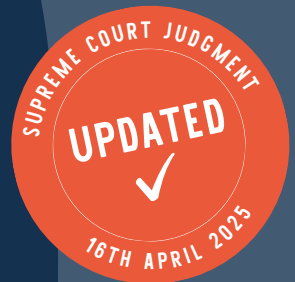


**sexmatters**  
in life | in law

# Sex and the law

A short guide to your rights in everyday life





Sex Matters is a charity that campaigns for clarity about sex in law and in life.

Everyone should be able to understand and use the law. It shouldn't be confusing.

We work to explain the law, help organisations follow the law, and shine a light on those that are breaching it. We bring legal cases to make the law clear, and we campaign for changes where they are needed.

The Equality Act 2010 is the law that protects everyone in Britain against unlawful harassment and discrimination related to their sex, as well as other characteristics.

In 2025 the Supreme Court agreed with us that “sex”, “man” and “woman” in that law relate to biology.

That judgment has made the law clear, after years in which activist organisations promoted a misunderstanding of the law. It hasn't taken anyone's rights away, but it has clarified what they are.

This guide uses ordinary language to explain the facts and the law about the two sexes.

You can find more about our work, and the steps you can take if an organisation is not following the law, at:

**[sex-matters.org/find-out-more](https://sex-matters.org/find-out-more)**

If you like what we do, sign up for our weekly memo and support us with a donation.

# What sex means



**Speaking about the two sexes – male and female – should not be difficult.**

**The law is clear:** being a man or woman is a matter of biology – whether someone’s sex is female or male.

- **Women and girls** have the type of body with the potential to produce eggs and become mothers.
- **Men and boys** have the type of body with the potential to produce sperm and become fathers.

Everyone has a sex. Some people develop without a full set of reproductive organs. Some

people have those organs removed later in life or are infertile (unable to reproduce). None of this changes their sex.

The ordinary meaning of the words concerning the two sexes is simple common sense. Children develop this understanding in early childhood.

Recognising that there are two sexes does not mean you have to take a traditional view of men’s and women’s roles in society, or what they should do or wear.

**Everyone can be expected to follow sex-based rules that are clearly communicated using ordinary words.**

# Clear language is important

**We all need to be able to refer to the two sexes, using ordinary language, to express what we are thinking and to make our own choices, as well as to understand and follow rules.**

Millions of years of evolution have made human beings very good at recognising each other's sex. A person's sex is also memorable: you may forget someone's name, but not whether they are male or female.

Many everyday concepts relate to the sexes: mother, father, husband, wife, son, daughter, same-sex, opposite-sex, lesbian, gay, bisexual, homosexual and heterosexual.

The English language has **pronouns** based on sex, so people automatically think of someone they perceive to be female as “she” and someone they perceive to be male as “he”.

Freedom to think and express yourself using these ordinary words is a human right.

Sometimes “**gender neutral**” language is a good idea. For example, not all children live with a mother and father, so a letter home from school might be addressed to “parents and carers”. Nor should a school assume that the parent to call in an emergency is the mother. When describing people at work, it shouldn't be assumed that firefighters and CEOs are male or that school lunches are served by “dinner ladies”.

But when sex matters, including in everyday situations and particularly **where we think about privacy, risks and keeping people safe**, clear sex-based language is needed to explain rules and policies, and to describe the individual people these policies refer to.



# What about “gender”?

The word “gender” is confusing. Sometimes it is used to mean sex (in terms such as “gender pay gap”), and sometimes to mean social expectations of men and women (“gender stereotypes”).

Some people use it for the idea of “gender identity”, a feeling of being male, female, both or neither, and prefer this to ordinary words for their sex. Some people identify as “transgender” or “non-binary”, or as “transsexual” or “transvestite” or “cross-dresser”.

**None of this changes a person’s sex. It is less confusing just to say “sex”.**

## What about intersex?

“Intersex” is an old-fashioned term for a group of rare medical conditions that affect sex development. People who have these disorders of sex development (DSDs) are still male or female: they are not a third sex or “in between” male and female. Almost all DSDs affect only one sex or the other. Unless you are treating someone medically or organising elite sport it is unlikely that you would need to know that someone has a DSD.

## Sex is biology

““ The distinction between male and female exists throughout the animal world. It corresponds to the different roles played in the reproductive process. A male produces sperm which fertilise the female’s eggs.””

*Bellinger v Bellinger – a case decided by the House of Lords in 2003*

# Sex is not paperwork

When a baby is born, their parents and medical professionals can see what sex they are. This information is put on their medical record. The parents register the birth, including the child's sex, and a certified copy of the record is made for the parents to take home (the "birth certificate").

In a tiny number of births (less than 0.02%), a baby's sex may be hard to tell even for medical professionals, so tests are needed to check whether a child is male or female.

The record from your birth certificate goes onto your NHS record and passport.

In the UK, it has become the practice that some official records can be changed. This has happened over time, without legislation or clear rules. People who are male can ask to be recorded as "female" on their passport or driving licence, or even in their medical records; people who are female can ask to be recorded as "male". It is not known how many people have done this. It could be 100,000.

**This means that you cannot rely on a person's passport, driving licence or medical records to be accurate.**

Some people have been given a new birth certificate which makes it look as if they were recorded as being the opposite sex at birth. Around 9,000 people in the UK have done this under the Gender Recognition Act 2004.

**This means that you cannot rely on an adult's birth certificate reliably showing what is really recorded on the birth register.**

**These problems with official records mean that if you need to know or record someone's sex, the best thing to do is use common sense.**

**Everyone knows what sex they are and should be expected to give an honest answer. Human beings cannot change sex, and other people can usually perceive what sex people are.**

# What are sex-based rights?

Most laws do not distinguish between the sexes. But some laws refer specifically to men and women.

One of the most important is the Equality Act 2010. This protects people against discrimination based on “protected characteristics”, including sex, across employment, education and public and private services.

The act also sets out situations where it is lawful to treat women and men differently in order to provide single-sex or separate-sex services, sports and other benefits just for women or men.

The Equality Act applies across England, Scotland and Wales. In Northern Ireland there is a similar law on sex discrimination.

Other laws also relate to the two sexes, such as laws on police searching and workplace toilets and changing rooms.

For the past 15 years many organisations have misunderstood the words “man”, “male”, “woman” and “female” in the Equality Act and other laws. In April 2025, the Supreme Court confirmed that these words and the groups of people they describe take their ordinary, commonsense, biological meaning.

**This makes the law clear to understand. Wherever you are thinking about provisions for women and girls or men and boys, that means biology, not identity.**

## Sex in the Equality Act

“ The words ‘sex’, ‘woman’ and ‘man’... mean (and were always intended to mean) biological sex, biological woman and biological man. ”

*Supreme Court judgment in For Women Scotland v The Scottish Ministers, 16th April 2025*

# Schools

Schools are required by law to register each pupil's sex and to pass this information to the child's next school.

All children deserve to learn in an environment that is calm, safe and supportive, where they are treated with dignity and safeguarded from danger.

## To do this schools need to:

- ✓ **know** what sex each child is
- ✓ **have simple, clear routines** and rules for behaviour designed to keep everyone safe
- ✓ **use clear language** about girls and boys to communicate rules and expectations.

## And schools must not:

- ✗ **record** a child as anything but the sex that they are
- ✗ **admit** a child as if they are the opposite sex (for example to a school for the opposite sex)
- ✗ **permit** pupils to use opposite-sex toilets, showers and changing rooms
- ✗ **enable** pupils to participate in sports or other lessons provided for pupils of the opposite sex on the basis of "gender identity".

This means that schools should not misrepresent a child's sex or promise a child that their sex can be kept confidential or can change.



# Single-sex services



It is lawful to provide a single-sex service where it is a “proportionate means to a legitimate aim”.

This includes services that support women who have been the victims of domestic or sexual violence such as women’s refuges and rape crisis services. It also includes specialist services such as men’s mental-health groups, as well as everyday services like changing rooms and toilets.

Single-sex services require clear rules to ensure that everyone knows what to expect, to avoid arguments and to keep

everyone safe. **These rules relate to sex, not to the idea of “gender identity”.**

Some services can be provided on a mixed-sex basis to both men and women. But not providing a single-sex service where there is a particular need or vulnerability can be a form of sex discrimination.

**The Supreme Court made clear there is no entitlement for anyone to use single-sex services intended for members of the opposite sex based on their gender identity.**

# Everyday privacy and dignity

**It is lawful to provide services separately** to men and women where they are a “proportionate means to a legitimate aim”. This can include facilities provided for everyday privacy and dignity such as changing rooms, showers, toilets and dormitories.

Workplaces, schools and licensed venues are required to provide sufficient and adequate facilities for women and men.

It is good practice to provide separate facilities and also to have a unisex option where space allows.

Facilities can be signposted with words or just a simple picture or icon. These signs are

not ambiguous and should not be taken as the start of a negotiation.

## **Breaching single-sex privacy can be unlawful.**

Except for maintenance or security staff (who usually announce themselves and put up a sign), if a man goes into a women’s toilet or changing room this could be found to be unwanted conduct that has the effect of creating an “intimidating, hostile, degrading, humiliating or offensive environment”. Statements authorising this, such as “people can choose the facilities they feel most comfortable with on the basis of their gender identity”, can be too. This is unlawful harassment related to sex.



# Sport



Physical differences between women and girls and men and boys matter a lot in sport.

As the International Olympic Committee has recognised: “Male sex provides a performance advantage in all sports and events that rely on strength, power and endurance. To ensure fairness, and to protect safety, particularly in contact sports, eligibility should therefore be based on biological sex.”

Inclusion and fairness for women and girls in sport at every level depends on recognising this in training, teams, competitions, equipment and talent pathways. Women also need separate changing facilities.

When it comes to sporting competitions, the Equality Act 2010 provides that wherever male strength, stamina or physique provides competitive

advantage or presents safety risks, sex-based competition rules are lawful. This can include single-sex competitions and mixed doubles, or teams with rules requiring a minimum number of women or maximum number of men.

If a sports organisation allows men to participate or compete “as women” within any of these rules, it is likely to be undertaking unlawful sex discrimination and harassment against women.

The UK’s sports councils are public bodies required to work to advance equality for women and men. The sports governing bodies are required not to unlawfully discriminate on the basis of sex. Separate-sex competition categories are lawful, and so are initiatives to encourage participation for women and girls in sport where they are underrepresented.

# Healthcare



Healthcare workers need to be able to access, use and share accurate information about a person's sex in order to treat that person safely and effectively. Your sex should be stated accurately in your medical records so that you get the correct diagnosis and treatment.

Sex also matters in your interactions with health and social-care professionals. For example, you can request to be seen by a GP of a particular sex or to have a chaperone for any procedure.

Across the UK there is a policy of providing single-sex hospital accommodation where appropriate (this doesn't include areas such as critical care).

But in practice NHS bodies have adopted gender self-identification, undermining these policies.

The regulators that inspect healthcare services to check if they are safe, effective, caring and responsive to people's needs should be clear about the meaning of the words male and female, and about what sex people are.

# Associations and charities

People can choose to form all kinds of associations, including single-sex associations and associations based on other protected characteristics such as sexual orientation. People can also form associations that don't relate to protected characteristics at all – you can have an association of football supporters, musicians or golf players.

The Equality Act requires that formal associations (those with more than 25 members and rules about who can join) must not discriminate based on protected characteristics in who can join and how they treat members, unless the association is explicitly restricted to a group who share a protected characteristic.

This means that an association can lawfully be just for women or just for men, and is not required to allow members of the opposite sex to join or participate.

A charity is a special kind of association. Its trustees are required to ensure that the charity acts in the interests of its defined beneficiaries. Charities that are set up to provide benefits for women or men (or girls or boys) must serve this group. Including members of the opposite sex based on their “gender identity” is not pursuing their charity’s purpose. It is also likely to result in unlawful harassment and discrimination against the group the charity was set up for.



# Crime and safeguarding

Sex is the single most important predictor of the risk of criminal behaviour. Men account for 75 percent of all convictions each year, 93 percent of all murder convictions and more than 98 percent of all convictions for sex crimes. It is therefore an important factor in the safeguarding of children and vulnerable people, crime prevention and justice.

**Voyeurism** (peeking) and **exposure** (flashing) are crimes that are commonly committed by men against women and girls. The law against voyeurism defines a “private act” as when a person’s genitals, buttocks or breasts are exposed or covered only with underwear, or they are using a lavatory in a place which would reasonably be expected to provide privacy. Separate-sex spaces are a common protection against voyeurism and exposure. In England and Wales **public sexual harassment** is now a crime.

**Questions about sexual consent** relate to a person’s sex. If a person lies or misleads another about what sex they are,

and they engage in a sexual act on the basis of this deceit, they may be found guilty of a crime.

The police, courts, prison and probation services and those involved in the protection of children and vulnerable people often need to be clear about what sex people are.

For example:

- **If you are searched** by the police (involving removal of more than a jacket and shoes), this must be done by an officer of the same sex.
- **If you are a victim of sexual violence or domestic abuse**, you have the right to request the police officer conducting the interview is of the sex of your choice.
- **If you are giving legal evidence**, you must be allowed to refer to a person in terms of your experience and perception. You cannot be required to use preferred pronouns in court.

In prisons, men and women should be detained in separate institutions as far as possible.

# Promoting equality



Organisations are allowed to take positive action to address disadvantages that people face because of protected characteristics. **Public-sector bodies have a duty** to advance equality between women and men and must consider the impact of their policies on both sexes.

Actions for women as a group must relate to biological females.

An award, programme or competition open only to those who are “female-identifying” has no lawful basis, as it excludes some female people and includes some male people.

## Action for women must be for women

“ In the case of both sets of provisions [positive action and the public-sector equality duty] the purpose of addressing the particular needs, disadvantages or participation levels of women as a group with the protected characteristic of sex, is undermined if women as a group includes trans women... (in other words, biological men...)”

*Supreme Court FWS judgment, 2025*

# What are “trans rights”?

People who identify as transgender or are considering doing so (or who used to and have detransitioned), and their families, have the same human rights as everyone else.

This means, for example:

- Organisations such as schools and hospitals that have a duty of care towards them **must protect their safety and welfare** just as they would for other people.
- **They have the right to express their thoughts and beliefs, including their beliefs about transgender identity.** They should not be harassed or discriminated against because of these beliefs or statements of personal identification.
- **They have the right not to be subjected to humiliating or degrading treatment.** This can sometimes mean providing more privacy where possible. If facilities are separated by sex it is a good idea to also provide a unisex option.
- **They have the right to have their personal information recorded accurately.** Sex, like all personal information, should be recorded accurately and shared where there is a lawful basis. The information that someone identifies as transgender or is a cross-dresser is more sensitive.
- **They have the right not to be discriminated against.** They should not be paid less, or refused education or a service such as transport or housing, because of identifying as transgender (the Equality Act calls this “gender reassignment”), being perceived as transgender or being associated with someone who identifies as transgender. But this does not mean that people who identify as transgender have changed sex, or that they have the right to use services provided for members of the opposite sex.

Many organisations, transgender people and advocacy organisations have misunderstood the law and believe that the Equality Act gives people the right to be treated as if they were the opposite sex. The *For Women Scotland* judgment makes clear that this is not correct. The judgment by the High Court in *Good Law Project v Equality and Human Rights Commission* in 2026 confirmed the practical implications of this for separate-sex facilities.

**Everyone knows what sex they are and can be expected to comply with lawful rules.** Expecting people who identify as transgender to

follow ordinary sex-based rules and signs in workplaces and in public places does not involve any breach of their rights, because the rules are lawful and don't breach anyone's rights.

**Organisations should not confuse the reality of sex with the idea of “gender identity”.** Protecting the rights, freedoms and welfare of others depends on remembering that sex matters.

## Many organisations have got the law wrong

“ Was the Equality Act meant to treat a trans woman with a gender-recognition certificate as a woman? ... we came unanimously to the view that it didn't. Did we realise that would cause an outrage for people? Yes, because people had been led to believe by public authorities, among others, for the last 15 years that they had rights which they didn't have. ”

*Lord Hodge, Supreme Court judge, in The Times, September 2025*

# What you can do

If your employer, or a public or private service provider or charity you are involved in, has confused sex with the idea of “gender identity”, it is likely to misunderstand the law, and could be breaking it in one of these ways:

**Harassment** – creating an “intimidating, hostile, degrading, humiliating or offensive environment” for you as a woman, man or person with gender-critical beliefs (someone who says that sex matters).

**Discrimination** – treating women or men less favourably by operating what should be a single-sex service or sport on the basis of gender identity, or by removing single-sex services altogether.

**Misrecording of personal data** – failing to record information about sex accurately, or mixing it up with “gender identity”.

**Failure in duty of care**  
– falling short in its responsibilities towards children, vulnerable people,

patients and others or preventing you from doing your job to protect them.

If you think that an organisation is not following the law, the steps you should take are to:

1. **Know** your rights.
2. **Complain** and follow up.
3. **Tell** someone.
4. **Take legal action.**

For more information, advice and resources visit the Sex Matters website:  
[sex-matters.org/what-you-can-do](https://sex-matters.org/what-you-can-do)

# Find out more



Go to

**[sex-matters.org/find-out-more](https://sex-matters.org/find-out-more)**

for useful links to support this booklet:

## **Sex and the law**

A mobile-friendly online version of this publication, with legal references and online resources.

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Practical tools and guidance for when you want to raise concerns or make a complaint.

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Help us take action to make sure that organisations understand and comply with the law.



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

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