 2:**

The Yogyakarta Principles text should be amended to reflect human rights protections for female persons by replacing Items I and J pertaining to sports:

**Existing statements:**

*"Item I. Ensure that all individuals can participate in sport in line with the gender with which they identify, subject only to reasonable, proportionate and non-arbitrary requirements;”*

*“Item J. Ensure that all individuals can participate in sport without discrimination on the grounds of sexual orientation, gender identity, gender expression or sex characteristics;”*

**Replacement statements** (replacing the erroneous term “sex characteristics”):

*“****Item I.*** *Ensure that all individuals can participate in sport in line with their sex irrespective of cultural, religious or social identity, subject only to reasonable, proportionate and non-arbitrary requirements (such as the requirement to refrain from doping);”*

*“****Item J.*** *Ensure that all individuals can participate in sport without discrimination on the grounds of sex, sexual orientation, religious affiliation or socio-cultural expression.”*

[**Note:** Usage of “sex characteristics” rather than “sex” in both UN and Yogyakarta documents is insufficient to protect female persons, because it implies that a man who adopts a superficial or stereotypical appearance will be accepted as having a “female sex characteristic.”]

Discrimination against women and girls in sport because of their sex has long been recognised as a problem. Participation rates are already lower for females than for males, mainly because of the many barriers facing women and girls to their participation. These include social and cultural prohibitions on female sporting participation; less provision of suitable facilities for women and girls; the greater likelihood of caring responsibilities as an obstacle to personal pursuits for adult women; and historically even a legal prohibition on female participation.

Sport is recognised as valuable for physical and mental wellbeing, as well as offering routes out of poverty, opportunities to build confidence and self-esteem, solutions to health issues, and career pathways. When women and girls are afforded access to female-only sport and physical activity in a way that is safe and fair, it improves their quality of life in three areas, as listed here:

1. **Physical Health**
	1. Improved Sleep
	2. Weight management
	3. Increased muscle strength
	4. Reduced risk of obesity
	5. Improves bone health (stronger bones)
	6. Cardiorespiratory endurance
	7. Prevention of bone loss
	8. Blood pressure management (helps maintain lower blood pressure)
	9. Boosts energy levels in daily activities
	10. Lowering of the level of blood sugar, cholesterol, and triglycerides
	11. Reducing the chances of developing breast cancer later in life
2. **Mental Health**
	1. Higher body esteem
	2. Boosts Self-Confidence
	3. Reduced anxiety
	4. Improved sense of personal identity
	5. Reduced sense of stress and depression
	6. Boosts feelings of happiness and personal satisfaction
3. **Social Advancement**
	1. Leading to more opportunities for fun recreation
	2. Maintaining sport interest
	3. Improving assertiveness
	4. Teaching goal-setting and strategic thinking
	5. Improving mathematical skills
	6. Improving spatial awareness
	7. Offering an opportunity to learn leadership.
	8. Providing safe opportunity to learn how to lose constructively – leading to being less fearful of losing when taking a risk.
	9. Improved risk management
	10. Understanding the value of teamwork
	11. Social Acceptance

Unfortunately, due to a proliferation of gender identity ideology, the extensive advantages of having sex-based boundaries and programs built around female sport are being undermined by state and non-state authorities, alike. Whenever this happens, women and girls are deprived of the many benefits listed above – along with being exposed to physical and psychological harms. It is an insidious way of turning back the clock and forcing women to fight for privacy, opportunity, and respect all over again.

Ms. Alsalem, once again, we request that you convey these concerns United Nations authorities and convince them to take a strong stand for women’s sex-based rights in sports.

Thank you for the opportunity to offer our feedback.

Yours in Sport,

Founding Members, ICFS

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1. https://reduxx.info/exclusive-women-drop-out-of-australian-football-division-after-five-trans-identified-males-dominate-womens-league-leave-female-players-injured/ [↑](#footnote-ref-2)
2. https://www.shewon.org/males [↑](#footnote-ref-3)
3. https://www.telegraph.co.uk/football/2023/11/20/football-teams-refuse-transgender-player-injury-sheffield/ [↑](#footnote-ref-4)
4. https://reduxx.info/canada-non-binary-male-rugby-player-accused-of-injuring-female-competitors-was-awarded-hardest-hitter-on-mens-team/?utm\_source=substack&utm\_medium=email [↑](#footnote-ref-5)
5. https://rugby.ca/uploads/Documents/TransInclusionPolicyEN\_DEV\_POL\_20190101\_FINAL.pdf [↑](#footnote-ref-6)
6. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4636306/ [↑](#footnote-ref-7)
7. https://link.springer.com/article/10.1007/s40279-020-01389-3 [↑](#footnote-ref-8)
8. https://www.sportpolicycenter.com/news/2023/4/17/should-transwomen-be-allowed-to-compete-in-womens-sports [↑](#footnote-ref-9)
9. https://equalityinsport.org/docs/300921/Guidance%20for%20Transgender%20Inclusion%20in%20Domestic%20Sport%202021.pdf [↑](#footnote-ref-10)
10. https://fairplayforwomen.com/transgender-inclusion-is-already-harming-uk-females-in-sport/ [↑](#footnote-ref-11)
11. https://sex-matters.org/posts/single-sex-services/ladies-pond/ [↑](#footnote-ref-12)
12. https://thecritic.co.uk/let-women-swim/  [↑](#footnote-ref-13)
13. https://www.dailymail.co.uk/news/article-10680003/Amateur-women-girls-Britain-quitting-sport-facing-male-bodied-opponents.htm  [↑](#footnote-ref-14)
14. https://www.ohchr.org/sites/default/files/Documents/Publications/Compilation1.1en.pdf [↑](#footnote-ref-15)
15. https://yogyakartaprinciples.org/principles-en/yp10/ [↑](#footnote-ref-16)