

Chapter 15: The trans lobby's appeal to 'rights'

	Page
Introduction	1
International Bill of Gender Rights	2
The Yogyakarta Principles	4
IGLYO	6
Malestream acquiescence: trans 'rights' in action	7
Legislation	9
UN	9
European Union	10
GRA	13
ACLU	13
Southern Poverty Law Center	16
Inter-American Court of Human Rights	16
Amnesty	17
EHRC	18
Australia	19
NSW Anti-Discrimination Act 1977	19
NCAT	22
AHRC	22
Vilification	25
Exemptions and exceptions	28
Cases	29
'Discrimination'— Tickle v. Giggle	30
'Discrimination'— Yaniv	32
'Vilification'—Clinch v. Beth Rep	34
Conclusion	39
What rights are they demanding?	39
Conflicting rights?	41
The rights the trans lobby violates	42
Consequences for everybody	43
References	45

Introduction

Another of transgender's strategies, this time to gain social acceptance rather than to silence opposition, is to claim 'rights' for their mythical category of persons, variously named 'LGBT(etc.)', 'transgender', 'trans people', 'gender identity', etc. This was one of the recommendations of the IGLYO report: 'use human rights as a campaign point ... for more progressive [sic] gender recognition laws' (IGLYO, 2019: 19). The trans lobby employs this strategy copiously.

Two of transgender's proponents, for example, said that anyone who agreed with Ray Blanchard that men claiming to be 'lesbians' were actually heterosexual men, were 'opponents of transgender rights' (Ashley and Baril, 2018). Again, the Degenderettes, the group responsible for the 'art' exhibition at the San Francisco Public Library, asserted in their manifesto that they were 'fighting for gender rights' (GenderTrender, 2018). Given the exhibits on display, these 'rights' seemed to involve recommending violence against women labelled 'terfs' and 'cis scum'.

Another organisation (giving itself the neutral name, Global Philanthropy Project, but which actually consists of 'Fundors for LGBTQ issues') defined themselves as working for 'global LGBTI human rights and LGBTI-inclusive development' (GPP, 2020: 5). There is a lot of money in 'trans rights'. In 2018, 'Civil and Human Rights' issues received the largest amount of the funding for LGBTI issues from grants by US foundations—44% of the \$US209 million funding, or \$91,459,624 (Wallace and Kan, 2020: 12). We are told that this is only a proportion of the funding that goes to 'LGBTQ' issues. It's only what is given by foundations and corporations, and excludes what is given by individual donors or government agencies (p.2). Not all of this money came from 'LGBTQ organisations. At least 26% was given by non-'LGBTQ' private foundations (p.8), i.e. from the trans-captured mainstream.

Of the grants in 2018, 75% went to the 'LGBTQ community' in general, which simply means transgender issues because transgender dominates the acronym. It is also the category that receives the most of the other 25%. Whereas the 'Gay Men/Queer Men' category received \$16,189,461, the 'Intersex' category received \$1,446,900, and the 'Bisexual' category received less than a quarter of a million (\$226,978), 'transgender people' received \$33,987,723. The 'Lesbians/Queer Women' category received a paltry \$5,571,635 (Wallace and Kan, 2020: 20). But given that transgender accepts men as 'lesbians', this would not have been distributed to actual lesbians, only to men claiming to be 'lesbians' and to any lesbians who agreed with them.

One organisation that is not transgender, or ought not to be although it is trans-captured, is the American Psychiatric Association. Its Task Force on Treatment of Gender Identity Disorder (Byne et al, 2012) recommended that the APA issue 'a position statement to clarify the APA's position regarding ... the rights of persons of any age who are gender variant or transgender' (passim). Such a position is necessary, the Task Force said, because the literature is saying that 'transgender and gender variant persons' are satisfied with their treatment ('as opposed to regret'), and one of the reasons for that is their 'emergence ... as a recognizable political group with reasonable claims to civil rights and responsibilities' (p.780). But these claims are not reasonable because the premise on which they're based, namely, that people can

change sex, isn't reasonable. Arguing from an unreasonable premise—these are people who have changed sex, or want to—to a 'reasonable' conclusion—they have rights as people who have changed sex—is not reasonable. They do have rights as human beings, just like everyone else. But it cannot validly be argued that they have rights based on their claim to be the opposite sex because no one can become the opposite sex.

This stance in favour of 'trans rights' on the part of the American Psychiatric Association is not surprising. One of the Task Force members was from the Gender Identity Service in Toronto. Even more relevantly, another of the members was that same Eli/E. Coleman who was the lead author of WPATH's versions 7 and 8 (Coleman et al, 2012, 2022).

WPATH of course sees itself arguing '[f]rom a human rights perspective'. In its 2021 update of its 'Standards of Care' (SOC) for adolescents, it said that that involves 'considering gender diversity as a normal and expected variation within the broader human diversity', and 'an adolescent's right to participate in their own decision-making process about their health and lives, including access to gender health services'. They cite Amnesty International's support for puberty blockers as 'evidence' for this statement (WPATH, 2021: 6 of 46), but then Amnesty is one of those myriad of institutions that have succumbed to the transgender lure. Transgender as 'human rights' is repeated in its latest version of 'Standards of Care', Version 8. '[E]nsur[ing] respect for human rights', they say, involves 'health care professionals and policymakers' *always* applying the principles in this version of the SOC 'to their work with transgender and gender diverse people' (Coleman et al, 2022: S17).

International Bill of Gender Rights

As well as the WPATH documents, the trans lobby has produced a number of other official-looking documents claiming 'human rights' for 'transgender and gender diverse people', dating from the early 1990s. According to the Southern Poverty Law Center (a left-wing organisation whose admirable policies in relation to race and poverty have been vitiated by its embrace of transgender), a group calling itself the International Conference on Transgender Law and Employment Policy drafted and adopted an 'International Bill of Gender Rights' in 1993.¹ As Sheila Jeffreys commented, '[i]t demanded the right to express the "gender identity" of choice in whatever way the exponent desired, particularly in any spaces previously reserved for women' (Jeffreys, 2014: 142).

One of the drafters was Martine Rothblatt (Bilek, 2020b), he of the push to 'transhumanism' and the robot clone of his wife. Another drafter of the 'Bill' was a long-term trans-activist man called Phyllis Randolph Frye. He wrote a piteous plea on behalf 'transgenders' (his word), arguing that they need a bill of rights because of the rules imposed by 'the present body of case law and social mores that operate against transgenders' (Frye, 2000: 137). These rules, he said, are similar to the 'cider house rules' in John Irving's eponymous novel. These are rules that are formulated without the consent or even knowledge of those who are expected to obey them, and that cannot be read or understood because those to whom they are supposed to apply are illiterate. According to Frye, 'the laws and social mores of society', insofar as they

¹ <https://www.learningforjustice.org/classroom-resources/texts/international-bill-of-gender-rights>

relate to 'transgenders', are like the cider house rules of the employer in Irving's novel. They are 'absurd or inapplicable', and hence they must be ignored or changed or new ones created. The International Bill of Gender Rights was one such attempt to create a new legal environment suitable for 'transgenders'.

Frye's is a peculiar document. It has 375 footnotes in a text that's 84 pages long, the text is around 14,000 words, but the footnotes amount to between 18,000 and 19,000 words. Some of them are over 100 words each, while there are even some of over 200 words. This is not the place to criticise this document and its footnotes in detail, but one example might suffice to give some idea of the confused nature of his argument. In footnote 71, he quotes approvingly the Director of the National Human Genome Research Institute, saying that "[w]e all carry between five and as many as thirty genes that are significantly misspelled and that place us at some risk for some future illness" (Frye, 2000: 149-50). This supposedly brought into question the judge's decision in the Littleton case in October 1999, that the complainant's marriage was invalid because both parties were male. The complainant was a man claiming to be a 'woman' who 'had been declared a male at birth' (p.36).

Presumably Frye is implying that 'transgender', as exemplified by 'Mrs' Littleton, is some kind of genetic anomaly and a real condition because it has a biological basis, and hence 'Mrs' Littleton was female and the marriage valid. (See the discussion of transgender's use of 'biology' as an 'explanation' in the 'Further explanations' chapter). But the human genome researcher said explicitly that these 'misspelled' genes cause 'illness' and not the innocent human variation transgender wants to be, and the transgender agenda is insistent that it's *not* an illness. The need for biology to 'prove' the reality of transgenderism must be very powerful for Frye to have missed the reference to illness. But then, confusion is inevitable when the argument is based in the lie that men can be 'women' and sex doesn't matter.

As Sheila Jeffreys has pointed out, the 'International Bill of Transgender Rights' was not a Bill because it was not a piece of pending legislation anywhere. Rather, she said, it was 'a wish list created by a group of transgender activists at a meeting'. It didn't have any immediate effect, but as she said, it and its successors 'have been enormously successful in capturing policy makers everywhere' (Jeffreys, 2014: 142).

One of its more unrealistic clauses is the last one mentioned by the SPLC, 'The Right to Conceive, Bear, or Adopt Children; the Right to Nurture and Have Custody of Children and to Exercise Parental Capacity' (see the 'Learning for Justice' footnote above). This appears in the Yogyakarta Principles (see below) as 'The right to found a family', echoing Article 16 of the Universal Declaration of Human Rights: 'Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family'. But given that the chief recipients of 'trans rights' are cross-dressing men heedless of the effects on their wives and children of their claims to be 'women', they are more likely to destroy families than found them. As for the women claiming to be 'men', they're not likely to be able to found a family either, if the 'transition' process has sterilised them. Founding a family is not likely to be a 'right', or even a capability, exercised by 'trans people'. But then the transgender agenda has a tenuous, indeed non-existent, grasp on reality.

The Yogyakarta Principles

The next official-looking document was the Yogyakarta Principles (2007), much more widely-quoted and influential than the ‘Gender Rights’ Bill as transgender’s position on these ‘rights’. The Bill had provided a template for the Yogyakarta Principles (Jeffreys, 2018), although the former didn’t mention ‘sexual orientation’, having confined itself to ‘human beings with self-defined gender identity’, not having caught up with the piggybacking strategy. However, that omission was rectified by the time the ‘Principles’ were formulated—‘the Yogyakarta Principles are a statement of the status of current international human rights law as it applies to sexual orientation and gender identity’ (Ettelbrick and Zerán, 2010: 2).

But the ‘sexual orientation’ referenced in the Principles is just another form of ‘gender’, defined as it is in terms of ‘attraction to ... individuals of a different gender or the same gender or more than one gender’ (The Yogyakarta Principles, 2007: 8). This defining of same-sex relationships as same-‘gender’ provides an opening for so-called ‘rights’ of adult men who cross-dress to intrude upon women’s spaces. Men can say their ‘gender’ is ‘lesbian’, demand sexual access, and bully lesbians who refuse to comply. But lesbians are attracted to women as women, and not to the stereotypes of femininity (or masculinity) contained in the concept of ‘gender’ (Jeffreys, 2018: 8).

The Principles were created by ‘a distinguished [sic] group of human rights experts’ who met in Yogyakarta in Indonesia in 2006 (The Yogyakarta Principles, 2007: 7). In fact, they are simply a reiteration of already existing human rights instruments which apply to everyone (that’s why they’re called ‘universal’), with the addition of ‘sexual orientation and gender identity’ as a named category of persons who supposedly need special protection.

In 2017, the *Yogyakarta Principles plus 10* was released, ‘aim[ing] to document and elaborate [subsequent] developments through a set of Additional Principles and State Obligations’, adding nine more ‘principles’ to the original 29 (The Yogyakarta Principles, 2017: 4). It also adds two more categories: ‘gender expression and sex characteristics’ (the latter another term for ‘intersex’). Again, the rights listed apply to everyone, e.g. to state protection from violence, to be free from torture, to protection from poverty (well, good luck with that one!).

Jeffreys commented that, with the introduction of the ‘Plus 10’, ‘the language became even more peculiar and exclusionary towards women and women’s rights’, indicating that the demands of men claiming to be ‘women’ (‘crossdressing men’) had become more extreme in 10 years since the Principles were first promulgated (Jeffreys, 2018: 13). The ‘Plus 10’ called for an end to the registration of sex in identity documents ‘such as birth certificates, identification cards, passports and driver licences’ (The Yogyakarta Principles, 2017: 9, Principle 31). As Jeffreys pointed out, eliminating sex from official documents would abolish ‘the possibility of recording any information relating to discrimination against women and violence against us’ (Jeffreys, 2018: 13). This is unlikely to be inadvertent. Rather, it is part of transgender’s role in the backlash against feminism, for ‘[i]f sex cannot be mentioned’, as Jeffreys quite rightly said, ‘then woman as a category is disappeared and feminism and the idea of women’s rights cannot exist’ (p.13).

The focus on ‘the family’ reached new depths in the ‘Plus 10’. In their expansion on Principle 24 (‘Relating to the right to found family’) they demand a ‘right’ to

surrogacy: ‘States shall ... [e]nsure that surrogacy, where legal, is provided without discrimination based on sexual orientation, gender identity, gender expression or sex characteristics’ (The Yogyakarta Principles, 2017: 24). But surrogacy involves using women’s bodies, i.e. another human being, as some kind of commodity-producing resource, as well as trafficking in babies, and no one has that right. That doesn’t stop men (and some women) using women’s bodies and acquiring babies in this way, whether legal or not. But that’s because they have the power to do so, not because it’s a ‘right’. But then, transgender is a ‘men’s “rights” movement’, ruthlessly trampling women’s rights, needs and desires.

Bizarrely, one of the rights listed in the ‘Plus 10’ is ‘the right to truth’, which is described in terms of ‘the right to know the truth about the facts, circumstances and reasons why the violation occurred’ (The Yogyakarta Principles, 2017: 14). This is lifted from the UN approach to the reporting of mass atrocities (UN ESC, 2006). It means that, ‘in the case of grave violations of human rights, ... the victims and their families or societies [ought] to have access to the truth of what happened’ (Wikipedia, ‘Right to truth’).

Vitally important though this is, it is not the only context where people make important decisions about their lives, or have those decisions made for them. There is no over-arching human right to the truth in official UN sources, but there is a recognition among scholarly experts that people need ‘trustworthy information ... to make important decisions about their lives’:

the pervasive global spread of misinformation and disinformation has resulted in falsehoods being passed off as truth and inconvenient facts being derided as fake news (Ranalli, 2022).

Transgender is central to this. The social acceptability of the transgender lie means that women and girls are legally prohibited from carrying out certain decisions about their lives, e.g. to hold ‘out and proud’ public gatherings without being force-teamed with men calling themselves ‘women’ or ‘lesbians’, to play competitive sport without having to compete with men, to use intimate spaces without being confronted with men, to freely speak the truth of transgender, especially that men are not women. But this is the truth transgender doesn’t want to hear and does its best to silence.

For a lengthy discussion of ‘trans rights’ and their implications, especially for women, see: Jeffreys, 2014: 142-61.

IGLYO

The IGLYO report, the cover of which shows a placard saying ‘Trans rights are human rights’, presents itself as a compendium of ‘good practices in legal gender recognition for youth’. It is most insistent on the ‘rights’ of young people between the ages of 16 and 18 ‘to be allowed to define themselves however it suits them, both in social and legal terms’ (IGLYO, 2019: 9). But ‘social and legal terms’ are not young people defining themselves (unlike, say, goths, or hippies, or the mods and rockers of the 1950s and 60s). This IGLYO assertion is a demand for social and legal recognition, i.e. for everyone else to accept the young people as the opposite sex. This not young people defining themselves, but an insistence that everyone agree with what transgender is saying about them. (See the ‘Piggybacking’ chapter for a discussion of the IGLYO report).

It's true that every demand for rights requires others to recognise those rights if they are to be observed. But the 'right' being demanded on behalf of 'young people' involves not just definition, but intrusion on others, i.e. men and boys intruding on girls and women in sport and females' intimate spaces. No one has a right to intrude on others against their will. The Universal Declaration says so explicitly:

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein (UN, 1948, Article 30).

It also involves dubious medical practices that interfere with the healthy development of young bodies, and no one has a *right* to engage in unhealthy practices. We all have the power or ability to do so, but that is the opposite of a right in the sense that power nullifies the need for rights. Those with the power to achieve their aims don't need rights. But why should society condone mutilating medical procedures by, for example, paying for them out of the public purse? And there is sufficient evidence that they are unhealthy, even mutilating, notwithstanding the trans lobby's insistence that they are 'life-saving' (Coleman et al, 2022: S126).

The usual explanation for the supposed the 'life-saving' qualities of medically transitioning the young is that the procedures prevent them from committing suicide (e.g. Allen et al, 2019; Moody et al, 2015). (See the 'Transgendering the young: harm' and the '... and statistics' chapters for discussions of the falseness of this claim).

Another suggested reason why the medical procedures are supposedly 'life-saving' is because 'obtaining hormones on the streets has put transgender youth at risk for HIV infection due to contaminated needles' (Grossman and D'Augelli, 2006). 'Therefore', these authors say, 'hormonal therapy and informed, non-judgmental counseling may be lifesaving for transgender teens', as long as it happens under medical supervision. But if the treatments cause irreparable problems in later life, despite initial euphoric reactions, to call them 'life-saving' is a lie. (See the 'Transgendering the young 1: harm' chapter for discussions of the damage).

Malestream acquiescence: trans 'rights' in action

Nonetheless, the notion that 'trans people' is a category of persons with rights has been accepted by institutions everywhere, not surprisingly, given that transgender has met with general acceptance.

One example concerned a statement in a *Daily Mail* report of the trial of Tara Wolf (the man who assaulted Maria MacLachlan). The *Daily Mail* is usually sceptical of transgender claims, but an article about the trial contained the statement, 'TERFs is a term that applies to Trans-exclusionary Radical Feminists, a group that believe trans women [i.e. men] should not have the same rights as cisgendered women' (Pearson-Jones, 2018). This statement was not qualified by being attributed to transgender activists. It was stated as though it were true that there was such a group with such an attitude. Given that newspaper's usual stance, and the reporter's unbiased reporting of the court case, this is somewhat surprising. But then, transgender terminology does tend to prevail in malestream discourse. It was after all invented to provide a reference point for a phenomenon that has no reference in reality, i.e. people changing sex. Unless great care is taken, it's transgender's terminology that is used in discussing it, instead of terminology that more accurately reflects reality.

Another example, even more ludicrous, concerns a ruling at the British Columbia Human Rights Tribunal. That ruling, towards the end of 2021, was that not using someone's 'preferred' pronouns was a human rights offense (Severi, 2021). The Tribunal member who made the ruling was that same Devyn Cousineau who had clearly learned nothing from her encounter with 'Jessica'/Jonathan Yaniv, about the insanity of including 'gender identity' in anti-discrimination legislation (see below). According to a news report, Cousineau said in her 42-page report that

“[u]sing correct pronouns communicates that we see and respect a person for who they are ... Especially for trans, non-binary, or other non-cisgender people, using the correct pronouns validates and affirms they are a person equally deserving of respect and dignity” (Severi, 2021).

But using the gendered pronouns referring to the opposite sex shows neither respect nor validation because it means affirming someone in their delusion. That is *dis*respect. It assumes that the person is not worth arguing with because they are incapable of seeing reason. This is just another of transgender's reversals: the demand for 'respect' is actually a demand for disrespect.

Another supposed 'human right' of men claiming to be 'women', coming from a malestream source, involved the New Zealand Human Rights Commission. The advisor for 'sexual orientation, gender identity, and sex characteristics' at the HRC, Taine Polkinghorne, defended the right of New Zealand male weightlifter, 'Laurel' Hubbard, to compete against women at the Olympics. "There is no valid reason to exclude trans women [sic] from competitive women's sports", she said, "Laurel is a woman—not a man masquerading as a woman to gain medals or glory ... Participation in sport and physical activity is a human right" (Gerlich, 2018). This assertion on the part of the HRC advisor is only to be expected. She is herself a woman masquerading as a 'man'. As such, she is not a malestream/mainstream source for this opinion, but part of the transgender lobby itself. The NZ HRC is not a trans lobby group though, or it ought not to be.

But while human rights organisations bend over backwards to accommodate transgender demands, there is no acknowledgement of the violence and harassment (mainly) women face when they publicly object to those demands. Neither is there any acknowledgement, much less criticism, of the abusive rhetoric trans activists direct towards women. Heather Brunskell-Evans attributes this obliviousness to the needs of women, to 'a power imbalance based on the long held expectation in society that women should be subservient' (Brunskell-Evans, 2020: 3.1, 'A woman's place is standing her ground'). That power imbalance is also based on the long-held expectation in society that what men want men get, that only men count as fully 'human' and women are unimportant, irrelevant, even non-existent, either as rights-bearers or at all.

Human rights organisations have uncritically taken on board transgender's insistence that disagreement and criticism constitute 'hate speech', thus colluding with the trans silencing/censorship strategy. As Heather Brunskell-Evans noted:

The mundane statement that people in possession of penises are not women is now so inflammatory that when it is uttered, human rights organisations are ready to dismiss this expression of fact as bigotry, and mechanisms are set in place such that the police and legal system can silence or punish this 'hate speech'. Institutions whose purpose is to

defend human rights now interpret truth speech as hate speech, and oppression of women as ethics (Brunskell-Evans, 2020: 4.3, 'Big business dressed in civil rights clothes').

Legislation

Wherever there is legislation that lists grounds of discrimination or of categories of individuals who need equal opportunity or whose rights are likely to be violated, there you will find 'transgender/gender identity/gender expression'. Governments everywhere are acquiescing in the recommendation to trans activists contained in the IGLYO report, that they publish legislative proposals *for* governments (IGLYO, 2019: 19). The Canadian government, for example, amended its *Human Rights Act* in 2019, to add 'gender identity and gender expression' to the list of grounds on which people must not be discriminated against. The Canadian government also amended the *Criminal Code* 'to extend the protection against hate propaganda' to people claiming that they were treated with 'bias, prejudice or hate' because of their 'gender identity or expression'.² It was, of course, preceded by the Australian government's inclusion of 'gender identity' in the *Sex Discrimination Act* in 2013.

Human rights organisations have also included the category of 'transgender people' or the bearers of 'gender identity', as entitled to human rights (which includes anti-discrimination and equal opportunity legislation), even though most of them are adult heterosexual men whose supposed 'rights' in fact violate the rights of others, for example, the right of 18-year-old Roviell Detenamo from Nauru to compete in women's weightlifting at the Olympics, violated by the inclusion of 'Laurel' Hubbard on the women's team.

None of the inclusions of transgender or 'gender identity' in human rights law makes any sense. Either they are piggybacked onto the needs of lesbians and gays, or there is no evidence that 'transgender people' have a special need for human rights that is different from everyone else. All have embraced the piggybacking strategy whereby violations of the rights of gay men, and sometimes lesbians, are routinely ascribed to the whole 'LGBT' or SOGI (sexual orientation and gender identity) acronym, and claimed by the trans lobby as proof that 'trans people' are under attack and hence in need of special rights. (For some data on 'trans people' and murder, see the '... and statistics' chapter).

UN

In 2011, the Office of the UN High Commissioner for Human Rights produced a report 'documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity' (UN OHCHR, 2011. See also: UN HRC, 2011). Most of the text argues that such individuals have the same human rights as everyone else, e.g. 'The fact that someone is lesbian, gay, bisexual or transgender does not limit their entitlement to enjoy the full range of human rights' (p.7, para.16).

When it comes to the examples given in the report of human rights violations, most involve gay men and sometimes lesbians, or are included within the all-encompassing

² <https://openparliament.ca/bills/42-1/C-16/>

‘lesbian, gay, bisexual and transgender (LGBT)’ category. This inclusion gives the impression that ‘transgender people’ do need special rights—except that the specific examples given are violations of the rights of homosexuals (‘sexual orientation’, probably mostly gay men), e.g. ‘laws criminalizing consensual same-sex relationships’, ‘laws banning dissemination of information on same-sex sexuality’. Other examples involve violence and hence are already covered by criminal law, which applies to everyone without exception (in principle anyway, although Australian Indigenous and Afro-American people, and the poor everywhere might disagree).

The report does give a couple of examples of ‘transgender’ men being murdered: ‘a transgender person found dead in a ditch’ in Honduras (UN OHCHR, 2011: 9, para.24); ‘the killing of a homeless transgender woman [sic] in Portugal’ (p.10, para.26); and there are the usual complaints about ‘particular difficulties in their access to health care’, ‘gender reassignment therapy’ being specifically mentioned (p.18, para.57), and inability ‘to obtain legal recognition of their preferred gender’ (p.22, para.71). But there is no indication that these two men were killed because they were ‘transgender’ (unlike the assaults and murders of gay men and lesbians, who do get attacked for exactly who they are); and ‘gender reassignment therapy’ and ‘preferred gender’ are based on the lie that sex can be changed. This involves the UN in the absurdity of implying that telling lies is a human right.

The piggybacking strategy involves other absurdities (apart from the implication that attacks on gays and lesbians are attacks on ‘trans people’). At one point, the text says: ‘In Greece, detainees in a lesbian, gay and transgender section of a prison were reportedly denied access to an outside yard for two years’ (UN OHCHR, 2011: 12, para.35). The authors did not say what ‘a lesbian, gay and transgender section’ of a prison might be. Presumably it was a section of a prison set aside for men claiming to be ‘women’ who didn’t want to be incarcerated in a men’s prison, but who were too dangerous to be incarcerated with women, i.e. a transgender section. But it is hardly likely that it was a section for lesbians and gay men to be incarcerated too. It is more likely that the UN has so thoroughly assimilated transgender’s ascendancy over the acronym that the authors of this text didn’t notice the solecism of lumping all the categories together.

European Union

The European Union, too, has fallen for the transgender ‘human rights’ line. Its Court of Justice denies that there are only two sexes, and the European Parliament included ‘discrimination arising from the gender reassignment of a person’ in its 2006 directive ‘on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation’:

The Court of Justice has held that the scope of the principle of equal treatment for men and women cannot be confined to the prohibition of discrimination based on the fact that a person is of one or other sex. In view of its purpose and the nature of the rights which it seeks to safeguard, it also applies to discrimination arising from the gender reassignment of a person (European Parliament, 2006: para.3).

That was all this particular directive had to say about the issue.

In its later publications, the EU had more to say, regurgitating trans gobbledegook, presumably having kept pace with the ever more blatant forms of trans influence on

social institutions. In its 2016 ‘Fundamental rights report’, the EU continued the practice of placing ‘gender reassignment’ within the category of ‘sex’ (referencing the above 2006 Directive) (European Union, 2016: 70), thus making ‘gender reassignment’ a subset of sex, or replacing sex altogether. At this point though, it would appear to be just a token gesture. Most of the section is devoted to the ‘gender pay gap’ (i.e. between women and men), although in the last paragraph the Luxembourg legislature is mentioned approvingly for ‘discussing a bill to amend the labour and criminal codes so that the principle of non-discrimination would apply to gender reassignment’. This is followed by a text box recommending ‘Fostering an inclusive workplace for transgender persons’, together with a reference to the UK government’s 2015 ‘Recruiting and retaining transgender staff: A guide for employers’. No connection was made between the ‘gender pay gap’ (i.e. women being paid less than men in every European country) and ‘gender reassignment’.

On the evidence in this publication (European Union, 2016), the European Union’s human rights policy places ‘transgender persons’ on the same footing as women, refugees, migrants, people with disabilities, crime victims and children (as does every other human rights initiative on the planet). But most ‘transgender persons’ are adult heterosexual men living in countries that are largely tolerant of male sexual fetishes (think, drag queens). A ‘human rights’ policy environment that equates the situation of ‘transgender’ men with the plight of refugees (for example) is morally vacuous. In fact, this publication thankfully has very little to say about ‘transgender’ men. While there is a great deal said about these other categories of people, including multiple examples of rights violations, no examples are given of such violations against ‘transgender persons’/‘LGBTI individuals’.

This 2016 publication recommends that the data in the EU LGBT survey (European Union, 2014) (among other publications) be used to advance equality on the grounds of ‘sexual orientation and gender identity’ (European Union, 2016: 69, para.2.4.4). ‘Transgender persons’ comprised only 8% of the 93,079 respondents (weighted data), but this amounted to 6,771 persons, 62% of whom were men—‘they were assigned a male sex at birth’ (European Union, 2014: 23). This survey is different from the usual ‘transgender’/‘LGBT’ surveys, in that results are mostly reported separately for lesbians, gay men and bisexual people as well as ‘transgender’. Hence, it tends not to attribute what happens to lesbians and gays to the ‘transgender’ category. However, the survey used the definition of ‘sexual orientation’ from the Yogyakarta Principles, which defines *sexual* orientation in terms of ‘gender’ (“intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender”). Hence, it’s possible that the ‘lesbian’ category included men calling themselves ‘lesbians’. In that sense, the separate ‘lesbian’ category would be just another transgender category.

The overarching problem with ‘transgender’/‘LGBTI’ surveys is the lies, not only the initial lie that people can change sex and men can be ‘women’, but all the lies necessary to demonstrate that they need special treatment. There’s the lie about their ‘vulnerability’, for example: ‘Transgender respondents are the most likely of all respondent groups to have experienced violence and harassment in both the five years and the one year preceding the survey’ (European Union, 2014: 105).

Prevalence of violence in the preceding five years and in the preceding 12 months, by LGBT group (%)

	5 years	1 year
Lesbian women	23%	9%
Gay men	25%	9%
Bisexual women	28%	11%
Bisexual men	25%	10%
Transgender	34%	15%

Source: European Union, 2014: 56, Figure 32

But all that can be said about this ‘finding’ is that the transgender category were more likely than the other categories to *say* that they had been subjected to violence and harassment. (It’s worded in this way in an earlier statement—p.13). It has been shown that ‘trans people’ are not more vulnerable than the rest of the population, especially if they are adult heterosexual men; and when they *are* the victims of violence it’s not because they’re ‘trans’ (see the ‘... and statistics’ chapter).

Interestingly, the two ‘transgender’ respondents quoted in the ‘Prevalence of violence and hate-motivated violence’ section (European Union, 2014: para.2.1) are both women claiming to be ‘men’. The first one said that she had only been attacked once for being ‘transgender’, and that otherwise when she was attacked, it was because she was “perceived as being a gay man”. She said that “homophobic attacks have been perpetrated against me and others on a regular basis”, and that she had “witnessed transphobic violence and attacks”, but not so much against herself as she “pass[es] quite easily” (p.57). The other woman also said that “violence, harassment and threats” against herself had stopped since she “seem[ed] to look like a straight man” (p.58). What is interesting about these two quotes, the only respondents’ words quoted in the section on violence, is not only that they are from women (whom the European Union would refer to as ‘men’), but that they are in partial denial of the notion that ‘transgender’ people are more likely to be subjected to violence than lesbians, gay men or bisexual people: it hadn’t happened to them. I wonder why the authors of the report didn’t quote any ‘transgender’ *men* complaining about how vulnerable they were, especially as their sense of entitlement means they are usually the first to complain.

Ironically, in 2017 the European Commission launched ‘an initiative on fake news and the spread of disinformation online’ (European Union, 2018: 9). It was intended ‘to identify appropriate ways of limiting the impact of the dissemination of fake content and to foster a healthy public debate’. No one appeared to notice that the standard operating procedures of the transgender agenda were antithetical to these aims. The belief that men can be ‘women’ is the fakest of fake news, and censorship and violence do not lead to a healthy public debate.

The European Union has produced many more publications addressing the ‘human rights’ of ‘transgender’/‘LGBTI’ persons, none of them any less dissociated than the three discussed here. Embracing the transgender cause can only be dehumanised, denying as it does one of the most fundamental facts of the human condition, namely, the existence of two sexes.

For further European Union texts awash with the transgender agenda, see: Bell, 2017; European Commission, 2017; European Union, 2012a, b, 2015, 2017, 2018.

GRA

The UK's Gender Recognition Act was the UK government's response to the decision by the European Court of Human Rights in the case of a transsexual man, Christine Goodwin. Hence, the GRA was intended as a human rights initiative for 'gender reassignment' (Jeffreys, 2008). (The GRA is discussed in detail in the 'More havoc: the law' chapter). The fact that there is no such thing, that 'gender' is a euphemism for 'sex' and sex cannot be reassigned, had no influence on the Labour Government of Tony Blair. Presenting themselves as 'progressive', like leftist governments everywhere they embraced transgender as a way of maintaining leftist credentials while not challenging the Thatcherite demolition of the post-World War Two softening of capitalism's more rapacious aspects.

For a more detailed discussion of the GRA and its implications for women, see: FPFW, 2018.

ACLU

The American Civil Liberties Union (ACLU) presents itself as the defender of 'the rights of all people nationwide', with 'trans people's right to live freely' as the second of the 'rights' listed under their banner headline.³ (The first is 'abortion care' and the third, 'people's right to vote'). 'Trans people belong everywhere' the ACLU asserts (ACLU, 2020). It mostly uses the LGBTQ acronym but it does have a section called 'Transgender rights', mostly devoted to challenging state legislation.⁴

The ACLU, like all transgender organisations and supporters, has a particular interest in the young, especially boys. In partnership with trans organisation GLSEN (briefly described in the previous chapter), they have produced 'A guide for transgender and gender nonconforming students' to inform these students of their 'rights' (ACLU, 2017). As usual, the Guide has to resort to lies, e.g. 'Excluding boys and girls from playing on the same teams as other boys and girls may ... constitute sex discrimination under Title IX'. But the issue is not 'excluding boys and girls from playing on the same teams as other boys and girls'. Rather, the issue is not allowing boys claiming to be 'girls' to play on girls' teams.

On another occasion they produced a statement headlined 'Banning trans girls from school sports is neither feminist nor legal' (Medley and Sherwin, 2019). Bizarrely, they frame the exclusion of boys from girls' sport as an issue of 'sex discrimination' against 'women and girls', citing a number of well-known instances of such discrimination (e.g. 'the idea that physical exertion would harm women's reproductive systems'). They don't acknowledge the fact that these so-called 'trans girls' are in fact boys. Hence the examples they use are either irrelevant—no one these days is arguing that physical exertion would harm women's reproductive systems—or the reverse is true, i.e. it is the boys' *inclusion* in female sports that discriminates against the girls, not their exclusion.

The ACLU are concerned about 'transgender' adults too, especially about what they believe is increasing violence against 'transgender people' (Strangio, 2018). They don't

³ <https://www.aclu.org/>

⁴ <https://www.aclu.org/issues/lgbtq-rights/transgender-rights>; <https://www.aclu.org/issues/lgbtq-rights>

want to know that there is no evidence of violence against adult heterosexual fetishistic men claiming to be ‘women’. And their defence of ‘free speech’ would probably not extend to disagreement with transgender. For example, they filed a lawsuit to prevent a private citizen from getting access to public records from the Washington State Department of Corrections, that would have given this citizen information on the number of ‘transgender’ inmates in state custody, women and men, and where they were housed (WoLF, 2021. See also Emmons, 2021).

Their tolerance for ‘free speech’ also runs out when it comes to ‘misgendering’ and ‘deadnaming’. According to the deputy director for Trans Justice with the ACLU LGBT & HIV Project, Chase Strangio (ACLU, 2023), referring to ‘transgender people’ (i.e. men) as men (‘misgendering’), and using the names they were given at birth (‘deadnaming’), ‘negates the truth of transgender victims’ lives and prevents accurate investigations into their deaths’ (Strangio, 2018). When it comes to criticism of transgender demands, the ACLU’s commitment to ‘free speech’ vanishes.

Strangio is a woman who doesn’t claim to be a man—she describes herself as ‘transgender’—but who wants to be referred to as ‘he’ or ‘they’ and who has a male presentation, including facial hair. ‘I was assigned female at birth’, she said, ‘but I have never had a female body’ (Strangio, 2016). This is despite the fact that she ‘had a kid’, which is something that can only be done with a female body, even though she said she was ‘Dad’. (It could be that it was her female partner who gave birth. Strangio still had the child with her after they had broken up, but they ‘share parenting duties’) (Gessen, 2020).

Despite the good work the ACLU does—their campaigns against capital punishment and for voting rights and racial justice, and the resistance to Trump, for example—their embrace of the transgender cause is not their only dubious stance. There’s their defence of the Ku Klux Klan. In September 2012, they filed a federal lawsuit on behalf of the Ku Klux Klan’s right to distribute leaflets in Eastern Missouri, when the City council had banned it.⁵ There’s also their defence of the ‘right’ of Nazis to march past the homes of Holocaust survivors (Goldberger, 2020).

The ACLU also campaigns against any censorship of pornography (Allen, 2018), in part because of ‘the impossibility of developing a definition of obscenity that isn’t hopelessly vague and subjective’.⁶ But they ignore the feminist case against pornography, which is not concerned with obscenity, but with the society-wide message it purveys to men about what they are permitted to do to women. As Andrea Dworkin once commented, ‘The symbol of free speech ACLU-style might well be a woman tied, chained, strung up, and gagged’ (Dworkin, 1988: 212). Given the ACLU’s obliviousness to feminism—its commitment to ‘women’s rights’ is vitiated by its failure to name men as the perpetrators of ‘gender-based violence’ against women and girls—it’s not surprising that it should have embraced transgender with such alacrity.

The ACLU’s overriding commitment is to the First Amendment of the US Constitution:

⁵ <https://www.aclu.org/press-releases/aclu-em-defends-kkks-right-free-speech>

⁶ <https://www.aclu.org/documents/what-censorship>

Denise Thompson

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.⁷

The ACLU does draw a line, as did the framers of the US Constitution, between speech that is ‘free’ and ought not to be censored, and speech that is not permitted. The First Amendment, they say, is not absolute. Direct threats of violence by one individual or group of individuals against another individual or group of individuals are not permitted. But otherwise, ‘[s]peakers have a right to advocate violence and hate’, they say, as long as it doesn’t involve narrowly defined, individualised direct threats that are likely to be carried out, e.g. ‘intentional incitement to imminent violence, conspiracy to commit violent acts, true threats directed at specific individuals, physical obstruction of the exercise of constitutional rights, or intentional destruction of private or public property’ (ACLU, 2018: 5). These are all types of speech which the ACLU presumably agrees should be banned. So anyone is entitled to hurl misogynist insults at women but not threaten to physically attack them.

Neither the ACLU nor the framers of the US Constitution had any awareness of society-wide meanings and values that motivate understanding and behaviour of the majority, even if they don’t motivate everyone. To take just one example: the ACLU are in favour of the US *Violence Against Women Reauthorization Act of 2019* (H.R. 1585), which supposedly ‘authorizes programs and funding that support survivors of gender-based violence’ (Park, 2019). But the society-wide euphemism, ‘gender-based violence’, enables them to avoid mentioning that the violence against women is perpetrated by men—the word ‘men’ does not appear in this article, and rarely appears in this context of violence against women. There’s no mention of ending this ‘gender-based violence’, which appears out of nowhere rather like a tsunami or an earthquake and is no one’s fault and no one’s responsibility. All that can be done is ‘support’ the ‘survivors’.

In criticising the ACLU’s approach to ‘speech rights’, I’m not advocating censorship by the state, given the state’s ever-ready willingness to pander to the demands of powerful men. But I am suggesting that the ACLU, and other organisations purporting to defend the interests of the powerless, recognise evil when they see it, and criticise and refuse to *defend* any ‘right’ to publicly purvey ideas that are abhorrent on any criteria, e.g. racism, anti-Semitism, virulent misogyny. As the ACLU itself acknowledged, ‘free speech’ is not absolute. But the distinction between what is permissible and what should be repudiated is not the limited, individualistic one they currently subscribe to. However, in order to recognise that, they would need to be far more aware than they are at present of the nature of domination and how it operates.

For the ACLU’s defence of its stance on ‘speech rights’, even when ‘the content of the speech we seek to protect conflicts with our policies on those matters, and/or otherwise is directed at menacing vulnerable groups or individuals’, see: ACLU, 2018; for the ACLU’s funding by billionaire owners of medical tech industries and its function as a ‘progressive’ front for them, see: Bilek, 2022;

⁷ <https://constitution.congress.gov/constitution/amendment-1/>

for the ACLU as ‘a defender of the gender industry fronting for the techno-medical complex and transhumanist ideology’, see: Bilek, 2023;

for the ACLU’s lawsuit against the *Fairness in Women’s Sports Act* on behalf of young men claiming to be a ‘woman’, see; Jakubisin, 2020;

for a number of ACLU initiatives on behalf of transgender, see: Joyce, 2021.

Other self-styled ‘progressive’ organisations that defend transgender include the Southern Poverty Law Center, the Inter-American Court of Human Rights, and Amnesty.

Southern Poverty Law Center

The Southern Poverty Law Center (SPLC) has re-named itself ‘Learning for Justice’, although that is a misnomer in relation to justice for women and girls. They claim to be expanding their focus to include a ‘celebration of identity and diversity’.⁸ The latter is one of transgender’s code words designed to disguise what is really going on.

In pursuit of that ‘diversity’ aim, they have published online an article purporting to dispel six ‘myths’ about ‘transgender identity’ (Mula, 2018[2016]). Every one of these so-called ‘myths’ is in fact true, except perhaps the one about transgender identity being a mental illness—the notion that people can change sex is crazy, but perfectly sane people can have crazy ideas. But it is true (to give just one example of these ‘myths’) that allowing male students into girls’ intimate spaces (‘transgender-inclusive bathroom policies’) puts the girls (‘non-transgender students’) at risk, not only of sexual assault but also of justified fear and of embarrassment and intimidation. As is usual with left-wing organisations, the SPLC is wilfully oblivious to the interests of females.

Inter-American Court of Human Rights

The Inter-American Court of Human Rights is the regional human rights tribunal for Latin America. On 9 January 2018, the Court affirmed that the American Convention on Human Rights required governments to allow people, ‘to change their name and gender marker on official documents, in accordance with their self-perceived gender identity’, without having to go through any costly medical or bureaucratic processes (Ramirez, 2018). In typical piggybacking fashion, the Court also affirmed a right to same-sex marriage at the same time.

The information on the history of the Court contains four photos of the personnel involved in the establishment of the Court and the Inter-American Commission on Human Rights. While there might be some women at the back in one of the photos, the other three show only men.⁹ These photos were taken long before the appearance of transgender, the Commission was created in 1959, while the Court entered into force on 18 July 1978 and its first hearing was held in 1979. Nonetheless, the preponderance of men in the establishment of ‘human rights’ in Latin America provided fertile ground for the later adoption of ‘trans rights’.

It occurred to no one, either in this context or in any other human rights context, that to exclude women from the deliberations and decisions is to exclude that half of the

⁸ <https://www.learningforjustice.org/magazine/our-new-name-learning-for-justice>

⁹ <https://corteidh.or.cr/historia.cfm?lang=en>

human race whose interests do not always match with men's. Of course, including women might not have made any difference. Men tend to dominate anyway, and there are women who follow along with what men want, transgender's female acolytes are sufficient evidence of that. But to claim that what is being promulgated are *human* rights when half the constituency are either missing or sidelined is one of the more bizarre effects of male domination, and not just in Latin America.

Amnesty

Amnesty International is wholly in favour of the postulated 'reform' of the UK Gender Recognition Act (Amnesty International, 2018). It recommended Mermaids' 'guidance' on the proposed changes to the parents of 'trans' children and 'young trans or non-binary person[s]' (Amnesty International, 2018). It peddles the usual misinformation about the 'vulnerability' of 'trans people': 'Trans women are suffering violence and abuse as women and because they are trans. Over a quarter of trans people experience domestic violence' (Amnesty International, 2018). As Karen Ingala Smith (among others) has pointed out, this is simply not true. Not only have there been very few murders of men claiming to be 'women', more of those men killed someone else than were killed:

Over the last decade there have been 7 homicides of trans people, all biologically male; there have been 12 homicides perpetrated [by] trans people, all biologically male (Smith, 2018).

The figures are too small to indicate anything about men claiming to be 'women' in general, but they do indicate that there is no evidence of high levels of violence against 'trans people', especially as those seven 'trans people' (all men) were not murdered because they were trans (as already pointed out in the '... and statistics' chapter).

It would seem as though Amnesty wants to claim the murders of *women* as some kind of evidence of 'violence and abuse' against so-called 'trans women' (i.e. men). Immediately after the dubious assertion about the rate of domestic violence experienced by 'trans people', the text says, 'and two women a week are killed by a partner or ex-partner in England and Wales' (Amnesty International, 2018)—not 'trans women', note, but *women*. This is fairly accurate. Karen Ingala Smith noted in 2018 that one woman had been killed by a man every 2.6 days in the UK since 2012 (Smith, 2018). But the statement from Amnesty is in the context of a complaint about 'violence and abuse' supposedly suffered by 'trans women' (i.e. *men*). Thus is yet another transgender-inspired lie used to falsify data in support of the trans narrative.

But then, Amnesty is a prime candidate for transgender indoctrination, given their record on women's rights. Despite their good work in other areas and their claim to protect women's rights, they are actually oblivious to what is required, namely, the abolition of men's arrogant sense of entitlement to the bodies and services of women. They interpret prostitution, that institution established by, for and about men, as a matter of women's 'choice', thus denying that is a violation of women's human rights. They call it 'sex work' and prostituted women, 'sex workers'. They make a distinction between 'sex work' and sex trafficking, ignoring the fact that sexual slavery is an integral part of prostitution (Barry, 1984, 1995). And they call for the decriminalisation of the prostitution industry, which includes all those who profit from it, i.e. the 'clients', pimps, brothel keepers, entrepreneurs and investors, all who

use women's bodies in one way or another for their own purposes and at women's expense.¹⁰

And Amnesty has nothing to say about surrogacy, another profitable industry that uses women's bodies, this time as some kind of industrial resource for the production of infant human beings for the men who pay for them (Feminist International Network of Resistance to Reproductive and Genetic Engineering; Stop Surrogacy Now;¹¹ Klein, 2015; Thompson, 2020: chapter 13). Given how blind Amnesty is to the needs of women, it is hardly surprising that they should be captured by the trans agenda.

Thus left-wing, progressive politics bites the dust, hurled off their genuinely progressive platform by their allegiance to the transgender agenda (and also by their capitulation to right-wing neo-liberalism, but that's another story).

EHRC

The Equality and Human Rights Commission in the UK would appear to be at least a partial exception to the trans-capture of human rights organisations. In 2021, it didn't renew its membership of Stonewall's 'Diversity Champions' scheme (Bartosch, 2021); and its Chair, Baroness Falkner, publicly expressed her concern about the fact that women who 'question transgender identity' were being abused, especially online. She was also convinced, she said, that disbelieving anyone's claim to be the opposite sex was 'an entirely reasonable belief'. She said that this was a 'freedom of belief' and that the EHRC was determined to protect it. As part of that protection, the EHRC supported Maya Forstater's appeal against the ruling of the first employment tribunal that her (Forstater's) view that 'sex is real' was 'not worthy of respect in a democratic society'. They argued that this interpretation of the law that should have protected her freedom of belief, was incorrect (Wright, 2021). The second tribunal hearing agreed with them.

For further discussions of the EHRC's withdrawing from Stonewall and their support for Forstater's right to hold her 'gender-critical' views, see: McManus, 2021; Swerling, 2021; UK EAT, 2021.

This stance on the part of the EHRC is in contrast to their earlier position of full acceptance of the transgender agenda (e.g. Balarajan et al, 2011; UK EHRC, 2017). It may have a lot to do with Baroness Falkner's appointment as Chair in December 2020. Of course, neither the EHRC nor its Chair repudiated the belief that people can change sex. As Baroness Falkner said in her letter to the Cabinet Secretary for Social Justice disagreeing with GRA 'reforms', the EHRC would be 'continuing to seek opportunities to use our powers to support litigation to protect trans people's rights' (UK EHRC, 2022).

Moreover, to define the insistence on the existence of two sexes as a 'belief' puts it on an equal footing with the belief that there are more than two sexes ('genders'); and while those who believe the latter are just as entitled to hold that belief as those who hold the former, that doesn't make the latter any less of a lie. The existence of two and only two sexes is the truth, while its denial is a lie. Anyway, it's not just a matter

¹⁰ <https://www.amnesty.org/en/latest/news/2015/08/sex-workers-rights-are-human-rights/>

¹¹ <http://www.finrrage.org/>; <http://www.stopsurrogacynow.com/about/#sthash.eZ8DsryO.dpbs>

of belief, but of power—the power to convince not only an employment tribunal judge (and any number of other influential people) that it’s possible to change sex, despite the fact that it is untrue, i.e. contrary to reality.

Still, the UK EHRC’s recent stance in objecting to some of the harm caused by transgender’s spurious ‘rights’ claims is at least a step in the right direction, not that they, or Baroness Falkner, can afford to acknowledge the spuriousness. And there is one category of persons that the EHRC has paid little or no attention to, namely, lesbians, thus mirroring the LGBT(etc.) disregard of lesbians. To rectify this (at least in part), The Lesbian Project called upon the EHRC ‘to clarify whether the Equality Act permits formal associations that are open only to same-sex-attracted females, given their possession of two protected characteristics as such’ (The Lesbian Project, 2023). This is vitally important, given that human rights organisations are giving precedence to men claiming to be ‘lesbians’ over the needs of actual lesbians to be able to legally gather together publicly without men. (For the situation in Australia, see below).

For a criticism of the 2011 report by Balarajan and colleagues, for its ‘overwrit[ing] of the sex-based concept [of woman in the 2010 *Equality Act*] with a gender-based concept ... [as] an exemplary indication of a process of ideological policy capture’, see: Jones and Mackenzie, 2020;

for an argument that the EHRC should correct the misleading advice it has been giving, namely, that collecting data on sex in the Census ‘would be a potential violation of [people’s] human rights, particularly their right to privacy and dignity’, see: Sullivan, 2021.

Australia

All Australian jurisdictions include ‘gender identity’/‘transgender’ in their anti-discrimination/equal opportunity legislation, which is the way Australia’s commitment to human rights is formalised in the absence of a bill of rights. For example, the body with the responsibility for implementing the federal *Sex Discrimination Act 1984* is the Australian Human Rights Commission (AHRC) (Australian Government, 2023a). I briefly discussed the federal *Sex Discrimination Act 1984* in the ‘More havoc: the law’ chapter, but there are eight state and territory jurisdictions in Australia as well—six states and two territories, the Australian Capital Territory (ACT) and the Northern Territory—and each jurisdiction has its own anti-discrimination legislation. The federal capital of Australia, Canberra, is situated within the ACT, but the territory itself is a separate jurisdiction from the federal government.

I’m not going to discuss every Australian jurisdiction here. My main focus is NSW since that is the state I live in, together with the federal jurisdiction and its Australian Human Rights Commission (AHRC), with other jurisdictions mentioned or discussed where relevant. However, there are only minor differences between NSW and the other jurisdictions and all of them, in the scramble to define ‘rights’ for the hurt feelings of a non-existent category of persons, are mired in contradiction, confusion and absurdity.

NSW Anti-Discrimination Act 1977

The original *NSW Anti-Discrimination Act 1977* didn’t contain ‘transgender’ (or ‘gender identity’) as a ground of discrimination. Nobody had heard of it then. It didn’t contain

‘homosexuality’ either until 1982 (PIAC, 2021), after the release of the Anti-Discrimination Board’s report, *Discrimination and Homosexuality* (although male homosexual activity remained illegal in that state until 1984).

The current (April 2024) *Anti-Discrimination Act* does include a section on ‘Transgender discrimination’. It was introduced in 1996 with the *Transgender (Anti-Discrimination and Other Acts Amendment) Act 1996 No 22*, an Act ‘to amend the *Anti-Discrimination Act 1977* to make discrimination and vilification on transgender grounds unlawful’ (NSW Government, 1996). Discrimination on transgender grounds in the Act is partly the same as discrimination on the other grounds (i.e. race, sexual harassment, sex, marital or domestic status, disability, carer responsibilities, homosexuality, age). It involves treating a ‘transgender’ person less favourably than others in the same circumstances, or requiring a ‘transgender’ person to comply with something that others don’t have to comply with. But it is also markedly different. Transgender discrimination also involves treating

a recognised transgender person, as being of the person’s former sex or requires ... [that] person, to comply with [something] with which ... persons of the person’s former sex comply (NSW Government, 2023: s.24).

Thus NSW law, like similar laws elsewhere, makes it unlawful to publicly act on the evidence of one’s senses by treating, or referring to, a man claiming to be a ‘woman’ as a man, if the man gets to hear of it and makes a complaint.

As discussed in a previous chapter (‘... and statistics’), the concept of ‘a recognised transgender person’ refers to someone who has had ‘sexual reassignment surgery’ involving ‘the alteration of a person’s reproductive organs’. Currently (April 2024) only ‘a recognised transgender person’ is eligible to occupy single-sex positions of the opposite sex. The concept of ‘a recognised transgender person’ is de-gendered but it actually refers only to men, those who want to occupy women’s spaces but don’t want to lose their genitals, ‘self-id’ in other words. The example given in the Anti-Discrimination Board’s¹² ‘Transgender discrimination’ 2018 fact sheet is a good indication that ‘transgender discrimination’ applies primarily, if not solely, to men:

if you are a male to female recognised transgender person, you generally have the right to be considered for a job that is for women only, and to receive a service that is for women only, for example to attend a women-only gym (NSW ADB, 2018).

There’s no mention of any ‘female to male recognised transgender persons’ being considered for a job that is for men only. It’s true that there officially aren’t any, men having no need to be protected from women. That asymmetry should have given the law makers pause for thought, but then pausing for thought is not a transgender practice.

If a man claiming to be a ‘woman’ hasn’t had the operation, he can claim discrimination ‘in employment, when getting goods or services, and so on’ (NSW ADB, 2018), but he can’t legally force people to treat him as his ‘preferred gender’. This is the reason Liz Duck-Chong, a man claiming to be a ‘woman’, was refused

¹² The original name of the organisation with the responsibility to administer the Act was the ‘Anti-Discrimination Board’ or ‘ADB’. It’s now called ‘Anti-Discrimination NSW’, although ‘ADB’ is sometimes used as well.

permission to swim at McIver's Ladies Baths, a tidal pool on the shore in the Sydney suburb of Coogee reserved for women and children: 'I was disappointed to learn that the McIver's website contained a definition of women that included only "transgender women who've undergone gender reassignment surgery"' (Duck-Chong, 2021). (This article, published in transgender's friend, *The Guardian*, is an excellent example of a male transgender 'poor me' whinge about being excluded from the category of women).

The 2018 fact sheet is no longer available on the ADB's website, or anywhere else. The current fact sheet (ADNSW, no date 1), which consists of two pages in contrast to the eight pages of the 2018 sheet, contains far less information. It does mention 'a recognised transgender person': 'Transgender discrimination ... can include being treated as your former gender when you are a recognised transgender person'. But it doesn't explain what 'a recognised transgender person' is, nor does it make any explicit distinction between 'a recognised transgender person' and a non-recognised one.

The reason is most likely because the distinction will soon be done away with (April 2024). In its submission to the Law Reform Commission, Anti-Discrimination NSW recommended removing the definition of 'recognised transgender person' from the Act because it now considered the distinction between two types of 'transgender person' to be 'inappropriate' (ADNSW, 2023a: 7). Thus self-id will soon be introduced in NSW, i.e. no medical procedures will be necessary for men to declare themselves 'women' and demand entry into women's jobs and spaces, with the support of Anti-Discrimination NSW.

NSW has been a laggard among Australian states and territories in introducing self-id (PIAC, 2021; SDC, 2023: para.28), because NSW had a 'centre-right' government from 2011 until the election of a Labor government in March 2023. The current (April 2024) fact sheet (ADNSW, no date 1) tells us that the Act is under review, that the Law Reform Commission has recommended 'amending the grounds in the Act to include protection based on: sexual orientation; gender identity; [and] intersex (or sex characteristics)' (ADNSW, no date 1). Self-id of 'trans people' in NSW (mainly men calling themselves 'women') is only a matter of time. The NSW parliament has already passed 'conversion therapy' legislation as an amendment to the *Anti-Discrimination Act 1977*, on 22 March 2024. (For a discussion of 'conversion therapy', see the 'Piggybacking' chapter). It won't take effect until April 2025, 'meaning Anti-Discrimination NSW cannot accept complaints about conversion practices for 12 months'.¹³ Perhaps in the following 12 months the NSW government will take note of the evidence against transgenderism that it currently piling up, come to its senses and repeal the amendment. Maybe.

But probably not. Anti-Discrimination NSW has taken on board all of transgender's absurd categories of 'gender identity'. 'The terminology and language used in the grounds in the [*Anti-Discrimination Act*] which cover LGBTQI+ groups are out of step with contemporary language', they say, '[h]omosexuality ... may not cover people who identify as bisexual, pansexual or asexual' (ADNSW, 2023a: 5). But 'homosexuality' does cover people who are bisexual, since homosexuality is half of

¹³ <https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/about-us/news/2024/nsw-parliament-passes-bill-to-ban-lgbtq--conversion-practices.html>

the definition of the category and bisexuals are unlikely to be discriminated against because of their heterosexuality. It doesn't cover 'pansexual or asexual', true, but then they're meaningless.

Moreover, Anti-Discrimination NSW continue, 'the existing transgender provisions are binary and contain references to living as a member of the "opposite sex". These provisions may not cover individuals with a non-binary, genderqueer, gender neutral, agender or other gender identity'. Well, no, again because of their meaninglessness. Clearly, Anti-Discrimination NSW have adopted the transgender agenda, despite the absurdity of what they have embraced so uncritically. This is probably because they have chosen to work with transgender organisations. They have a 'long-standing connection with LGBTQI+ communities and advocacy organisations' who have convinced them of 'the need for urgent law reform in this area' (ADNSW, 2023a: 5-6), e.g. 'We work with a range of organisations and community groups, including Rainbow Families (a voice for lesbian, gay, bisexual, transgender and queer parents and their kids); Twenty10 (supporting young LGBTIQ+ people) and leading HIV and LGBTQ+ health [sic] organisation ACON. We partnered with The Gender Centre to run a Legal Aid NSW community workers webinar to mark International Transgender Day of Visibility in April 2023' (ADNSW, 2023b: 21).

NCAT

Anti-Discrimination NSW doesn't have the power to impose penalties. All it can do is bring the parties together to see if they can resolve the complaint 'by finding a private settlement [they] can both agree on'. This may involve 'a conciliation conference'. If the complaint is not resolved in this way it can be referred to the NSW Civil & Administrative Tribunal (NCAT).¹⁴ A complaint cannot be made directly to NCAT, it must first go through Anti-Discrimination NSW where it is decided whether or not to uphold it. If the complaint is upheld but the parties can't agree, Anti-Discrimination NSW can refer it to NCAT who can impose penalties and make mandatory orders: to award 'compensation of up to \$100,000 for loss or damage suffered'; and to require the person responsible 'not to continue or repeat the conduct', 'to take certain actions such as reinstating a person to their job', and 'to publish an apology or a retraction'.¹⁵ (For actual cases, see below).

AHRC

As should be clear from what was said earlier (in the 'More havoc: the law' chapter), the Australian Human Rights Commission (AHRC) is also a prime enabler of the transgender cause.

As is true of all transgender's allies, the AHRC tells outright lies. 'Unfortunately', the Sex Discrimination Commissioner said in her Foreword to the AHRC's transgender guidelines, 'transgender and gender diverse people are sometimes excluded from sport' (AHRC, 2019: 5). But this is not what happens. Men claiming to be 'women' are excluded from women's sporting teams, or they should be. But there is nothing stopping them playing on the men's teams where they belong. Unfortunately, not

¹⁴ <https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/need-help/frequently-asked-questions.html#How2>

¹⁵ <https://ncat.nsw.gov.au/case-types/anti-discrimination/anti-discrimination-complaints.html> (viewed 26 April 2024)

many sporting organisations in Australia do exclude men from women's teams. The organisations that have teamed up with the AHRC and Sport Australia to develop the 'guidelines for the inclusion of transgender and gender diverse people in sport' are: Australian Football League; Cricket Australia; Football Federation Australia; National Rugby League; Netball Australia; Rugby Australia; and Tennis Australia (pp.9, 48n3).

Sport is not the only area where women are force-teamed with men. As already discussed (in the 'Havoc' and 'More havoc: the law' chapters), the AHRC refused to give the Victorian Lesbian Action Group (LAG) an exemption which would have enabled them to hold publicly advertised events only for lesbians born female (the only kind there is) without accepting men as 'lesbians' (LAG, 2023). In their decision refusing LAG's application, the AHRC agreed 'that it is important and beneficial for lesbians to gather together as a community to celebrate their culture and discuss issues of special relevance to their community' (AHRC, 2023: 19, para.9.47). They also acknowledged 'that lesbians in Australia have faced significant structural and entrenched discrimination, both historically and in the present day' (quoting submissions from Lesbian Rights Australia and Visible Lesbian Group) (p.14, para.9.18). But they believed that '[t]ransgender women [sic—men], as a group, also face significant structural and entrenched discrimination' (p.19, para.9.48), thus prioritising to the feelings of men over the right of lesbians to freedom of assembly.

In support of this contention, they cited submissions by the usual culprits—trans lobby groups (Equality Australia, Rainbow Rights Watch and the Melbourne Bisexual Network)—and 'recent studies within Australia [that] reveal that transgender and gender diverse people report high levels of harassment and social exclusion due to their gender identity or sexuality' (AHRC, 2023: 21, para.9.58). They didn't say what those 'studies' were, but the usual 'research' cited by trans lobby groups has consistently been found to be 'of very low certainty' (see the 'Where's the evidence?' chapter). Moreover, they failed to notice that *reporting* high levels of harassment, etc., doesn't mean that there actually *are* high levels, or any incidence at all. But that would involve considering the possibility that the reports are lies, and no trans ally is going to do that.

Committed as they are to the trans agenda, the AHRC are committed to the absurd belief that people can change sex (as is the Australian federal government): 'the provisions of the SDA [*Sex Discrimination Act*] ... suggest that a person's "sex" can be changed. This interpretation is consistent with the way "sex" has been used as a legal concept throughout Australia' (AHRC, 2023: 3, para.4.2). In their decision against LAG, they said they were 'not persuaded' that

it is appropriate and reasonable to make distinctions between women based on their biological sex at birth or transgender experience at a community event of this kind, and to exclude transgender lesbians [sic] from a community event of this kind (AHRC, 2023: 21, para.9.55).

Thus does the AHRC subscribe to transgender lies: that adult heterosexual men, the so-called 'trans women', are disadvantaged; that people can change sex; that there are more than two sexes; and that men can be 'lesbians'. LAG had no chance, but they knew that anyway.

It was reported that the national 'LGBTIQ+' lobby group, Equality Australia, regarded the LAG application as a stunt (Le Grand, 2023), and certainly, the lesbians involved were not naïve enough to believe that their request would be granted. They

had already had experience of the malestream's power to deny them any public presence. In 2004, the Victorian organisers of the Lesbian Festival had applied to the Victorian Civil and Administrative Tribunal (VCAT) for an exemption from the *Equal Opportunity Act* to 'enable the applicants to advertise and organise Lesfest 2004 for lesbian born females only' (LAG, 2023: 4). VCAT had initially granted the exemption, but then revoked it 'on a technicality'. Lesbians decided to organise subsequently only privately, in order 'to avoid any more challenges by the Transgender community which would have led to litigation which we can ill afford' (p.4). (They had been taken to the Victorian Equal Opportunity Commission by Sally Goldner, co-founder and Executive Director of Transgender Victoria, who complained that the event was for Lesbians Born Female only).¹⁶

For a discussion sympathetic to LAG, of the AHRC's decision, see: Kurilova, 2023.

AHRC call for submissions and feminists' response

In early 2024, the AHRC outdid itself in its enthusiasm for the transgender cause. In February, they called for submissions for 'a national project mapping threats to trans and gender diverse (TGD) human rights in Australia'. Submissions were invited 'from individuals and civil society organisations (CSOs) with relevant background', noting that 'only subject-matter experts are invited to submit' and that they were 'unable to accept submissions from non-specialists in this area'. Suggested areas to be investigated were: '[a]nti-trans mobilisation, dis- and misinformation, and extremism and radicalisation; [e]ducation, employment, healthcare, housing, migration, service provision and the law; [and] ... information relating to anti-TGD abuse, discrimination, harassment, vilification and violence' (AHRC, 2024b).

On 6 March 2024, a number of feminist organisations and individuals published an open letter in the main NSW newspaper, *The Sydney Morning Herald* (AF4WR, 2024), protesting this AHRC initiative. They called on the AHRC: to say what they meant by "threats" to TGD human rights' and to provide evidence of those threats; to accept submissions from everyone affected by 'gender identity', not just 'subject-matter experts', and ensure that its report and recommendations reflected all the evidence; and to '[c]onfirm that women in Australia will continue to have the right to speak out about the impact of the loss of single sex spaces, sports and services'.

This latest stance on the part of the AHRC is quite frankly terrifying. There is no way this national human rights organisation can defend women's rights when it is committed to defending the fictitious 'rights' of men to be 'women'. How, then, does Australia's ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) benefit women when the Australian legal system allows men to be 'women'? This question was tested in the *Tickle v Giggle* case (see below), but no decision had been made at the time of writing (May 2024).

Vilification

As well as discrimination, anti-discrimination legislation prohibits 'vilification' (ADNSW, no date 2). The categories of who must not be vilified vary somewhat between jurisdictions. The NSW Act, for example, prohibits vilification on the grounds of race, religion, homosexuality, HIV/AIDS, and of course, 'transgender': 'It

¹⁶ <https://www.lgballiance.org.au/lesbian-action-group>

is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person on the ground that the person is a transgender person, or a group of persons' (NSW Government, 2023: s.20C(1)(a)(b)). The ACT Act adds disability and 'sex characteristics' (i.e. intersex), 'gender identity' instead of 'transgender', and 'sexuality' instead of 'homosexuality' (ACT, 2024: s.67A(1)). Thus does Australian legislation provide 'trans people' (i.e. adult heterosexual cross-dressing men who say they're 'women') with another way of getting their hurt feelings enshrined in law.

Vilification is only unlawful if it is a 'public act'. Examples in the NSW Act are:

any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material; any conduct ... observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags emblems and insignia; and the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses [vilification] (NSW Government, 2023: s.20B).

But the current definition (April 2024) of 'public act' doesn't include 'online'. In fact, Anti-Discrimination NSW have noted this omission. The Act, they say, 'does not explicitly cover the dissemination of materials through social media, which is the primary method of communication for many people in the NSW population and is a platform used for hate speech'. They therefore recommend that the Act be updated 'to clarify who is liable for hate speech posted online and shared on social media' (ADNSW, 2023a: 16).

The 2018 fact sheet contained another, slightly different list of public acts that could amount to vilification, and it did make reference to 'the internet':

Public acts could include remarks in a newspaper or journal, in other publications, on radio or television or on the internet, including social networking sites. They could also include graffiti, posters, verbal abuse, speeches or statements, gestures and badges or clothing with slogans on them, as long as these are displayed, made or worn in public (NSW ADB, 2018).

It also gave an example of an act that was not public: 'The vilification law does not cover acts that are not public, for example abuse over a back fence that no-one else can hear' (NSW ADB, 2018). It is still the case that the law doesn't extend to acts that happen in private, although the *Crimes Act* does say that 'an act may be a public act even if it occurs on private land'. So if members of the public overhear the conversation at the back fence, it would still count as 'public'.

The Australian Capital Territory's *Discrimination Act 1991* does mention social media (ACT, 2024). This is the Act that enabled 'Bridget' Clinch to bring Beth Rep before the Australian Capital Territory Human Rights Commission (ACT HRC), and it was Rep's activities on FaceBook that counted as 'vilification' of Clinch (see below). Public places where vilification is unlawful are: '1. screening recorded material at an event that is open to the public, even if privately organised; 2. writing a publicly viewable post on social media; 3. speaking in an interview intended to be broadcast or published; 4. actions or gestures observable by the public; 5. wearing or displaying clothes, signs or flags observable by the public' (ACT, 2024: s.67A(1)). This Act's definition of 'unlawful vilification' is: 'to incite hatred toward, revulsion of, serious

contempt for, or severe ridicule of a person or group of people ... other than in private', 'gender identity' being one category of person who must not be vilified (s.67A(1)).

The penalties are severe. The maximum penalty for an individual found to be guilty of 'serious transgender vilification' in both the ACT and NSW is 10 penalty units or six months imprisonment, or both.¹⁷ A penalty unit is an amount of money used to calculate a fine by multiplying the value of one penalty unit by the number of penalty units set by the court or tribunal for that offence. The penalty-unit amount for an individual in 2024 in NSW was \$110,¹⁸ and in the ACT it was \$160. So someone found guilty of 'serious transgender vilification' could be fined \$1600 in the ACT and \$1100 in NSW and/or be jailed for six months.

This inclusion of 'transgender/gender identity vilification' in legislation is oppressive, unjust and unnecessary. It is oppressive and unjust to the extent that disagreement and criticism, no matter how vehement, are defined as 'hate speech' and 'transphobia', i.e. as vilification; and is it unnecessary because there is no category of 'transgender'/'gender identity' persons who are being vilified. Writing it into law violates people's right to freely express their principled dissent from something unacceptable, transgender ideology in this case. It also completely ignores who it is who typically does the vilifying, namely, trans activists and the trans lobby itself. They are not the victims of vilification, they are perpetrators. The victims, those who are constantly vilified publicly, are those who oppose the influence of transgender on society. But these are mostly women, and no woman can bring a vilification complaint on the ground that she's a woman, anywhere in Australia. Transgender's neologisms—the pejorative prefix, 'cis' and the slur 'terf'—should count as vilification, especially as they are usually coupled with threats of rape, physical violence and even death. But the law is blind to this because these insults are mainly directed towards women. 'Sex' is not a ground on which one can make a complaint of vilification under the Act. 'Gender identity' is, 'sex' is not.

The prohibition in the case of some of the 'public acts' is also invidious. The prohibition on 'signs, flags, emblems and insignia' is a direct prohibition of public protest against transgender, not because they involve vilification on any reasonable criterion, but because transgender says they do. One of the most obvious referents for the supposedly 'vilifying' clothing is the t-shirt printed with the Oxford English dictionary's definition, 'Woman: adult human female'. The idea of widely publicising the dictionary definition of 'woman', on t-shirts, billboards and projections on public buildings, belongs to 'Posie Parker' (Kellie-Jay Keen-Minshull). She has been a highly visible presence in the fight against transgenderism in the UK and internationally (Cockburn, 2019), largely through her YouTube videos. She is the founder of Standing for Women,¹⁹ an online forum for disseminating news to its subscribers and raising money for campaigning against the transgender influence.

¹⁷ <https://hrc.act.gov.au/discrimination/gender-identity-discrimination/>

¹⁸ A penalty unit in NSW has been \$110 since 1997 – <https://www.revenue.nsw.gov.au/help-centre/resources-library/rulings/general/taa001>

¹⁹ <https://www.standingforwomen.com/campaign-golas>

The disseminating of the dictionary definition of ‘woman’ has greatly upset the transgender lobby, because this definition excludes ‘transwomen’ (because they don’t qualify as adult human females). But it is not clear why legislatures should see it as ‘vilification’ (if this is the ‘clothing’ the legislation is referring to). It’s true that the legislation doesn’t specify which messages count as ‘vilification’, and the AHRC hasn’t made any ruling on that bit of clothing or a similar one. But it is the best known of the messages on clothing challenging transgenderism. It *is* meant to annoy, even provoke, the transgender lobby, but it is also a response to transgender’s prior insult to women: telling them they are not a human category separate from men, but must accept men as ‘women’ too.

‘Trans people’ are availing themselves of the opportunities offered by the legislation. In 2022-23, ADNSW received 19 complaints of transgender discrimination and 21 complaints of transgender vilification (up from four the previous year) (ADNSW, 2023b: 21). Most of NCAT’s Annual Reports in the two decades from 2001-2002 to 2022-2023 report cases of ‘transgender discrimination’ and ‘transgender vilification’. No details were given in either case.

NSW Anti-Discrimination’s website gives three examples of ‘transgender vilification’. One case involved ‘some derogatory and inappropriate comments’ published in a blog post; another involved an article in a country newspaper which ‘vilified [him] as a transgender person’; and the third involved ‘vilification’ by a neighbour.²⁰ The descriptions of these cases do not include actual quotes of what was said, so it is impossible to decide whether they did involve ‘hatred towards, serious contempt for, or severe ridicule of’ the ‘transgender persons’, all men claiming to be ‘women’, or whether they were simply identifying the men as men. Given the propensity of transgender and its allies to portray disagreement and criticism as ‘transphobia’ and ‘hate speech’, it is important to know exactly what was said if judgements of ‘vilification’ are to have any credibility.

It would seem, though, that NSW Anti-Discrimination is unconcerned about this. Because we are not given enough information, it is impossible to know whether or not they have accepted transgender’s insistence that disagreement and criticism do indeed qualify as ‘hatred, serious contempt, or severe ridicule’. But they probably have, given how sympathetic they are to the transgender cause.

On the surface prohibiting vilification looks perfectly reasonable. Of course, inciting hatred, insulting, humiliating or intimidating someone is wrong, whoever they are. But the transgender lobby interprets even the mildest form of disagreement as insult, humiliation and intimidation. Consequently, the effect of these ‘vilification’ clauses is censorship. It prevents anyone from saying publicly that men can’t be women, for fear of being taken to court by a transgender litigant and, at the very least, made to apologise, at worst, being hit with a hefty fine. The legislators are oblivious to the fact that it is the transgender lobby itself that engages in insulting, humiliating and intimidating those who disagree with it. (Examples are given throughout this present work). This bullying is standard operating procedure on the part of trans activists, repeated over and over again, hundreds if not thousands of times, against those who disagree, mostly women. I have never seen anything said by transgenderism’s

²⁰ <https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/complaints/complaint-case-studies/vilification.html>

opponents to rival the hate speech that the transgender lobby constantly spews out. The law has the wrong target. It is the trans lobby that engages in publicly inciting hatred, that insults, humiliates and intimidates, not its critics.

For an argument that Scotland's proposed 'vilification' legislation, the Hate Crime and Public Order (Scotland) Bill, would make J. K. Rowling a criminal because of its inclusion of 'transgender identity' and her very public resistance to transgender, see: McLatchie, 2020.

'Gender identity' has also made its way into the NSW *Crimes Act*, defined with the usual meaningless circularity:

gender identity means the gender related identity, appearance or mannerisms or other gender related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth (s.93Z(4)).

Nonetheless, it is one of the grounds on which someone can be charged with the offence of 'publicly threatening or inciting violence' (the other grounds are race, religion, sexual orientation, intersex and HIV/AIDS status) (s.93Z). This is connected to the 'vilification' clause in the *Anti-Discrimination Act*: 'In 2018, criminal provisions for serious vilification ... were removed from the ADA [*Anti-Discrimination Act*] and the broader offence of publicly threatening or inciting violence on [the above] grounds ... was introduced into the *Crimes Act* (ADNSW, 2023a: 5n3). The *Crimes Act* does mention 'online'/'the internet': 'broadcasting and communicating through social media and other electronic methods ... to the public' (s.93Z(a)). It also mentions conduct that could be seen to be 'publicly threatening or inciting violence': '(including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia) observable by the public' (s.93Z(b)).

I admit to being puzzled about this specifying of categories of persons who could be publicly threatened with violence. Surely it's a crime to publicly threaten anyone with violence. Why these special categories? There are no special categories of persons listed for any of the other offences in the Act, for murder, for example, or for causing danger to life or bodily harm. These are against the law whoever is subjected to them. Perhaps it's because these categories are more likely than the rest of the population to be threatened with violence. But although that might be true of the other categories, it is certainly not true of 'gender identity' (see the '... and statistics' chapter). More importantly, 'sex' is not one of these categories, much less 'women', even though threats of violence against women because they are women, not to mention actual violence, is far more common than in the case of any of the other categories.

Exemptions and exceptions

Anti-discrimination legislation does show a shred of common sense in providing for exemptions and exceptions. Exemptions are temporary, 'for a specified period not exceeding 5 years' (Australian Government, 2023b: s.44(3)(c)). The AHRC 'grants temporary exemptions sparingly' (AHRC, 2019: 25). The most that LAG could have hoped for was a period of five years when they could legally 'discriminate against' men claiming to be 'lesbians' by refusing to allow them to attend publicly advertised lesbian gatherings. Once the exemption period was up, and it could be less than five years, they would have had to apply for another exemption. But then, they were not even given that opportunity.

Exceptions are ‘special measures intended to achieve equality’ (Australian Government, 2023b: s.7D), often referred to as ‘positive discrimination’ or ‘affirmative action’ (AHRC, 2019: 21). They are permanent. Once an organisation has been granted a special measure, they don’t have to apply again.

In the NSW *Anti-Discrimination Act 1977*, one exception to discrimination on the ground of sex is where being a person of a particular sex is a genuine occupational qualification for the job (NSW Government, 2023: s.31; ADNSW, 2023a: 19). But the fact that men can now legally be ‘women’ makes this exception meaningless. If men qualify as ‘women’, they can’t legally be excluded from a job where the ‘genuine occupational qualification’ is female sex. Currently in NSW (although not elsewhere in Australia), they have to be a ‘recognised transgender person’ (i.e. castrated), but that is likely to change to self-id in the near future.

Both the NSW Act and the federal *Sex Discrimination Act 1984* allow for permanent exceptions in the case of ‘competitive sporting activity’. Men claiming to be ‘women’ can be excluded from women’s sporting teams. The NSW Act says, ‘Nothing in this Part renders unlawful the exclusion of a transgender person from participation in any sporting activity for members of the sex with which the transgender person identifies’ (NSW Government, 2023: s.38P(1)). The federal Act says it is not ‘unlawful to discriminate on the ground of sex, gender identity or intersex status by excluding persons from participation in any competitive sporting activity in which the strength, stamina or physique of competitors is relevant’ (Australian Government, 2023b: s.42(1)).

The AHRC’s discussion of this section of the federal Act is less than honest. The terms strength, stamina and physique ‘are not defined in the Act’, they say. They say that ‘[t]heir meanings have not been conclusively settled by the Federal Court of Australia’, but they also say that the Federal Court has approved the interpretation by the Victorian Civil and Administrative Tribunal (AHRC, 2019: 24). So the Federal Court has not ‘conclusively settled’ on the meaning of the terms, but has ‘approved’ of an interpretation. This is a subtle form of denial—making a distinction where none exists (‘not conclusively settled’ v. ‘approved’) in order to reluctantly acknowledge the truth while denying it at the same time.

Cases

To date, there have been very few cases heard in Australian courts that might decide one way or another about the transgender agenda (apart from the cases in the Family Court, which eventually came down on the transgender side at the expense of the children and young people involved—see the ‘More havoc: the law’ chapter). At the time of writing, one ‘discrimination’ case was heard in the Federal Court from 9-12 April 2024 (*Tickle v. Giggle*). This was the first time a case of ‘gender identity discrimination’ was heard in an Australian court (AHRC, 2024a), but at the time of writing (April 2024) no decision had been handed down. There was also a ‘vilification’ case heard in the Australian Capital Territory Civil and Administrative Appeals Tribunal (ACAT), which found for the supposedly ‘vilified’ transgender person, a man claiming to be a ‘woman’. Both of these are described below.

‘Discrimination’— *Tickle v. Giggle*

The *Tickle v. Giggle* case involved a complaint of discrimination by ‘Roxanne Tickle’, a man claiming to be a ‘woman’, against *Giggle for Girls*, a social networking app for

women only, and its founder, Sall Grover (FCA, 2023). It was described in the app store as:

Made for Women by Women. Connect on Giggle about the latest Issues, politics, gossip, news and more. Promote your business and or yourself, find accomodation [sic] and roommates, connect privately to discuss your most intimate thoughts—all with mutual consent—and without unwanted interruptions and misogynistic abuse (FCA, 2023: para.12)

For all the documents involved, including affidavits from Sall Grover and ‘lay’ witnesses, and expert reports from expert witnesses, along with a timeline of the hearings, see the Court’s ‘Redacted Court Book’ (FCA, 2024).

Launched in 2020, the app was ‘a platform exclusively for women to share experiences, find friends and flatmates, and speak freely in a “safe space”’ (Szego, 2024). It was, at least in part, a way for Grover to establish a strong female network after her experiences as a script writer in Hollywood, where she had been subjected to unrelenting sexual abuse and harassment. Tickle had gained access to the app in February 2021, when the AI facial identification program passed his selfie as ‘female’. Some months later, Grover viewed the selfie herself, realised he was a man, and blocked him (Szego, 2024).

In December 2021, Tickle made a complaint of discrimination on the ground of ‘gender identity’ against Grover and her app to the AHRC (FCA, 2023: para.30), claiming that he was being treated ‘less favourably than cisgender women because [he] is a transgender woman [sic]’ (FCA, 2023: para.37). The AHRC couldn’t resolve it because ‘there was no reasonable prospect of the matter being settled by conciliation’ and withdrew—‘terminated’ his complaint—on 5 April 2022 (FCA, 2023: para.18). As the judge at a later hearing on 1 June 2023 said, the two were “irreconcilable. One will ultimately be found to be right and the other wrong” (Bastiaan, 2024).

Tickle then took his complaint to the Federal Court, as he was legally entitled to do, given that the AHRC hadn’t dismissed it (FCA, 2023: para.31). There he insisted that he had ‘suffered significant distress, hurt and humiliation by reason of the unlawful discriminatory conduct’ (para.42), and that he should be awarded ‘aggravated damages’ because Grover and her app had publicly vilified him, and refused to apologise or engage in the AHRC’s conciliation process (para.43). He asked the Court to find that Grover and her app had discriminated against him in the provision of goods and services, grant him both general and aggravated damages, and require Grover and her app to apologise to him and allow him back onto the app (para.44).

This hearing, on 1 June 2023, came to no decision about whether or not Tickle had been discriminated against by Giggle and Grover. But the judge did order Giggle to pay Tickle’s legal costs for an earlier hearing in July 2022 (which Tickle had dropped because he was worried about growing legal costs), and he did allow an extension of time. He also threw out Giggle’s claim to have the matter quashed, and approved Tickle’s application to have his legal costs limited to \$50,000. Tickle filed a new lawsuit in December 2023 (AAP, 2023), with the help of a \$50,000 grant from the Grata Fund from at the University of NSW. This was the case that was finally heard on 9-12 April 2024. Grover had raised \$557,559 to pay for her costs. As one commentator notes, Grover ‘has had to come up with half a million dollars to defend herself in Court against an allegation of discrimination for simply saying “no” to a

man' (Bastiaan, 2024). The appeal fund was still open after the hearing on the 9-12 April 2024, aiming to raise a further \$300,000²¹ to fund a hearing in the High Court.

The UN's Special Rapporteur on violence against women and girls, Reem Alsalem, applied to the Federal Court in March 2024 to be able to submit an *amicus curiae* brief at this hearing, but was refused permission because her submission was late (Alsalem, 2024). Instead, she was asked 'to provide input to the [AHRC] on the meaning of the word "woman" in ... CEDAW by the 18th of March', which she did. She said that she expected that the AHRC would bring her submission to the attention of the Court and any other interested parties. There is, however, no indication that the AHRC did so.

On 16 June and 8 August 2023, the Sex Discrimination Commissioner was granted leave to appear as *amicus curiae* brief (SDC, 2023; AHRC, 2024a). But her submission made no mention of Alsalem's. Nor did it mention Alsalem's repeatedly stressed argument that CEDAW clearly meant 'biological sex', even though it did not explicitly define 'sex' (nor 'gender', which was not even a concept when CEDAW was implemented):

many foundational human rights treaties, and declarations, including CEDAW, enshrine a prohibition of discrimination based on sex which can only be taken to mean as referring to biological sex (Alsalem, 2024: 2).

Instead, the AHRC predictably regurgitated transgender absurdities: that 'just as the female "sex" can include a trans woman, so too can the word "woman"' (SDC, 2023: 50); that 'in its ordinary meaning, the word "sex" encompasses the idea that "sex" is changeable' (p.22); and most absurd of all, that 'a trans woman should be able to access protections ... on the grounds of a "woman's pregnancy or potential pregnancy"' (p.35). That such beliefs should be granted credence in a court of law is a shocking indictment of any legal system, even if eventually the court disagrees with them, unlikely in this case given the 2013 inclusion of 'gender identity' in the *Sex Discrimination Act*.

This is regarded as a test case of the amendments that included 'gender identity' in the *Sex Discrimination Act* in 2013, with international ramifications for the sex-based rights of women versus 'gender identity'. It is beyond belief that the court would find that Giggle did discriminate against Tickle and that he was therefore entitled to participate in the app because he was a woman too. And yet, that is exactly what is likely to happen, given transgender's extraordinary influence. But reality cannot be legislated out of existence, or not without consequences, most of which will be, and already have been, borne by women, and not incidentally, by men who value the truth and who cannot bring themselves to see other men as women. (See the 'Transgender wreaking havoc' chapter for the refusal of the Tasmanian Anti-Discrimination Commissioner to allow the LGB Alliance Tasmania to exclude biological men from lesbian events, on the grounds that they would be asking 'people' who turned up if they had penises).

The only sane outcome is to reject the concept of 'gender identity', at least as far as the law is concerned. As one commentator said,

²¹ <https://gigglecrowdfund.com/>

Denise Thompson

The 2013 reforms to the Sex Discrimination Act must be repealed. Whether this is achieved through these proceedings, an appeal to the High Court, or by campaigning until the Government changes them, it must be done. Left the way things are, women as a legal category and all their accompanying sex-based rights and protections will cease to exist. By and large, our sex-based rights have already gone. Women have lost a fair, safe playing field in sports; women are now housed with male sex offenders, and little girls no longer have access to private bathrooms in public venues because it has been deemed “progress” to allow men to identify as women (Bastiaan, 2024).

For Sall Grover’s account of what led up to the Tickle v Giggle case in the Australian Federal Court—“The Insane Trans Case SHOCKING the World”, see: <https://www.youtube.com/watch?v=nagcWUTYnYM>;

for a verbal report on the court hearing by Megan Blake, a woman sympathetic to Grover’s case, see: <https://www.youtube.com/watch?v=8vB5hBxiLYM>;

for a detailed written report of the case, see: Women’s Forum Australia, 2024.

‘Discrimination’—Yaniv

Another example of the consequences of including ‘gender identity’ in human rights/anti-discrimination legislation occurred in British Columbia in Canada. The example involved a man called ‘Jessica’ Yaniv (originally Jonathan), who claims he’s a woman although he retains his male genitals. He eventually lost his case, but he was taken seriously enough to have his complaint heard in the B.C. Human Rights Tribunal, even though his behaviour and sense of entitlement verged on the insane. He is racist, calling for ‘immigrants’ to be deported if they ‘break the law’ (by failing to recognise that ‘trans women are women’); and he has a paedophilic interest in girls—he joined Facebook groups for teenage girls where he posted messages about tampons and naked girls in locker rooms (Slatz, 2019a).

For a series of screenshots of Yaniv discussing ‘helping’ girls to use tampons and pestering girls on the internet, see: Slatz, 2019a.

In March 2018 he filed 16 complaints²² with the Tribunal against women who provided depilatory services for women (‘Brazilian waxing’), most of whom were of non-English-speaking background (‘immigrants’). The women had refused to provide these services for him because they did not want to handle male genitals. He claimed that he had been discriminated against on the grounds of his ‘gender identity’ and demanded money damages from each woman.

The Tribunal heard the complaints against five of the women in two hearings, three of the women on 4 and 5 July, and the other two on 17 July. When Yaniv learned that the first three women were being defended in court (pro bono by the Justice Centre for Constitutional Freedoms), he withdrew his complaints (Carpay, 2019). Eventually the Tribunal member hearing the cases, Devyn Cousineau, dismissed his claims, ordering him to pay the first three women \$2,000 each (Slatz, 2019b). Although Yaniv

²² One source says ‘15’ (JCCF, 2019). I was unable to find out how many women Yaniv had harassed in this way. It was suggested that some of the women settled in a mediation process, probably intimidated by the stress and unsure of the outcome of a Human Rights Tribunal case (Slatz, 2019a). Only five challenged his claims in the Tribunal.

lost the case, the fact that he could bring it in the first place had appalling consequences for the women he harassed. They lost sleep, income, their peace of mind and mental health, and, in some cases, their businesses,²³ as a result.

Cousineau, who was appointed as a full-time member of the Tribunal on 1 November 2017 and as Vice Chair in April 2023, is thoroughly trans-captured. She announces her pronouns (she/hers) in her staff entry on the Tribunal's website,²⁴ and consistently finds against anyone who dares to criticise 'trans people', enabled by the inclusion of 'gender identity or expression' in Section 7 of the *B. C. Human Rights Code*. Earlier, in June 2018, she had granted Yaniv a publication ban preventing the media from publishing his name or anything about his history (Slatz, 2019a). The reason she gave was Yaniv's 'vulnerability as a transgender woman [sic] and the threats and harassment she [sic] is almost certain to endure if her [sic] identity is published in connection with these complaints'. The ban was lifted the next month because Yaniv was 'so thrilled with himself that he had been tweeting publicly about his complaints, under his own name, already' (Murphy, 2019b).

Still, even she drew a line at Yaniv's shenanigans. She did find against him and was highly critical of his motives, saying:

“[Yaniv] has hurt the Respondents by filing these complaints for improper purposes. [His] conduct has had a significant impact on the Tribunal's process, taking up a lot of its scarce time and resources. [Mr] Yaniv deliberately sought to weaponize the Tribunal for financial gain and to punish individuals and groups ... [He] deliberately manufactured the conditions for each of [his] complaints ... In many cases, [he] used deception to achieve this end ... [Mr] Yaniv was not genuinely seeking waxing services from these Respondents but rather setting the stage for a human rights complaint and the anticipated financial settlement that [he] hoped would follow” (Murphy, 2019b—pronouns changed to better reflect reality).

But although she found against Yaniv, she showed no awareness that her tribunal's obligation to deal with Yaniv's craziness stemmed from the craziness of including 'gender identity' in anti-discrimination legislation.

Cousineau's criticism and her decision against him did not deter Yaniv, who filed or attempted to file yet more lawsuits. In November 2019, he tried to file suits against two more of the women and a right-wing preacher. He was told, however, that he could not do this until he had paid the money to the three women. He did this in April 2020 (Slatz, 2020a).

At that time he was engaged in five lawsuits (Slatz, 2020a, b). Although not all were initiated by him, all are connected to his bad behaviour. For example, a female journalist, Amy Hamm, sued him for defamation of character because he accused her of sexually assaulting him. A letter from her lawyers (dated 22 January 2020) said that the accusation was 'completely unfounded, false, and a gross mendacity'. It also said that she was 'concerned for her personal safety', pointing out that Yaniv was 'much larger and more physically imposing, dwarfing her physically' (Johnson, 2020).

²³ https://www.youtube.com/watch?v=4ZjEzNC_32s

²⁴ <https://www.bchrt.bc.ca/tribunal/organization/members/>

For further information about Yaniv and his shenanigans, and the legal obligation of the authorities to treat him seriously, see: Boquet, 2019; Gallus Mag, 2018;²⁵ Robertson, 2019; Shaw, 2019;

for a discussion of some of the consequences of the social acceptance of the transgender ideology behind the Yaniv case, see: Lane, 2019;

for a discussion of failure of ‘the entire queer movement, the left, and all of mainstream media’ to report on the Yaniv case, even after the publication ban was lifted, see: Murphy, 2019a.

‘Vilification’—Clinch v. Beth Rep

One ‘vilification’ complaint on ‘transgender’ grounds to undergo legal adjudication in Australia was Clinch v Rep. It was heard three times, once by the Australian Capital Territory Human Rights Commission (ACT HRC), and twice by Australian Capital Territory Civil and Administrative Appeals Tribunal (ACAT). The result was initially an overwhelming victory for the transgender cause, although this was largely overturned in the final appeal hearing in ACAT.

In May 2018, journalist Beth Rep received a letter from the Australian Capital Territory Human Rights Commission (ACT HRC, 2018) informing her that the Commission had received a ‘gender identity vilification complaint’ against her from ‘Ms Bridget Clinch’, and that the Commission was considering Clinch’s complaint. (This was the fourth time Clinch, an ex-soldier and Greens Party politician, had made a complaint to an anti-discrimination organisation, although not always against the same person) (Denholm, 2018. See also: Coë, 2018). The ACT HRC letter enclosed a copy of the complaint (Clinch, 2018a), which contained Rep’s name (as the person complained about), ‘Facebook’ (as the organisation where the ‘offence’ occurred), and a number of screenshots of the Facebook posts Clinch objected to. The letter told Rep that Clinch wanted an apology, the removal of any ‘anti-trans or vilifying’ posts from her Facebook page, whether by herself or anyone else, a guarantee not to post any more, and her participation in ‘training about vilification, and trans’ issues’.

Rep put her version of events on her Go Fund Me fundraiser page: ‘I’m currently being sued by a former Greens candidate for daring to question the party’s policies on gender and using male pronouns to address a father of three’ (Rep, 2018).²⁶ In the first instance, she needed to raise \$5,000 to pay her legal costs (‘a heavily discounted fee, but still more than I can afford on my own’). After the third hearing (see below), she eventually raised \$16,161, with a number of donations of \$500.

The matter was resolved at this first hearing in the ACT HRC through mediation, with Rep paying Clinch \$700 (Inman, 2020), and posting an apology on social media on 25 July 2018. The apology was worded as follows: ‘I apologise for any hurt I have caused Bridget and for any way I have vilified or victimised her’ (ACAT, 2020a). Presumably Rep did not have to give the other guarantees or engage in ‘training’. How do you train someone in something they know is a lie? Isn’t that called

²⁵ This article originally appeared on *GenderTrender* but this blog site was censored by WordPress which deleted the whole website without warning and without any time to preserve any of the material on the site.

²⁶ This can no longer be found on the Go Fund Me site.

brainwashing? Thankfully the ACT HRC did not support Clinch in this ‘training’ demand. But it could be argued that requiring Rep to apologise for taking a principled stance against something she saw as wrong, was certainly insulting, if not humiliating and intimidating. (For some examples of the Facebook posts at issue, see below).

While that initial complaint by Clinch was resolved, Rep continued to post disagreement with and criticism of transgender on her Facebook page, and Clinch made another complaint to the ACT HRC, which they received on 31 August 2018. This was not resolved, and on 13 May 2019, ACAT received a referral from the HRC of this further complaint by Clinch. The complaint was that ‘the respondent [Beth Rep] has vilified and victimised the applicant [Bridget Clinch] in respect of her [sic—Clinch’s] gender identity’. Clinch’s complaint ‘also identified a group, namely transgender people, who identify as female, as having been vilified’ (ACAT, 2020a: 3, para.2).

In February 2020, the ACAT member hearing the case, Senior Member Bryan Meagher, handed down a preliminary decision saying that a number of the Facebook posts Clinch complained of were indeed ‘capable of incitement’ under the vilification section of the ACT’s *Discrimination Act 1991*, and that some were ‘capable of being regarded as victimisation’ under the victimisation section (ACAT, 2020a: 20, para.58(7)). (Victimisation means someone being treated badly because they have complained about being discriminated against or harassed). Meagher reserved his final decision ‘because of the volume of social media posts that are involved ... approximately 85 pages’ (p.13, para.33), and he hadn’t yet had time to examine them closely. He did, however, refuse Rep’s request to dismiss the proceedings ‘on the basis that there is no jurisdiction ... [and] that the complaint is vexatious or frivolous’ (p.19, para.58(1)(3)).

And what is it that Beth Rep and her friends said on Facebook that so enraged Clinch?

All 85 pages of the Facebook posts presented to the Tribunal are not publicly available, but some of them are. Some were posts on Clinch’s Facebook page (reproduced in Volokh, 2018), and some were on Rep’s page and included with Clinch’s complaint (Clinch, 2018a). On his page Clinch said: ‘So basically, this group appears to exist to promote regressive supposed feminism ... Trans women are women, excluding them from feminist causes creates division and weakens the whole feminist movement’. Rep’s response said: ‘Be careful ladies, Bridget likes to stalk people who refuse to accept gender ideology and may contact your place of work’. Clinch had contacted her employer and complained about her. To this Clinch replied: ‘So don’t break the law, idiot’ (Volokh, 2018). Elsewhere, he admitted contacting her place of work, justifying it by saying that he ‘used public information’ (Clinch, 2018b). Rep also posted a list of general statements about dogma, ideology, orthodoxy, gaslighting, e.g. ‘Dogma is when you care more about the principle than the reality (biological sex)’ (Volokh, 2018).

The following quotations from Beth Rep’s Facebook page were reproduced in Clinch’s complaint to the ACT HRC (Clinch, 2018a). These are some of the statements he was complaining about:

- (31 March 2018) Beth Rep: ‘The Greens have reported me to the Anti-Discrimination Commission [sic—actually the ACT Human Rights

Denise Thompson

Commission] because my feminism focuses on female bodies. Remember this as the day a federal candidate for the Greens [i.e. Clinch] said that women protesting against sex-based oppression on International Women's Day was hate speech (because some women have penises). This is so Orwellian'

- (Wednesday, no date) Beth Rep replying to Bridget Clinch: 'Please explain how a person with a penis/XY chromosomes/capable of producing sperm experiences sex-based oppression? Will he/she/xir ever be exposed to FGM? Child marriage? Menstrual huts? Forced pregnancy? Honour killings? Overlooked at work for promotion in case he falls pregnant and interrupts productivity? Femicide?'
- (9 April) Beth Rep: 'Karma's a bitch' (This is a reference to the elbow injury sustained by Laurel Hubbard, the transgender man who was competing against women in weightlifting at the Commonwealth Games).
- (no date, underneath the photo of Hubbard) Beth Rep replying to Matt: 'Are you aware Matt that trans-identified males like this are bullying and vilifying lesbians who won't accept them as women and "suck their lady cocks"? As a gay man, would you date a woman who "identifies as a man" if she said her vagina was male?'
- (no date) Beth Rep replying to Anna: 'please allow feminist women to organize the way we choose in future ... That says it all. Males, regardless of whether they identify as women, should not be allowed to dictate how females organize against patriarchy'
- (no date) Beth Rep replying to Fiona McNeill: 'So males can voluntarily CHOOSE to become women now? Good to know, I thought it wasn't a choice. Who would choose to be a woman you ask? Only someone who had never been one. [laughing emoticon] This may surprise you, but a LOT of males think women actually have it easier than men. Women are commodities, why not try one on for size? Also intrigued to know how a male who chooses to be a woman could have an "unparalleled insight into gender disparity"? Assuming women could learn a thing or two about their own experience by listening to makes is so laughably sexist I just can't [emoticon]'
- (no date) Beth Rep replying to Michelle Dee: 'Yeah, words have definitions. I fail to see your point. Trans women are not female'.
- (no date) Beth Rep replying to Bridget Clinch: 'Wow. Cannot believe this is your takeaway from the video. Women were physically intimidated, harassed, called bitches and whores and had their property slapped away. They called a male person male. And now you want to police women's signs on International Women's Day too? What exactly is vilifying about "Ovaries Before Brovaries"? and "Women's Safety Before Men's Feelings"? [laughing emoticon] You're making a mockery of real discrimination and you and your entire [Greens] party look ridiculous. Here's to another massive wave of people hitting #peaktrans' [i.e. experiencing so much rubbish and falsehood from the trans lobby that they finally realise that it is rubbish and falsehood].

Denise Thompson

It would seem that Clinch's language wasn't very nice either. Tribunal Member Meagher admitted that Clinch's speech left a lot to be desired. Clinch's own posts on Rep's Facebook page, he said

didn't quell the situation, but if anything, added to the problematic content. [Clinch] also ... used strong language about the respondent and her followers (ACAT, 2020a: 17, para.50).

Meagher also said that at least one pro-trans post 'promoted abuse against some feminists by use of an expression seen as derogatory – TERFS' (ACAT, 2020a: 16, para.46). But he excused the 'strong language' because Clinch might have been 'reacting to the comments of others' that had made him angry (p.17, para.50). That the women might have been justifiably angry at men claiming to be 'women', and being supported in that claim by powerful social institutions, did not occur to him.

Anyway, no matter how strong Clinch's language, it couldn't qualify as 'inciting hatred' or 'likely to offend, insult, humiliate or intimidate', because there is no law against vilifying women. A woman cannot take legal action under the same statute Clinch used, because sex (much less female sex) is not a ground for a vilification complaint under the Act. There is no legislation making it unlawful to vilify a woman. You mustn't *discriminate* against a woman because of her sex, but you can *vilify* her to your heart's content. The law provides Clinch with the opportunity to put Rep to great trouble and expense because he has a 'gender identity', but it does not provide Rep with the same opportunity. Clinch can 'incite hatred' and 'offend, insult, humiliate or intimidate' Rep and other women, and the women have no legal remedy.

Still, it would be a very bad idea indeed to extend the vilification section to include women, the main reason being that the category of persons would not be 'women' but 'sex', and men would use it against women. It would provide men with the opportunity to bring complaints against women for vilifying men on the grounds of their sex. This could lead to the censorship of feminism, because there are already men who see feminist statements as vilification of their own entitled selves. Given how little consideration has already been given to the needs and interests of women, and given too how malestream public media has traduced and distorted feminism, it is highly likely that including 'sex' as one of the grounds of vilification would mean the wholesale censorship of feminism.

ACAT, in the persons of Senior Member, Bryan Meagher SC (Presiding) and Kirsty Katavic, handed down their decision on 8 September 2020. They ordered Rep 'to remove from any website or social media, that she owns or controls, and in particular her Facebook page', the material that Clinch had brought to the Tribunal's attention and any 'posts which are the same or of similar effect'. Since many of the posts the ACAT members defined as 'vilification' involved feminist resistance to transgender ideology, this amounted to censorship of feminism. They also ordered her to pay Clinch '\$10,000 by way of compensation' (ACAT, 2020b: para.4). While this was a terrible decision, at least ACAT didn't give Clinch everything he was asking for, namely, \$20,000, \$10,000 each in 'general damages' and 'aggravated damages' (ACAT, 2020b: para.7).

This horrendous decision was based, not only on what Rep herself said on Facebook, but also on what others said and which she had 'liked'. Or rather, it was only the *feminist* comments that the ACAT members defined as 'vilification'. The *abuse of women* by Clinch's supporters on Rep's page was interpreted as part of the 'vilification' of

Clinch. Rep had left what the ACAT members acknowledged were ‘anti-feminist rants’ up on her page, they said, in order to ‘provoke her followers to respond in kind and they did’ (ACAT, 2020b: para.41). Rep’s explanation was that she hadn’t deleted them, aggressive though they were, because she wanted to show her readers the full picture. The ACAT members were unimpressed. She didn’t delete the angry feminist responses to the trans abuse, they held, because she wanted her readers to keep harassing him.

The ACAT members were prejudiced from the start. Clinch, a man claiming to be a ‘woman’, astonishingly ‘appeared to [them] to be an honest witness’ (ACAT, 2020b: 6, para.12). They also had no idea what trans activism is like. Clinch may not have personally made threats of death and other physical violence against Beth, but they are the kinds of threats feminists are faced with daily, hourly, from the trans lobby. The anger of the women who posted the comments objected to by Clinch was a reaction to years of violent harassment by the trans lobby, as well as to the trans activists’ post on Rep’s page. Moreover, when Rep’s lawyer drew their attention to a post by Clinch where he gave ‘a thumbs up to a wiki definition of TERF’, they described it as ‘not especially offensive’, and simply ‘descriptive of the views of the group [of terfs]’. Even when ‘terfs’ were described as “regressive, misinformed, hateful little creatures”, the Tribunal members said that those words were ‘not helpful’ but they were ‘restrained by comparison with the [feminist] comments that appeared on [Rep’s] Facebook page’ (ACAT, 2020b: 8, para.18(d)). Clearly, nothing Rep said, no matter how honest and reasonable, was going to overcome the tribunal’s prejudice.

For a brief commentary from one of Rep’s feminist Facebook followers, concluding with ‘The bully won. They usually do’, see: Benson, 2020;
for a press release about the decision from Rep’s legal representative, see: Kerr, 2020.

Rep appealed the decision to ACAT, and in November 2021 their appellant panel partly upheld her appeal. They found that only nine of 46 posts were ‘vilification’, that there was no victimisation, that ‘discussion on trans issues was “in the public interest” and that “calling a transwoman a man will not necessarily be vilification”’. For something to be vilification, they said, it needed to ‘incite hatred toward, revulsion of, serious contempt for, or severe ridicule of’ an individual or individuals, and most of the posts on Rep’s Facebook page didn’t do that. They also struck down the original order that Rep refrain from posting views similar to those Clinch objected to. They reduced the payment, but still required her to pay Clinch to \$5,000 (Denholm, 2021; FLC, 2021).

At least that decision means that feminist objections to trans ideology are not automatically legally prohibited as ‘vilification’ on the ground of ‘gender identity’. But the cost to Beth Rep has been appalling. As she herself has said,

This claim against me by Clinch has burdened me for the past 4 years and has resulted in the loss of my employment and has impacted negatively on my health. I need it to be over. Despite this failure by the legal system to protect women’s freedom of speech, I hope others will continue to find the courage to speak up and defend our sex-based rights (quoted in Women’s Forum Australia, 2021).

This was yet another of transgender's SLAPP actions' ("Strategic Lawsuits Against Public Participation") (Pring, 1989). These are court actions not necessarily intended to be won, but rather to punish critics by putting them through lengthy, costly and frightening lawsuits.

For the Tasmanian Anti-Discrimination Commissioner's passing to the Tasmanian Civil and Administrative Tribunal, the complaint against Hobart City councillor, Louise Elliot, that she was 'allegedly inciting hatred' against 'transwomen' at the Let Women Speak rally in March 2023, when she said that "transwomen ... remain biological men", that some of them claim to have 'changed gender' in order "to gain attention", that "you can't be raped with a penis if there is no penis present", and "[i]t is absolute insanity that we have a law that allows a man to at 10am declare he's a woman and by 11am be sharing change-rooms and showers with young girls", see: Denholm, 2023.

Conclusion

What 'rights' are they demanding?

So what rights is the trans lobby demanding apart, that is, from the rights everyone has already? Well, the Degenderettes were claiming they had a right to violently physically attack women, or at least to threaten to do so. Since this is a clearly not a right, their claim is just another transgender lie.

Sally Goldner, the Australian man claiming to be a 'woman' quoted earlier (in the 'Lies, damned lies ...' chapter), listed a number of demands that he claimed were 'rights' for 'trans people': getting 'a legal document that doesn't breach our privacy and "out" us', getting 'our identity verified online in an hour', 'not be pathologised by having a health professional "approve" our gender', and 'not to be forced into often costly surgery' (Goldner, 2019).

But these supposed 'rights' don't look like rights at all when they are re-worded to expose what is really being demanded. The point about 'legal documents' is a demand to be able to lie about their sex on their birth certificates, passports, licences, etc. Government compliance with this doesn't make it any less false. The last three demands are an insistence on having self-id, on doing away with any procedures to 'change' men into 'women' and obliging everyone else to accept that they are 'women' just because they say so.

Nobody is being forced to have surgery, but the question of surgery only arises because some men want to say they're 'women'. Getting rid of their male genitals is part of that process (or it used to be, and still is for a tiny minority of the tiny 'transgender' minority—WPATH's eunuchs). If men weren't saying they were 'women', there would be no question of surgery.

Another list was provided by Phyllis Randolph Frye (mentioned above). At the top of the list is the claim that 'transgenders' have 'little to no legal protection in the area of employment! ... [because of] workplace dress codes and use of gender assigned restrooms' (Frye, 2000: 145). Here, he is complaining about employers who won't allow their male employees to wear feminine clothing, and who refuse to allow men to use women's restrooms. Given that this latter demand violates women's right to privacy, it doesn't count as any kind of right at all; and employers might have very good reasons for not wanting male employees to dress in feminine garb, especially if they interact with the public.

Frye goes on to say that ‘transgenders have no standing for equal protection claims, no right to insurance coverage or government medical assistance, no housing protection or access to homeless shelters, no right to continue their military service, no right to receive prison medical treatment and no rights in other areas pertaining to prisons’ (Frye, 2000: 145-6). The first of these is meaningless: equal protection for what from what? The next is a complaint that medical insurance and government-funded Medicaid (for those on low incomes) and Medicare (for the over-65s) in the US don’t provide coverage for transgender medical procedures. That situation has now changed,²⁷ largely as a result of demands by activists like Frye. But while Frye might have got his wish, self-mutilation is not a right. Although everyone probably should be free to make their own mistakes, if the outcome is harm any question of rights is irrelevant.

As for ‘housing protection’, no one has that in a housing market designed for profit not human need; and it is simply not true that ‘transgenders’ have no access to homeless shelters. Men claiming to be ‘women’ are hopefully excluded from women’s refuges, but there are homeless shelters for men where they would be accommodated. The situation in relation to military service has now changed too,²⁸ although why anyone would want to do military service escapes me. And as for prisons, Frye’s got his wish there too, although women are fighting valiantly to stop the practice of incarcerating women with men who are often violent and sexually predatory. (See the ‘Prisons’ chapter).

In fact, there is no such thing as ‘trans rights’ (Long, 2020a) that are different from the rights everyone has just because we’re human. The main reason for that is that there are no ‘trans people’, just men claiming to be ‘women’, women claiming to be ‘men’, and confused and disturbed children and young people caught up in a social contagion that gives them the false promise of cure for what ails them. What transgender claims as ‘rights’ is no such thing. Instead, it is a demand that everyone accept as ‘women’ men who say they are (self-id), a new capitalist market, and an attempt to make male sexual fetishism ‘acceptable’. Helen Joyce noted that it was a demand ‘that trans people be treated in every circumstance as members of the sex they identify with, rather than the sex they actually are’. ‘It is a demand’, she said, ‘that everyone else lose their rights to single-sex spaces, services and activities’, and that ‘is not a human right at all’ (Joyce, 2021: 11. ‘Behind the scenes’).

As already discussed (see the ‘Explaining transgender’ chapter), Jennifer Bilek has argued extensively that capitalism is behind the framing of transgender as ‘a civil rights issue’. She said that it is not a grassroots movement of oppressed people. Rather, it is instigated ‘by the highest echelons of society ... by wealthy, white, men with enormous influence who stand to personally benefit from their political activities’. ‘The trans lobby screams civil rights’, she said, ‘but transgenderism looks and functions just like the worst of capitalism’ (Bilek, 2018a, b, 2019, 2020a). Once again, with that kind of power behind it, transgender has no need of rights.

Jeffreys goes to the heart of the matter. She interprets the ‘trans rights’ campaign as ‘the protection of men’s sexual rights in international law’, the sexual rights in

²⁷ For advice on ‘Transgender health care’, see: <https://www.healthcare.gov/transgender-health-care/>

²⁸ <https://www.npr.org/2021/03/31/983118029/pentagon-releases-new-policies-enabling-transgender-people-to-serve-in-the-milit>

question being the arousal men feel when they cross-dress and when they pretend to be women (Jeffreys, 2018: 3). This is not, of course, a right at all in any rational sense. While men might have the right to exercise their sexual fetishes in private, they have no right to impose them on others. And yet, that is exactly what they are demanding when they demand access to ‘gender assigned restrooms’ (as Frye put it), i.e. intimate spaces that should be reserved for women. The sexual arousal comes from women’s reactions of shock and disgust, and the men can’t get access to that if they can’t get access to spaces where women do not expect to encounter them. That any number of social institutions are acquiescing in this demand is nothing short of scandalous. That that acquiescence has happened so quickly and easily is yet one more indication of the existence of male dominant pandering to men’s desires.

For a discussion of the lie that the sterilisation of children is some kind of ‘social justice triumph’ rather than ‘a human rights abuse’, see: 4th Wave Now, 2016.

Conflicting rights?

Given that there is no such thing as ‘trans rights’, there can be no conflict of rights (Long, 2020b). There are, however, a number of otherwise insightful critics of transgenderism who seem to believe in ‘trans rights’, given that they deny that they are opposed to them. Of course, they could mean that they are not opposed to ‘trans people’ having rights like everyone else, but that is not what they say. Petra Bueskens, for example, said that her refusal to accept that sex is irrelevant ‘most certainly does not mean contesting transwomen’s civil rights’ (Bueskens, 2021). Two other insightful critics of transgenderism said, ‘current conflicts around sex and gender are not about trans rights per se, which we fully support’ (Suissa and Sullivan, 2021: 1). Another otherwise insightful source said, ‘there are two progressive social movements—feminism and trans rights activism—with conflicting agendas, underpinned by a conflict of rights between two oppressed demographics—women and transgender people—with specific needs and vulnerabilities. Trade union activists need to respond in solidarity to both movements’ (Benjamin, 2019).

But this author had ample evidence from her own experience that ‘trans rights’ activism was *not* a progressive social movement, because it was not directed against structures of domination, but against women. Her experience included a panel discussion on the future for women’s sex-based rights at the University of Edinburgh, which she co-organised, which was subjected to a typical campaign of intimidation immediately it was publicly announced:

Trans activist groups tried to sabotage the bookings system. There was a barrage of smears, unfounded allegations and threats online, including a petition that dubbed the discussion as transphobic and hateful, made allegations against the speakers and used catastrophising language to raise the temperature on campus (Benjamin, 2019).

Given the behaviour of trans activists, which at times amounts to mob rule, it is difficult to see how any critic can still believe in ‘trans rights’. As Jeffreys said,

I find it hard to believe that [feminists] are really in favour of something called trans rights. Trans is an invention, a form of sexual fantasy for the majority of the male hobbyists who adhere to it. Men who play act a “gender identity” in public are not an oppressed minority in the way that

others who are oppressed on the grounds of sex, race, class and sexuality are (Jeffreys, 2022: 1-2. See also: Jeffreys, 2021).

And as Jennifer Bilek said,

The issue is not “trans” rights against women’s rights. It is a fight for biological reality against a lie to institutionalize body dissociation & the dismantling of human sexual dimorphism in law (Bilek, 2020c).

The issue is women’s rights v. trans claims to entitlements at women’s expense, and ultimately, at the expense of humanity overall via body dissociation and the legal dismantling of sex.

The rights that the trans lobby violates

As already noted (see the ‘Transgender wreaking havoc’ chapter), the trans lobby routinely violate the human right of others, especially women, even as they demand ‘rights’ for themselves. Every trans mob shrieking ‘Trans rights are human rights’ and holding up banners displaying the same message, violates women’s right to speak in public. But the problem is even wider than that. As US Women’s Liberation Front (WoLF) commented:

Everywhere they’ve appeared ... anti-discrimination policies that introduce the concept of “gender identity” or “transgender” recognition into the law have been used to erode the rights and safety of women. Lawmakers tend to be either poorly informed or wantonly uncaring of the consequences to women and girls, while gender activists always press for total acceptance of gender identity claims’ (WoLF, 2020).

The trans lobby, with the connivance of the nation state, even violates rights that are enshrined in the Universal Declaration of Human Rights (UN, 1948), as they relate to women (and indeed to anyone who publicly resists the trans mandate). There is the right to ‘freedom from fear’, which the trans mob violates with their rape and death threats on social media and every time women gather publicly. This freedom is not one of the Articles of the Declaration, but it does appear in the preamble.

Article 19—‘freedom of opinion and expression’—is also violated by the trans lobby, and not just for women. It is also violated every time a critique of transgender is censored. Trans will not allow any questioning of its demands, and too many institutions acquiesce (see the ‘Censorship’ section of the ‘Some transgender strategies’ chapter). Article 20—‘freedom of peaceful assembly and association’ and not being ‘compelled to belong to an association’—is violated every time the trans mob turns up to drown out women speaking publicly about their disagreement with the trans agenda. In the case of being ‘compelled to belong to an association’, this rights-violation has a new name, ‘force-teaming’. That is exactly what the trans lobby has successfully demanded ‘gender identity’ laws impose on women with the requirement that women, especially lesbians, include men in their intimate spaces and women-only gatherings.

For Reem Alsalem’s submission to the UK Government arguing that the *Gender Recognition Reform (Scotland) Bill* ‘presents potential risks to the safety of women ... including transwomen [sic, unfortunately]’, because it would ‘open the door for violent males who identify as men to abuse the process’, see: Alsalem, 2022; Wade, 2022;

for the Sydney-based Feminist Legal Clinic's discussion of the impacts of transactivism on the human rights of women and girls, see: FLC, 2019

for an early critique of transgender (called 'transsexualism' at that time) as a violation of human rights, see: Jeffreys, 1997;

for a list of rights violated by transgender, see: Long, 2020b;

for UK College of Policing's lip service paid to 'the right to freedom of expression', see: UK College of Policing, 2023.

Consequences for everybody

The worst consequences of the transgender capture of rights discourse, practice and policy are suffered by women and girls. Women no longer have any right to gather together or speak publicly without men. They still have a private right, but once they advertise they are legally obliged to include 'transwomen', i.e. men. This has closed down possibilities of reaching out to young women, especially lesbians, many of whom will be constantly coming into contact with the transgender ideological insistence that they're really boys. Any feminist attempt to counter this message is now against the law. Thus lesbianism, traditionally socially controlled through informal methods of silencing, has now been formally silenced by law. It still exists as a private, individualised experience, but not as a form of public knowledge for reaching out to young lesbians searching for the meaning of their experience. Meanwhile they are being indoctrinated with the trans message that their sexual desire for women must be an expression of maleness.

But there are also consequences for the whole of society, for anyone who refuses to acquiesce in lies and to defer to the transgender agenda by, for example, using feminine pronouns and honorifics (Miss, Ms, Ma'am) to refer to men who call themselves 'women', by organising workplaces to accommodate men in women's toilets, change rooms, etc. Because of the transgender changes to anti-discrimination and human rights law, anyone can be accused of discrimination against and 'vilification' of 'trans' individuals and taken to court. As WoLF has noted, discrimination claims on the ground of 'gender identity' always make claims of other people 'that violate ordinary standards of behavior':

Other people may be required to remember and use inaccurate pronouns. Other people may be required to give up their physical privacy. Other people may be required to falsify records, or make false statements. Other people may be required to say that a shelter, program, or opportunity, is for women, and then let men access it, but continue to lie and say that it's only for women (WoLF, 2020).

A statement by Bryan Meagher (the ACAT member hearing the case against Beth Rep brought by Bridget Clinch) indicates that no case opposing the transgender agenda could ever succeed in Australia because there is an irresolvable contradiction between what the law says on the one hand, and on the other, public statements that say men can't be women. '[A]n unwillingness to accept the statutory approach of protecting those who identify as women but started off as men', he said, 'seems to distort the point of anti-discrimination legislation' (ACAT, 2020a: 17, para.51). In other words, if you are unwilling to accept that men are women, you're discriminating against them. As it stands, the legislation is based on full acceptance of the claim that men can be

‘women’, and no one who disagrees with that has any defence against a complaint of ‘discrimination’ or ‘vilification’ on the grounds of ‘gender identity’.

This is an appalling state of affairs. The law has caved in to transgender demands for censorship of disagreement and criticism. It’s true that the law states that the ‘vilification’ must ‘incite hatred towards, serious contempt for, or severe ridicule’ (to quote the NSW *Anti-Discrimination Act*), and it must be directed towards an individual. But transgender interprets generalised criticism as personal insult, even if no particular individual is named (see Clinch’s complaint that Rep vilified a group ‘namely transgender people’) (ACAT, 2020a: 3, para.2).

And as usual, these transgender claims to ‘rights’ are based on lies, even apart from the original lie that people can change sex and the above disavowals of what is really going on. The Preamble to the Yogyakarta Principles, for example, contains the usual lie about trans ‘vulnerability’. The authors are ‘disturbed’, they say, ‘that violence, harassment, discrimination, exclusion, stigmatisation and prejudice are directed against persons ... because of their sexual orientation or gender identity’ (The Yogyakarta Principles, 2007). While that is indeed true in the case of lesbians and gay men and boys, it is false in the case of heterosexual cross-dressing men. It is also false in the case of the children and young people who are confused and troubled by the messages they are getting about sex and sexuality, and whose problems are made infinitely worse by the transgender agenda. There is no ‘violence’, etc. directed against persons ‘because of their gender identity’. There are innumerable *assertions* that ‘trans people’ are abused because of their ‘gender identity’, but no evidence is ever adduced in support of those assertions. (See the ‘Transgender’s alleged vulnerability’ section in the ‘... and statistics’ chapter).

Meghan Murphy summed it up well:

[Transgender] is not a human rights movement. It is not about protecting a marginalized population of people. It is not about letting people be themselves. It is not about breaking the “gender binary.” This is certainly not about protecting kids. It’s not about “letting people pee.” What the trans movement is is a misogynistic movement started by men who believe women are nothing more than a collection of parts and stereotypes. That women are nothing more than objects for their taking. Nothing more than a sexualized idea—a fetish (Murphy, 2023).

No man has a ‘right’ to call himself a ‘woman’ and thus violate the right of women and girls to spaces separate from naked, exhibitionist adult men. Neither does any man have a ‘right’ to call himself a ‘woman’ and expect the rest of us to believe him. He can legally force us to comply, but that is power, not rights. Given that the trans agenda has the power to make society conform to its demands, despite its claims to ‘vulnerability’, its members don’t need rights.

For a philosopher’s argument that, ‘if we value a liberal, pluralistic society, we *must* reject the idea that we can compel acceptance of these transgender belief claims’, see: Francione, 2024—original emphasis.

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