

Why the EHRC code of practice matters for sport

Briefing for Parliamentarians, 11th June 2025

The vast majority of people of all ages and political persuasions agree that the women's category in any sex-affected sport should be male-free. That means trans-identifying males ("transwomen") should not be permitted to play in women's sport.

Last week the governing bodies for several major sports in England, including football, cricket and netball, announced that transgender women will no longer be eligible to play in women's teams in England.

Generally speaking, do you think this is...



(74% the right decision; 12% the wrong decision; 14% Don't know)

Source: polling commissioned by Sex Matters, run by YouGov, 8th–9th May 2025

This is permissible for **competitive** sport under Section 195 of the Equality Act, applying to “a sport, game, or other competitive activity where the physical differences between men and women would create a significant disadvantage for one sex”. The Supreme Court judgment of 16th April confirmed that the terms “men” and “women” must be based on biological sex. This is no longer a matter of debate.

Women-only **recreational** sport and activity to encourage **participation**, such as women-only swimming sessions, exercise classes or guided bike rides, are also permissible under Schedule 3 s.26–28, the exceptions which allow provision of single-sex or separate-sex services.

The problem

Many sport governing bodies are still promoting “trans inclusive” women’s activities, meaning women plus transwomen. Such an event is mixed sex and can allow either all men or none – but not a subset of men based on their claimed identity. Since transwomen are male, this is not lawful.

Sports bodies call such events “inclusive” but they lead to exclusion and self-exclusion of women and girls. The only way to be truly inclusive of all women is to permit male-free activity.

The Sports Councils Equality Group guidance on transgender inclusion (2021) provides options including testosterone suppression as a way to operate such events.

It calls this “balancing inclusion and fairness”. In reality, it is compromising fairness for women and girls in order to validate trans identities in sport.

This is not a lawful option. Nor does testosterone suppression remove male advantage, so it is not a fair option either. In some sports male inclusion in women’s teams is not just unfair, it’s unsafe (for example in contact sports like lacrosse).

What needs to be done

The EHRC code of practice must state that no special consideration or justification is required to exclude all males from a women’s category if a sport is “gender-affected”. Having a transgender identity is irrelevant.

The suggestion that sports consider “whether competitive advantage can be sufficiently reduced through medical intervention, such as drugs to reduce levels of testosterone, to make the competition fair” must be removed. The EHRC code of practice should not be proposing any basis for male inclusion in women’s sport.

The Sports Councils Equality Group must update its 2021 transgender inclusion guidance to acknowledge that events for “women” must be based on birth sex, and remove the option to include males who suppress testosterone.

All sport governing bodies must recognise that sex-based categories are the way to maximise inclusion, and that permitting anyone male into women's events is unfair and leads to female exclusion.

Parliamentarians can call on the Department for Culture, Media and Sport to require that funding given to sports for women's participation initiatives requires a legally correct application of the term "women"; and that the Sports Councils Equality Group amends its transgender inclusion guidance to reflect the law.

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*Sex Matters is a charitable incorporated organisation
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