



**Evidence for the EHRC statutory review**  
**Fair Play For Women**  
**March 2023**

This submission is about sex discrimination against women, arising from the interaction between the protected characteristics of sex and gender reassignment.

Over the past five years, Fair Play For Women has been contacted by many women who feel that they are being discriminated against as females, but who find themselves unable to express their concerns out of fear of facing further discrimination as a result. The problem of sex discrimination is compounded by the silencing and/or self-censorship of those who experience this discrimination.

Here are examples from the areas most affected.

**1. Access to culture, leisure and sport**

Women and girls are finding that males who say they are women are being granted access to women's sports and to women's changing rooms in gyms and at sports facilities. Typically this has been done without consultation with those affected, the female users of those facilities. We know of many instances where one or more women have expressed a preference for their women's team or women's play to continue as female-only, and where those women have been told they have no choice, or that they are no longer welcome. In at least one instances, an entire team or club has been dropped from a local area league. In another, a team has been denied access to the pitches for expressing this preference. Because of the fear, most such examples are not in the public domain. A few are on the Fair Play For Women website<sup>i</sup> but there are many more that we know of, and doubtless many others that we don't. We can disclose more details of the examples mentioned above, and some of those women may be willing to do so too if confidentiality is assured.

There is an interaction with the protected characteristics of belief and disability also. In one instance, a trans-identifying male was playing in a mixed team and also joined a women's team at the same club. A Muslim woman who requested that her team be permitted by the club to continue as female-only was told she could not, and that it was not against her religion to play with this transwoman because the transwoman was female. It is likely that disabled women will also experience this as an excluding factor, since they tend to feel more exposed and vulnerable in toilets and changing rooms, and the loss of single-sex provision is more concerning. While the trans person may not represent a threat, the change to normalise access to the female facilities by males removes the social norm which in turn increases the risk of predator males abusing the system.



## 2. Political participation and freedom of expression, assembly and association

Since 2017 when the UK government first signalled its consideration of significant amendments to the Gender Recognition Act, there has been growing public awareness of the possible tensions and conflicts between the needs and demands of transgender people, specifically those born male, and the needs and expectations of female people. Women's groups which have formed and mobilised to discuss and raise awareness of the issues have had difficulty in doing so.

Meeting venues have cancelled bookings by these groups simply because of their focus on female issues (e.g. Leeds City Council cancelling a Woman's Place UK meeting; Nottingham City Council cancelling the venue booking for a talk from Julie Bindel). Venues which have allowed such meetings to go ahead have been targeted by threats and boycotts (e.g. in Brighton and in London, details can be provided).

Women fund-raising for such campaigns, or for legal cases, have had service withdrawn, denied or restricted by funding platforms (e.g. Allison Bailey on Crowdfunder<sup>ii</sup>). Women's groups have been denied access to Labour Party conferences, and individual women have had Labour Party membership denied or revoked (details can be given privately).

Women's groups trying to meet have been set upon by activists, who have disrupted their meetings with noise and physical obstruction. (e.g. The recent planned showing of the film *Adult Human Female* at Edinburgh University, a women's meeting in Bristol shown on the Channel 4 documentary "Trans Kids: We Need to Talk"; the WPUK fringe meeting at the Labour Party conference in Brighton in 2019.) This is very different from normal public protest. In a few cases transgender activists have assaulted them (Maria McLachlan, Julie Bindel). While criminal behaviour such as those assaults are beyond the purview of the EHRC, the climate in which this can happen is a concern, and it is part of a pattern of general discourse and behaviour in which members of one protected characteristic, females, have been vilified as bigoted for seeking to defend our own rights and to express our own needs.

The impact on freedom of expression is that women and girls and sometimes men, are wary of expressing a pro-female point of view. There is both censorship and self-censorship. This is evidenced in the project report published by the Sports Council Equality Group<sup>iii</sup> (see pages 11 and 15) in which people expressed their fear about opposing the inclusion of trans-identifying males in female sport, and reported the various possible negative outcomes which they believed they would face if they did so.

A further example of this chilling effect is apparent in Fair Play For Women's analysis of crowdfunders relating to this issue<sup>iv</sup>. There is no other topic in which more than half of those who support the cause opt for anonymity. Women's rights should not, in general, be seen as so controversial that supporters are ashamed or afraid to disclose their support. It may only be in the area where women's rights come into conflict with transgender rights or demands that this is the case.



## Request for EHRC action

1. Since much of our evidence has been given to us confidentially, we have limited the details here so that individuals cannot be identified. We would be pleased to meet with you to provide more information, both so that you can have confidence in the weight of evidence and to help you better understand the dynamics at work.
2. We believe there is also a problem for women arising from the interaction of sexual orientation and gender reassignment. We have heard numerous reports of lesbians being targeted for excluding males from their online and offline meetings and from their stated preferences in online dating sites. It is not an issue on which we have gathered evidence, therefore Fair Play For Women would propose that the EHRC also seeks evidence from groups representing lesbians, such as LGB Alliance and Lesbian Labour.
3. We would like to see more proactive work to foster good relations between these characteristics. We have always been willing to meet with and talk to any groups who are interested in this issue, regardless of their position. However, we have found that some groups are unwilling to talk to groups like ours which advocate for female-only spaces and sport. This has the effect of shutting down the conversation and also the public discourse, so that the issues are not aired and no progress is made.
4. These organisations include not only other voluntary groups and charities but also some national sport governing bodies which are in receipt of public money via the Sports Councils. While many have held constructive discussions with us, a handful have explicitly told us, in writing, that they will not meet with us because of our position. We have met with more than forty national sport governing bodies and a number of international and world sports federations, so this is very much a minority view and one for which there is no credible justification. The Sports Council Equality Group guidance explicitly recommends that all stakeholders are heard. We would welcome the assistance of the EHRC in brokering conversations, whether with us or with other groups, so that these organisations can hear the voices of women who feel that trans inclusion in sport is leading to female exclusion, and who otherwise are unrepresented and unheard.

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[www.Fairplayforwomen.com](http://www.Fairplayforwomen.com)

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<sup>i</sup> <https://fairplayforwomen.com/transgender-inclusion-is-already-harming-uk-females-in-sport/>

<sup>ii</sup> <https://www.crowdjustice.com/case/allison-baileys-case/>

<sup>iii</sup>

<https://equalityinsport.org/docs/300921/Project%20Report%20on%20the%20Review%20of%20the%20Guidance%20for%20Transgender%20Inclusion%20in%20Domestic%20Sport%202021.pdf>

<sup>iv</sup> <https://fairplayforwomen.com/crowdfunders-show-that-women-are-still-afraid-to-speak-up-in-defence-of-our-rights/>