

SEPTEMBER  2023

SEX MATTERS



MAKING THE
EQUALITY
ACT CLEAR

THE
STORY
SO FAR

Front cover shows Maya Forstater (Sex Matters executive director), Elaine Miller (physiotherapist), Marion Calder (co-founder of For Women Scotland), Helen Joyce (author of Trans: when ideology meets reality, and Sex Matters director of advocacy) and Joanna Cherry KC MP at the party to celebrate the petition, in Edinburgh on 16th June 2023. They are holding cards that were sent to the MPs of the top five constituencies that had gathered the highest share of signatories, which were all in Edinburgh.

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See our journey at a glance on pages 6 and 7, or in more detail from page 8 onwards.

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A NOTE FROM MAYA

Sex Matters is campaigning to make the Equality Act clear in order to in order to protect single-sex spaces and freedom of speech.

The Equality Act 2010 is the law that protects everyone in Britain against sex discrimination and protects transgender people against "gender reassignment" discrimination. We are calling on the government to add one line to the law to make clear that when the Equality Act refers to sex discrimination and single-sex services, it really means "sex".

Thanks to thousands of people campaigning, writing, talking about and signing our petition, this is now a public and political debate. The Equality and Human Rights Commission supports the idea. It is being covered in national media. On 12th June there was a debate in Westminster: fourteen MPs spoke on the side of clarifying the law and six on the side of keeping it ambiguous. The MPs on our side stood up, some for the first time in public on this issue, some literally shaking, and said things that have never been said in Parliament before: about fairness and dignity for women, about fair sport, about protecting children, about laws that work and can be understood, and about democracy.

This is the story so far, but it is just the beginning. The next stage in the campaign is to get the government to take action before the election, and get more people to stand up and say "I support single-sex services".

Will you be part of it? We need to scale up the campaign now. Donate £10 help us put our campaign packs into production, and be one of the first to receive one. Donate more and help the next stage of the campaign to take off.

Maya Foortater 

LET'S GET IT DONE

We are asking the government to change one line in legislation to protect single-sex spaces, services, sports and associations.

It can do this before the next election, but it has to act decisively.

Donate £10 today to help get the next stage of the campaign into production.

DONATE NOW

(You will be one of the first to get a campaign pack as soon as they are ready.)

If you turn your donation into a regular commitment to **support us** it will mean even more to us.

If you are already a regular supporter, why not share the story so far with a friend by email, or on social media?





Petitions

UK Government and Parliament

Closed petition

Update the Equality Act to make clear the characteristic "sex" is biological sex

The Government must exercise its power under s.23 of the Gender Recognition Act to modify the operation of the Equality Act 2010 by specifying the terms sex, male, female, man & woman, in the operation of that law, mean biological sex and not "sex as modified by a Gender Recognition Certificate"

November 2022

We launch the petition

**MAKE THE
EQUALITY
ACT CLEAR**

Tuesday 6th December

7.30pm to 8.30pm GMT



December 2022

Campaign briefings
and webinars



Rt Hon Kemi Badenoch MP
Minister for Women and Equalities
Secretary of State for Business and Trade
Sunderby Buildings
Great Smith Street
London
SW1P 3BT

Baroness Kishwer Fakhri
By email at: kishwer.fakhri@equalityhumanrights.com

21st February 2023

Dear Kishwer,

Clarifying the definition of sex for the effective operation of the Equality Act 2010

In our meeting on 12 January, we discussed the increasing contestation of how the term sex is understood in law and in practice. Recent cases in both the English and Scottish Courts, such as *Fair Play for Women Ltd v UK Statistics Authority* (2022) EWHC 940 and *Fair Women Scotland Ltd* (2022) CS201 90, have raised legitimate questions about the definition of sex in the Equality Act 2010.

Further, the Scottish Parliament's passing of the Gender Recognition Reform (Scotland) Bill, and subsequent Order made by the Secretary of State for Scotland under section 35 of the Scotland Act 1998, and the related discussions have led to questions being raised about the operation of the Equality Act 2010.

Among these is the consideration about whether the definition of 'sex' is sufficiently clear and strikes the appropriate balance of interests between different protected characteristics. The Women and Equalities Select Committee discussed this in a recent evidence taking session and the matter has been the subject of a petition to Parliament advocating an update to the Equality Act to make clear that the characteristic of 'sex' refers to 'biological sex'.

As the independent regulator, under Section 11 of the Equality Act 2006, the Equality and Human Rights Commission has a duty to monitor the effectiveness of the equality and human rights provisions, and under sub-section 11(2)(a)(i) the power to advise government about the effectiveness of the current law and the likely effect of any proposed change of law, as well as to recommend amendments to existing legislation.

On this basis, and mindful of the need to appropriately balance rights to gain clarity in what is a technical and contested area of law, I would like your considered advice on the benefits or otherwise of an amendment to the 2010 Act on the current definition of 'sex', along with any connected or consequential enactments, bearing in mind the advantages and disadvantages that such a change might entail for affected groups.

Yours sincerely,

Kemi Badenoch

The Rt Hon Kemi Badenoch MP
Minister for Women and Equalities



January 2023

We write to the
Minister for Women
and Equalities

sexmatters

**MAKE THE
EQUALITY ACT
CLEAR PETITION**

I've signed

"I've just signed this
and would like to say
out loud. SEX IS REAL."



Daley Thompson

February 2023

Celebrities sign the
petition



Rt Hon Kemi Badenoch MP
Minister for Women and Equalities
Secretary of State for Business and Trade
Sunderby Buildings
Great Smith Street
London
SW1P 3BT

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The Rt Hon Kemi Badenoch MP
Minister for Women and Equalities

February 2023

Minister for Women
and Equalities writes
to EHRC asking
about the Equality Act



March 2023

Street campaigning



If you're concerned about
right to single sex spa
centres and prisons -
Act clear.
#InternationalWomen

March 2023

International
Women's Day:
JKR tweets!

Clarifying the definition of 'sex' in the Equality Act

Cyberdoctors: 14 Apr 2023

On 11 February 2022, the Minister for Women and Equalities asked for our advice on the definition of the protected characteristic of sex in the Equality Act 2010.

Section 11 of the Equality Act 2010 allows the Equality and Human Rights Commission (EHRC) to advise the UK Government on the effectiveness of equality law.

The EHRC's initial response to this request is set out in a letter sent to the Minister on 3 April 2022.

Baroness Kishwer Falkner, Chairwoman of the Equality and Human Rights Commission, said:

"A change to the Equality Act 2010, so that the protected characteristics of 'sex' means biological sex, could bring clarity in a number of areas, but potential ambiguity in others.

"Our response to the Minister's request for advice suggests that the UK Government carefully identify and consider the potential implications of this change.

"Should they wish to pursue work in this area, we recommend detailed policy and legal analysis be undertaken, in compliance with the Public Sector Equality Duty and with due regard to any possible disadvantages for trans men and trans women.

"There is a clear need to move the public debate on issues of sex and gender to a more informed and constructive basis. This would be welcomed by the many who do not take the polarised positions currently driving public debate.

"We look forward to working with the government and others to find a way forward on these important issues, but recognize that these decisions sit with the UK Government and UK Parliament."

April 2023

EHRC Chair Kishwer
Falkner writes to the
government

seXmatters

109,463 signed to make
the Equality Act clear!



The top 5 constituencies

1. Edinburgh North & Leith	790
2. Edinburgh South	637
3. Edinburgh East	566
4. Edinburgh South West	553
5. Edinburgh West	546

Make the
Equality Act
clear

Looking forward to meeting with MSPs, Scottish
lawyers and some of the thousands of people who
signed the petition in Scotland.

April 2023

Petition closes -
Scotland wins!



May 2023

Briefing MPs

Protection for single-sex spaces should not be a political battle, says MAYA FORSTATER

Rosie Duffield and Miriam Cates stand up for women's protection during gender rights debate.

By MAYA FORSTATER

20:30, Wed, Apr 19, 2023

BOOKMARK



NEWS

Home Cost of Living War in Ukraine Climate UK World Business Politics Culture Tech

UK England N. Ireland Scotland Alba Wales Cymru Isle of Man Guernsey Jersey Local News

Law change could aid single-sex
spaces - watchdog

15 April

June 2023

Westminster Hall
debate



June 2023

Edinburgh petition
party

November 2022

We launch a petition to make the Equality Act clear



Petitions

UK Government and Parliament

Update the Equality Act to make clear the characteristic “sex” is biological sex

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December 2022

Campaign briefings and webinars

**MAKE THE
EQUALITY
ACT
CLEAR**



sexmatters
in life | in law

**MAKE THE
EQUALITY
ACT CLEAR**

Tuesday 6th December

7.30pm to 8.30pm GMT

Campaign webinar with Maya Forstater,
Helen Joyce, @MsGiveZeroFox and @satiricole



**10 reasons why
sex means sex
in the Equality Act**

sexmatters

**IT'S TIME TO
PROTECT WOMEN
AND CHILDREN**

Make your voice heard.

Do you believe it should be made clear that
"sex" in the Equality Act means biological sex?

Can you be part of the solution to bring clarity
back to policy, law and language?

Please SIGN the petition TODAY
– it only takes two minutes



Petitions

UK Government and Parliament

January 2023

Political shifts



We write to the Minister for Women and Equalities.

The UK government decides to block the
Scottish Gender Recognition Reform Bill.

February 2023

Celebrity “I’ve signed” social-media posts



February 2023

Minister for Women and Equalities writes to EHRC



Equality Hub

Rt Hon Kemi Badenoch MP
Minister for Women and Equalities
Secretary of State for Business and Trade
Sanctuary Buildings
Great Smith Street
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Yours sincerely,

The Rt Hon Kemi Badenoch MP
Minister for Women and Equalities

March 2023

Networks and groups get people signing



March 2023

JKR tweets and we hit
100,000 signatures!



J.K. Rowling 
@jk_rowling



If you're concerned about the erosion of women's rights in the UK - the right to single sex spaces like domestic violence refuges, rape crisis centres and prisons - sign the Sex Matters petition to make the Equality Act clear.

[#InternationalWomensDay2023](#)

On 8th March 2023, JK Rowling tweets about the petition.

A couple of days later, we hit the 100k mark.

April 2023

EHRC Chair Kishwer Falkner writes to the government



Clarifying the definition of 'sex' in the Equality Act

Cyhoeddwyd: 04 Apr 2023

On 21 February 2023, the Minister for Women and Equalities asked for our advice on the definition of the protected characteristic of sex in the Equality Act 2010.

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April 2023

Petition closes – 109,462 people signed our petition

seXmatters

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Make the
Equality Act
clear

Looking forward to meeting with MSPs, Scottish lawyers and some of the thousands of people who signed the petition in Scotland.

See you soon!

The top five constituencies are all in Edinburgh.

We announce a party in Edinburgh featuring special guests:

Joanna Cherry MP
Marion Calder
Elaine Miller



May 2023

MP briefings



June 2023

The Westminster Hall debate

10 June 2023 – Parliamentary debate about the definition of sex



“There is nothing more destabilising to society than to dismantle the legal, social and cultural guardrails that protect women and children by pretending that males become females and vice versa, and allowing that to creep into our law.” **Miriam Cates**

“[Employers and service providers] need to be able to explain their rules on their signs and websites, on the phone and to staff. That means being clear about where there are sex-based rules and where a service is provided for both sexes together.” **Joanna Cherry**

“The majority of victims of domestic violence are women, and they are much more likely to be seriously hurt or killed. We must be really careful to protect our intricate and finely balanced services for women.” **Angela Richardson**

“Because of those and other differences in men’s and women’s lives, we need to be able to monitor sex discrimination and provide for the needs of women and girls, particularly when they are most vulnerable. The Equality Act is the law that allows for that.” **Jess Philips**

“Without a stable, codified language, the whole meaning of protected characteristics, hitherto based on sex, comes tumbling down.” **Rosie Duffield**

June 2023

Media coverage



JK Rowling-backed petition for Government to make clear that 'sex means biological sex, not sex as modified by gender recognition certificate' in Equality Act will be considered for debate in Parliament

- Petition signed by JK Rowling reaches 100,000 signatures and may be debated
- Read more: JK Rowling insists age 14 is too young to decide to change gender



Law change could aid single-sex spaces - watchdog

© 5 April



Majority 'back trans bans in women's sport'

James Beal
Less than a third of Britons believe that trans women should be allowed in women's sports, changing rooms, lavatories or provide female-only intimate care, a survey has revealed.

The poll was commissioned by Sex Matters, a gender-critical pressure group. Next week MPs will debate a

petition by the group calling for legal clarity on the Equality Act 2010 to protect single-sex spaces.

providing "intimate personal health care" to an elderly lady asking for female carers: 44 per cent said "yes", 29 per cent said "no" and 27 per cent answered "don't know".

Protection for single-sex spaces should not be a political battle, says MAYA FORSTATER

Rosie Duffield and Miriam Gates stand up for women's protection during gender rights debate.

By MAYA FORSTATER
23:36, Wed Apr 10 2023



I don't think Sex Equality was meant to allow men to shower with girls MAYA FORSTATER

Maya Forstater starts petition which calls on the Government to clarify the Equality Act to make clear that "sex" means biological sex.

By MAYA FORSTATER
21:37, Mon, Mar 13, 2023 | UPDATED: 09:49, Tue, Mar 14, 2023



JK Rowling tweet gains Maya's petition traction (Image: Getty)

I lost my job because I wanted to talk about whether the law requires us to treat



June 2023

Edinburgh petition party



WHAT NEXT?

We are asking the government to add one line to legislation.
This will make all the difference.

It must do this quickly. Time is running out before the next election,
and it will need to consult before it can make the change.

It can do this quickly. This is a simple change and it can be made
using secondary legislation (there is a specific power provided for
this in Section 23 of the Gender Recognition Act).

We can make it happen. Government will act if more people speak
up. You don't need to understand the detail of the law – you just
need to say “I support single-sex services”.

We will:

- develop the technical proposal and legal analysis and brief ministers and officials
- work with grass-roots campaigners to demonstrate public support for single-sex services
- get stories and comment into the media
- get experts talking about the legislative proposal and the human rights involved.

Your support is crucial. It will make a difference.

If you already support us, please share the story so far with a friend by email or on social media.



@SexMattersOrg



@SexMattersOrg



@SexMattersOrg



Sex matters in life and in law.
It shouldn't take courage to say so.

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