

LGBT+ MSC Statement on the Supreme Court ruling of the 16th April

UCU's LGBT+ Members Standing Committee, an advisory committee to UCU's NEC, unequivocally rejects the ruling of the Supreme Court in a case brought by For Women Scotland. The case asked: 'Is a person with a full gender recognition certificate ("GRC") which recognises that their gender is female, a "woman" for the purposes of the Equality Act 2010 ("EA 2010")?'. The [judgment](#) in this case was announced on 16 April 2025, declaring that in relation to the Equality Act definition of the protected characteristic of 'sex,' trans women are not women.

We are clear on this: trans women are women, trans men are men, and non-binary, intersex and gender diverse identities are valid.

Although this ruling relates to the specific case of trans women being allowed on women-only short-lists in Scotland, it has been interpreted since as a justification for a U.K.-wide blanket ban on trans women using women-only spaces such as toilets, changing rooms, and refuges, and on trans men using either men-only or women-only spaces. These interpretations have been shared in public announcements by the EHRC chair Kishwer Falkner (17.04.25), the Labour Government (22.04.25), and then the EHRC interim update on the EHRC website (25.05.25). In the interim update in particular, the language systematically misgenders trans people according to their sex assigned at birth, and declares trans people as no longer allowed to use the facilities congruent with their gender identity, a right trans people have enjoyed legally since the 2004 Gender Recognition Act and 2010 Equality Act, and informally since trans people in the U.K. began to enjoy medical and social transitioning since at least the 1940s. This ruling also conflicts with the 2024 United Nations resolution 55/14. Combating discrimination, violence and harmful practices against intersex persons.

These latest developments represent a chilling attempt at rolling back intersex and trans people's rights. They infringe on their dignity and legitimacy, as well as their ability to navigate public spaces. It should be noted, furthermore, that the interim update does not represent law or formal guidance at this stage, although it is being presented through the media as having the legitimacy of a legal guidance.

We call on all UCU members to support their trans and intersex siblings and resist any moves by employers to implement the EHRC interim update and Government rhetoric

and ensure our campuses remain inclusive, safe and welcoming for all staff and students.

We believe the Supreme Court judgment poses a danger to all LGBTQI+ people and anyone who may be perceived as such. For instance:

- The Supreme Court ruling introduces a term previously absent from the Equality Act, 'biological woman,' a term it doesn't define (e.g. does it emphasise hormones? chromosomes? gametes? secondary sex characteristics?) and which contrasts trans women - who may share several of these biological characteristics with cis women including hormones and secondary sex characteristics - as un-biological, unnatural and artificial. This re-categorisation provides no recognition of trans women's own biological transitioning and its impact on their lives in being read and treated as women. Its interpretation can also be used flexibly and subjectively to exclude or harass trans and cis women, as typified in the 2024 Olympic Games when several cis women of colour from the Global South were framed by trans-exclusionary campaigners and journalists as men, based on assumptions of anomalies with hormones, despite both the lack of evidence and of the athletes being assigned female at birth. Demonstrably, 'Biological' is used with the vagueness of a floating signifier to challenge and cast suspicion over the legitimacy and naturalness of intersex and gender nonconforming people, with racist, ableist, homophobic, misogynistic and transphobic implications.
- No trans or intersex people or their organisations were consulted or invited to speak at the Supreme Court, while groups with a record of anti-trans-rights campaigning, such as the LGB Alliance were included in the decision-making. Such decision-making leaves historically marginalized minorities at the mercy of establishment bias and institutions with little expertise or connection with these marginalized groups.
- The Supreme Court ruling and the subsequent interpretations contradict previous rulings and government statements as outlined by the [Good Law Project](#). The Ruling has opened up the floodgates for discrimination and an intensification of trans and intersex people being used as a political football. For example the UK Equalities Minister stated, "the ruling was clear that provisions and services should be accessed on the basis of biological sex." The Prime Minister also declared, "A woman is an adult female, and the court has made that absolutely clear."

- These developments, which state trans women must either use men's toilets, or find (or advocate for) gender-neutral spaces, undermine landmark legislation and the human-rights-based authority of the European Court of Human Rights. It again consolidates a dangerous precedent in which the safeguard of the European Court of Human Rights and resulting protections for marginalized groups can be undone by bodies with no expertise in trans or intersex people's human rights.
- This ruling reduces womanhood to biology and treats trans women as men, which puts both cis and trans women at risk. At one point, the judgment explicitly states that a trans woman is "a man who identifies as a woman", which is profoundly transphobic, is against the 2002 pronouncements of the European Court of Human Rights in "Goodwin vs the UK," and legitimates violence towards trans women as fraudulent and living lives of masquerade. A similar impact will be felt by trans men.
- With the ruling and subsequent interpretations saying that trans men can neither access men's spaces (for being assigned female at birth) or women's spaces (because of trans men's appearance as men), it leaves trans men with the likelihood of having no gendered facilities to use. It also endangers them, putting them at risk of exclusion from essential spaces such as refuges if they are deemed 'too masculine' in appearance.
- In its rigid adherence to binaries, it erases intersex and non-binary and other gender non-conforming people, who already have limited rights in the UK. While the previous government clarified that non-binary people are protected under the Gender Reassignment category of the Equality Act (2010), there are no other legal recognitions of protections for non-binary and gender non-conforming people. Intersex people according to the United Nations are born with sex characteristics (such as sexual anatomy, reproductive organs, hormonal patterns and/or chromosomal patterns) that do not fit typical binary notions of male or female bodies and sit outside the illusion of sex binaries.
- It puts gender non-conforming women, some of whom may be butch lesbians, at risk of gender policing and being excluded from using facilities such as toilets, refuges and changing rooms.
- The court's conclusion is that a lesbian "must be a [AFAB] female who is sexually oriented towards (or attracted to) [AFAB] females". This is homophobic, transphobic, and colludes in the policing of LGBTQIA+ identities. We believe that no court has any business defining or policing the boundaries of any LGBTQIA+ identities.

- In its rigid adherence to binaries, it erases the existence of bisexual, pansexual, queer and other non-monosexual identities. This is especially troubling given the litany of [evidence](#), including by the Royal College of Psychiatrists (2020), that bi+ people are at high risk of poor mental and physical health, addiction, intimate partner violence etc.
- The ruling attempts to police intimate relationships, including those of lesbians. In its specification (see above) that a lesbian's orientation or attraction to other women must be sexual in nature, the ruling also seems to police the relationships of (cis) gay men if they date trans men or nonbinary people, especially if these relationships are not sexual. We believe that no court has any business deciding the legitimacy of a lesbian relationship (or any other relationship). This ruling also contributes to the erasure of asexual, demisexual and all ace-spectrum identities, and this threatens to worsen discrimination and exclusion faced by anyone on the ace-spectrum ([Stonewall](#), 2023).

While this ruling is at present 'advisory', evidence indicates that it is already causing distress in the trans community with the likely emboldening of transphobia, misogyny, racism and ableism in public spaces against gender nonconforming people.

We therefore call on the U.K. Government and the outgoing chair of the EHRC - as well as her successor - to review their public pronouncements and suspend any future guidance until there has been a thorough consultation with the trans and intersex communities whose rights, legitimacy, and ability to participate in the public sphere are being undermined.

In addition, we call on businesses and institutions with toilets and changing facilities to loudly and boldly indicate that their space is one of trans inclusion, and that these spaces are not policed. Wherever possible, spaces should have accessible toilets/changing cubicles, and all toilets/cubicles should be gender neutral and fully enclosed. Where this is not feasible, we call for a trans-inclusive approach to be maintained towards such gendered spaces.

We thank the UCU Women Members Standing Committee for their statement and we join with them in affirming that there is no conflict between the rights of cisgender women and transgender / intersex people.