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# ***TRANSPHOBIA***

## **AS A SECURITY CONCERN**

***THE DANGERS OF CONFLATING POLITICAL SPEECH  
WITH VIOLENT INSURRECTION***



#TruthIsNotTerrorism	2
Authors	2
Sarah Phillimore	2
The Women’s Rights Network	2
Fair Cop	2
Summary	3
Examination of two reports.	3
Definition of terms	4
The first report: Far From Gone: The Evolution of Extremism in the First 100 Days of the Biden Administration.	6
The Second report: The Growth of the Anti-Transgender Movement in the United Kingdom. The Silent Radicalization of the British Electorate.	12
The dangers of promoting a one-sided narrative	18
Conclusions and recommendations	22
APPENDIX	24
Evidence of the negative impact of disinformation on protected political speech	24
Recommended Reading	28

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The WRN is a grassroots movement of women working together on behalf of women and girls. In particular, WRN fights to maintain the following hard won rights: the safety, dignity and privacy afforded by single sex spaces, including in prisons and hospitals; the right to participate and compete fairly in single sex sports; the fundamental freedom to use sex-based language to describe sex-based needs.

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### Fair Cop

Fair Cop provides a line of defence between a public exercising its right to freedom of expression and an increasingly politicised police force. With victories against The Chief Constable of Humberside and The College of Policing, Fair Cop has established the primacy of law over guidance and the illegality of police interfering in lawful expression based on political favouritism. Fair Cop is headed by Harry Miller and Sarah Phillimore.

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## SUMMARY

This report is produced by a collaboration between Fair Cop and The Women's Rights Network. The lead author is Sarah Phillimore. If you are concerned by what you have read in this report, please consider raising this issue with your MP. If you have any queries or questions, please contact Sarah Phillimore at sarahvphillimore@gmail.com.

## EXAMINATION OF TWO REPORTS.

1. We examine two publications as examples of a wider and concerning trend that 'transphobia' is assumed to be an inevitable by-product of far-right extremist and violent groups, and therefore an issue of national security.
2. However, we can find in neither publication a clear definition of what is meant by 'trans' or 'transphobia.' Further, there is no attempt to distinguish far right extremist insurrectionist movements from campaigners or academics who seek to exercise their protected political speech. Instead, we find unevidenced assertions that the first is either funding or fuelling the others.
3. We are concerned that the publications we discuss originate from ostensibly respectable sources or claim to offer 'expertise' and therefore will be taken seriously by law and policy makers. There is already concerning evidence of the extent to which the Council of Europe is prepared to make recommendations on the back of similarly unacknowledged and unexamined inherent biases and false assertions.
4. We have gathered at the Appendix to this report, commentary from social media and elsewhere to demonstrate that those in positions of influence have, over the past few years at least, adopted this conflation between legitimate protected political speech and the agitation of extremist groups. We assert this has already had a serious negative impact on the operation of the rule of law in UK society, as evidenced by three appellate courts in 12 months being required to overturn unlawful initial decisions. These were the cases of:
  - a. *Scottow*, <https://www.judiciary.uk/wp-content/uploads/2020/12/Scottow-v-CPS-judgment-161220.pdf>

- b. *Forstater* [https://assets.publishing.service.gov.uk/media/60c1cce1d3bf7f4bd9814e39/Maya\\_Forstater\\_v\\_CGD\\_Europe\\_and\\_others\\_UKEAT0105\\_20\\_JOJ.pdf](https://assets.publishing.service.gov.uk/media/60c1cce1d3bf7f4bd9814e39/Maya_Forstater_v_CGD_Europe_and_others_UKEAT0105_20_JOJ.pdf) and
  - c. *Miller* <https://www.judiciary.uk/wp-content/uploads/2021/12/Miller-v-College-of-Policing-judgment-201221.pdf>
5. We assert that there are serious threats to any healthy democracy, if those those presenting extreme and unevidenced views which directly impact freedom of speech and the rule of law, are allowed to continue unchallenged. They arguably present potentially a greater ‘security concern’ or threat to social cohesion than the undefined ‘transphobes’ they criticise.
  6. We call for greater accountability in 2022, greater willingness to admit a plurality of views on matters of significant social and political importance, and greater willingness to challenge the credibility of those who seek to operate according to vague and poorly defined terms or by misrepresenting their opponent’s positions.
  7. The other side of this coin is of course the threats of physical and sexual violence routinely offered against gender critical women on and off-line. We propose to conduct a further report to collate these examples and consider the growing concern that the police do not take these threats seriously. We consider issues of ‘domestic extremism’ cannot be seen in isolation from the violent and threatening behaviour of many who purport to be ‘allies’ to a transgender ideology.

## DEFINITION OF TERMS

8. ‘Transgender’ or ‘gender identity ideology’ – we use this phrase to refer to the broad political and campaigning movement that seeks changes to existing laws on the basis that an individual’s sense of their ‘gender identity’ should be a protected characteristic in law, afforded greater significance than their biological sex and should be designated on any individual’s declaration alone, without external or objective verification. ‘Transgender ideology’ also asserts that children should be supported to ‘transition’ at a young age by way of medical intervention, and that biological sex is largely an irrelevance. For further discussion and information see:

- a. Stonewall <https://www.stonewall.org.uk/>or
  - b. Mermaids <https://mermaidsuk.org.uk/>
9. 'Gender critical' – we use this term to refer to those people who think sex is determined at conception and people are born either male or female. Sex is thus immutable and carries with it certain significant consequences, for example in sexual reproduction and physical strength. Gender critical people argue against the rigid imposition of sex-based stereotypes on people's behaviour. They do not generally deny people the right to assert a 'gender identity' but many deny that this is a concept of any relevance or is used in place of 'personality'. Gender critical people do not believe that a self -claimed 'gender identity' ought to be automatically elevated above biological sex in relevance and importance, particularly when it comes to protecting the dignity and safety of women and children in sex segregated spaces. Gender critical people do not support the early medical transition of children, given the sparse evidence base for its efficacy and the inherent incapacity of young children to consent to such procedures. For further information and discussion see:
- a. Sex Matters <https://sex-matters.org/> or
  - b. The Gender Critical <https://gcritical.org/introduction/>
10. 'Transphobia' – we assert 'transphobia' should only be used to mean some extreme fear and hatred of 'transgender' people and it is thus inapt and harmful to use this phrase to refer to protected political speech that is critical of transgender ideology. This is clearly distinct from inciting violence against trans people or engaging in abuse and harassment – which actions we accept are rightly not protected by article 10 ECHR and remain civil or criminal offences.

## THE FIRST REPORT: FAR FROM GONE: THE EVOLUTION OF EXTREMISM IN THE FIRST 100 DAYS OF THE BIDEN ADMINISTRATION.

11. The International Centre for the Study of Radicalisation (ICSR) identifies as a ‘world class and internationally acclaimed academic research centre based in the Department of War Studies at King’s College London’ <https://icsr.info/> . In 2021 it published the report ‘Far From Gone’

<https://icsr.info/wp-content/uploads/2021/04/ICSR-Report-Far-From-Gone-The-Evolution-of-Extremism-in-the-First-100-Days-of-the-Biden-Administration.pdf>

12. This provides an over-view of ‘domestic extremism’ in the USA in the 100 days following the election of President Biden; how this had been empowered by the Trump administration and how to deal with it. The focus of this report is on the concerns about domestic extremism, in a country with a prevalence of well-armed militia movements. However, we have assumed that the report authors have adopted a global rather than US context specific definition of ‘transphobia’ and that the report is therefore relevant to considering how ‘transphobia’ is identified and tackled in the UK. We are supported in this assumption by the reliance placed on the report by at least one UK politician, which we discuss below.
13. The authors offer no definition of ‘trans’ other than to say that it includes transgender, nonbinary and ‘genderqueer’ individuals. There is correspondingly no definition of ‘transphobia’ but only examples of behaviour they assert falls within the definition. We consider that this failure to define such fundamental terms is a serious omission, given that the report recommends ‘transphobia’ is seen as ‘security concern’.
14. The Executive Summary states:

*“Transphobia has long been one of the most major and ubiquitous narratives around which the far right mobilises. The way in which transphobia is utilised as a narrative within the far right must be afforded considerably more academic and policymaker consideration. Transphobia should be recognised as a security concern.”*

15. We do not doubt that the activities of groups such as the “Proud Boys’ and ‘QAnon’ etc provide legitimate national security concerns, given the propensity of their members to engage in or support violent insurrection. However, by asserting that an undefined set of behaviours called ‘transphobia’ is an inevitable element of each extremist group and making no attempt to distinguish between criminal and abusive behaviour and legitimate political speech, runs the immediate risk that these two distinct activities will become conflated and seen through the lens of contempt and disdain for dangerous extremist groups.

16. It is difficult to see how this approach from ICSR represents provision of ‘world class expertise’ or credible academic commentary. Instead, it is offering a crude licence to assume that anyone who presents as ‘gender critical’ only does so because they are in sympathy with (or actual) right wing extremists.

17. The closest we come to an explicit definition of ‘transphobia’ is at page 76:

*“Another important gendered narrative that continues to have resonance within the far right is a broad opposition and anxiety surrounding transness as well as transgender, nonbinary and genderqueer individuals.”*

18. ‘Broad opposition and anxiety’ are hopelessly wide and does not incorporate the intense fear and dislike that we assert is necessary to define a ‘phobia’. Such a wide definition can therefore easily be applied to women who wish to exercise their protected political speech about the impact of transgender ideology on women’s rights and sex segregated spaces.

19. We can inch towards the author’s view of what constitutes ‘transphobia’ by examining what they say about self -identification and the medical transition of children. ‘Transphobia’ appears to be *any* opposition to either position.

20. The authors comment about Dr Rachel Levine, the first openly transgender individual to be confirmed by the Senate, who has been appointed by President Biden as assistant secretary for health in the Department of Health and Human Sciences:

*“Levine has been the target of open transphobia. Commonly, the group attempts to deny Levine the right to assert her gender identity, by referring to her using male pronouns and repeatedly asserting that she is a biological*

*male. For instance, in one post made by the group, a picture of Levine is superimposed with the words: “Diversity hire: still old white man”, insinuating that Levine is not a woman.”*

21. An attempt to explain why such ‘chauvinistic’ groups indulge in such hateful and deliberate transphobia is put in this way:

*“Much of this anti-trans rhetoric appears to stem from anxiety that the rigidity of traditional gender roles is threatened by transgender individuals. For example, another image shared on the Proud Boys’ main Telegram channel stresses that the way women can support the group is to “get married, have babies, and take care of your family”, indicating that the “women’s role”, as framed by the Proud Boys, is a fundamentally domestic one.”*

22. This explanation of course ignores all the reasons why women might wish to express concern about how easily any man can ‘transition’ late in life and claim the status of a female. This has obvious implications for the recognition and protection of the female sex and hence the female experience. To ignore this, as these authors do, underscores their own (presumably unconscious) misogyny in denying female voices and attempting to frame ‘transphobia’ as simply a toxic reflection of the fear and anger of misogynistic men. Ironically the ICSR recognises explicitly the ‘centrality of misogyny’ in the overtly and proudly ‘chauvinistic’ movements it describes – but is not able to turn that analysis to its assumptions about what constitutes ‘transphobia’.

23. The report goes on to criticise the ‘important narrative’ that transness poses a particular threat towards young children. It relies upon the response to one conflict between parents over the transition of their child and makes no mention of any legitimate concerns about the medical transition of children that have been raised by numerous professionals in a variety of jurisdictions from at least 2020.

24. The implicit bias of the report is again evident. Simply to object to the medical transition of young children is evidence of ‘transphobia’. The executive summary makes the following point:

*“Further efforts should be made to communicate and educate both far-right groups and the general public on the lived realities of various trans experiences. In particular, these efforts should focus on dispelling myths, such as that children are*

*being forced to transition biologically and surgically at young ages, which are commonly used to mobilise transphobia within the far right.”*

25. This short statement is alarming for two reasons. First, ‘biological transition’ is a nonsense phrase. Children may take cross sex hormones and have surgery to remove or alter their genitals. This does not change their underlying biological sex which will remain male or female. Such casual scientific illiteracy is bad enough, but the paragraph also ignores all mainstream concerns about the medical and surgical transition of young children. The concern of many is not that children are being ‘forced’ to transition but that an environment of ‘affirmation’ alongside the inherent incapacity of young children to make such significant decisions, has revealed serious doubts that medical transition is meeting the welfare needs of children who express confusion about their gender identity.
26. If the authors were unaware of or chose to ignore the international debate sparked in 2020 by the case of *Bell v Tavistock* <https://www.judiciary.uk/wp-content/uploads/2020/12/Bell-v-Tavistock-Judgment.pdf> they ought to consider urgent revision of their report to incorporate the views of two US transwomen doctors and experts in this field, in October 2021, that transitioning children were being treated ‘recklessly’. <https://bariweiss.substack.com/p/top-trans-doctors-blow-the-whistle>. A failure to revise this ‘important narrative’ will lead inexorably to the conclusion that views which did not fit the ‘important narrative’ have been discarded – or never even considered.
27. This definition of ‘transphobia’ as *any* statement or behaviour which does not affirm transwomen as women or support the medical transition of children. appears to have already been adopted by many campaigners in the UK. Barrister and trans rights campaigner Jolyon Maugham QC in April 2021 <https://grace.substack.com/p/the-divisional-court-brought-to-that> referred to a Judge who was part of the *Bell v Tavistock* initial decision, as a ‘fallen hero’ who fits ‘perfectly’ into the ‘demographic’ of a ‘transphobe’ for doing nothing other than examining the evidential base to support childhood transition and finding it wanting.
28. The problem with this extra-ordinarily broad definition of ‘transphobia’ is that it puts the ICSR and others who adopt it on a direct collision course with the law of the England and Wales. For example, it renders the Chair of the Equality and Human Rights Commission ‘transphobic’, for commenting to The Times on May 15, 2021

[\[https://www.thetimes.co.uk/article/women-must-be-heard-on-transgender-identity-says-new-equalities-chief-kqttljxmd\]](https://www.thetimes.co.uk/article/women-must-be-heard-on-transgender-identity-says-new-equalities-chief-kqttljxmd) :

*“Someone can believe that people who self-identify as a different sex are not the different sex that they self-identify,” she said. “A lot of people would find this an entirely reasonable belief.”*

The EHRC went on to intervene in the EAT hearing of Maya Forstater’s case to confirm that her belief in the immutability of sex was ‘worthy of respect in a democratic society’.

29. This incompatibility of the ICSR definition and the appellate rulings in *Scottow*, *Forstater* and *Miller* are of particular concern when we see at least one UK politician has embraced the report and repeatedly referred to its recommendation that ‘transphobia’ should be seen as a ‘security concern’.

30. Mhairi Black, an SNP politician cited and relied heavily upon the ICSR report in a speech to Parliament on 1<sup>st</sup> July 2021:

<https://hansard.parliament.uk/Commons/2021-07-01/debates/9FE4F519-0969-4CC3-9EC4-418BE9AC9B1D/details#contribution-479F0395-F146-4EB7-A6EC-A55AF2200D01> and repeated this reliance in Scottish newspaper *The National* in November 2021

<https://www.thenational.scot/politics/19730440.mhairi-black-stand-conversion-therapy-guises/>

*“I have already spoken in Parliament about how transphobia is currently used as a recruitment tactic by fundamentalists and the far right, but it is worth remembering that the International Centre for the Study of Radicalisation also said: “Transphobia should be recognised as a security threat”.*

31. Black’s tweet of her Parliamentary address in July 2021 received 13,277 ‘likes’ and her comments were favourably amplified by Stonewall and Peter Tatchell.

32. We are concerned that this is not an isolated response from a serving politician. For example, we note a letter to a constituent in July 2020 from MP Barry Gardiner

equated the concerns of gender critical women with the racist bigots who supported apartheid in South Africa:

“Dear Constituent

Thank you for contacting me about reform to the Gender Recognition Act (GRA). I want to live in a country that is open and inclusive of all people regardless of their gender identity. Delays in reforming the GRA have created a hostile environment for LGBT+ people and I am committed to protecting the rights of the trans community who often suffer some of the worst violence and hate crime. I am aware of concerns that the government may scrap proposals to allow people to change their legal gender by self-identifying. I am aware that others are demanding new regulations to maintain female-only spaces. Every identity has its gatekeepers; those who determine who does and does not belong. I am old enough to remember the human suffering caused by the racial classification boards in apartheid South Africa. Gender identity too has its gatekeepers.”

## THE SECOND REPORT: THE GROWTH OF THE ANTI-TRANSGENDER MOVEMENT IN THE UNITED KINGDOM. THE SILENT RADICALIZATION OF THE BRITISH ELECTORATE.

<https://www.tandfonline.com/doi/full/10.1080/00207659.2021.1939946>

33. This report was written in February 2021 by Craig McLean of the Department of Social Sciences at Northumbria University in Newcastle upon Tyne. It examines the development of ‘anti-transgender debates’ in the UK which have gained traction due to political discussion around amendment to the Gender Recognition Act. McLean asserts that the debate is dominated by ‘lobby groups’ who are influenced by ‘like-minded’ organisations in the USA and has had a negative impact on trans people.

*“As a result of this furor, the lives of transgender people have become the subject of open debate. Trans people now see their legitimacy questioned, and their ability to access services increasingly being placed under the microscope. This article argues that the literature on radicalization – developed in response to domestic terrorism – can explain these developments. UK lobby groups are successfully pushing a radical agenda to deny the basic rights of trans people and are doing so under the cover of “free speech” – a sacrosanct element of life in Anglo-Saxon countries.”*

34. Discussion about amendments to the GRA are now confirmed as protected political speech pursuant to article 10 ECHR and gender critical beliefs are confirmed as a protected belief under the Equality Act. It is difficult therefore to see how anyone can in good faith legitimately argue that these discussions are part of a ‘radical agenda’ to deny one group ‘basic rights’ and to assert that reliance on ‘free speech’ is a cynical ploy to provide legitimacy to what would otherwise be rejected as ‘domestic terrorism’. To properly understand McLean’s position and to be reassured as to its coherency, we would need to see analysis of the relevant legal cases which have restored the balance between freedom of speech for one group against another’s dislike of challenge and discussion. That analysis however is entirely absent; McLean makes no reference to those legal actions which predated February 2021.

35. The report was written prior to the Forstater judgment on 10th June but was published online on 26th June 2021. Given the bold claims made within the report,

we are surprised that it was published without amendment considering the relevance of the EAT ruling in Forstater. It is also surprising that McLean makes no reference whatsoever to the growing concern about threats of sexual and physical violence against women who have gender critical views. The extent and range of online abuse levelled at author JK Rowling who tweeted support for Maya Forstater in 2019, cannot have gone unnoticed and it is curious that McLean does not appear to consider this issue worthy of inclusion in a report about a ‘toxic discourse.’

*“At the time of writing a toxic discourse has emerged in which it has become entirely reasonable to question the extent to which trans people should be allowed into the public space.”*

36. Exercise of protected political speech is not sensibly called ‘toxic’ and nor is the debate about restricting trans people access to public spaces – it is rather whether transwomen should be allowed access to single sex female spaces on their declaration alone. If sensible discussion is to be had about a ‘toxic’ discourse, then the actions and motivations of all who contribute to this ‘toxicity’ need to be considered.

37. The author’s refusal to engage with the legal landscape around issues of gender critical views, thus lessens the credibility of his sweeping and negative assertions about the operation of various gender critical campaigning groups. He simply refers to the ‘silence’ of the ‘authorities’ as empowering hate groups by using the cloak of free speech:

*“The paper argues that despite making sweeping generalizations, these lobby groups have used the cover of free speech and the notion of “reasonable concerns” and “just asking questions” to be able to demonize the trans community. They are engaged in a process of cognitively radicalizing the electorate. Yet the authorities have stayed silent, viewing these debates as integral to the process of free speech.”*

38. This is an unsustainable narrative, as even a superficial glance at the authorities available to McLean prior to publication will show. At the time of writing, although the position regarding criminal law had been clarified in favour of free expression by *Scottow v CPS* in December 2020, the position in employment law remained that Maya Forstater’s belief in the immutability of sex was ‘not worthy of respect in a

democratic society'. This unlawful decision was not overturned until 10<sup>th</sup> June 2021; post-dating McLean's February authorship but predating the publication of his report by at least 2 weeks.

39. We then had to wait until December 2021 for the Court of Appeal to rule that 'hate crime guidance' produced by the College of Policing allowed for an unlawful breach of Mr Miller's article 10 rights to discuss reform to the GRA and would hence require to be re-written. This is of course outside the time frames of both authorship and publication - but McClean nonetheless had the benefit of the first instance decision in *Miller*, which was handed down in February 2020 and made very clear the court's disdain for the actions of Humberside police in attempt to 'check' Mr Miller's thinking <https://www.judiciary.uk/wp-content/uploads/2020/02/miller-v-college-of-police-judgment.pdf>
40. While there were still considerable fetters in place in February 2021 on the ability of gender critical people to speak freely, it was becoming clear by the end of 2020 that the courts were finally waking up to some serious breaches of fundamental human rights. These breaches had been permitted and enabled largely because of dishonest and hyperbolic distortions of the gender critical position, which had led to confusion and failure to conduct the necessary balancing exercise when considering article 10 arguments versus claimed hurt feelings.
41. We assert that the rulings of the appellate courts in *Scottow*, *Forstater* and *Miller* show that the state had permitted serious human rights breaches over expression of gender critical views. These initial decisions were overturned on appeal, thus removing almost entirely any legitimacy for a claim that gender critical beliefs are irrational 'demonising' of trans people. McLean simply fails to engage with any of this.
42. But it is not merely in the arena of freedom of speech that McLean displays a surprising lack of curiosity for what the courts have decided. In common with the ICSR, he also ignores the growing international concern about the medical transition of young children, by provision of 'puberty blockers' and cross sex hormones which have serious and lifelong consequences.
43. McLean complains about various 'anti trans' tropes. He lists the number of campaigning groups which explicitly assert that they support the rights of trans

people. However, they are afforded no legitimacy because at the same time they assert that women and girls also have rights:

*“Here is the nub of the argument that these campaign groups posit. They use the language of inclusion, but this inclusion evaporates when juxtaposed with what they posit as the rights of women and girls.”*

44. The implicit misogyny here is alarming. An argument that women and girls also have rights is dismissed as not merely lacking in foundation but as actively ‘demonizing’ trans people. McLean goes on to mirror the position adopted by the ICSR – that concerns over the efficacy of medical transition are simply rehashed homophobia.

*“Get the L Out claims that ‘[m]edical transition is [being] imposed on girls who don’t conform to sexist stereotypes’ (GtLO 2020) whereas Transgender Trend is concerned about the ‘teaching of unscientific “innate gender identity” ideology to children’ (TT 2020). Such accusations are not unlike the hysteria whipped up against gay teachers in the 1980s.”*

45. This is a position devoid of any merit and even more surprising when we consider McLean in February 2021 certainly had had the benefit of the decision of the Divisional Court in *Bell v Tavistock* as judgment was handed down in December 2020 <https://www.judiciary.uk/wp-content/uploads/2020/12/Bell-v-Tavistock-Judgment.pdf>

46. Although this decision was later overturned by the Court of Appeal in June 2021 as making declarations that went beyond what was permissible in a judicial review, the Divisional Court were clearly concerned about the lack of available evidence to support medical transition as something that benefited children or something that children had the cognitive capacity to understand and hence consent to.

47. McLean also ought to have been aware of the Cass Review. This independent review of gender identity services for children was commissioned by NHS England in Autumn 2020 to make recommendations about the services provided by the NHS to children questioning their gender identity, following serious concerns about practice and procedures at the Tavistock Gender Identity Service. <https://cass.independent-review.uk/about-the-review/terms-of-reference/>

48. McLean thus ignores not only the careful and detailed deliberations of the court but also an on-going independent review into the services required by gender questioning children, presumably because they do not fit his narrative that various campaigning groups who make the same points, are attempting to ‘whip up’ ‘hysteria’.
49. This determined ignorance of relevant legal developments extends also to the success of Fair Play for Women’s judicial review against the ONS in March 2021 for attempting to permit self-identification of sex in the census. <https://fairplayforwomen.com/fair-play-for-women-wins-high-court-challenge-against-ons-census/> Admittedly this decision post-dated his February authorship, but the outcome was known some 4 months prior to the report’s publication. Given that McLean singles out FPW for particular criticism in this report, calling the group ‘strident’, the absence of any recognition or analysis of their legal victory suggests McLean is engaging more in crude propaganda than any attempt at academic rigour.
50. There will be further important court hearings to come in 2022; Maya Forstater’s employment tribunal hearing relating to her alleged unfair dismissal, barrister Allison Bailey’s challenge to her Chambers and Stonewall based on discrimination and unfair treatment, Raquel Rosario Sanchez’s action against Bristol University, Professor Jo Phoenix’s claim against the Open University and James Esses’ claim against his university who expelled him for his gender critical belief.
51. It is at best unhelpful and at worst actively harmful for McLean to advance his thesis that gender critical views are examples of extremist hate, fuelled by money and support from the American far right, if he simply ignores the existing legal landscape and the success of many legal challenges to decisions in both the criminal and civil legal arenas that unlawfully penalised the gender critical.

52. McLean states:

*“A determined group of people have taken their cues from fellow-thinkers in the United States to lobby for the GRA not to be positively reformed for trans people, but to actively make life more difficult for them by denying them rights they currently enjoy and have been practicing for years.”*

53. The legal structures in the UK and the USA are very different, and the concerns of the 'religious right' have very little influence over a predominantly secular UK society. The activities of UK campaigning groups are funded primarily by grass roots campaigning and crowd funding for legal action. Many were formed after 2015, when it became clear that most transwomen now make no modification whatsoever to their bodies, by either medical or surgical interventions and wish to claim the designation of 'woman' on their declaration alone. This is a recent phenomenon, only clearly emerging after 2015 when Stonewall added the 'T' to 'LGB'. To assert therefore that this has been going on for some time and women are only now objecting at the behest of US organisations, requires considerably more evidence in support than McLean seems able to offer.

54. McLean repeats the persistent untruth that objections to transwomen in female spaces are based on 'all' transwomen being seen as predatory. It is of course because gender critical people maintain that transwomen are *men* that they are worried about their automatic inclusion in female sex segregated spaces. Not all men are sexual predators, or even most men – but enough are to mean that women should not have to bear the burden of carrying out immediate risk assessments in places where they undress or sleep. Rather than engaging with this logical and reasonable point, McLean instead expresses himself astonished that 'a minority group is allowed to be traduced in this way.'

55. His conclusion is simply irresponsible.

*"The demonization of a group may not always remain a nonviolent pastime. A group of people infused by conspiracies disseminated in the media over a period of time need not stay cognitively radicalized. Sometimes they become behaviorally radicalized and turn violent. That should worry any sentient person observing the present UK debate on transgender rights."*

56. This echoes the ICSR call for 'transphobia' to be seen as a 'security concern' as McLean suggests there is a real risk that gender critical women will turn violent. He offers no evidence in support of the credibility of this suggestion. It has not been borne out by gender critical campaigning activities of the past five years, which tend to centre on ribbons, stickers, and leaflets. Rather 'violence' appears to be directed by campaigning men against women – we note the violent harassment of Professor Stock at Sussex University which prompted her resignation in October 2021.

57. The normalisation, even promotion of violence against gender critical women has permeated even our universities. *Sex Matters* wrote in July 2021 <https://sex-matters.org/posts/the-workplace/gender-studies-and-sexualised-threats/> about how students at the LSE “are taught to view sexualised threats against women in public life (if dressed up in the language of “queer”) as something to applaud”, one gender studies student writing:

*“If TERFs think trans\* is an endemic threat to feminism, let us be the threat to feminism...”*

*Picture this: I hold a knife to your throat and spit my transness into your ear. Does that turn you on? Are you scared? I sure fucking hope so.”*

## THE DANGERS OF PROMOTING A ONE-SIDED NARRATIVE

58. The ISCR and McLean’s reports are poor and harmful in different but also similar ways. The ISCR fail to define ‘transphobia’ but assert that it should nonetheless be a security concern. McLean goes further to attempt an argument that gender critical campaigners ostensibly reasonable arguments are an attempt to cynically Trojan Horse US extremism into UK political culture under a ‘cloak’ of free speech and may end up turning violent, while ignoring all evidence of the highly sexualised threats of violence often offered to gender critical women.

59. The word ‘transphobia’ is thus sent out into the world, undefined, but asserted to be inextricably linked with far-right extremist groups. At the same time, the reasonable arguments of gender critical women are dishonestly repackaged as ‘demonisation’ of a marginal group, fuelled and funded by foreign actors.

60. We think that there is clear evidence that this is part of a concentrated campaign to encourage politicians and political commentators to see gender critical women through a lens of assumed extremist motivation, which itself risks being seriously misogynistic and discriminatory. It is beyond the scope of this report to consider the publications of the Council of Europe, but these too appear to demonstrate the same unacknowledged and unexamined flaws; a conflation of UK gender critical views with ‘far right extremism’ and a distinct lack of curiosity about UK jurisprudence. See for example ‘*Combating Rising Hate against LGBTI people in Europe*’ in September

2021 <https://gendercriticalwoman.files.wordpress.com/2021/10/coe-gender-critical-.pdf>

61. We propose a second report to answer the Council of Europe, which will consider its accusations levelled at gender critical women in the UK, and which will gather the concerning evidence from all over the world that women who dare publicly enter the debate are targeted for serious threats of physical and sexual violence.
62. We are concerned that the uncritical adoption of an undefined term ‘transphobia’ which is said to be ‘intrinsic’ to the activities of violent and extremist groups, alongside a failure to honestly and fairly critique gender critical arguments, makes it easier for untruths and disinformation about gender critical people to be circulated as fact.
63. The main ‘myths’ being circulated are either patently false or are unsupported by any credible evidence. People must be allowed to discuss these issues without being accused of belonging to or being supported by violent and extremist far right groups. The most popular false assertions appear to be the following:
  - a. gender critical people support imposition of a regressive ‘gender binary’ stereotypes – the opposite is true
  - b. gender critical people are funded by the extreme far right – funding in the UK is primarily by grass roots crowdfunding and the ‘religious right’ has very little influence here
  - c. gender critical people are racist or anti-Semitic – no credible evidence is offered to show why belief in the immutable reality of sex lends itself to either racism or anti-Semitism.
  - d. gender critical people wish to ‘erase’ trans people and deny them fundamental rights – gender critical people wish for open and honest public conversation about when rights are in tension
  - e. gender critical people assert that ‘all’ transwomen are sexual predators – the assertion is that men pose a greater risk of sexual/violent harm to women and that transwomen remain biologically men

- f. there is no clash between ‘trans rights’ and ‘women’s rights’ – there is a clear and obvious clash, particularly when regarding protection of sex segregated spaces
- g. there are no risks to children from medical or surgical transition – the evidence base for its benefits is sparse and the risks serious and life long, including loss of fertility and adult sexual function.

64. There is rarely any attempt to provide credible evidence to support these false assertions. In particular there is no reliable evidence provided to show that ‘gender critical’ people support violence or racism as part of their ideology. To further assert that gender critical people rely on ‘conspiracy theories’ is bizarre. The attacks on gender critical people, their fundamental freedoms of expression, and the initial failings of the court system to protect them, are real and have taken considerable efforts by individuals – at great emotional and financial cost – to put right.

65. The essential dishonesty of what is claimed to be rigorous academic or policy research which can identify no distinction between a feminist academic and a ‘Proud boy’ or ‘QAnon’, which misstates entirely reasonable arguments as US extremism and can only sustain that position by simply ignoring all evidence to the contrary, is itself ‘toxic’ and ought to have no place at any table where law and policy makers meet.

66. These distorted narratives cause significant distress, reputational and financial harm to individuals who are unfairly targeted as ‘hatemongers’ and directly contribute to a significant waste of public money as unlawful initial decisions have to then be challenged on appeal. Just what exactly are the costs to the public purse in the appeals of *Scottow*, *Forstater* and *Miller*? Just how damaging has been the impact of these legal proceedings on trust and confidence in essential public institutions such as the police?

67. While we are sure that many of those who spread such disinformation believe that they are motivated by noble intentions and see themselves as agents of ‘diversity’ and ‘inclusion’, the consequences of their behaviour are negative and dangerously so. We note the following risks.

- a. harm to individuals who are assumed to be part of an extremist ideology – including denial of their fundamental human rights or employment prospects, which requires expensive and time-consuming litigation to put right.
- b. harm to efforts to properly monitor and contain genuinely extremist groups which do pose a serious risk to societal cohesion and the democratic process, and time wasted on malicious or unreasonable complaints
- c. poorly constructed proposals for reform to existing law and mismanaged consultation processes
- d. increased distrust in democratic institutions if disinformation is allowed to be spread unchecked or is repeatedly successfully challenged via the court system
- e. harm to academic freedom when disinformation is elevated as a dominant narrative and academics who speak out are subject to threats and harassment.
- f. parents who raise concerns about the transition of their children may be seen as a safeguarding threat by schools/social workers
- g. breach of article 8 rights when parents are not informed by their children's school of a child's transition or intended transition
- h. harm to children when their ability to consent to medical transition is not assessed properly or at all or their parents are deliberately excluded from exercising their parental responsibility
- i. creating perverse incentives for institutions whose funding streams depend on a certain narrative – such as Stonewall and Mermaids –to keep disseminating false and harmful information about individuals and groups which challenge their activities and thus risk their income.
- j. False accusations that gender critical arguments are simply a 'rehash' of the homophobia of previous generations. This is nonsense. Homosexuality is about 'same sex' attraction. Gender critical people are concerned about

increased homophobia if gay people are discouraged from recognising 'same sex' attraction, or even pilloried as 'transphobic' for so doing.

## CONCLUSIONS AND RECOMMENDATIONS

68. Those purporting to advise law and policy makers about the dangers of domestic extremism must define their terms and must engage honestly with the arguments put forward by gender critical people. A failure to do so empowers discrimination and supports distortion and misrepresentation over evidence. This in turn threatens the health of our democratic processes, academic freedom, the rule of law and fundamental human rights. It causes profound misery to individuals who find their rights violated. The time wasted in necessary debunking of crude propaganda could be better spent identifying and securing actual inclusion for marginalised people or countering the real threats posed by dangerous and extremist groups.

69. While we are grateful that organisations such as the EHRC are finally speaking up, after a troublingly long period of silence, we cannot be complacent about the dangers posed by persistent disinformation which is adopted unthinkingly by politicians and commentators. It is not 'transphobic' nor a matter of national security to raise concerns about women's rights and the medical treatment of children. It is a matter of public interest and protected political speech and must be recognised and respected as such.

70. Ironically, we find ourselves in agreement with at least part of the conclusions of the ICSR:

*"...there remains a need for a stronger response to and civic education around the disinformation spread by domestic extremists and political actors..."*

71. We hope that 2022 will be the year that finally we can conduct rational and honest debate about matters of importance, without a fear that we will be deemed 'extremist' or 'hatemongers' and risk our jobs or our reputations. But we do not propose to place

reliance on hope alone. We are committed to direct lawful action to restore and protect our fundamental rights to political speech.

72. We will send a copy of this report to the ICSR and to Mr McLean and ask that they respond to our criticisms. We will ask for their definition of 'transphobia' - and whether this report falls within it. Their responses will inform our next steps. We will also carry out a further report to consider recent recommendations from the Council of Europe and to what extent these are based on reliable evidence.

73. The very real dangers of 'domestic extremism' will not be met by distorting reality and failing to respect the legitimate and lawful arguments made by others or ignoring the violence and threats to which they are subject. We aim to be part of a very necessary shift in politics and culture which will permit open and public debate about matters of significance in the arena of sex and gender identity and the protection of children's welfare.

74. FAIR COP and THE WOMEN'S RIGHTS NETWORK January 2022.

# APPENDIX

## EVIDENCE OF THE NEGATIVE IMPACT OF DISINFORMATION ON PROTECTED POLITICAL SPEECH

In September 2018 Conservative trans activist and transwoman Sue Pascoe reported feminist campaigning group Women’s Place UK to the police counter terrorist unit.

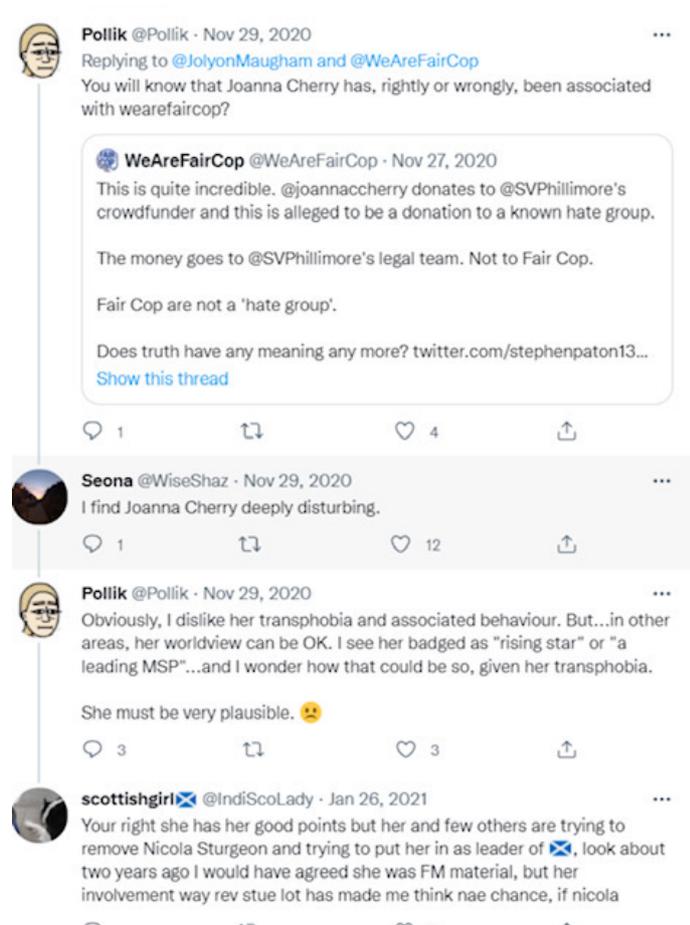
Ironically Sue Pascoe and Crispin Blunt (Chair of the All-Party Parliamentary Group on Global LGBT+ Rights and MP for Reigate) then collaborated on an article in August 2021 about the press ‘whipping up’ a ‘moral panic’ about transgender pupils <https://www.conservativehome.com/platform/2021/08/crispin-blunt-and-sue-pascoe-the-press-are-whipping-up-a-moral-panic-over-transgender-pupils.html>



In October 2018 MP David Davies was reported to the police for attempting to hold a meeting about concerns re transgender ideology: <https://twitter.com/talkRADIO/status/1052203110335217664?s=20>

In October 2019 women attending a meeting organised by feminist group

Women’s Place UK were barracked and physically assaulted by an aggressive group of protesters, who called women attending the meeting ‘scum’; members of the Labour Party then called WPUK a ‘transphobic hate group’: <https://rdln.wordpress.com/2019/10/08/transgender-extremism-at-british-labour-party-conference/>



In November 2020 Jolyon Maugham QC tweeted that Fair Cop were ‘a terrorist group who should be proscribed as such’. A complaint was made to the Bar Standards Board, who did not respond.

Maugham’s ‘Trans Defence Fund’ has also bankrolled the legal action taken by Mermaids against the decision of the Charity Commission to award the LGB Alliance charitable status <https://mermaidsuk.org.uk/news/mermaids-appeal-lgb-alliance-charity-status-update/> claiming “It is our belief that they do not stand for LGB rights but exist to divide our community and denigrate those who support trans people.

In May 2021 the Reindorf Report <https://www.cloisters.com/reindorf-review-on-no-platforming/> commented on the failure of Essex University to support the academic freedoms of two female academics who were unlawfully ‘no platformed’ after allegations of ‘transphobia’. Most concerningly the University failed to take seriously or investigate a credible threat of violence offered to one of the women. The University was found to have been misled by Stonewall’s interpretation of the law as they wished it to be, not as it was.

On 29<sup>th</sup> May 2021 Nancy Kelley CEO of Stonewall elided 'gender critical' belief with anti-Semitism and disability discrimination in a BBC interview: <https://www.bbc.co.uk/news/uk-57281448>

*“Freedom of speech is not without limit...With all beliefs including controversial beliefs there is a right to express those beliefs publicly and where they're harmful or damaging — whether it's anti-Semitic beliefs, gender critical beliefs, beliefs about disability — we have legal systems that are put in place for people who are harmed by that.”*

Commentator Owen Jones makes frequent reference to gender critical women being 'radicalised.'



Owen Jones @OwenJones84

I realise that transphobia is regarded as an acceptable bigotry, and anti trans activists who have become obsessively **radicalised** have congregated on Twitter where they are highly organised, but this terrible harm against children will be called out whether they like it or not.

08:42 · 12/10/2021 · [Twitter for iPhone](#)

74 Retweets 2 Quote Tweets 1,276 Likes

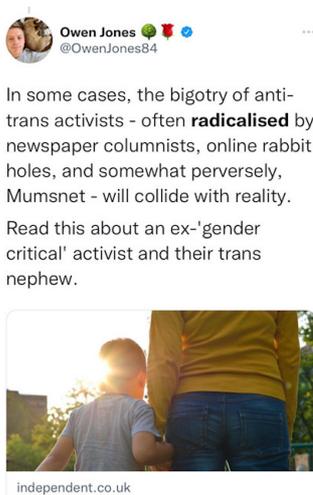


Owen Jones @OwenJones84

I'd say that so-called 'gender critical' types losing their shit over a John Lewis home insurance ad is definitive proof of how they've **radicalised** to a disturbing degree, but then I remember the top trend on UK Twitter on the day of Biden's inauguration was 'BidenErasesWomen'

16:06 · 14/10/2021 · [Twitter Web App](#)

34 Retweets 2 Quote Tweets 569 Likes



Owen Jones @OwenJones84

In some cases, the bigotry of anti-trans activists - often **radicalised** by newspaper columnists, online rabbit holes, and somewhat perversely, Mumsnet - will collide with reality. Read this about an ex-'gender critical' activist and their trans nephew.



independent.co.uk



Owen Jones @OwenJones84

However much it upsets anti-trans activists to hear it said, it is "a fact" that anti-trans ideology is intertwined with right-wing extremism, as for example Hungary underlines. I wouldn't want to be on the same side as Orban either. But, well, you are!



[Tweet your reply](#)

Sally Hines, Professor of Sociology and Gender Identities at the University of Leeds, also amplifies the 'extremist' narrative.



**Sally Hines**  
@sally\_hines

A woman has been shot by a rubber bullet and many injured as #WiSpa is targeted for the second weekend by fascists. As I said last weekend (and for years before) the toxic combination of far right and gender critical ideology, moral panic and media lies will kill #WiSpaProtest

11:46 · 18/07/2021 · Twitter for iPhone

44 Retweets 1 Quote Tweet 186 Likes



**Tweet**

**Sally Hines** @sally\_hin... · 02/02/2019 ...

1)The behaviour of UK 'gender critical' feminists in Washington is, of course, vile to see, yet it's hardly surprising. These are women with much form for abusing trans women and one of them is well known for her racism and links to the far right.

27 76 258

This Tweet was deleted by the Tweet author. [Learn more](#)

**shelly** @shelly2161

No, they are **Terrorists** . When you come to another country with the sole purpose of inciting a riot or influencing public opinion you are committing **terrorism**.

Tweet your reply

EE WiFiCall 20:33

**Tweet**

**Sally Hines** @sally\_hines

This is an excellent article that draws on literature around radicalisation to examine UK anti-trans movements. As many of us have been saying for a long time, anti-trans discourse reflects a pernicious conservatism that is in opposition to social justice and feminist values.

**Sally Hines** @sally\_hines · 2d

Full article: The Growth of the Anti-Transgender Movement in the United Kingdom. The Silent Radicalization of the British Electorate tandfonline.com/doi/full/10.10...

## RECOMMENDED READING

S V Phillimore

<https://thecritic.co.uk/in-praise-of-reality/>

<https://thecritic.co.uk/safeguarding-nightmare/>

<https://thecritic.co.uk/physician-heal-thyself/>

<https://thecritic.co.uk/rule-of-silence/>

<https://thecritic.co.uk/the-hounding-of-a-female-academic/>

<https://thecritic.co.uk/better-late-than-never/>

<https://thecritic.co.uk/repent-repent/>

<https://thecritic.co.uk/marion-millars-case-discontinued/>

<https://thecritic.co.uk/yes-officer/>

<https://savageminds.substack.com/p/winners-and-losers>

<https://savageminds.substack.com/p/academic-freedom-is-in-crisis>

<https://savageminds.substack.com/p/a-rose-by-any-other-name>

<https://savageminds.substack.com/p/the-water-in-which-gillick-swims>

<https://savageminds.substack.com/p/this-tribunal-cannot-define-woman>