

For the UN General Assembly on violence against women and girls in sport:
Input to the report of the Special Rapporteur on violence against women and girls

March 2024

Summary

Sex Matters is a UK-based human-rights organisation with one aim: to re-establish that sex matters in rules, laws, policies, language and culture, in order to protect everybody's human rights.

This submission focuses on the need to maintain single-sex sport and facilities, as a measure to reduce actual and potential harm to women and girls.

The push for trans-identifying men to be included in female sporting categories and changing rooms is a growing problem leading to discrimination and increasing violence against women and girls.

A dedicated female category, with the associated facilities for changing and personal hygiene, is an inclusion measure for women and girls in sport. It also provides protection for women: against voyeurism and sexual assault in changing rooms, and against physical harm on the playing field. The loss of male-free provision and male-free opportunities is a backward step for women and girls.

This submission, and the associated report, provides evidence of how “trans-inclusive” policies for female sport are leading to increasing violence against women and girls.

There are simple solutions, which have been adopted for competition by the largest sports, athletics, swimming and cycling. However, recreational activity in these sports, and both competition and recreation in many other sports, have so far failed to restore fairness and safety for women and girls. A protected female-only category for competitive sport, and where appropriate recreational activities as well – such as women's swimming or gym

This work is licensed under the Creative Commons Attribution 4.0 International License.

sessions – is essential. The move away from female-only toilets and changing rooms is also harmful to women, and must be reversed.

The importance of single-sex provision in 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.

Despite this, for the past twenty years there has been a growing trend for sports bodies to allow males with a transgender identity to compete in women's sport. This culminated in three male competitors taking the places of females in Olympic teams¹ at Tokyo 2020.

This is a widespread problem, under-reported and under-recorded. It is happening at every level in sport, across most sports, and in much of the western world. 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 and increased risk for females but that this does not matter.

Evidence of violence against women and girls in sport

The UK campaign group Fair Play For Women has been protesting these unfair rules for the past five years. It has compiled extensive evidence of the significant impact on women and girls in the UK of policies that accept declared gender identity as if it were sex, and hence allow males into female events, teams and competitions. The report, *How 'inclusion' in sport is harming women and girls*, published in January 2024, is provided separately². It contains testimonies from dozens of women and girls across 25 sports in the UK.

The report illustrates that the harms caused by the inclusion of males with transgender identities in women's sport can be physical, psychological and economic. There is coercive control, silencing and intimidation, as well as discrimination that amounts to violence.

The detrimental effects are evidenced in the report under six headings:

1. Unfair competition and demoralisation
2. Losing out on records, rankings or on opportunities to participate
3. Coerced or no consent to being in a mixed-sex environment

¹ Fair Play For Women (2021). 'Women are losing their Olympic dreams'.

² Fair Play For Women (2024). 'New report: how trans inclusion in sport is harming women and girls'.

4. The chilling climate of intimidation, fear and silencing
5. Loss of privacy and dignity
6. Risking women's and girls' physical safety.

It is clear that the human rights of women and girls in sports are being violated routinely. Their right to equal opportunities, to privacy, safety and fairness, and not to be discriminated against on the basis of their sex – these are all being breached daily.

Mixed-sex facilities lead to an increase in violence against women and girls

Sex-specific toilets are a cultural norm worldwide, universally recognised 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 in female emancipation. Proper single-sex toilet provision enables girls to attend school and facilitates the participation of women in public life. In some cases, for example in rural India, it contributes to the basic safety of women, reducing their risk of assault, rape and murder.

But the push for transgender inclusion in female sport has led to widespread adoption of policies that encourage those with transgender identities to access the facilities of their choice. This means males accessing facilities designated for women and girls. In other cases, single-sex facilities are being replaced by so-called gender-neutral changing rooms and toilets. These are of course mixed sex. Inevitably, predatory males have discovered that they can now enter women's facilities or mixed-sex facilities without challenge. The replacement of single-sex provision with "gender-neutral" mixed-sex provision affects everyone, but it is women and girls who are most exposed to harm as a result. There is already evidence that the loss of female-only facilities greatly increases the incidence of sexual assault by men on women. Most sexual assaults in the changing rooms of gyms and leisure centres in the UK happen in gender-neutral facilities.³

Who is responsible?

Decision-makers in sport, including the International Olympic Committee and many world federations, have prioritised the wishes of trans-identifying males to compete in their affirmed gender, rather than according to their sexed bodies. These policy-makers have failed to consider or to consult females in their sport.

³ Fair Play For Women (2021). 'Unisex changing rooms put women in danger'.

Who is affected?

There are many reasons why women need male-free spaces and activities. Those who have experienced male violence are particularly harmed by this loss. Women from religious or cultural groups requiring them to avoid contact with male strangers are also affected. Even when no male is present, the loss of confidence in single-sex facilities and activities is damaging. The result is that women and girls may self-exclude⁴ – many personal stories⁵ illustrate how women withdraw from recreation. This is not just a loss of pleasure and opportunity: it is bad for their health.

What should be done?

The UK's Sports Council Equality Group issued guidance in September 2021⁶ stating that the wish of transgender people to play sport in their target gender is not compatible with fairness – or, in some cases, safety – for women. That guidance proposes a range of options to ensure there is a place for trans-identifying people in sport without compromising the fair and safe participation of women and girls. There are solutions, if only sports governing bodies would recognise that the needs, feelings and rights of female people carry the same weight as those of males with a transgender identity.

Some world and national sports federations are now taking heed and restoring fairness for women and girls. World Athletics, World Aquatics and UCI (which governs cycling) have all adopted Open and Female to replace Men's and Women's categories. This provides a pathway for everyone regardless of their claimed identity, including those who reject their birth sex and wish to identify as the other sex, or as neither. It is a fully inclusive solution. But many other sports have yet to restore fairness and safety for females. The majority of sports in the UK and the vast majority at world level have not reversed policies that allow males to identify into the female category. British Triathlon⁷ and Volleyball England⁸ have published revised policies which are examples of good practice, since they provide fairness for women and a route to inclusion for all.

When women are consulted, there is generally a clear majority in favour of a protected female category. This is in sharp contrast with the processes by which these unfair rules were adopted in the period 2004 to 2020, when trans-identifying people and lobby groups were consulted but women rarely were.

⁴ Sanchez Manning (2022). 'Amateur women and girls across Britain are "quitting sport" after facing male-bodied opponents, claim campaigners'. Mail on Sunday.

⁵ Helen Saxby (2022). 'Let women swim!'. *The Critic*.

⁶ The UK's Sports Councils (2021). *Guidance for transgender inclusion in domestic sport*.

⁷ British Triathlon (2018). *FRG029 – Trans inclusion policy*.

⁸ Volleyball England (2022). *Policy for Transgender Participation*.