



Women's Declaration International (UK)

Statement on current proposals to clarify the meaning of 'sex' in the Equality Act 2010 June 2023

Women's Declaration International (UK) (WDI UK) is the UK chapter of Women's Declaration International (WDI), set up in 2019 to develop and promote the Declaration on Women's Sex-Based Rights. The Declaration's purpose is to re-affirm the sex-based rights of women and girls as set out in international human rights provisions such as the UN Convention on the Elimination of all Forms of Discrimination against Women 1979 (CEDAW), and the UN Declaration on the Elimination of Violence Against Women 1993 (UNDEVW). The Declaration has been signed by 35,844 individuals in 160 countries, and by 509 organisations.

It is a fundamental principle of the Declaration that women's rights in law and policy are based on the category of sex. The inclusion of men who claim to have a female 'gender' in the category of women constitutes discrimination against women and undermines their sex-based human rights.

The concept of 'gender identity', which, unlike sex, has no material basis, constitutes a safeguarding risk to children, women and vulnerable adults. Allowing men who claim a female 'gender' to access opportunities or provisions set aside for women is contrary to good safeguarding principles and practice, and threatens the safety, dignity and privacy of women and girls.

Lesbians experience dual discrimination, on the basis of their sex and their sexual orientation as same-sex attracted women. When the category of sex is conflated with 'gender' it is impossible to recognise or discuss same-sex attraction. Recognising heterosexual men as 'lesbians' contributes to lesbian erasure and undermines lesbians' rights to freedom of association. Denying lesbians the right to determine their own sexual boundaries presents a significant safeguarding risk to young lesbians in particular.

In 2020 WDI UK, under our former name of Women's Human Rights Campaign, made a [submission to the Women and Equalities Committee on reform of the Gender Recognition Act 2004](#), in which we called for an inquiry into the ways in which the Equality Act 2010 could be made clearer as to the protection of women's rights to single sex spaces, services and opportunities.

WDI's position is that the definition of 'sex' is biological and should be seen as such across all legislation. We welcome scrutiny of issues around the corruption of the word 'sex' in law and thank the human rights organisation Sex Matters for the work it has done in helping to bring about the Parliamentary debate about the Equality Act which will take place on 12th June. We hope that the ultimate outcome of this will be the reaffirmation of the common, unambiguous understanding of sex as having only a biological definition within the Equality Act.

Clarification of the Equality Act may strengthen the Act's potential to protect women's right to single-sex spaces and services, such as rape crisis and domestic abuse services. However, it will not protect women's sex-based rights completely while the Gender Recognition Act remains in force.

One example of this relates to the criminal justice system. As the law stands, a man who holds a Gender Recognition Certificate (GRC) and is therefore treated as a woman for most legal purposes, can only be intimately searched by a female police or prison officer unless he agrees otherwise. Men who hold a GRC include sex offenders, and [most retain male genitalia](#) and may be sexually aroused by being searched by a



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woman. This illustrates the fundamental tension in the current law between women's sex-based rights to safety, dignity and privacy and the rights conferred on men by a GRC.

WDI UK believes that the human rights of both sexes should be upheld. For example, we support the rights of all to freedom from discrimination in areas such as employment and housing, and to protection from violence under the law. The Gender Recognition Act's inclusion of men in the category of women in law confers entitlements rather than rights, and this erodes women's and girls' sex-based rights.

In order to protect these rights, WDI UK calls for an end to the conflation of sex with 'gender' in law and policy, and for repeal of the Gender Recognition Act.