



sexmatters



# **Women's services: a sector silenced**

Summary report

January 2024

# INTRODUCTION

This is a summary of a report examining the effects of gender-identity beliefs on the women's sector. It is based on interviews with 19 experts and leaders of organisations providing services to women who have experienced male violence, including Jess Phillips MP, Dr Karen Ingala Smith and Dr Shonagh Dillon. Except where requested, views are reported anonymously to protect those who contributed.

Interviews were carried out by Matilda Gosling, the lead author of the report. The introduction, conclusions and recommendations were written in conjunction with Sex Matters. We are grateful to everyone who generously contributed time, insights and experiences.

For the full 65-page report, see [sex-matters.org/sector-silenced](https://sex-matters.org/sector-silenced)

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...the realisation of de jure and de facto equality between women and men is a key element in the prevention of violence against women.

Istanbul Convention

## Context

Equality does not always mean treating women in the same way as men. Those in the women's sector know that when it comes to violence, women and men are so different that treating them in the same way – or mixing them together as victims or offenders – is wrong.

The UK has ratified the Istanbul Convention on preventing and combating violence against women. A core element is ensuring that **women and children who have been victims of violence get the support they need.**

Support services include rape-crisis centres, refuges and domestic-violence outreach projects; support for trafficked women and women in prostitution; and prison and probation services that engage with female offenders, many of whom are survivors of abuse.





In recent years, the women's sector has faced a new challenge: **the idea, translated into law and policy, that people's gender identity matters more than their sex.**

In debates about legislation, it is often claimed that the women's sector sees no conflict between women's rights and gender self-identification. But women using services that should be single-sex have little power to object when they are not; staff and trustees face funding, career and social pressures to accept self-identification. Many tell us they are afraid to speak up.

This research uses interviews with leaders in the sector to explore the consequences for organisations and the women who work in and use its services.

Sex Matters concludes that the lack of clear protection for women as a sex class in the Equality Act puts the UK at risk of being in breach of the Istanbul Convention.

We call on the government to clarify equality law; on the equalities regulator to issue clear guidance on running single-sex services; and on those in the sector to speak up for female-only provision for the vulnerable women and children they serve.

# The public supports women's services

In January 2024 Sex Matters commissioned an independent poll of a representative sample of the public.\*

This revealed that the British public overwhelmingly supports the provision of female-only services for women who have been the victims of rape, sexual assault or domestic violence. There is also strong support for those services to be clear that they exclude all males – including males who identify as women.

8 in 10

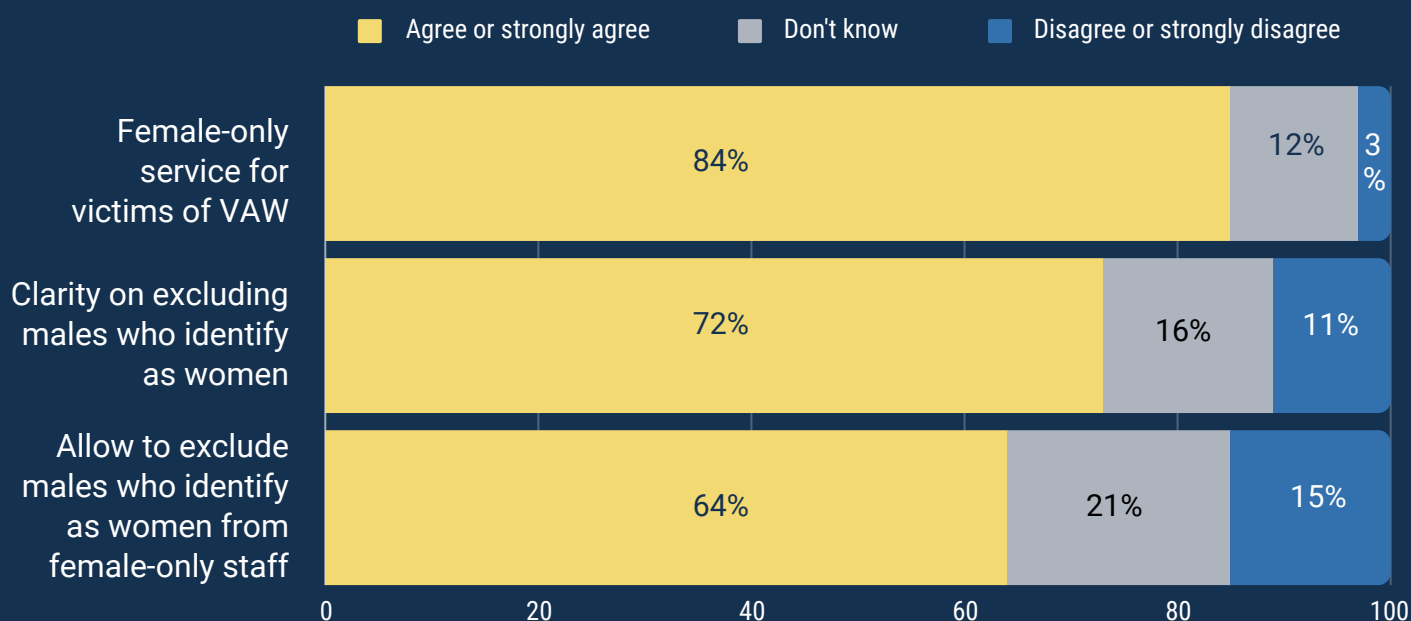
Agree that women who have been the victims of rape, sexual assault or domestic violence should be able to **access support in a female-only environment.**

7 in 10

Agree that services for women who are victims of rape, sexual assault or domestic violence should **state whether they offer a female-only environment or include male people who identify as women.**

6 in 10

Agree that services for women who are victims of rape, sexual assault or domestic violence, **when advertising for female support workers, should be allowed to exclude men who identify as women from applying.**



\* Online poll by People Polling on 5th January, 2024. Population sampled: All adults (18+) in Great Britain, Sample size: 1,655. Representative for age, sex, region, socio-economic group, region, vote in 2019 General Election and 2016 Brexit vote.

# Male and female patterns of violence and victimisation

**1 in 5** women are victims of sexual assault (or attempted assault) in their lifetime.

**98%** of adults prosecuted for sexual offences are men.



**“Domestic abuse is overwhelmingly perpetrated by men and experienced by women. The statistics do not lie. We say that, but we are not prepared to say what a man or a woman is... unless we start naming what this is, we will never provide the safety that women need.**

Leader of domestic-abuse charity

# Findings from the sector

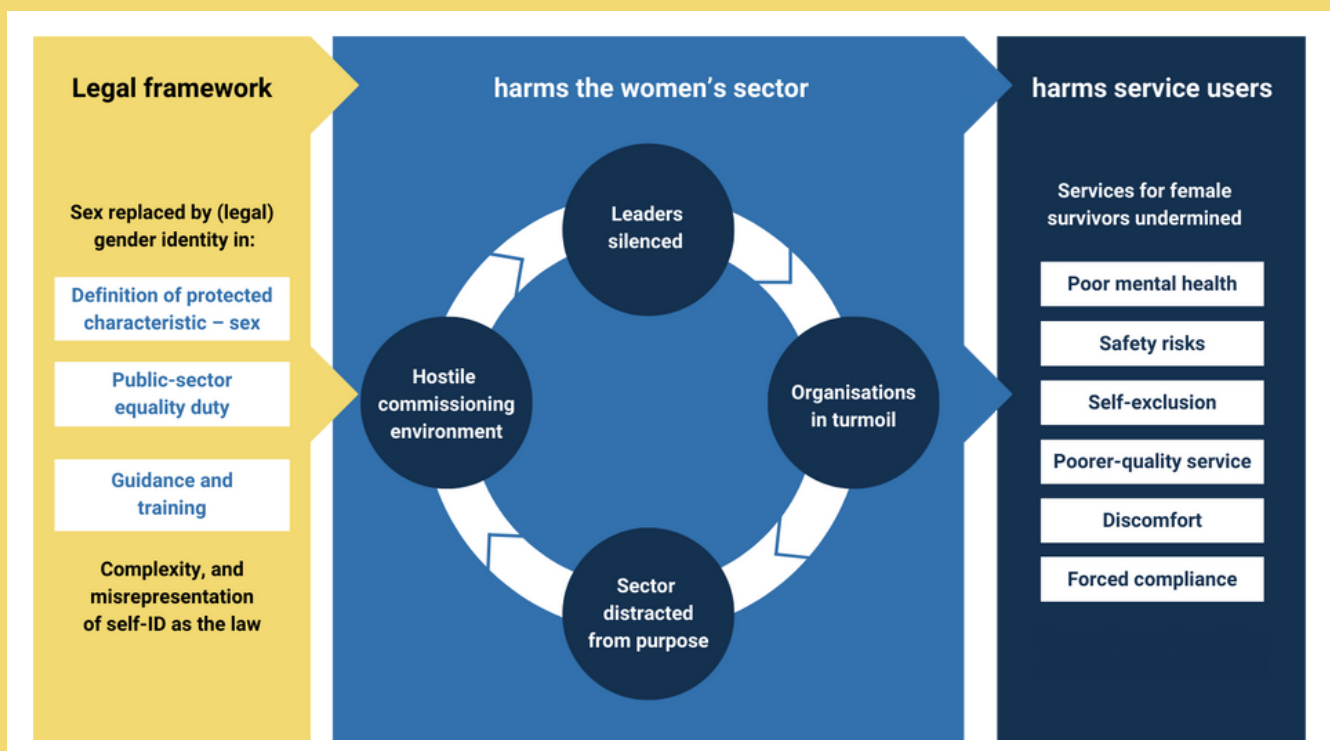
There are risks to women of being attacked by males in female spaces – this has happened. But those working in the sector also speak of bullying and coercion, and say that service users experience fear, loss of trust and re-traumatisation, and may self-exclude.

“It’s about coercive control, bullying, domination and access to services, and the legitimate fear that women have.”

Leaders describe a sector in turmoil: they are distracted from their purpose by having to justify and sometimes hide that they are trying to provide women-only services in the face of unsupportive laws and public policies. They describe being investigated, ostracised and pressured into adopting policies that compromise women’s welfare and safety.

The impact of ambiguity about the meaning of “sex” in the Equality Act comes not only from the threat of legal challenges, but also through training and guidance, conflict within organisations and funders demanding simplistic “inclusion”.

The interviewees – seasoned leaders within the women’s sector – describe harrowing experiences of being investigated, ostracised and bullied, and pressured into adopting policies that compromise women’s welfare and safety.





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**“ The capture of the debate has been almost total, and it has disempowered the most vulnerable women... I saw for myself a man – who had been convicted of several rapes – pretending to be a woman. He got himself into the women’s wing... He’d found a way of dominating and harming the women without touching them, so he didn’t need to rape or touch or bully.**

Prisons expert

## Impacts on different types of service

Counselling and support services	Women may self-exclude, or leave rather than speak out.
Rape crisis	Censoring language undermines the core model of rape-crisis support, which is about naming male violence within social structures.
Refuges	Refuges that are not female-only are re-traumatising and potentially dangerous.
Prison and probation	Women experience coercive control, bullying, intimidation, loss of services and access to shared spaces, and a pervasive sense of being unsafe, as well as outright attacks.

## Impacts on different service users

Interviewees emphasised that the majority of women want female-only services. But they also highlighted vulnerable groups:

**Children** do not understand why someone who looks like a man is being called a woman. They may be told they are transphobic for asking questions.

**Refugees and asylum-seekers** who are victims of sexual crimes and trafficking are already frightened of enclosed spaces; if those spaces may include male people, their fear will increase.

**Religious women** such as Muslim women, Jewish women and others may not be able to take refuge where a man might be present and be forced to stay in an unsafe situation.

**Trans-identifying and gender-questioning women** are often vulnerable and are put at risk by being accommodated with men.

# Services for women and their children are undermined

“The woman can see that it’s a man, and the worker says, ‘No, no, she’s really a woman’... How can you expect women to trust you?”

Dr Karen Ingala Smith

**Women are made to feel unsafe.** Women and their children receive poorer-quality support and are less likely to talk about their experiences when services assert that anyone who identifies as a woman is one.

**Women’s trust in the service is undermined.** Women are forced to put the needs of others before their own, replicating their histories of abuse and violence.

**Some women self-exclude if services are not female-only.** Many traumatised women will not report abuse to the police or seek support if services make clear that they may include men as women, and that women will not be allowed to speak truthfully.

**Women’s and children’s safety and security are compromised.** There have already been incidents of access obtained on false pretences, abuse and assault.



Some interviewees referred to Katie Dolatowski, a male convicted of sexual assault of a child who gained access to a trans-inclusive refuge for women and children in Leeds in 2022 by changing his name and identity documents.

“If the police are saying to the child, ‘This person is a woman. You have to refer to her as “she” in the interviews,’ it is very difficult to get the child to open up.

Prisons sector leader



# Sector leaders are being silenced

“ You will lose your job, the organisation loses its money and then we will lose the essential services that we need to deliver to survivors. It’s a very difficult environment.

Domestic-abuse charity

**Sector leaders who stand up for clarity about sex face vitriolic personal accusations.** Many face complaints, investigations, disciplinary procedures and loss of work – any of which can have devastating effects on their mental health and their careers.

**Leaders need great courage to defend single-sex services.** Speaking up risks losing funding – compromising the quality of services or losing them completely.

**Leaders are forced to make compromises that do not protect their services or the women who use them.** Many have had to self-censor, be hyper-vigilant, be publicly neutral, placate colleagues or leave matters up to staff members’ personal choice.

**Discussion of how to meet different needs are silenced.** The divisiveness of the debate and the difficulty of speaking up make it impossible to have pragmatic conversations about what is required to protect everybody’s welfare.

# Organisations are in turmoil

**Decision-makers are hamstrung.** Board members disagree and may resign; boards are vulnerable to ideological capture if they do not have clear policies.

**Internal cultures become toxic.** Disagreements between gender-critical and trans-activist staff create fractures; tension has a negative effect on staff, many of whom are trauma survivors.

**Scarce time and financial resources are drained.** Boards and leaders spend significant time dealing with tension, complaints and employment conflicts around this issue.

**The service is compromised.** Organisations cannot communicate their services clearly or signpost referrals safely. There is an ongoing risk of safeguarding failures and litigation. Meaningful data and therefore knowledge about what is needed are lost.

**The only option may be to fudge the issues.** Some organisations have resorted to providing single-sex services but telling funders and others that they are “inclusive”.

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“ I’ve seen colleagues being attacked in other organisations for doing things like retweeting a JK Rowling tweet. I have been accused of being transphobic in my own organisation, because I tweeted something with the words ‘gender critical’ in it.

Domestic-abuse charity

# The sector is losing clarity of purpose

**There has been a loss of shared vision and mutual support across the women's sector.**

Large providers and organisations that do not deliver services directly have been slow to speak out clearly in defence of single-sex services.

**Some organisations provide single-sex services but make ambiguous public statements to protect themselves.** This leaves their governance, leadership, staff and clients vulnerable to pressure, mistakes, uncertainty and risk.

**Leaders of organisations that state clearly that they offer single-sex services feel abandoned and undermined** by others in the sector, though there remain pockets of support between women who feel similarly.

**The sector is less able to state the value of women-only services;** coalitions advocating for women's services stay together by not talking about this issue.

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“ Why do all frontline services not have public positions?  
You should know what you are going into. You can only have informed consent if you are fully aware and understand...

Domestic-abuse charity

# The public-policy environment is hostile

**There is strong pressure from commissioners and funders to be “trans-inclusive”** by including males who identify as women in what should be female-only provision.

**Organisations that are clear about providing female-only services face competition from those that are ambiguous.** Both face competition from generic providers that are not focused on women.

**Policies in the criminal justice system shape women’s services.** There are close links between the women’s sector and programmes for resettlement, rehabilitation and diversion from incarceration of women. So policy decisions about prisons and probation have knock-on effects for the women’s sector.

**The public-sector equality duty and standards that should protect services that prioritise women’s needs are being used to undermine them.** Lack of clarity about the meaning of “woman” turns these laws into weapons that attack rather than defend single-sex services for women.

“ You can talk about refugees, child abuse – the most horrendous things in society – but nothing gets uglier than conversations about trans inclusion in women’s spaces. That’s because you have funders, commissioners, pushing things a certain way and it doesn’t always prioritise the safety of women.

Domestic-abuse charity



# None of this helps trans and gender-questioning service users

**There is pressure not to recognise difference.** The needs of males who identify as women are different from those of women. Organisations set up to meet the needs of female survivors are not well-equipped to meet those needs.

**Vulnerable female survivors and prisoners self-identifying as transmen** are having their identities unthinkingly confirmed by institutions meant to be supporting them.

**The needs of transmen and female detransitioners are ignored.** As a subset of vulnerable women, they have particular issues that women's services must meet.

**The ability to collect data is destroyed by a shift to asking questions only about identity,** not sex, so services cannot be designed to meet needs, and safeguarding is undermined.



**“ I am really, really worried that we are not serving transmen or female they/ thems... They are among the most vulnerable women there are, and it’s not right to categorise them as men.**

Leader of second-tier organisation

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# Conclusions

“

**I have spent a lot of time with the trustees and staff and training to try to increase our understanding. Nobody wants to think they are being bigoted. We want to have the law on our side and have justified, legal responses that protect women.**

”

## Sex and the law

The Equality Act 2010 is a crucial part of the legal framework for the women's sector. It outlaws discrimination and harassment on the basis of sex in many situations, while also allowing single-sex and separate-sex services to meet particular needs.

For these services, it provides a statutory defence against claims of sex or gender-reassignment discrimination in Schedule 3: the “exceptions”. This section has been misused to claim that services for women can exclude males who identify as women only on a case-by-case basis, after an individual risk assessment. In fact, a service can be female-only as a matter of policy.

The Equality Act also requires public authorities to have due regard to meeting the specific needs of women (as well as other groups with protected characteristics).

What defines sex for the purposes of the Equality Act has become uncertain. Recently, official guidance has wrongly suggested that sex can be self-identified – so people could identify as male or female regardless of their anatomy. In December 2022 the Scottish Court of Session in the For Women Scotland case declared that sex in the Equality Act means a person's natal sex, unless they have a gender-recognition certificate (GRC). This was recently confirmed on appeal. Gaining a GRC does not require any medical treatment.

**Although “woman” and “man” are not self-identified, the law does not recognise female people as a group that public authorities are required to consider separately from males with a GRC.**

# A clear protected characteristic of sex is crucial for protecting women

Only with clear legal recognition of the need to protect women as a sex will the UK be able to meet its commitments under the Istanbul Convention.

“The experience of the male body and the male physique is crucial to the experience of partner violence. I had a small ex-husband. I used to be an athlete, but he could hold me up against the wall with one arm.”

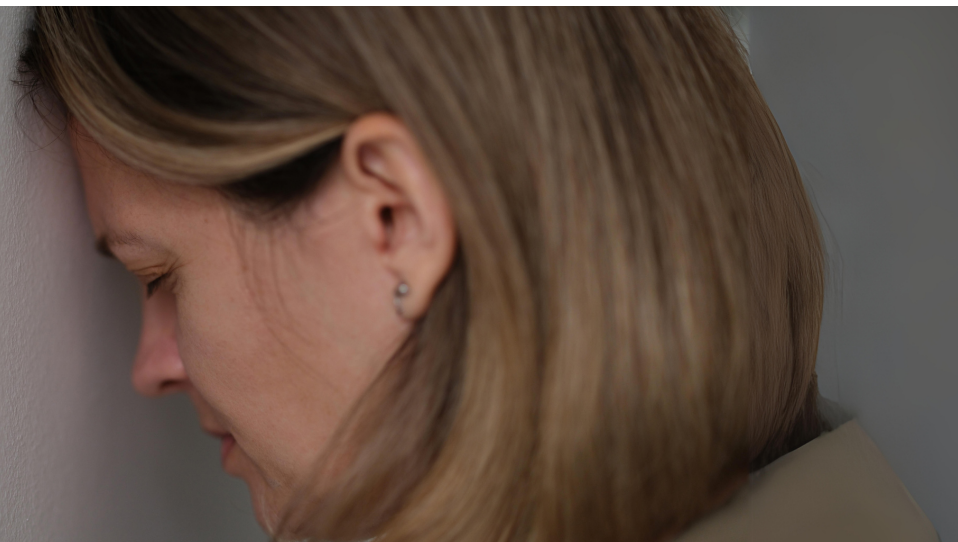
**A law that was meant to protect women and girls has been broken** by the idea that people are whatever sex they say they are. This has created a hostile environment for organisations that serve women who have been victims of male violence.

Losing clarity about the categories of women and men in law directly enables the abuse of women and undermines women's services.

**Without a clear protected characteristic of sex**, the public-sector equality duty and the positive-action provisions of the Equality Act do not protect the interests of women.

In fact they create an obligation on public bodies not to recognise that the disadvantages, needs and interests of women are categorically different from those of males with a certificate saying “female”.

**When funders and commissioners lose sight of the particular needs and disadvantages of women**, they push to commission “gender-neutral” services.





# The issue with the Equality Act is not about “the exceptions”

It is already lawful to exclude trans-identifying men from women’s services using the “single-sex exceptions” in the Equality Act. But women’s organisations do not just rely on the part of the law that defends them against specific discrimination claims by individuals.

It needs to be clear across the whole Equality Act that “woman” and “man” mean a person’s actual sex, so that organisations can have clear policies and operate effectively recognising women’s needs.

“ **The fact is that by their nature, women’s organisations are ‘exclusive’ – it is the reason they exist.** ”

A clear definition of the two sexes needs to apply across the Act, in relation to:

- **charities based on a protected characteristic** (Section 193)
- **associations based on a protected characteristic** (Schedule 16)
- **the public-sector equality duty** (Section 149)
- **positive action based on a protected characteristic** (Section 158)
- **single-sex and separate-sex services** (Schedule 3)
- **occupational requirements** (Schedule 9).

**The public-sector equality duty and positive action** enable and oblige public services and charities to direct resources to meet the needs of women and girls.

“ **Unless you have a government or a country looking at women’s needs, they will not be safe.** ”

The definitions of woman and man also feed into **training, guidance** and **data-collection**, which are needed to support decision-making and safeguarding.

The ambiguities of the current law about whether “sex” means biological sex or “acquired gender” have allowed misinformation to spread. This has contributed to legal risk, and to a difficult environment for the women’s sector.

Clarifying the Equality Act and removing disproportionate constraints around information-sharing if someone has a gender-recognition certificate would remove these risks.

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**Mentioning the law as it is, even in the most neutral terms, is perceived as being transphobic.**

Leader of second-tier organisation

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**This woman was assaulted in her teens, and wrote [to NHS Brighton] to request that she had only women care for her. She had a letter saying, ‘We consider this to be bigotry’.**

Prisons sector leader

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**Rape Crisis Scotland, in Edinburgh, is run by a transwoman and is ‘re-educating’ rape victims.**

Prisons sector leader

# Self-ID in the criminal justice system undermines women's services

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**I started to see men – particularly sex offenders, and men who had been convicted of offences against women and children – suddenly claiming to be women...**

”

Interviewees explained that treating “sex” as self-identified within the criminal justice system affects the women's sector. Organisations whose services are funded by police and crime commissioners, the Ministry of Justice or prison and probation services have to accept whatever definition of women those bodies use when referring people to them.

Prison-allocation policies have recently been tightened in England (and in Scotland, though less so) to make it harder for male prisoners to be transferred into the female estate. But there is no equivalent policy for probation, resettlement or diversion, where male offenders may still be referred to women's services in the community.



# Trans and gender-questioning survivors need support

Several leaders spoke about the needs of transmen, who are a sub-group of women but have specific needs and vulnerabilities. It is not safe or appropriate to house them with men. But those who pass as men may be difficult to accommodate with other female survivors.

“

**The presence of people who look and present very male, and live their lives as men – you would have to accept those cases. Think about what that means. Both sides have been in complete denial. Women’s organisations know.**

”

Transgender females and males, and detransitioners, need support that cannot be provided in the mainstream women’s sector, or resolved simply through the recognition of protected characteristics.

Being able to understand and speak clearly about people as being of their natal sex, and of the diversity of situations covered by the trans umbrella, is crucial. The category “LGBTQ” is too wide to enable the different needs of specific groups to be recognised.

“

**Non-binary women and transmen have approached us as a self-referral. Some of them still go by their female name. Some are unsure; some have had their breasts removed but have not gone any further. They don’t want a trans service. They want a women’s service.**

”





# It's time for the sector to speak up



If we cannot provide female-only spaces, what is the point of the violence against women and girls sector?



**The End Violence Against Women Coalition** of 153 specialist women's support services, researchers, activists, victim-survivors and NGOs calls for a "comprehensive, whole-society approach to tackling violence against women and girls". This will not be possible without a clear legal recognition of women as a group with rights against discrimination, and with particular needs that public authorities have a duty to address.

**Effective organisations within an effective sector need to be able to be clear about their purpose**, so that staff and trustees are not constantly in conflict. They need to be able to communicate about their services, and the terms on which people can access them, in clear language that everyone can understand. And they need to be able to do this without constant fear of legal challenge or loss of funding.

**For every part of this, they need clear support from the law.**



*Karen Ingala Smith, Shonagh Dillon and Rhona Hotchkiss are among the leaders in the sector speaking up.*

# Recommendations

## Restore protection for women

The UK government should urgently ask Parliament to amend the definitions of woman and man in the Equality Act with the clarification:

The fact that a person's gender has become the acquired gender under the Gender Recognition Act 2004 does not affect the status of the person as a man or woman in relation to the Equality Act 2010.

This would not remove protection against discrimination for trans people, as there is a separate protected characteristic of gender reassignment in the Equality Act.

It should also amend **Section 22 of the Gender Recognition Act** to ensure that organisations can operate clear sex-based rules and safeguarding without fear that they will face criminal charges for sharing information.

The government should also provide clear guidance to people applying for **gender-recognition certificates**, explaining that these do not give them the right to access services or spaces set aside for the opposite sex.

### The UK government should

Restore clarity in the law

Remove secrecy which clashes with safeguarding

Explain to GRC applicants that other people have rights

### Other actors should

England, Wales, Scotland, Northern Ireland

Ensure sex is recognised in the criminal justice system

Equality and Human Rights Commission

Issue clear guidance on the Equality Act and the sector

Charity regulators

Provide guidance for women's charities

Women's sector

Speak up clearly and defend their purpose



# Who needs to act?

## UK government

1. **Amend the law** to ensure women are protected as a sex and allow for information sharing.
2. **Provide clear guidance to people applying for GRCs**, explaining what rights the certificate does and does not give.

## England, Wales, Scotland & NI

3. **Reform data-collection and reporting across the criminal justice system** to be accurate about sex.
4. **Make clear in victims' codes and communication on VAWG that single-sex services are valuable** and should be maintained.
5. **Tell organisations required to deliver rights under the victims' codes to leave the Stonewall Champions scheme** and review training.

## Equality and Human Rights Commission

6. **Issue guidance and model policies** for the women's sector and for commissioners to enable the provision of single-sex services with confidence.
7. **Assess and comment on whether the UK's legal framework is consistent with the Istanbul Convention.**
8. **Produce guidance for organisations with responsibilities under the victims' code**, with the Domestic Abuse Commissioner and women's sector.

## Charity regulators

9. **Investigate the situation for women's charities**, provide guidance and take action to protect single-sex charitable objects.

## GREVIO\*

10. **Assess whether the UK's legal framework is compatible with Article 4 of the Istanbul Convention.**

## The women's sector

11. **Engage publicly with the debate on clarifying the definition of sex in the Equality Act** and stand up clearly for single-sex services.
12. **Adopt clear and public policies about whether they provide single-sex or mixed-sex services.**

Sex Matters is a human-rights  
organisation campaigning for clarity  
about sex in law, policy and language.

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