

## **Gender Reassignment Working Group**

### **Social media overview**

We continue to see a large volume of comments on social media in relation to this topic.

Around 7 percent of mentions of the Commission on the web since the beginning of January, also mention Trans, Transgender or Gender Reassignment. This figure does not take into account the very large volume of mentions of us where the theme of trans rights is heavily implied, but searchable terms are not explicitly use.

In reality, trans rights has been the most common theme discussed online in relation the Equality and Human Rights Commission with particular emphasis on the interface between trans rights and women's rights (this excludes days where there has been a big news story relating to our work such as the potential investigation into antisemitism in the Labour Party, which dominated above all other topics for 48 hours).

The majority of comments in relation to the Commission and Trans (and associated terms) come from women who are concerned about the impact that furthering trans rights could have on women's rights. We see little comment from trans campaigners with opposing views, except in reaction to posts from others.

Twitter is the main platform used for this discussion, however there is also discussion of the Commission in relation to Trans on Mumsnet.

Recent spikes in conversation online include:

- The launch of our freedom of expression in higher education guidance. This was broadly welcomed by women's rights campaigners who
- An incident where a women's rights campaigner posted a blog article which stated that when the archaeologists of the future look at the skeletons of today's people, they will categorise them into male and female based on their biology. We understand that the article received a number of highly critical and potentially aggressive comments and that Suffolk police were made aware of this and contacted the author directly. The author then shared the story on Twitter, saying that she had been contacted by the police about a blog article that she had written. The police stated publically that they had contacted her to make her aware of the negative comments which her blog had attracted only. We were tagged in an early post in relation to censorship and freedom of speech and the incident prompted high volumes of discussion on Twitter.
- Criticism from women's groups in Scotland on the Scottish Government's response to the GRA Scotland
- Mentions of us in relation to the Audacious Women's Festival which stated that it had followed our guidance in excluding people who are trans and non-binary from the festival.
- Continued reference to our statement and guidance from @2010Equality
- Gov.uk page about the Commission, which refers to the protected characteristic of gender: <https://www.gov.uk/government/organisations/equality-and-human-rights-commission>
- A tweet from David Isaac, which uses the term gender when referring to workplace equality in the tech industry
- The release of EHRC emails relating to updates to our guidance under FOI to PPFW.

### Specific areas for consideration

Audacious Women's Festival referenced our guidance in a piece in the Times. The article states: "so these workshops are open to all women, including trans people with a gender recognition certificate or who are visually and for all practical purposes indistinguishable from other women" –

<https://www.thetimes.co.uk/article/feminist-festival-targeted-for-banning-trans-women-6qfhlbtcn>

### **Women's Place IWD Campaign – Councils and the Equality Act**

To mark IWD, Women's Place has launched a campaign. The campaign asks WP supporters to contact their local councils to raise concerns about their compliance with EA and PSED obligations with regards the protected characteristic of sex: <https://womansplaceuk.org/councils-and-the-equality-act/>.

### **Misrepresentation of our guidance**

It has suggested to us by a correspondent that the below table suggesting that the Commission has changed its policies in relation to single sex exemptions is being used by campaigners seeking to encourage councils (and other bodies) to amend polices in relation to single sex services. We are unaware of the actual use of this material by campaigners, beyond sharing on Twitter. This table was shared on Social media on 29 December. I am not aware of any correspondence from local councils seeking clarification regarding our guidance in relation to the below table. There have been a large volume of comments on social media stating that our guidance has changed in this area.

#### **The EHRC has changed its advice**

	<b>Previous EHRC advice</b>	<b>New EHRC advice</b>
<u>Transwomen</u> who have <b>not</b> gone through the gender recognition certificate process...	... <b>have the right to access single-sex services</b> in line with their 'acquired gender', case-by-case justification of exceptional circumstances needs to be made to exclude a transwoman from a provision for females.	... <b>are legally men</b> (....and should be excluded from single sex spaces/ provisions for women).
<u>Transwomen</u> who <b>have</b> gone through the gender recognition certificate process.	... should be treated in their acquired gender <b>for all purposes</b> and therefore should not be excluded from single sex services.	... <b>may be excluded</b> from women's spaces if it can be justified as a proportionate means to a legitimate end.



### **Fair Play for Women fairness in sport campaign**

Fair Play for Women is currently running a campaign on trans inclusion in Sport. The campaign aims to "raise public awareness of trans inclusion on the safety and fairness of female sports, both at the elite and grassroots level."

High profile supporters include Sharron Davies who publically commented on the issue last week.

Fair Play for Women has publically requested that we produce a 'promotional video which explains how the single sex exemptions apply in sport'.

**For discussion – suggested areas only**

Ensuring that all guidance is in-line with our current position.

Preparing a set of standard responses for Twitter inquiries, directing people towards our full guidance when directly questioned.

Sign-off routes for inquiries via social media and media

Any requirement for further content/information in this area in order to myth-bust and provide accurate information on our interpretation of the law.

Role in convening groups in this area to promote balanced debate, particularly around the Govt. response to the GRA consultation.