

Written submission from Fair Play For Women

- 1.1 Fair Play For Women Ltd is a campaigning and consultancy organisation which raises awareness, provides evidence and analysis and works to protect the sex-based rights of women and girls in the UK.
- 1.2 Founded in 2017, our work is focused on understanding when and how gender-and sex-based rights conflict in law and policy-making. Our aim is to ensure that everyone's needs are fairly balanced and that women and girls are not forgotten in good policy-making.
- 1.3 We believe in compassion and fairness for all. We support the rights of trans people to live in safety and to be treated fairly. We also support the rights of women and girls, and this is our focus. Protecting these rights in law requires that sex is not conflated with gender identity. In terms of freedom of speech, it requires us to be free to say so.

Does hate speech law need to be updated or clarified as shifting social attitudes lead some to consider commonly held views hateful?

- 2.1 This is a very uncertain basis on which to make law. Fair Play For Women is a campaign group lobbying for the upholding of the law as it stands. We have a position which is legally valid, and we have been called a hate group for it.
- 2.2 Here are the beliefs we hold which others claim to find hateful:

Biological sex is real.

Sex is not the same as gender identity.

Sometimes it is necessary and right to exclude all people born male from certain spaces, services or activities, regardless of how they identify, and this is permitted in UK law under the Equality Act.
- 2.3 Fair Play For Women endorses the view that everyone should be free to live without fear or unfair treatment. That includes transgender people, and it includes women and girls. It cannot be right to criminalise our position or our speech, or to remove our right to say these things.
- 2.4 We do not seek to cause offence to anyone. We are mindful that we operate in an area that is sensitive and we are careful with the language we use, so as to avoid causing unnecessary offence or hurt. We are not asking for the right to be rude or hurtful. Our concern here is not to support people who deliberately cause unnecessary offence but because some people are offended by things that we, and most people, find perfectly reasonable, on matters which we need to be able to discuss.
- 2.5 People do not have a legal right to stop others saying things they hate, or to take offence at statements that are contrary to their personal beliefs and expect police intervention.

- 2.6 Nothing we do or say could be regarded as an incitement to crime. There is no evidence and no indication of any possible escalation. Something being considered hateful by some people is very far from being criminal.
- 2.7 Please ensure that the law doesn't change so that just because some people find our views hateful, we could find ourselves on the wrong side of the law.

Does current police guidance and practice on hate speech law help promote freedom of expression?

- 3.1 No. Quite the opposite. There is an undue level of police attention given to certain groups being protected from hearing anything they deem hateful. There seems to be no sensitivity around causing offence to women but a great deal of concern about anything which transgender people feel offended by. In addition, there is a lack of clarity about whether it is legally problematic to offend a transgender person, since they are a group protected in hate crime legislation. This is already undermining freedom of expression.
- 3.2 Current police practice seems to vary across the country but there have been reported incidents of people being cautioned, formally or informally, for having said something that runs counter to gender ideology (for example, saying that human sex is immutable). The effect of this is to constrain freedom of expression, even in an area where government consultations are actively requesting discussion and input. We believe that this is having a chilling effect on freedom of expression.
- 3.3 Both the police and the general public need clarity that it is not an offence to express commonly held views about sex and gender, even if these are considered offensive by some. This must be so when those are statements of fact as represented in science and medical text books.
- 3.4 We need to be able to express these views in order to participate in public and political discussion and debate about the law, about our legal rights. We need to know we can do this without fear of recriminations, even if people opposed to our views find them "hateful" and report us to the police. At present, it is unclear that we are free to do so without risking negative consequences such as the involvement of the police.