



For the attention of Ms. Ana Peláez Narváez, chair of CEDAW

1 March 2023

Dear Ms Peláez Narváez

### **Concerns about increasing discrimination against women**

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. 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.

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 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. Any policies considering gender identity must consider the impact of those policies on other service users, particularly females.

### **Our concerns**

We are concerned that the rights and freedoms of women and girls are being reduced, and our progress in public life reversed, by the widespread adoption of the principle that anyone who says they are a woman is a woman, with all that entails. The failure to acknowledge that the material reality of biological sex also exists, indeed the replacement of that reality with the claim that gender identity should be paramount in policy-making, is infringing the human rights of women and girls in the UK and elsewhere.

There is a conflict of rights and demands between those born female and those who claim a female identity from a male body. These cannot be resolved by simplistically treating trans-identifying males as women for all purposes. UK law does not require this, yet there is an increasing tendency for public and private bodies in the UK, and across the western world, to prioritise gender identity over biological sex, to deny that there is any conflict, and to shut down any attempt at discussion of the issues.

Here are two specific examples. This approach has led to women being incarcerated with male prisoners, some of whom have been convicted of violent or sexual crimes. Meeting the physical and emotional needs of these males, and ensuring their safety and peace of mind, should not be at the expense of the physical and emotional safety of women. This is evidenced in [these articles on our website](#). A recent high court ruling confirmed that while the UK's policy is capable of being operated lawfully, there is [a conflict of rights between women and transwomen in prison](#).

In sport, women and girls are [losing opportunities to play and compete](#) safely and fairly. Sex-segregated sport is the universal standard in most sports. Without a protected female category, all sport would be dominated by those with [male performance advantage](#), which arises through male puberty and is not undone by subsequent testosterone reduction.

Many women have been vilified, and experienced serious consequences, for raising concerns about the impact of gender ideology, and the policies that arise from the position that transwomen are women and should be given access to all single-sex spaces, sports, opportunities, and so on. Many



have received rape and death threats (e.g. high-profile women such as JK Rowling and Rosie Duffield MP, and also many lower-profile women). Some have lost jobs (e.g. Maya Forstater in the UK, Martina Navratilova in the USA, plus several US academics); Some have lost speaking and exhibiting opportunities (e.g. artist Rachel Ara, poet Jenny Lindsay, writers Rachel Rooney and Gillian Philip, academic Jo Phoenix). Dame Emma Nicholson was hounded off the board of the Booker prize which her husband had co-founded. Media opportunities have been withheld or [withdrawn from women at the behest of trans activists](#).

There is a long list of women affected, and a vanishingly small list of figures in public life or politics who have defended their freedom of speech, never mind their belief that acknowledging the reality of biological sex is essential in public policy, to monitor and address the many ways in which females are disadvantaged either by our biological differences (e.g. sport, maternity provisions) or by sexism (e.g. violence against women and girls, under-representation in political and public life).

Thus, there are not only the material consequences - in prisons, sport, political representation, academic and cultural prizes, awards and scholarships, and so on – but also a serious infringement of women’s freedom of speech and expression. All of these represent a rolling-back of women’s rights and freedoms, in the name of progress for trans people, but without enabling any consideration of the negative impact on females, and hence without any exploration of how to maximise the benefits and minimise the harms to both groups.

#### **Further information**

We submitted a response to the UN consultation on gender, sexual orientation and gender identity. The subsequent report appears not to have considered [the points we raised in that submission](#).

We [submitted to the UK government’s consultation](#) on its strategy to address violence against women and girls. In this case, we see a very serious risk in the conflation of sex and gender identity, the subsequent misrecording of crime, distortion of data and public understanding, and ultimately the cruel and inhuman treatment of women in prison, contrary to widely-accepted standards which state that women and men should not be imprisoned together.

Our concerns, which are shared by many others in the UK, are documented on [our website](#), where we document the negative impact of gender ideology on females in sport and prison, in the media, and on data and hence policy development, both short and long term.

#### **Our request**

The widely-promoted idea that anyone raising questions about trans-inclusive policies is a bad-faith actor is stopping proper consideration of such policies, frequently leading to bad outcomes for females. We wish for government and NGO bodies to engage on equal terms with those on both sides of this issue. In the UK, campaign groups representing trans activism have long been in receipt of public funds and extensive access to government, while those advocating for women, like our group, have been kept at arm’s length, in large part at the behest of those same trans activist groups. This is not the way to develop good policy. Respectful discussion can only help in creating better outcomes with wider public support.

Discrimination against women cannot be eliminated if women are not given the same opportunities to express our concerns and advocate for our constituency as trans activist groups. We would welcome the opportunity to discuss this with you.

Dr Nicola Williams

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