

“On the basis of sex”
**Coalition for the Feminist Amendments
to the Equality Act**
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FACT SHEET ON SEX-BASED RIGHTS AND GENDER IDENTITY

1. Discrimination against women based on sex remains a prominent feature of contemporary American society.

See www.americanprogress.org/issues/women/reports/2020/03/24/4482141/quick-facts-gender-wage-gap/.

- The workplace remains highly segregated by sex. So-called women’s jobs tend to offer lower pay and fewer benefits than so-called men’s jobs;
- Women on average make just 82 cents for every \$1 earned by men of all races. The wage gap is even larger for women of color;
- Women have lower retirement benefits than men.

2. Physical and sexual violence by biological males against those born female including acts of femicide remains pervasive.

- A staggering one in three females experience physical and sexual assault by males.
<https://news.un.org/en/story/2019/11/1052041>.
- Approximately 2,000 females per year are murdered by males.
<https://countercurrents.org/2017/04/what-if-i-told-you-2000-women-per-year-are-murdered-by-men-they-know-interview-with-dawn-wilcox/>

3. Persons born and socialized male who identify as women can be both victims and perpetrators of male - pattern violence.

- A long-term study of transgender individuals concluded that males who identify as transgender maintained male patterns of criminality and violence post-transition: “...regarding any crime, male-to-females had a significantly increased risk for crime compared to female controls (aHR 6.6; 95% CI 4.1–10.8) but not compared to males (aHR 0.8; 95% CI 0.5–1.2). This indicates that they retained a male pattern regarding criminality. The same was true regarding violent crime.”
<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>.
- There is ample anecdotal evidence of male violence against females by transgender people born male to show that they may exhibit such violence as do other males. See, e.g., <https://www.peaktrans.org/crime/>
- Numerous studies indicate that 85-90% of males who identify as women retain male genitalia. See, e.g., <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5875299/>.

4. Women and girls as a sex need female-only facilities and shelters for privacy, safety, comfort, and dignity and to preserve their ability to participate freely and fully in education, the workplace, and in public life.

- Target’s establishment of a gender neutral changing room policy in April, 2016 is associated with a two to three times increase in incidents of voyeurism by males. Over 99% of the victims were women and girls. <http://womanmeanssomething.com/wp-content/uploads/2018/02/A-Longitudinal-Analysis-of-Media-Reports-at-Target-Stores.pdf>
- Predatory males have and will perpetrate sexual violence against women where there are greater opportunities. <http://womanmeanssomething.com/violencedatabase/>
- United Nations Educational, Scientific and Cultural Organization (UNESCO) has urged governments around to world to prioritize establishing of single sex toilets in schools, warning that as many as 1 in 10 girls are missing out on lessons because of their periods. “Single sex toilets are desperately needed to overcome girls’ barriers to education.” <https://www.independent.co.uk/news/world/single-sex-toilets-unesco-un-international-womens-day-period-a8244776.html>
- In New Zealand, women working in transport industries reported that they were taking medication to dehydrate themselves because they can't access a female toilet at work, according to the Rail & Maritime Transport Union (RMTU). At a union forum, female workers shared horror stories about the facilities available to them in the historically male-dominated industries, particularly rail. <https://www.nzherald.co.nz/business/women-dehydrating-themselves-due-to-no-toilets-at-work-union-says/COSNIPKMT4SAFEWT235VVPCF4M/>

5. Female only programs are necessary to provide equal opportunity for women and girls in education and employment denied them based on sex.

- Just like race-blindness policies can contribute to institutional racism, sex blindness can prevent proactive measures to correct sex-based inequities and therefore perpetuate sexism.
- <https://www.agsa.org.au/why-a-girls-school-the-research/research-shows-girls-benefit-from-single-sex-environments/>

6. [The Feminist Amendments to the Equality Act](#) would be a “win-win” for all oppressed and marginalized groups by:

- preserving the rights and protections of women as a sex under federal law;
- resolving any confusion or conflict of rights that has emerged due to the conflation of sex and gender identity that erodes both women’s sex-based rights and the rights of lesbians and gay men to engage exclusively in same sex relationships;
- Adding federal statutory protections based on sexual orientation and sex stereotyping, thereby providing full legal protection for lesbians, gays, bisexuals, and transgender people and all gender non-conforming persons against discrimination in education, the workplace, etc.