

Major victories in 2020 in the fight to protect women's rights

This year, along with our core focus on prisons, sport and legal reform, we set out to protect the meaning of the word "woman" and "female" in the media and in data collection.

Legal reform: The UK government said no to self-ID

After two years, the results of the public consultation on GRA reform were reported. There were over 100,000 submissions. The official report mentioned Fair Play For Women as the source of 18% of the responses, second only to Stonewall in marshalling responses. It's great to know that the campaign we organised, in which many thousands of people participated, made a difference.

In September the Minister for Women and Equalities, Liz Truss, announced that self-identification would not be part of the planned GRA reform. Instead, the process would be made simpler, cheaper and kinder. But the medical gatekeeping would remain.

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For us, this was the culmination of two years' work opposing self-ID as the basis for changing the sex marker on a birth certificate. We welcomed the decision as [a fair balance of competing rights](#), and an important step in defending the use of the single-sex exemptions in the Equality Act. Quite simply, if anyone can declare themselves a woman, then single-sex spaces, sports, services and so on become mixed sex. Winning the battle on self-ID was essential. However, many organisations, public and private, have already adopted self-ID as the basis on which they manage single-sex spaces and services. So we have much more work to do, to regain those already lost.

Prisons: Ministry of Justice policy is being challenged in the high court through a judicial review

In October, a landmark case opened and was adjourned in the High Court in London. A female prisoner, whose identity is protected, is [challenging the way in which the HMPPS and the MoJ developed their trans prisoner policy](#). In 2019 Fair Play For Women had [advertised in the prisons magazine, Inside Time, asking women prisoners to tell us, in confidence](#), their feelings and experiences of being imprisoned with males, many of whom are sex offenders or convicted of violent crimes. The claimant in this judicial review was among those who replied. She was assaulted while in a women's prison by a male prisoner who claimed a female identity.

Fair Play For Women has provided written evidence to the court as an expert witness for the claimant. This will emerge in full when the case is heard. We were the first to highlight this issue, three years ago, and we've been fighting on behalf of these women ever since.

On the morning of the hearing, a defence barrister for the MoJ said that new evidence was available which was material to the case, but which could not be disclosed without MoJ clearance. So, the case had to be adjourned. The judges seemed unimpressed. They issued a tight timetable for the defence to get approval and to disclose the new information. The hearing will be rescheduled for early 2021.

Meanwhile we obtained, analysed and published new evidence showing [that trans-identifying males in the UK prison system display a male pattern of criminality](#), and therefore are just as much of a risk to female prisoners as other males. Over half (76) of the known male-born transgender prisoners (129) housed in the male estate in 2019 have at least one conviction for sexual offending. This includes 36 convictions for rape, 10 for attempted rape and 21 sexual assaults. If the process for obtaining a Gender Recognition Certificate became one of self-declaration, or self-ID, then all of these prisoners would be automatically eligible to transfer to the women's prison estate. Women in prison would be required to live alongside dozens of male sex offenders.



Sport: A sports body finally comes out in support of women

In February Dr Williams spoke at [World Rugby's ground-breaking investigation into trans inclusion](#). They led the way for all sports with a rigorous and inclusive two-day meeting to explore the issues, publishing the expert input for full transparency. We subsequently met with both the RFU and Welsh Rugby to encourage them to review their policies in light of this evidence. In October, World Rugby announced that, for safety and fairness reasons, only females would be allowed in international women's rugby union.



Olympian Sharron Davies talking to Nicola Williams at last year's sports event

THE TIMES

Too strong trans players in women's rugby are driving referees away

The national rugby unions in the UK have not yet followed suit. They already allow males who claim a female identity to play full contact rugby. Despite adverse media coverage, they claim that their approach balances inclusion, safety and fairness. It is hard to see how safety and fairness can legitimately be traded off against inclusion, when those being included are not the players whose safety and fairness is being compromised. Our work on sport at both national and international level is continuing.

Sports Councils in the UK review their trans guidance

Earlier in the year we reported that the various UK sports councils had appointed an independent expert to review their trans inclusion guidelines, following an open tendering process. This is a huge step forward in itself. Fair Play For Women has been consulted, along with voices from all sides of this issue. The current guidelines were developed in 2015 by a diversity and inclusion consultant, and women were not consulted, despite this being a fundamental change to the eligibility rules for women's sport. A report from this review is expected in early 2021.

Language: The fight to protect “woman” and “female” goes on

We are fighting on two fronts. One is to protect the meaning of “woman” and “female”. The other is for women’s voices to be heard.

Legal protections for female-only spaces are meaningless if the words “woman” and “female” can include males. Similarly, if media reports about women or females committing typically male crimes are actually about trans-identifying males, then a false impression is created, that women as well as men commit violent and sexual crimes. In fact, 99% of sexual crimes in the UK and 95% of violent crimes are by males. Reporting some of these as if they were crimes committed by women erodes the public’s understanding of why single-sex spaces matter.

Sheffield woman found with over 1,000 indecent images of children hauled before the court

A Sheffield woman has been hauled before the city’s Crown Court after she admitted to possessing over 1,100 indecent images of children, some of which involved kids as young as five.

By Sarah Marshall
Friday, 19th July 2019, 2:04 pm



We made this point in [our submission to the Editors’ Code Committee](#) for its review of the Editors’ Code of Practice for the Press. We were pleased that the new chair of IPSO, Lord Faulks, met with us to discuss the issue.



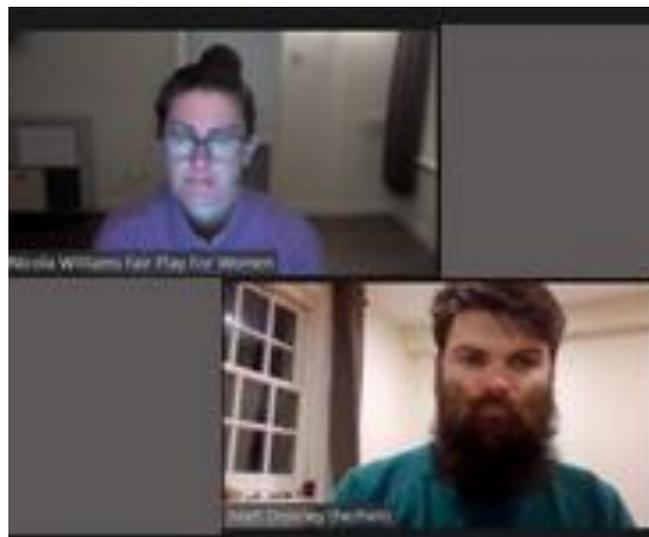
Press regulator has work to do

Around the same time, IPSO had commissioned an independent review, in which we participated, to look at whether trans people were being fairly represented in media reporting. The report concluded that they are, and also noted the confusion and disquiet among journalists about how the pressure to use preferred pronouns has led to [inaccurate and misleading reporting, which is ultimately unfavourable to women](#). The report’s author pointed out that journalists felt they could only say this under cover of anonymity. IPSO have announced they will be reviewing their trans reporting guidelines, and we will ensure we are involved. We will continue to lodge complaints with IPSO when we see such reporting. We are scheduled to meet with IPSO in the new year.

Language: Fighting for the right to speak

It is not acceptable for women who dare to express concern about the erosion of our own legal rights to be dismissed, insulted, or worse. During the UK general election campaign in December 2019 we reported on candidates for public office who were doing exactly that. We also objected to a local councillor for the Liberal Democrats who called Fair Play For Women a “transphobic hate group” and called women “terfs” on Twitter. Our complaint to the Lib Dems was finally heard on November 2020, and [the councillor was told to apologise](#).

Subsequent events show how far this issue has legitimised open misogyny. It is an explicit threat to our freedom of speech. (In Ireland, the chief executive of Amnesty and a range of others went further, calling for a women's rights group there to have legitimate representation denied them.) Separately, our complaint about a local newspaper's misleading reporting about us [was upheld by IPSO](#), and we await a response from OfCom about comments made on BBC Woman's Hour about us and other women's groups.



Dr Williams and Councillor Downey at the LibDem hearing panel

The UK census: will women count?

The UK census, run by the Office for National Statistics every ten years, was proposing to allow trans-identifying people to answer the sex question according to their wish and not their legal sex. We were among those at a stakeholder meeting making the case for clear guidance to ensure accurate data. The ONS proposed research and testing on the impact of different sets of guidance. We are now waiting to hear the final decision. This must come by February 2021 at the latest bearing in mind the census is due to happen in March.

What lies ahead?

Resisting self-ID was a critical milestone in the fight to retain our sex-based rights, but many organisations have already adopted self-ID in their own policies. That is why we see these problems in sport, in prisons, in the media, in schools, in public areas like changing rooms, public toilets, and elsewhere. A major cause is the misleading guidance from the Equality and Human Rights Commission. Fair Play For Women first exposed the legal errors back in 2018. We pushed the EHRC to restate the fundamental principles applying to trans inclusion in female-only spaces, but much of the flawed guidance remains in force. It is now being challenged in court by Authentic Equity Alliance led by Ann Sinnott.



Two steps forward, one step back

On the 28th October 2020, the Women and Equalities Select Committee launched a new GRA inquiry. They called for [evidence in response to the government's proposed modernisation of the GRC application process](#), and on the issues with current legislation. The committee's first [two-hour hearing felt far from balanced](#). Our submission has not yet been published on the WESC website and therefore, under their rules, we cannot yet share it.

This committee does not have the power to change the UK government's planned GRA changes. In Scotland, the SNP-led parliament has declared its intention to press ahead with self-ID as the basis for obtaining a GRC and hence a revised birth certificate, the process rejected by the UK government. [We have supported](#) the women's groups opposing this.

I am optimistic. Liz Truss MP has twice this year talked about protecting single-sex spaces. Independent surveys consistently show that [public opinion is with us](#). The issues are finally being aired. So we will keep working to ensure that female rights and needs are properly taken into account whenever policy is being made.

Dr Nicola Williams
December 2020

