

**INPUT TO THE UK VISIT IN FEBRUARY 2024 OF THE SPECIAL RAPPORTEUR ON VIOLENCE
AGAINST WOMEN AND GIRLS
January 2024**

[Fair Play For Women Ltd](#) is a campaigning and consultancy organisation which works to protect the sex-based rights of women and girls in the UK. 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.

For the past six years we have drawn attention to the ways in which sex self-ID leads to the loss of rights and to harms for women and girls across a range of areas. We [wrote to the chair of CEDAW in March 2023 outlining our concerns](#)¹. We submitted [evidence to the UN Periodic Review](#)² of Human Rights in 2022. We [wrote to the UN Commission on the Status of Women](#)³ in July 2021. We have twice contributed to inquiries held by the UN Independent Expert on Sexual Orientation and Gender Identity, in [March 2021](#)⁴ and in [January 2023](#)⁵, and again in [March 2023](#)⁶ prior to his UK visit when we met with him in person. In December 2023 we submitted [evidence to the CEDAW thematic working group](#) on sex self-ID.

Below, we outline our concerns about the growing issues facing women and girls in the UK in protecting and maintaining our sex-based rights. These issues arise from the increasing demand for gender identity to replace sex in policies and practices where sex differences have historically been recognized as having significance.

1. Language

We need clear language to be able to talk about discrimination against women and girls. While biology is not destiny, it is the basis on which women and girls are identified and discriminated against. Issues affecting women, such as FGM, child marriage and forced marriage, reproductive rights, male violence against women and girls, rape as a war crime, pregnancy and maternity healthcare, and more, are inextricably linked with our female biology.

This is a serious problem. The very words we use to describe ourselves as a sex class are being erased. Women have long fought against the imposition of sex stereotypes. We are not 'cis'. We are women by virtue of being born female and growing up, not by accepting or conforming to sex stereotypes. In media reports, in health campaigns, in human rights organisations, we are seeing the replacement of 'woman' or 'women' with terms like '[menstruator](#)'⁷, 'uterus-haver' or

¹ <https://fairplayforwomen.com/wp-content/uploads/2023/02/Fair-Play-For-Women-to-CEDAW-March-2023.pdf>

² [United Nations Periodic Review of Human Rights March 2022](#)

³ <https://fairplayforwomen.com/wp-content/uploads/2023/02/Fair-Play-For-Women-to-CEDAW-March-2023.pdf>

⁴ <https://fairplayforwomen.com/wp-content/uploads/2021/08/UN-gender-SO-and-GI-report-input-from-PPFW-March-2021.docx.pdf>

⁵ [United Nations report exploring the right to freedom of religion or belief \(FoRB\) in relation to sexual orientation and gender identity \(SOGI\) January 2023](#)

⁶ [The UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity \(IE SOGI\) March 2023](#)

⁷ <https://thetimes.co.uk/article/i-am-not-a-walking-cervix-or-a-menstruator-i-am-a-woman-7q2rdp55p>

‘people with a vagina’⁸. Women tell us that they find this dehumanising, not inclusive. Our concern is that it blurs legal issues such as sex discrimination. This can only set women’s equality back. There is no upside for women in losing the words we need to talk about our bodies, our needs and our rights.

2. Males being granted access to female-only spaces and services on the basis of their claimed identity

Many service-providers in the UK have operated an informal system of self-ID for some years, believing it does no harm, or because of misleading advice that it is legally required. It has also become difficult for anyone to object to self-ID policies or to mention the true sex of a transgender person. Thus there is little resistance to these policies on the public record – because people are unwilling or unable to object. This was reported when the UK Sports Councils Equality Group reviewed its guidance for transgender inclusion in sport. The [project report published in September 2021](#)⁹ says:

“The overwhelming majority of people who considered fairness and safety could not be achieved with transgender inclusion into female sport did not feel confident to voice these opinions. Other athletes said that they had been warned not to discuss this topic by their national governing body and had been threatened with sanctions such as non-selection if they disobeyed.”

“One athlete said that the potential for a social media ‘pile-on’ would be too great, so it is easier to keep quiet and acquiesce. A significant number of interviewees said that they would only be involved if anonymity was assured... This was a frequently voiced frustration which regularly reduced the interviewee to tears.”

This is a workplace issue. In sport, professional sportswomen, coaches, medical and other staff are affected. Career opportunities for women in sport are under threat, as is their freedom to say so. The Sports Councils report is hard evidence of the fear around this issue. It provides evidence of the chilling effect which is also present in many other workplaces, but harder to detect by design. Nonetheless, there have been several employment tribunal wins for women who have been sanctioned at work or even lost their jobs for expressing concern about unfettered endorsement of gender ideology and particularly of legal self-ID (e.g. Maya Forstater, Allison Bailey, Denise Fahmy, Rachel Meade) and there are ongoing legal challenges in the UK being brought by both women and men.

3. Physical spaces

Fair Play For Women has had numerous reports of problems in changing rooms, hospital wards, prisons and bail hostels, and in single-sex service provision for female victims of male violence (domestic abuse refuges, rape shelters and counselling services). Women who have complained rarely get a satisfactory response. There are currently several legal actions underway in the UK being brought by women who were denied single-sex provision, with separate cases relating to changing rooms and rape counselling. In addition, all women and girls lose privacy and peace of mind if any male can enter a space based on a self-declared female identity.

⁸ <https://www.bbc.co.uk/news/health-50289607>

⁹ <https://equalityinsport.org/docs/300921/Project%20Report%20on%20the%20Review%20of%20the%20Guidance%20for%20Transgender%20Inclusion%20in%20Domestic%20Sport%202021.pdf>

Sex-specific toilets are a cultural norm worldwide, universally recognized as making a positive contribution to the lives of women and girls, and providing privacy and dignity for both sexes. This is true in both developed and developing countries. They are promoted by the World Health Organisation and the United Nations as an important factor which contributes to female emancipation. Proper single-sex toilet provision enables girls to attend school and facilitates the participation of women in public life. In the UK, most sexual assaults in the changing rooms of gyms and leisure centres in the UK happen in gender-neutral facilities, [as reported here](#)¹⁰.

There is no recorded history of demands by women to reduce or abolish single-sex provision. Until recently, a predatory male who ignored the social norms and entered a women’s facility could be challenged. His presence was a signal for a woman to escape and/or to alert other women. A male seen “hanging around” women’s toilets is a cause for wariness by women. He may be reported to authorities. But now, with the demand that a male may self-identify as a woman, that person could claim to be the victim of harassment if reported or challenged. This means that no male can be challenged. This is a predator’s charter. This is not to say anything about transgender people, but to point out that the blurring of boundaries between the sexes leads to the destruction of single-sex provision. This makes life much easier for predatory men.

4. Sport

Without a protected category for females, women and girls would have very few opportunities for fair or safe sport. There would be no female Olympians, no female professional sportswomen, and much less sporting activity for females of all ages at all levels. Men do not need a protected category, so theirs can be an Open category.

In 2020 the UK Sports Councils Equality Group commissioned independent consultants with expertise in sports medicine to conduct a rigorous review of its transgender guidance. Published in September 2021, the [revised guidance](#)¹¹ concluded that allowing males who identify as women to participate in the female sport category is not compatible with fairness for females. Further, that testosterone reduction does not undo the many performance advantages of male puberty and there is no known intervention which can do so. The guidance proposed alternative ways to ensure inclusion for all while restoring fairness for females. The issue is not trans identification. It is about sexed bodies, male and female, not about identity or expression.

Since then some sports have amended their policy on who is eligible for the female category in sport, but the majority of sports in the UK and the vast majority at world level have not reversed policies which allow males to identify into the female category.

This is a widespread problem. Many sport governing bodies require their members to use preferred pronouns and to accept people as their declared sex – in other words, self-ID in action. This makes it difficult for anyone to object. Sports do not monitor the impact on female participation, and in most cases have no idea how many males are participating in women’s events in their sport. Some dismiss it as a small matter, despite not knowing the scale, and with the implication that it does represent a level of unfairness for females but that this is tolerable. It is not clear what level of male participation in women’s sport would be deemed intolerable.

¹⁰ <https://fairplayforwomen.com/unisex-changing-rooms-put-women-in-danger/>

¹¹ <https://equalityinsport.org/docs/300921/Guidance%20for%20Transgender%20Inclusion%20in%20Domestic%20Sport%202021.pdf>

Fair Play For Women has compiled extensive evidence of the significant impact on women and girls in the UK of policies which accept declared gender identity as if it were sex, and hence which allow males into female events, teams and competitions. Our report, *How trans inclusion in sport is harming women and girls*, published in January 2024, is provided separately.

5. Statistics collection

Fair Play For Women successfully took the UK's Office for National Statistics (ONS) to court in 2021, in order to ensure that the Census, a national survey of the entire population conducted every ten years, continued to collect data on sex accurately. As part of the case, we provided extensive evidence and examples of why sex matters in statistics collection, and why it is not a trivial matter to allow some people to report their professed gender identity as if it were their sex. We have summarised the issues in this [submission to the UK Office for Statistical Regulation](#)¹², and we have illustrated how seemingly small [data errors arising from sex self-ID can lead to significant distortions](#)¹³ with consequences for policy-makers and for public understanding. In general, such consequences are detrimental to women and girls. The conflation of sex and gender identity is already leading to problems in data collection and reporting in the UK, as [this example](#)¹⁴ shows.

6. Affirmative action

In the UK, the Equality Act 2010 allows for certain opportunities to be for women only, as a measure to address historical under-representation. These measures include all-women shortlists for political constituencies, and scholarships and prizes in academia and the arts open to women only. Self-ID extends these opportunities to males. While there may be a case for creating separate opportunities for transgender people, offering those reserved for females to people born male can only limit the progress of women and girls. Legal self-ID could significantly increase the pool of people born male who become eligible for women's affirmative action. We already see this in the Athena Swan programme, intended to increase female representation in STEM in academia but now counting trans-identifying males in the female quotient. Some women's literature and art prizes are now open to anyone identifying as a woman, or non-binary. Counting trans-identifying males obscures the genuine under-representation of women while males are awarded prizes and funding intended for females.

We would be grateful for the opportunity to discuss these issues with the Special Rapporteur on her UK visit.

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¹² <https://fairplayforwomen.com/wp-content/uploads/2021/04/Fair-Play-For-Women-OSR-sex-and-gender-consultation-April-2021.pdf>

¹³ <https://fairplayforwomen.com/small-errors-in-sex-data-have-large-distortive-effects/>

¹⁴ <https://fairplayforwomen.com/female-sex-offenders-and-women-committing-sex-crimes-why-cant-the-media-get-it-right/>