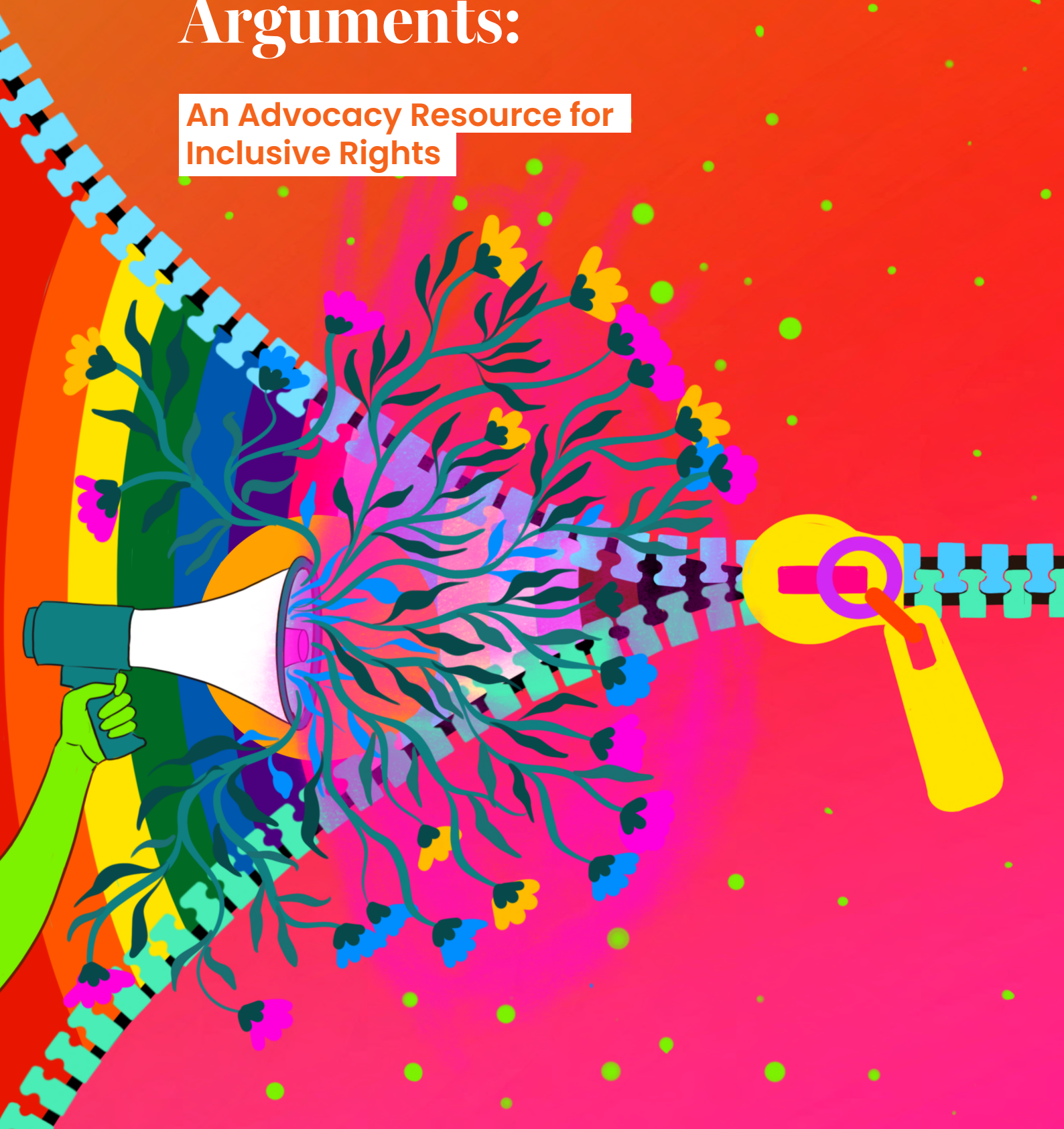




Countering Exclusionary Arguments:

An Advocacy Resource for Inclusive Rights



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Prologue

Across the world, movements advancing gender justice and equality are confronting a surge of opposition framed around so-called “sex-based rights.” While these narratives often claim to protect women, they instead reinforce exclusionary, binary, and biologically essentialist understandings of sex and gender. Such frameworks erase the lived realities of trans, intersex, nonbinary, and gender-diverse people, while undermining the collective struggle against patriarchal systems that harm all women and structurally excluded genders.

To respond to the growing mobilisation of opposition against gender and rights, the Opposition Working Group of CMI! developed this resource as a practical and empowering tool for advocates. Alongside *Understanding the Fallacy of “Sex-based Rights” Frameworks: A Brief Analysis of Exclusionary Politics in Sex-based Rights Discourse*, this resource aims to strengthen the capacity of all women and girls, as well as non-binary, gender non-conforming, trans, and intersex people, to effectively counter exclusionary narratives. By providing rights-based counter-arguments, practical advocacy notes, and clear messaging guidance, we seek to support inclusive movements that advance gender justice and equality for all.

We created these resources out of a shared conviction: that feminist, human rights, and equality movements must remain inclusive, evidence-based, and rooted in solidarity. The rise of “sex-based rights” discourse reflects not only a backlash against gender and sexual diversity but also a deliberate effort to divide movements and weaken collective action. Our motivation is to ensure that advocates and allies are equipped with the knowledge, language, and confidence to challenge these exclusionary narratives — and to reaffirm a feminism that upholds the dignity, autonomy, and rights of everyone.



Context and Purpose of This Resource

Sex-based rights frameworks increasingly used by anti-gender and anti-rights actors seek to advance gender essentialism by pushing forward the recognition of rights and protections specifically grounded in a fixed and binary understanding of sex (female/male), rather than in gender, gender identity, sexual orientation, bodily autonomy and broader intersectional understandings of how power operates. They pit the rights of trans and cisgender women against each other and erase the diversity of women's identities and bodies. These frameworks systematically exclude transgender, intersex, and nonbinary people—often the very individuals who face the most severe forms of marginalisation.

'Sex-based rights' arguments are increasingly used in policy debates, legal challenges, and public discourse. While presented as protective of women and grounded in feminist principles, they limit protections for all who face gender-based violence¹ and gender-based discrimination².

This resource provides advocates, policymakers, and allies with evidence-based tools to recognise, understand, and effectively counter seven core sex-based arguments that are commonly deployed to actively exclude trans, intersex, and gender nonbinary people from legal protection and policies.

¹**Gender-based violence** refers to harmful acts directed at an individual based on their gender. It includes physical, sexual, psychological, or economic harm and is rooted in unequal power relations, discrimination, and societal norms that enforce gender inequality.

²**Gender-based discrimination** refers to any distinction, exclusion or restriction made on the basis of sex or gender that impairs or nullifies the recognition, enjoyment or exercise of human rights and fundamental freedoms.

Understanding the Pattern

The arguments analysed in this resource share several key characteristics:

- **They appeal to widely held values** such as women’s safety, scientific objectivity, fairness in competition, free expression, feminist principles, community protection, and safeguarding. This makes them particularly persuasive because they connect with genuine concerns that many people share.
- **These narratives often present false binaries— for example, by positioning inclusion and safety, or fairness and rights, as incompatible.**
- **They rely on oversimplified narratives** about biological sex, gender identity, and social dynamics that ignore the complexity of human experience and scientific understanding while also erasing the ways in which power operates.
- **They redirect legitimate concerns toward scapegoating certain groups** rather than addressing the root causes of the problem. For example, genuine concerns about male violence are redirected toward trans women rather than toward dismantling patriarchal systems or norms that enable such violence.
- **They weaponise feminist language** while promoting policies that ultimately harm all women and those who experience systemic exclusion and discrimination because of their gender.



Why This Resource Matters

Sex-based arguments have real-world consequences. When these arguments succeed in shaping policy, they result in:

- **Discriminatory laws** that deny basic rights and services to transgender, intersex, and gender-diverse people.
- **Increased harassment, violence, and marginalisation of structurally excluded communities³.**
- **Weakened coalitions** that could otherwise work together to address shared concerns about patriarchy⁴, violence, and inequality.
- **Erosion** of the very feminist values and scientific principles these arguments claim to uphold.

How to Use This Resource

For each argument, this resource provides:

- The core claim and underlying assumptions that drive the argument
- Analysis of why these arguments resonate with different audiences
- Evidence-based debunking that exposes factual errors and logical flaws
- Counter-frames to these arguments

In some cases, advocacy notes with practical guidance for using these insights in real-world contexts are also offered.

³**Structurally excluded communities, populations, people** are groups of people who are systematically marginalized and denied full access to rights, resources, and opportunities because of the way social, political, and economic systems are organized. Their exclusion is not accidental but built into institutions, laws, and cultural norms.

⁴**Patriarchy** is a political-social system of power that privileges men as a group. It shapes everyday relationships, norms, and institutions in ways that maintain male dominance and female subordination.



1. The “Core” Argument



“Women’s rights must be based on biological sex, not gender identity. This is the only way that women’s experiences of violence can truly be addressed.”

“Underlying claims”:

- Biological sex is binary, immutable, and socially relevant in ways that gender identity cannot override. Gender identity is a subjective and chosen internal feeling that cannot replace biological truth and be the foundation of law, policy, and women’s rights.
- Across the globe and throughout history, women and girls have experienced discrimination based on their sex and/or reproductive roles. Sex is central to women’s and girls’ experience of discrimination and violence.
- There is a concerted international push to delink the definition of men and women from their biological sex and erase the legal category of “women”.
- Women and girls are being erased from language and law through the use of gender neutral language and the centering of gender identity.
- Laws and policies must be grounded in “sex, not gender” to truly respond to the violence that women and girls experience. If the category of biological females is erased or decoupled from sex-based oppression, that oppression becomes increasingly difficult to identify and, thus, to combat.

Why this argument resonates:

- It appeals to science and ideas of ‘biological difference’ and sexual dimorphism.⁵
- It’s built on the idea of protecting women.
- It appeals to real concerns around the invisibilisation of the violence that women and girls across the globe experience.
- It appeals to demonized/vilified flawed concepts such as ‘transgenderism’⁶ and ‘gender ideology’.⁷

⁵ **Sexual dimorphism** refers to physiological, or behavioral traits between males and females of the same species that are not directly linked to reproductive organs and can include things like body size, specific behavioural patterns or secondary sexual characteristics.

⁶ **“Transgenderism”** is a term appropriated by opponents of transgender equality to inaccurately and harmfully imply that being trans is a political ideology, rather than an authentic aspect of one’s personhood. For more see: <https://glaad.org/term-to-avoid-transgenderism/>

⁷ **“Gender ideology”** is a political and rhetorical term often used (especially by conservative and anti-gender movements) to delegitimize feminist, LGBTQ+, and queer scholarship and activism. It refers not to a coherent academic theory, but to a framing strategy that portrays ideas about gender equality, sexual diversity, and reproductive rights as a dangerous or false “ideology.” For more see: <https://www.awid.org/sites/default/files/2022-08/Final%20EN%20Web%20-%20Gender%20Ideology%20Brief%20-%20July%202022.pdf>

Debunking:

Violence against women and girls is not simply a product of biology—it arises from gendered inequalities and expectations.

- What makes people vulnerable or creates burdens is not their biology but the social norms and harmful stereotypes that are attached to their assigned sex, or, in other words, their gender.^{8 9}
- Biological sex does not inherently make someone vulnerable. What creates vulnerability is the way societies interpret sex differences through gender roles.
- The understanding of the prohibition of discrimination on the grounds of “sex” has evolved considerably in international human rights law, covering not only physiological characteristics but also the social construction of gender stereotypes.¹⁰
- Many human rights bodies, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee, have explained that what was first described as discrimination based on “sex” under CEDAW and other treaties is actually gender discrimination.¹¹ This is because it is a result of the way society and politics treat biological differences, not the differences themselves.
- The CEDAW Committee has clarified through General Recommendation No. 28¹² that states must address intersectional discrimination, including against transgender women.

⁸ Butler, J. (1990). *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge.; Eagly, A. H., & Wood, W. (2012).

⁹ Social role theory. In P. van Lange, A. Kruglanski, & E. T. Higgins (Eds.), *Handbook of theories in social psychology* (pp. 458–476). Sage

¹⁰ Committee on Economic, Social and Cultural Rights, General comment No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2009, para. 20

¹¹ Please see Committee on the Elimination of Discrimination Against Women, General Recommendation No. 28 on the Core Obligations of States Parties Under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, 5, U.N. Doc. CEDAW/C/GC/28 (Dec. 16, 2010).

¹² Ibid

“Biological sex” is not simple.

- Scientific evidence demonstrates that sex characteristics exist on a spectrum, reflecting a wide range of anatomical, hormonal and chromosomal diversity.¹³
- Intersex people make up an estimated 1.7% of the population, demonstrating that rigid sex binaries fail to capture human diversity.¹⁴
- Sex assignment at birth¹⁵ is a social process, not a definitive biological truth.¹⁶¹⁷ Sex is assigned at birth based on the appearance of external genitalia, not genetics.¹⁸
¹⁹ Examination of the external genitalia is the simplest way to assign sex post-birth, but is less reliable than genetic evaluation. External genitalia are highly prone to variation.²⁰

Exclusion harms real people.

- Trans women, trans men, intersex and nonbinary people face systemic barriers when protections are limited to “sex assigned at birth.”
- Patriarchy doesn’t target only “biological females”—it punishes gender nonconformity, and bodies that don’t fit rigid gender norms.
- Misogyny²¹ and transmisogyny²² often overlap, illustrating that patriarchy polices both sex and gender identity.

¹³Rehmann-Sutter, C., Kessler, T. M., Schürmann, J., & Zehnder, P. (2023). Is sex still binary? *Deutsches Ärzteblatt International*, 120(13), 216–222. <https://doi.org/10.3238/arztebl.m2023.0084>

¹⁴Blackless, M., Charuvastra, A., Derryc, A., Fausto-Sterling, A., Lauzanne, K., & Lee, E. (2000). How sexually dimorphic are we? Review and synthesis. *American Journal of Human Biology*, 12(2), 151–166.

¹⁵**Sex assigned at birth** means the male or female designation that doctors ascribe to infants based on genitalia and is marked on their birth records.

¹⁶Davis, G. (2017). Intersex and the social construction of sex. *Gender & Society*, 31(3), 336–360. <https://doi.org/10.1177/0891243217696229>

¹⁷Fausto-Sterling, A. (2000). *Sexing the body: Gender politics and the construction of sexuality*. New York, NY: Basic Books.

¹⁸Tiemstra, Jeffrey D., and Pamela Shwayder. 2023. “Embryology, Sexual Development.” In StatPearls. Treasure Island, FL: StatPearls Publishing. <https://www.ncbi.nlm.nih.gov/books/NBK557601/>

¹⁹Personal Genetics Education Project (pgEd). 2024. *Sex, Gender and Genetics*. Boston, MA: Harvard Medical School. https://pged.org/wp-content/uploads/2024/08/IB_Sex-Gender-Genetics.pdf

²⁰Ibid

²¹**Misogyny** is the dislike of, contempt for, or ingrained prejudice against women. It shows up in attitudes, behaviors, and institutional practices that devalue, objectify, or marginalize women because of their gender.

²²**Transmisogyny** is the unique form of discrimination and hostility directed specifically at transgender women and transfeminine people. It combines transphobia (prejudice against trans people) with misogyny (prejudice against women), producing distinct patterns of marginalization, violence, and social exclusion.

Counter-Frame: ✓

- ✓ Society's ideas about what it means to be a woman are not just based on biology. They are also shaped by our upbringing and social expectations.
- ✓ Protecting women means protecting all women—cis²³ and trans—along with intersex and nonbinary people.
- ✓ Feminism has always been about challenging the ways patriarchy polices bodies. Restricting rights to 'sex assigned at birth' repeats the very logic feminism set out to dismantle.



Advocacy Note:

Use this frame when policies or campaigns try to narrow “woman” to exclude trans people. Show that inclusive rights frameworks are stronger because they address the full spectrum of how patriarchy operates and allow more rights to all women.

²³Cis or cisgender is Cisgender is used to denote someone whose sense of personal identity corresponds with the gender assigned to them at birth.

2. The “Safety” Argument



“Allowing trans women in women’s spaces puts women at risk.”

Underlying claims:

- Women (defined only by birth-assigned sex) are uniquely and constantly at risk from men.
- Trans women (wrongly framed as ‘men’ who self-identify as women) have been raised as boys/men and have, as a result, internalised violence and entitlement over women.
- Trans women (wrongly framed as ‘men’ who self-identify as women) have increasingly gained access to intimate single-sex spaces and activities designed for women, from women’s domestic abuse shelters to women’s workplace showers, where they are seen as a danger.
- Female spaces and services are under threat and in many cases, have been or are being actively dismantled as a result of combined pressure from men’s rights groups and transgender activists.
- The inclusion of trans women subjects (cis) women (who have frequently been abused by male domestic partners) to feelings of insecurity.
- Women’s spaces must be strictly policed to keep them “safe”. Women’s safety and privacy depend on single-sex spaces (toilets, changing rooms, refuges, prisons).
- Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being.
- Trans-inclusive activism can often be a disguised form of men’s rights activism.

Why this argument resonates:

- It appeals to a sense of moral panic.²⁴
- Safety is a powerful emotional frame, especially around spaces like bathrooms and shelters.
- It plays into the fear of sexual violence. It leverages real fears of gender-based violence, redirecting them toward trans women.
- Media stereotypes frame trans women as predators in disguise.

²⁴**Moral panic** is a widespread feeling of fear or concern that some group, behavior, or issue threatens society’s values or safety – even if the actual threat is exaggerated or not real.

Debunking:

No evidence supports the claim.

- There is no data supporting the assumptions about transgender women being more likely than others to perpetrate violence. These assumptions are misguided and discriminatory.
- Data also shows that trans women and trans people in general are at extremely high risk of facing violence themselves. Transgender people are over four times more likely than cisgender people to experience violent victimization, including rape, sexual assault, and aggravated or simple assault.²⁵
- By focusing narrowly on who enters women's spaces, the framework **individualises danger** (e.g., "trans women as threats") instead of challenging structural gender-based violence.
- It positions cisgender women as fragile and needing exclusionary rules, rather than addressing the actual sources of gender-based violence (patriarchy, misogyny, state neglect of survivors) and the lack of adequate legal protection and recourse.

Exclusion increases harm.

- Trans people who are denied gender-appropriate facilities face significantly higher risks of assault and harassment.²⁶
- Exclusion from shelters puts trans women at increased risk of homelessness and sexual violence.²⁷



²⁵ Flores, A. R., Meyer, I. H., Langton, L., & Romero, A. P. (2022). Transgender people over four times more likely than cisgender people to be victims of violent crime. Williams Institute, UCLA School of Law.

²⁶ Murchison, G. R., Agénor, M., Reisner, S. L., & Watson, R. J. (2019). School restroom and locker room restrictions and sexual assault risk among transgender youth. *Pediatrics*, 143(6), e20182902.; Herman, J. L., & Flores, A. R. (2025). Safety and Privacy in Public Restrooms and Other Gendered Facilities. Williams Institute, UCLA School of Law.

²⁷ Logie, C. H., et al. (2016). Experiences of Trans Women and Two-Spirit Persons Accessing Women-Specific Health and Housing Services. *Women's Health Issues*, 26(6), 640-647.

Counter-Frame:

- ✓ Intimate partner and sexual violence against women overwhelmingly comes from cis men, not trans women.²⁸ **Real safety comes from addressing misogyny and the systems that enable gender-based violence, not scapegoating trans people.**
- ✓ Protecting women means protecting all women—cis and trans—along with intersex and nonbinary people. Everyone deserves safety. **There's zero evidence that including trans women makes women less safe—but plenty of evidence that excluding them makes trans women more vulnerable and does not increase the safety for women overall.**
- ✓



Advocacy Note:

Always validate legitimate concerns about violence, but pivot to evidence: the real issue is gender-based violence, not trans inclusion. Build solidarity by emphasizing that all women—including trans and intersex women—need solutions to confront gender-based violence and advocating collectively for concrete solutions that increase safety and protection for all.

²⁸World Health Organization. (2021). Violence Against Women Prevalence Estimates, 2018.

3. The “Fairness in Sport” Argument



“Trans women have an unfair advantage in women’s sports. Their advantage impacts the capacity of women and girls to engage in sports fairly.”

Underlying claims:

- Because of sex-linked physiological differences, trans women have an “unfair advantage” in female sports categories.
- Trans women athletes are dominating female sports events as a consequence of their physiological advantage.
- Many (cis) women have/will have to give up their dreams of achievement in high-level sport and of Olympic success as a result of trans women’s advantage and inclusion.
- The inclusion of trans women in female categories exposes (cis) women to increased risks of being overpowered and injured by the ‘unusual’ strength of their transgender adversaries.
- Some men’s rights groups are actively encouraging members to identify as transgender women with the express purpose of undermining feminism by obscuring sex based inequalities and sabotaging any affirmative action measures.

Why this argument resonates:

- Appeals to values of gender justice/equality, fairness and competition.
- It appeals to imaginaries of women’s innate physical ‘weakness’ or disadvantages.
- Frames cis women and girls as “losing opportunities.”
- It references the inequalities in sports that women athletes continue to fight.
- It presents inclusion as a strategy from anti-feminist advocates.

Debunking:

The reality is quite different

- Women and girls face significant barriers in sports that have nothing to do with transgender inclusion: Most girls and women are prevented from participation in sports due to control over their sexuality, mobility and bodily autonomy.²⁹
- Transgender and intersex women and girls are underrepresented in sports at all levels. No transgender woman has won an Olympic medal in women's events.
- Trans women have been found to experience the highest percentage of individuals reporting negative experiences in sport, ranging from verbal threats, physical violence, cyberbullying, and discrimination based on their gender identity.³⁰

Sports already regulate differences.

- All athletes are required to comply with participation protocols in competitive sports. The IOC's guidelines on transgender athlete inclusion mandate that there should be "no presumed advantage" attributed to an individual's sex assigned at birth or inherent sex characteristics. These standards were formulated in partnership with experts from the fields of sports science, medicine, and human rights law.³¹
- There is a track record of international sports federations policing and invasive testing practices on women's bodies, in particular targeting black and brown bodies³², to seek 'unfair physical advantages'.³³
- The categoric or blanket exclusion of trans and intersex women from sport (including their segregation to trans or intersex-only categories) is a prima facie violation of their human right to live free from discrimination.³⁴

Biological variation exists among cis athletes.

- Natural body diversity is an inherent part of sports; policing girls' and women's bodies leads to more stereotyping and discrimination.
- Differences in height, lung capacity, and testosterone occur naturally and often give athletes an advantage.

The cases of Imane Khelif and Caster Semenya, both cisgender women, banned from competition due to naturally high testosterone levels, highlight how "sex testing" harms women broadly.

²⁹**Bodily autonomy** is the fundamental human right to have control over one's own body — to make free and informed decisions about one's health, sexuality, and reproduction without coercion, violence, or external control. Bodily autonomy is a foundation of gender equality —including the right to health and the right to live free from violence.

³⁰Sharma, A., et al. (2024). Societal discrimination and mental health among transgender athletes: a systematic review and Meta-analysis. *BMC Psychology*, 12, Article 33.; Jones, B. A., Arcelus, J., Bouman, W. P., & Haycraft, E. (2017). Sport and transgender people: a systematic review of the literature relating to sport participation and competitive sport policies. *Sports Medicine*, 47(4), 701-716.

³¹<https://glaad.org/fact-sheet-for-reporters-transgender-participation-in-sports/>
<https://www.theswaddle.com/black-and-brown-women-athletes-are-overwhelmingly-more-likely-to-have-their-sex-challenged-says-human-rights-watch>

³²<https://www.theswaddle.com/black-and-brown-women-athletes-are-overwhelmingly-more-likely-to-have-their-sex-challenged-says-human-rights-watch>

³³<https://www.hrw.org/news/2020/12/04/interview-cut-down-cusp-glory>

³⁴<https://www.pbs.org/newshour/world/for-women-athletes-of-color-outsized-scrutiny-over-gender-is-nothing-new-historians-say>

³⁵UN Office of the High Commissioner for Human Rights. "UN experts urge States to uphold the ideal of sport that is inclusive of LGBT and intersex persons." Press release, October 31, 2023. <https://www.ohchr.org/en/press-releases/2023/10/un-experts-urge-states-uphold-ideal-sport-inclusive-lgbt-and-intersex>

Counter-Frame: ✓

- ✓ Women and girls face significant barriers in sports that have nothing to do with transgender inclusion: **Most girls and women are prevented from participation in sports due to control over their sexuality, mobility and bodily autonomy.**
- ✓ Fairness and inclusion are not at odds with one another; **sports can be safe and fair while including trans and/or intersex women and girls.**
- ✓ Sports already manage differences —**blanket bans on trans athletes are about politics, not fairness.**
- ✓ Increased policing of bodies to determine who “really” belongs in women’s spaces puts **women who don’t conform to gender norms (butch lesbians, women of color, disabled women, etc.) at risk** and reintroduces invasive surveillance (e.g., checking IDs, medical histories, or appearances).



Advocacy Note:

Reframe “fairness” to emphasise inclusion: fairness isn’t about excluding people—it’s about giving everyone a chance to play. Highlight the harms of bans on all youth development, not just within elite sports.

4. The “Freedom of Speech” Argument



“Freedom of speech protects stating biological facts.”

Underlying claims:

- Biological sex is real, natural and stable. Science is objective, and so are biological facts.
- Freedom of expression allows for the seeking, receiving, and imparting of information and ideas, even those that are unpopular or controversial to some.
- Freedom of expression is one of the essential foundations of a democratic society.
- ‘Gender – critical’³⁶ feminists are victims of an ongoing ‘anti-feminist crusade’ that attempts to invisibilise women.
- ‘Gender-critical feminists’ are being denied the right to speak freely; this is violence against women.

Why this argument resonates:

- Appeals to liberal values of open debate.
- Positions trans-exclusive advocates as victims of censorship.
- Appeals to “common sense”, science authority and objectivity.



³⁶**Gender-critical feminists** maintain that biological sex is a fundamental and immutable characteristic that differs from gender identity and consider the concepts of gender identity and gender self-identification to be inherently oppressive constructs tied to gender roles.

Debunking:

Free speech isn't freedom from accountability.

- International standards like **the Rabat Plan of Action**³⁷ clarify that speech inciting hatred or discrimination is not protected under international law.
- Harassment and discrimination are not protected in workplaces, schools, or service provision.

'Gender-critical' rhetoric has material consequences.

- Research links anti-trans rhetoric to higher levels of harassment and hate crimes against trans people.³⁸
- "Gender-critical" speech often goes beyond opinion into active advocacy for exclusionary laws such as the United Kingdom – Supreme Court unanimously ruled in *For Women Scotland Ltd v The Scottish Ministers* (2025) that under the Equality Act 2010, the terms "man," "woman," and "sex" are to be taken as referring to biological sex rather than gender identity. This means that even trans women with a Gender Recognition Certificate are no longer legally considered "women" for the purposes of that law, including single-sex spaces, sports, shelters, etc.³⁹

Biological sex is not simple.

- Scientific evidence demonstrates that sex characteristics exist on a spectrum, reflecting a wide range of anatomical, hormonal and chromosomal diversity.⁴⁰
- Intersex people make up an estimated 1.7% of the population, demonstrating that rigid sex binaries fail to capture human diversity.⁴¹
- Sex assignment at birth⁴² is a social process, not a definitive biological truth.^{43 44} Sex is assigned at birth based on the appearance of external genitalia, not genetics.^{45 46} Examination of the external genitalia is the simplest way to assign sex post-birth, but is less reliable than genetic evaluation. External genitalia is highly prone to variation⁴⁷.

³⁷UN Human Rights Council, A/HRC/22/17/Add.4, Annual report of the United Nations High Commissioner for Human Rights: Addendum, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred (11 January 2013) https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf

³⁸Ophir, Y. (2024). "How Anti-LGBTQ+ Rhetoric Fuels Violence," Scientific American (June 3, 2024).

³⁹For more see: [An interim update on the practical implications of the UK Supreme Court judgment | EHRC](#)

⁴⁰Rehmann-Sutter, C., Kessler, T. M., Schürmann, J., & Zehnder, P. (2023). Is sex still binary? *Deutsches Ärzteblatt International*, 120(13), 216–222. <https://doi.org/10.3238/arztebl.m2023.0084>

⁴¹Blackless, M., Charuvastra, A., Derryc, A., Fausto-Sterling, A., Lauzanne, K., & Lee, E. (2000). How sexually dimorphic are we? Review and synthesis. *American Journal of Human Biology*, 12(2), 151–166.

⁴²**Sex assigned at birth** means the male or female designation that doctors ascribe to infants based on genitalia and is marked on their birth records.

⁴³Davis, G. (2017). Intersex and the social construction of sex. *Gender & Society*, 31(3), 336–360. <https://doi.org/10.1177/0891243217696229>

⁴⁴Fausto-Sterling, A. (2000). *Sexing the body: Gender politics and the construction of sexuality*. New York, NY: Basic Books.

⁴⁵Tiemstra, Jeffrey D., and Pamela Shwayder. 2023. "Embryology, Sexual Development." In StatPearls. Treasure Island, FL: StatPearls Publishing. <https://www.ncbi.nlm.nih.gov/books/NBK557601/>.

⁴⁶Personal Genetics Education Project (pgEd). 2024. *Sex, Gender and Genetics*. Boston, MA: Harvard Medical School. https://pged.org/wp-content/uploads/2024/08/IB_Sex-Gender-Genetics.pdf.

⁴⁷Ibid

Counter-Frame: ✓

- ✓ Everyone has the right to their opinions. But **when speech crosses into harassment and hate speech or is used to justify exclusionary policies, it stops being harmless.**
- ✓ **Critiquing harmful speech isn't censorship—it's accountability.** Free speech includes the freedom to point out how exclusion hurts specific people.



5. The “Feminist Legacy” Argument



“Feminism has always been about sex-based rights.”

Underlying claims:

- The feminist movement historically defined women as a sex class oppressed based on their biology.
 - Women’s oppression has historically been rooted in biological sex differences (e.g., reproductive roles, vulnerability to male violence).
 - Gains such as reproductive rights, protections against sexual harassment, and women-only spaces were won by organising based on sex, not gender identity.
- Contemporary gender politics risk erasing the category “woman,” undermining decades of feminist work that defined women as a sex class⁴⁸ oppressed under patriarchy.

Why this argument resonates:

- Early and second-wave feminists often defined women as a sex class oppressed based on biology.
- Rights like maternity leave, abortion access, and protections against workplace harassment — were all gained in part by naming women as a sex class with distinct needs.



⁴⁸**Women as a sex class** refers to the idea that women, as a social group, share a common position of subordination to men in society, rooted in biological sex but maintained through systems of power, labor, and social organization. It frames women not just as individuals but as a collective group whose oppression is structural.

Debunking:

Feminist analysis affirms trans inclusion.

- Patriarchy enforces binary gender roles as a tool of oppression and punishes those who don't conform. Trans inclusion aligns with feminism's goal of dismantling these structures.
- Feminist theory has long challenged essentialist views of "woman." Exclusion of trans women is not in line with this intellectual tradition.
- Bodily autonomy –a central feminist demand extends to the right to transition, access healthcare, and self-determine gender identity.
- Feminism critiques rigid norms of femininity/masculinity. Supporting trans people affirms the fluidity of gender norms and roles.

Patriarchy harms structurally excluded populations, including gender diverse populations.

- Feminism seeks to end all systems of domination and oppression.
- Trans women's experiences of violence, poverty, and harassment are deeply tied to patriarchal systems.
- Dividing cis and trans women benefits patriarchy, not feminism. Unity across identities makes feminist struggles stronger, not weaker.

Counter-Frame: ✓

- ✓ **Trans-inclusive feminism is not an add-on — it is the continuation of feminism’s deepest commitments: liberation over restriction, solidarity over division, and justice over fear.**
- ✓ **Feminism is about dismantling systems that harm women and structurally marginalised people. History shows that exclusion weakens us—inclusion makes us stronger.**



Advocacy Note:

Position trans inclusion as the continuation—not the betrayal—of feminist history. Use examples of past exclusions (race, sexuality, disability) to show how inclusion always makes feminism stronger.

6. The “erasure of lesbians” Argument



“Trans-inclusivity is eroding the rights of lesbians.”

Underlying claims:

- The recognition of trans women as women has unintended consequences for lesbian identity and visibility.
- Media representation increasingly highlights trans women in “LGBTQ” contexts while lesbian-specific issues receive less attention.
- Lesbians are being pressured to accept trans women as potential partners. Lesbians are being accused of transphobia if they do not want to date trans women.
- Women-only or lesbian-only spaces (festivals, support groups, dating apps) are being pressured to include trans women. This changes the culture of lesbian spaces and sidelines lesbian (cis)women.
- Young, gender nonconforming lesbians are being pressured to transition to male identities. Butch lesbian identity is being reframed as transmasculinity. This is leading to the erasure of lesbians.

Why this argument resonates:

- These claims resonate because they connect with deep-seated fears around identity, visibility, and community boundaries. They are also tied to a deep fear of sexual violence perpetrated by men as a result of their exclusion from lesbian sexuality.
- For some lesbians, lesbian identity is exclusively defined as cis-women attracted to other cis-women. The recognition of trans women as women challenges this boundary, creating anxiety that lesbian identity itself could be diluted or redefined by outsiders.
- This resonates with people who feel lesbian specificity and experience is marginalised or invisibilised within the broader LGBTQI+ movement.

Debunking:

The lesbian community is diverse.

- Lesbian identity has never been monolithic. It has always included diverse expressions of love, gender, and embodiment.
- Some trans women are lesbians. This doesn't erase cis lesbians — it just recognises diversity within lesbian identity. This strengthens the fight for better protections for all.
- Lesbian women still freely define their attractions and relationships. No one forces anyone to date outside their orientation.
- Trans men may identify as lesbians before transitioning, but their identity shift doesn't negate lesbian existence.
- Butch lesbian culture persists alongside transmasculine identities, rather than being replaced.

The Real Erosion of Lesbian Rights

- Funding cuts to LGBTQI+ services, anti-LGBTQI+ laws, conservative attacks on education, and right-wing backlash are the true threats to lesbians' rights.
- Trans visibility is still very limited and often negative. The real issue is broader media neglect of women's and queer lives in general.
- Exclusionary feminists often align with these anti-queer forces by targeting trans rights, which ultimately weakens coalitions and makes lesbians more vulnerable.



Counter-Frame:

- ✓ **Trans women *are* women**, and lesbians who are trans women are part of lesbian communities.
- ✓ Trans-inclusion doesn't erase lesbians — on the contrary, **it makes sure all lesbians are included** and strengthens the fight for better protections for all.
- ✓ The real erosion of lesbian rights comes from conservative backlash, not trans inclusion.



7. The “Protect the Children” Argument



“Children are being rushed into transition; we must protect them.”

Underlying claims:

- Childhood gender dysphoria⁴⁹ is a symptom of homophobia, autism, or mental health struggles rather than proof of trans identity.
- There is a ‘rapid-onset of gender dysphoria’⁵⁰; cultural and peer influences—especially online—play a major role in children identifying as trans.
- The medicalisation of children who experience gender dysphoria is premature and potentially harmful.
- Children who experience gender dysphoria cannot meaningfully consent to medical interventions that have lifelong consequences, such as puberty pausing medication, gender-affirming⁵¹ hormone therapy, or surgeries.
- Medical interventions related to gender transition⁵² can lead to permanent physical changes and irreversible harm (e.g., infertility, loss of sexual function, bone or cardiovascular issues).
- Many children will “desist” (grow out of gender dysphoria) during puberty.
- Parental rights are being undermined by doctors supportive of gender-affirming care.

⁴⁹**Childhood gender dysphoria** refers to the marked and persistent distress that some children experience due to a mismatch between their experienced or expressed gender and the sex assigned to them at birth. This condition is characterized by significant discomfort with one’s primary and/or secondary sex characteristics, or a strong desire to be treated as another gender.

⁵⁰**Rapid-onset gender dysphoria (ROGD)** is a proposed, highly controversial hypothesis rather than a clinically recognized diagnosis that refers to a pattern where adolescents or young adults (often assigned female at birth) are said to experience a sudden or late emergence of gender dysphoria, typically during or after puberty, without a prior childhood history of gender-related distress.

⁵¹**Gender-affirming** refers to practices, care, policies, or language that respect and support a person’s gender identity and expression. It is about validating someone’s lived experience of gender, whether through healthcare, social recognition, or everyday interactions.

⁵²**Gender transition** is a process that may involve social, legal, and/or medical steps to affirm one’s gender identity.

Why this argument resonates:

- The framing resonates with broader culture-war narratives. It appeals to cultural anxieties such as distrust of institutions and fear of social change.
- Resonates with parental authority slogans like ‘Don’t mess with our kids’ and fear of loss of control.
- Appeals to the ‘*default moral intuition*’ to protect kids from harm. It presents trans-exclusive feminists as protectors of vulnerable children and places emphasis on their innocence, immaturity, and inability to consent.
- Appeals to a fear of irreversibility – puberty blockers, hormone therapy, and surgeries are portrayed as permanent, life-altering decisions made too young.

Debunking:

Young people are rights-holders who are capable of making autonomous decisions about their health and gender in line with their evolving capacities.

- Trans children and adolescents often express awareness of their gender identity at a very young age.⁵³ The principle of evolving capacities⁵⁴ supports the recognition that children and adolescents are capable of making meaningful statements about their gender earlier than adults sometimes assume.
- Policies that rigidly set age cutoffs (e.g., “no treatment under 18”) may conflict with the principle of evolving capacities, which stresses individual assessment rather than blanket rules.
- Respecting evolving capacities helps uphold young trans people’s rights to self-determination, privacy, and health.

Gender-affirming care is safe, improves mental health and saves lives.

- Puberty pausing medications have been safely used for decades in children with early puberty.⁵⁵
- For trans youth, puberty blockers buy time, preventing unwanted, distressing changes and the need for more invasive interventions in the future.⁵⁶
- Evidence shows mental health improvements (e.g. reduction in anxiety, depression, and suicidality^{58 59}) in many youth who access puberty pausing medications and other types of gender-affirming care.

⁵³ This longitudinal study found that transgender youth began identifying as transgender at around age 6 on average. Olson, K. R., Durwood, L., Horton, R., Gallagher, N. M., & Devor, A. (2022). Gender identity 5 years after social transition. *Pediatrics*, 150(2), e2021056082.

⁵⁴ **The principle of evolving capacities** refers to the recognition that individuals, particularly children and young people, develop their cognitive, emotional, and decision-making abilities progressively over time. This principle acknowledges that capacity for autonomous judgment, moral reasoning, and self-determination is not binary—present or absent—but rather exists on a continuum that expands with maturation, experience, and learning.

⁵⁵ Mahfouda, S., Moore, J. K., Siafarikas, A., Hewitt, T., Ganti, U., Lin, A., & Zepf, F. D. (2017). Puberty suppression in transgender children and adolescents. *The Lancet Diabetes & Endocrinology*, 5(10), 816–826. [https://doi.org/10.1016/S2213-8587\(17\)30099-2](https://doi.org/10.1016/S2213-8587(17)30099-2)

⁵⁶ Lee JY, Rosenthal SM. Gender-Affirming Care of Transgender and Gender-Diverse Youth: Current Concepts. *Annu Rev Med*. 2023 Jan 27;74:107–116. doi: 10.1146/annurev-med-043021-032007. Epub 2022 Oct 19. PMID: 36260812; PMCID: PMC11045042.

⁵⁷ Tordoff, D. M., et al. (2022). “Mental Health Outcomes in Transgender and Nonbinary Youth Receiving Gender-Affirming Care” *JAMA Network Open*, 5(8): e2222830

⁵⁸ *Ibid.*

⁵⁹ Jackson, D., et al. (2023). Suicide-Related Outcomes Following Gender-Affirming Surgery, Hormones, and/or Puberty Blockers: A Narrative Review. PMC.

Counter-Frame: ✓

- ✓ **Safe, responsive care is part of child safeguarding.** The lack of gender-affirming care for children and adolescents experiencing gender dysphoria has irreversible risks, such as suicide.
- ✓ **Most trans people thrive after transition.** Detransition is real but rare; most trans people remain satisfied with their transition.
- ✓ **Detransition happens for many reasons, not only regret** (e.g., social pressure, lack of support, family rejection, discrimination).



