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# British Supreme Court rules against trans people

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RCG contingent protest against British Supreme Court ruling, 21 April 2025. Photo: FRFI

On 16 April 2025, the British Supreme Court decreed that the legal classifications of 'woman', 'man', and 'sex' refer only to biological sex and not gender identity in relation to the Equality Act of 2010. The decision was the conclusion of a challenge by the trans-exclusionary organisation For Women Scotland (FWS) to the Scottish parliament for its inclusion of trans women in their 'gender representation objectives' in March 2018. After seven years, several appeals, and £300,000 in crowd-funding — including £70,000 donated by JK Rowling — FWS has now achieved its goal. The Supreme Court's decision will now open the door to trans-exclusionary practices across the board. In the days that followed, spontaneous

demonstrations spread across the country as young people expressed their outrage at this reactionary step.

Previously, under the 2004 Gender Recognition Act, trans people in possession of gender recognition certificates (GRCs) were to be treated under their acquired genders 'for all legal purposes'. This meant that, for example, trans women would correctly be counted under quotas aimed at increasing female representation in public boards or party shortlists. Now, trans people, even those with GRCs, can be legally barred from single-sex spaces including public toilets, changing rooms, hospital wards, shelters, prisons, etc, and also excluded from affirmative action programmes.

The exclusions will require case-by-case legal justification from the organisations which choose to enforce them, and must be based on 'proportionate' and 'legitimate aims'. The Supreme Court judges sought to reassure trans people that they would still be protected from forms of discrimination based on the characteristic of 'gender reassignment' — meaning that it remains unlawful to discriminate against trans people in areas such as employment, education, and the provision of services. But this is of no consolation to the tens of thousands of trans people across Britain who are seeing the revocation of their health care and legal rights, and who are subject to around 5,000 reported hate crimes a year from people emboldened by rulings such as these.

An early consequence of the ruling is the revision by the British Transport Police (BTP) of their procedures on strip searches. These will be henceforth conducted 'in accordance with the biological birth sex of the detainee'. This would allow for male officers to conduct intimate searches on women whom they suspect are transgender. This will also force trans people working for BTP to conduct strip searches against detainees of the opposite gender. If a change as violent as this can be proved as just within the eyes of the law then it is clear that the law offers no serious protections

for trans people at all.

On 25 April, the Equality and Human Rights Commission (EHRC) issued its own guidance in response to the ruling. This will apply to all schools, workplaces, sports bodies, public services, and associations of 25 people or more. Under this guidance, trans people 'should not be permitted' to use facilities in line with their gender identities. Not only this, but there are now also circumstances wherein trans people will be barred from using facilities that correspond with their biological sex! This is in the event of the provision of a third, segregated space for use by transgender people. One wonders if we will next be forced to access services through our own 'transgendered entrances'!

Despite claims from the Supreme Court's supporters, including Keir Starmer and Women and Equalities minister Bridget Phillipson, that the ruling provides 'real clarity' for women and services, the decision clearly raises more questions than it answers. How will exclusions be enforced? How will a person's sex be ascertained? How will intersex people be affected? Cabinet Office minister Pat McFadden has said that there 'isn't going to be toilet police' but is that because they are instead going to rely on toilet vigilantes? The Supreme Court has bent the knee to the bio-essentialist, conspiratorial ideology of the trans-exclusionary radical feminists, while the Labour party is now able to distance itself from its supposed 'wokeness' on the issue, an important electoral consideration for the party as it seeks to compete with Reform UK for the votes of the most reactionary sections of the electorate.

The Labour Party is not alone in capitulating to the most backward sections of the electorate. A joint communiqué by the Communist Party of Britain (CPB) and the Young Communist League (YCL) issued two days after the ruling stated:

'We welcome the Supreme Court's clarification that "sex" means biological sex in the Equality Act 2010 . . . This materialist outcome corroborates our view that "sex" must mean biological sex for the purposes of the Act and any other interpretations

would negate its single sex statutory protections. We reject any notion that the Supreme Court ruling was influenced by, or issued as a result of, a transphobic political climate and note Lord Hodge's remark when delivering the judgment – that it should not be seen as victory of one side over another.'

Thus did supposed 'communists' welcome a decision by the guardians of bourgeois moral order, an essential component of the reactionary state apparatus: a hymn of praise for its supposed enlightenment. More than welcome the ruling, in fact, the CPB/YCL actually **called for it**. In March 2023 the CPB released a statement on the Scottish Parliament's 2022 Gender Recognition Reform Bill which read:

'Gender as an ideological construct should not be confused or conflated with the material reality of biological sex. Gender is the vehicle through which misogyny is enacted and normalised. Gender identity ideology is well-suited to the needs of the capitalist class, focusing as it does on individual as opposed to collective rights, enabling and supporting the super-exploitation of women. For these reasons, the Communist Party rejects gender self-ID as the basis for sex- based entitlements in law to women's single-sex rights, spaces and facilities. The Party will continue to oppose any proposed legislation – whether at Scottish, Welsh or British level – that seeks to enact such a provision. **We call for 'sex' as a protected characteristic under the 2010 Equality Act to be defined as biological sex.**'

The implication is that trans people are ideological tools of the ruling class, they are misogynists, they are vehicles for the super-exploitation of women — something that real communists have always regarded not as an ideological question, but one rooted in the material conditions of capitalist production. Any idea of sex as an immutable, static binary completely falls apart when you bother to acknowledge the existence of intersex people. Any argument for a single determining factor in whether a person is male or female breaks under the slightest scrutiny. Moreover, we as Marxists examine the world through the scientific model of dialectical

materialism, not through the mechanical materialism that the CPB subscribes to. In practice, the CPB/YCL are adapting to the sentiments of the most backward sections of the working class. The ruling has nothing to do with defending or advancing the rights of women: these will come under increasing attack by the Labour government as the crisis deepens.

We want to be clear: you cannot be a socialist, let alone a communist, and remain a member of the CPB/YCL. Nor can you be whilst attaching yourself to the thoroughly reactionary Labour party. The policies of socialist Cuba towards trans people, in particular its 2022 Family Code, are the negation of these parties' reactionary standpoints. Fight Racism! Fight Imperialism! has and will always be an organisation that stands against all forms of discrimination. We will always completely encourage and welcome the involvement of trans people within the broader struggle towards socialism. The demonstrations across the country in the days that followed the judgment were a refreshing response to the ruling: dominated by young people, protests were democratic in spirit and conduct, with open mics being the norm rather than the exclusionary methods adopted by the official labour movement whose pre-selected platform speakers are intended to ensure passivity in any audience. In Brighton, Liverpool, London, Newcastle and elsewhere comrades of FRFI addressed the crowds to call for solidarity with trans people in the face of this attack by the British state. FRFI will continue to support these protests as they develop.

Another world is possible! Trans liberation now!

Source: [Fight racism! Fight imperialism!](#)

