



# WHAT IS A WOMAN?

Why We Need the  
Women's Bill of Rights

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# Five Key Points About the Women's Bill of Rights

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1

**It is becoming increasingly difficult to talk about women's rights in a common language.** While most Americans understand that a 'woman' is an adult human female, radical gender ideologues want to redefine womanhood as a subjective state unrelated to biological sex.

2

**This is not just a semantic problem.** The corruption of sex-based terms jeopardizes equal opportunity, privacy, safety, and freedom of expression.

3

**The Women's Bill of Rights can provide legal and linguistic clarity.** The Women's Bill of Rights will clarify the meaning of laws that prohibit sex discrimination and help to preserve single-sex spaces that are important for privacy, safety, or equal opportunity.

4

**The Women's Bill of Rights does not create new rights or entitlements.** The Women's Bill of Rights doesn't create special rights. It simply seeks to codify current jurisprudence regarding sex discrimination and single-sex programs and facilities.

5

**It's time to stand up for women, for science, and for common sense.** Help policy-makers speak honestly and forthrightly about sex discrimination, equality, and women's rights by signing the Women's Bill of Rights.

# The Women's Bill of Rights

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**Whereas**, males and females possess unique and immutable biological differences that manifest prior to birth and increase as they age and experience puberty;

**Whereas**, biological differences between the sexes mean that only females are able to get pregnant, give birth, and breastfeed children;

**Whereas**, biological differences between the sexes mean that males are, on average, bigger, stronger, and faster than females;

**Whereas**, biological differences between the sexes leave females more physically vulnerable than males to specific forms of violence, including sexual violence;

**Whereas**, females have historically suffered from discrimination in education, athletics, and employment;

**Whereas**, biological differences between the sexes are enduring and may, in some circumstances, warrant the creation of separate social, educational, athletic, or other spaces in order to ensure safety and/or to allow members of each sex to succeed and thrive;

**Whereas**, inconsistencies in court rulings and policy initiatives with respect to the definitions of 'sex,' 'male,' 'female,' 'man,' and 'woman' have led to endangerment of single-sex spaces and resources, thereby necessitating clarification of certain terms,

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We affirm that:

1. For purposes of state/federal law, **a person's 'sex'** is defined as his or her biological sex (either male or female) at birth;
2. For purposes of state/federal law, a **'female'** is an individual whose biological reproductive system is developed to produce ova; a **'male'** is an individual whose biological reproductive system is developed to fertilize the ova of a female;
3. For purposes of state/federal law, **'woman'** and **'girl'** refer to human females, and the terms **'man'** and **'boy'** refer to human males;
4. For purposes of state/federal law, the word **'mother'** is defined as a parent of the female sex and **'father'** is defined as a parent of the male sex;
5. When it comes to sex, **'equal'** does *not* mean 'same' or 'identical';
6. When it comes to sex, separate is *not* inherently unequal;
7. There are legitimate reasons to distinguish between the sexes with respect to athletics, prisons or other detention facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms, and other areas where biology, safety, and/or privacy are implicated;
8. Policies and laws that distinguish between the sexes are subject to **intermediate constitutional scrutiny**, which forbids unfair discrimination against similarly-situated males and females but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives;
9. Any public school or school district and any federal/state/local agency, department, or office that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic or other data shall identify each individual who is part of the collected data set as either male or female at birth.

**QUESTION 1: Why do we need a Women's Bill of Rights? There's already a Bill of Rights for all Americans.**

**ANSWER:** If we don't codify the definition of common sex-based terms, laws that prohibit sex discrimination will cease to mean anything at all, and single-sex private spaces will disappear.

This hurts all Americans, but it is particularly devastating to women, who bear the bulk of the burden when equal opportunity and privacy are compromised. That is why we call this document the *Women's* Bill of Rights. But the Women's Bill of Rights does not create any *special* rights for women. It doesn't replace the Bill of Rights to our Constitution or create any new rights at all. It simply clarifies the meaning of current sex-based laws and codifies current court precedent regarding single-sex spaces.

**QUESTION 2: Why now?**

**ANSWER:** Over the past several years, there has been a deliberate effort to redefine 'sex' to mean 'gender' or 'gender identity', allowing biological males to self-identify into women's spaces. This isn't a hypothetical threat.

In just the past year, we've seen:

- female athletes lose competitions and spots on athletic rosters to biological males;
- incarcerated women sexually assaulted and impregnated by males who have transferred into female prisons; and
- young women forced to share private spaces, including locker rooms, with fully intact males who identify as female.

Unfortunately, the women and girls who do not consent to these practices have been threatened, coerced, and shamed into silence and submission. This must stop. The Women's Bill of Rights can help.

**QUESTION 3: How can you define the word 'woman' if you are not a biologist?**

**ANSWER:** One does not need a degree in biology to understand that a woman is an adult human female. As British feminist Kellie-Jay Keen has noted, "I am not a veterinarian, but I know what a dog is."

**QUESTION 4: Doesn't your definition of sex exclude so-called intersex people?**

**ANSWER:** No. Although a very small percentage of people are born with

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congenital conditions associated with atypical development of internal and external genital structures, these individuals are still either male or female. Previously referred to as 'intersex' conditions or disorders of sexual development, these conditions today are usually referred to as differences in sexual development, or simply as DSD conditions. Individuals with DSD conditions are not part of some third biological category. They are males and females whose bodies developed atypically.

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**QUESTION 5: Do you want the Women's Bill of Rights to become law?**

**ANSWER:** Yes. The meaning of common sex-based words should be obvious already, but passing the Women's Bill of Rights would settle the matter once and for all. It would require legislators to acknowledge that sex is different from gender identity, and it would force them to consider the many ways in which 'gender identity' laws might conflict with sex-based rights. Most importantly, it would ensure that women have the language they need to advocate for themselves in law and in policy.

**QUESTION 6: What do you hope to accomplish with this initiative?**

**ANSWER:** The goal of this initiative is to clarify the meaning of current sex-based laws and to allow Americans to talk about sex differences, sex discrimination, and sex equality in a common language. Without a clear understanding of sex-based terms, laws that prohibit sex discrimination will cease to mean anything at all. And a justice system that does not recognize biological sex cannot fully defend the legal rights of women.

# Misperceptions v. Facts

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## **MISPERCEPTION #1: 'Gender' is a synonym for 'sex.'**

**FACT:** Although 'sex' and 'gender' are related concepts, they are not the same. Sex is a biological trait and refers to something objective and fixed. Gender is a sociological term. It refers to cultural expectations or personal feelings regarding male and female behavior, appearance, interests, and lifestyle related to sex categories.

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## **MISPERCEPTION #2: There are more than two sexes.**

**FACT:** Humans, like other mammals, fall into one of two sex categories (male and female) built for distinct reproductive roles. A tiny percentage of humans are born with chromosomal abnormalities or with reproductive organs and genitals that developed differently than most other people of their sex. The existence of people with DSD (differences of sexual development) does not contradict the sex binary anymore than a person who is born without his right arm contradicts the fact that human beings are two-armed mammals. People with DSD conditions are not a third sex. They are a variation on the sex binary, the exception that proves the rule.

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## **MISPERCEPTION #3: Sex-specific terminology and single-sex spaces discriminate against people with DSD conditions.**

**FACT:** Because people with DSD conditions are not a third sex, sex-specific terminology and single-sex spaces do not exclude such individuals. Single-sex organizations should support and accommodate individuals with DSD conditions based on the specific condition at issue on a case-by-case basis.

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## **MISPERCEPTION #4: Transwomen *are* women.**

**FACT:** The term 'transgender' typically refers to someone who is living as a member of the opposite sex. The root 'trans' means 'across.' It is also short for 'transition,' meaning

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that a 'transgender' person is someone who has taken steps to change the appearance of his or her sex. Although a person cannot change his or her sex, one can express masculinity or femininity in many different ways. A person born male might choose to live as a woman, but that person cannot scientifically be female, and therefore cannot be a woman.

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**MISPERCEPTION #5:** There are no meaningful differences between males and females that require single-sex environments.

**FACT:** Fundamental differences between males and females mean that there are situations in which single-sex environments serve an important function in protecting privacy and safety. And, in some cases, single-sex environments are an essential aspect of equal opportunity, providing opportunities for members of each sex to compete, succeed, and thrive.

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**MISPERCEPTION #6:** Allowing intact male prisoners into women's prisons poses no threat to incarcerated women.

**FACT:** In multiple states, from Washington to New Jersey, mere self-identification as a woman is enough to support an inmate's request to transfer from a male prison to a female prison. In California, at least one incarcerated woman has been **sexually assaulted** by a person who prison administrators are referring to as "a transgender woman with a penis." In New Jersey, at least **two incarcerated women have become pregnant** after intact males were allowed to self-identify into women's prisons.

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**MISPERCEPTION #7:** Allowing male athletes to participate in women's sports won't disadvantage females.

**FACT:** Allowing biological males to participate on women's teams with limited roster spots will take spots, playing time, and scholarships away from females.

**FACT:** In head-to-head competitions, allowing biological males to play women's sports will limit the chances of success for female athletes. The male athletic advantage

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(arguably, present from childhood) increases exponentially during puberty and cannot be eliminated post-puberty through testosterone suppression and hormone therapy.

**FACT:** Allowing biological males to play women's sports will, in some cases, place female athletes at risk of injury.

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**MISPERCEPTION #8: The Women's Bill of Rights is a departure from current law.**

**FACT:** The Women's Bill of Rights does not create any special rights or replace the Bill of Rights to our Constitution. It simply codifies the common sense meaning of sex-based terms and enshrines in law current court precedent regarding single-sex spaces.

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**MISPERCEPTION #9: The Women's Bill of Rights is not necessary.**

**FACT:** If we don't codify the definition of sex-based terms, laws that prohibit sex discrimination will cease to mean anything at all, and single-sex private spaces will cease to exist.

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**1 A woman is:**

- A.** A human being without a penis
- B.** An adult human female
- C.** An adult who wears makeup and dresses
- D.** Anyone who feels like a woman

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**2 True or False: The word 'gender' is a synonym for 'sex'.**

- A.** True
- B.** False

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**3 True or False: There are only two genders.**

- A.** True
- B.** False
- C.** This is a trick question

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**4 When it comes to the law of sex discrimination...**

- A.** equal does not mean 'same' or 'identical'
- B.** "separate but equal" is discriminatory and unconstitutional
- C.** men and women are fungible
- D.** the Supreme Court applies the same constitutional scrutiny that it applies to race-based classifications

**5 Which of the following have recently occurred?**

- A.** Transgender swimmer Lia Thomas, formerly known as Will Thomas, captured a Division 1 national title in the NCAA women's swimming championship
- B.** A biological man who identifies as a woman sought entrance to a women's shelter in Alaska
- C.** An intact male inmate sexually assaulted a female inmate in a California women's prison
- D.** Two female prisoners in New Jersey became pregnant by another inmate
- E.** The Biden Administration has ordered all federal agencies that enforce laws against *sex discrimination* to apply those laws to *gender* and *gender identity*
- F.** All of the above

# Quiz Answers

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## **Q1 ANSWER: B**

A woman is an adult human female, and a female is one of two sexes (male and female) into which most mammals are divided on the basis of reproductive function. Males and females possess unique and immutable biological differences that manifest and increase as they age and experience puberty. The definition of a man or woman has nothing to do with how someone feels, how someone dresses, or what someone's interests or preferences may be.

## **Q2 ANSWER: B**

Although 'sex' and 'gender' are related concepts, they are not the same. Sex is a biological trait and refers to something objective and fixed. Gender is a sociological term that refers to one's subjective feelings or cultural expectations regarding male and female behavior, appearance, etc.

## **Q3 ANSWER: C**

There are only two sexes, male and female. Those who are born with DSD conditions may have developed atypically, but they are still either males or females. People sometimes say "there are only two genders," but if they are referring to biology what they really mean is that "there are only two sexes." Gender is a subjective term that refers to cultural norms or personal feelings

about male and female sex roles and the expression of sexual identity.

## **Q4 ANSWER: A**

In the United States, males and females enjoy full legal equality. But males and females are not the same, and the Constitution does not require that our laws and policies be sex-blind. Although the Court has rejected the doctrine of 'separate but equal' when it comes to race, it has not done so in context of sex. To the contrary, the Court has recognized that men and women are *not* fungible and that there are important reasons to distinguish between the sexes, particularly where biology, safety, and privacy are involved. Because of this, the Supreme Court applies *intermediate constitutional scrutiny* to sex-based classifications, not the strictest constitutional scrutiny that it applies to racial classifications.

## **Q5 ANSWER: F**

Increasingly, males who identify as women are seeking access to female-only spaces. And in many cases, the consequences have been disastrous. The frequency of situations such as these is likely to increase now that the Biden Administration has ordered all federal agencies that enforce laws against sex discrimination to apply those laws to gender and gender identity.

# The Women's Bill of Rights in 60 Seconds

## WHAT'S AT STAKE

### **Equal opportunity, privacy, and safety**

- Right now females are losing athletic, employment, and educational opportunities to biological males.
- Right now intact males are gaining access to sororities, domestic violence shelters, locker rooms, women's prisons, and rape crisis centers.

### **Freedom of speech**

- Right now women and girls who do not consent to these practices are being threatened, coerced, and shamed into silence and submission.
- Right now people who speak the truth about male and female sex differences are being punished and cancelled.

### **Accurate data collection**

- Right now data collection regarding public health, crime, education, and the economic status of women is being compromised by the misuse of basic sex-based terminology.

## WHAT THE WBoR DOES

- The Women's Bill of Rights recognizes that males and females possess unique and immutable biological differences that manifest prior to birth and increase as they age and experience puberty.
- The Women's Bill of Rights defines 'sex' as a person's biological sex (either male or female) at birth.
- The Women's Bill of Rights defines 'women' and 'girls' as human females.
- The Women's Bill of Rights defines 'female' as the sex developed to produce ova.
- The Women's Bill of Rights codifies current case law, which forbids unfair discrimination but allows the law to recognize sex when relevant.
- The Women's Bill of Rights requires government agencies that collect vital statistics to identify each individual who is part of the collected data set as either male or female at birth.

# Social Media Kit



Post the below messages, videos, and graphics to social media and make your voice heard.

## DRAFT SOCIAL MEDIA POSTS

- We know what a woman is. We know what a female is. We know what a mother is. Our politicians and our laws should too. Sign @IWV's #WomensBillofRights at [womensbillofrights.com](http://womensbillofrights.com)
- What is a woman? The answer should be obvious. Sign the #WomensBillOfRights and let the politicians know that #WomenMatter. Go to [womensbillofrights.com](http://womensbillofrights.com) @IWV
- Stand for truth, stand for science, stand for common sense. Sign the #WomensBillofRights via @IWV [womensbillofrights.com](http://womensbillofrights.com)
- Stand for equal opportunity, privacy, and safety. Sign the #WomensBillOfRights @IWV
- Join bipartisan efforts to protect biological sex as a distinct legal category. Sign the #WomensBillofRights @IWV [womensbillofrights.com](http://womensbillofrights.com)
- Don't let radical activists legally erase women. Sign @IWV's #WomensBillofRights at [womensbillofrights.com](http://womensbillofrights.com)

## HASHTAGS TO INCLUDE

#WomensBillofRights	#WeWillNotBeSidelined
#AdultHumanFemale	#WeKnowWhatAWomanIS
#WomenMatter	#IAmWomanHearMeRoar

## TAG US SO WE CAN RT/SHARE YOUR POST

- [@IWV](#) (Twitter)
- [@IndependentWomensVoice](#) (Facebook)
- [@IndependentWomensVoice](#) (Instagram)

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**VISUALS:** Include these visuals with any Twitter, Facebook or Instagram posts.


**Download**



"I want my three daughters to know that they live in a country where women are recognized and respected. We are not 'bleeders,' 'birthing persons,' or 'chestfeeders; **we are women.**"

**Carrie Lukas**  
President  
Independent Women's Forum

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"What is a woman? The answer should be obvious to all. Unfortunately, today it is not. That's why I am proud to endorse the **Women's Bill of Rights**. This common-sense document should bring together all women regardless of their politics or religion."

**Ayaan Hirsi Ali**  
Human Rights  
Activist

WOMENSBILOFRIGHTS.COM



"I'm signing the **Women's Bill of Rights** because the rights that generations of women fought for must not be dismantled to appease anyone."

**Abigail K. Shrier**  
Author

WOMENSBILOFRIGHTS.COM



"That this particular **Women's Bill of Rights** is necessary in 2022 would be shocking to women's rights advocates throughout U.S. history. But know well: whatever their other intramural disputes, this well-drafted statement would have been easy to sign — as it should be for each and every advocate of women and girls today."

**Erika Bachiochi**  
Fellow  
Ethics & Public Policy Center

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"It is becoming increasingly difficult to speak about women and women's rights in a common language. Today, we are unveiling the **Women's Bill of Rights** in order to legally define what it means to be a woman."

**Jennifer C. Bracer**  
Director  
Independent Women's Law Center

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"The U.S. chapter of Women's Declaration International (WDI USA) is proud to support the **Women's Bill of Rights**. We work to advance the radical feminist and nonpartisan Declaration on Women's Sex-Based Rights at all levels of government, and this bill is consistent with that objective."

**Kara Dansky**  
President  
U.S. Chapter of Women's Declaration International

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"Gender is not a synonym for sex, and it's time we stopped using it as such. Gender refers to attributes and social norms. But attributes are not biology, and **those who fight for the rights of women must respect the science.**"

**Heather R. Higgins**  
CEO  
Independent Women's Voice

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"The **Women's Bill of Rights** would ensure that our laws continue to recognize that there are legitimate reasons to distinguish between the sexes with respect to athletics, prisons, domestic violence and rape crisis services, restrooms, and other areas where biology, safety, or privacy are implicated."

**Lauren Adams**  
Legal Director  
Women's Liberation Front

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"The **Women's Bill of Rights** is a common-sense declaration on the biology of sex. It should be something people across the political spectrum can come together and embrace. All women should have the assurance that our intrinsic dignity and status are recognized and protected on the basis of sex."

**Doreen Denny**  
Senior Advisor  
Concerned Women for America

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