

Free Speech Union briefing

# Stonewall's Censorship Champions

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## Executive Summary

It isn't necessary to take a position on the validity of LGBT charity Stonewall's claims about the nature of sex, gender and identity to recognise that they have far-reaching consequences and should therefore be subject to maximum public debate.

Since adding transgender rights to its remit in 2015, Stonewall has adopted gender identity ideology and lobbied for self-identified gender to govern many domains of public life previously determined by biological sex.

This has entailed the development of an expansive definition of what constitutes "transphobic" speech, encompassing any criticism of gender identity or self-identified gender as concepts.

Standpoint epistemology and a belief that linguistic categories can be "oppressive" or "exclusionary" are at the root of much Stonewall policy. Both frameworks further hinder the ability to speak plainly about issues arising from the transgender debate without incurring accusations of transphobia.

Through the operation of the Diversity Champions programme and School and College Champion schemes, Stonewall ideology has come to be enacted at the institutional level with relatively little public scrutiny. This has entailed stigmatising and penalising people exercising their speech rights to comment on the repercussions of Stonewall policies.

This briefing summarises the impact Stonewall has had on freedom of speech and the process by which the organisation appears to have bypassed the marketplace of ideas in policymaking.

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# Introduction

This paper will make no comment on the validity of Stonewall's claims about the nature of sex, gender identity or sexual orientation, except to note that they represent a radical departure from commonly held understandings of these topics, do not necessarily command widespread public support<sup>1</sup> and therefore raise profound questions about many important domains of public and private life.

Stonewall's lobbying for changes to the Equality Act has ramifications for sex-based rights, such as access to single-sex spaces, sporting competitions and shortlists. The organisation's proposals to reform the Gender Recognition Act and implement a system of self-identified gender declaration have repercussions for data gathering and our understanding of social trends related to biological sex, such as higher rates of male suicide or lower rates of sexual offending by females.<sup>2</sup> Stonewall takes a policy position on matters of transgender healthcare,<sup>3</sup> against a backdrop of rapidly changing demographic factors among the trans-identifying population<sup>4</sup> and considerable professional disagreement about the best treatment pathway for gender dysphoric people.<sup>5</sup>

In a liberal society, we would expect Stonewall's claims on these matters, and the policy questions arising from them, to be subject to maximum public scrutiny prior to the enactment of any changes proposed on their basis. In other words, we would expect Stonewall's policy proposals to require democratic legitimacy, earned in our liberal society through the operation of freedom of speech and the

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- 1 Mark Lehair, "[Culture, political parties, and the public – new CCS research](#)" (Campaign for Common Sense, 2021).
  - 2 Stonewall, *A Vision for Change: Acceptance without exception for trans people 2017–2022* (2017a), 30–33.
  - 3 Stonewall, "[Stonewall statement on High Court puberty blockers ruling](#)" (2020a).
  - 4 Andrew Gilligan, "[Surge in girls switching gender](#)", *The Times* (2019).
  - 5 Marcus Evans, "[Freedom to think: The need for thorough assessment and treatment of gender dysphoric children](#)", *BJPsych Bulletin* (2020).

marketplace of ideas. Because, as James Kirkup writes, “No policy made in the shadows can survive in sunlight.”<sup>6</sup>

The rest of this report examines the ways in which Stonewall appears to have implemented its policy agenda at the institutional level, while actively discouraging the open, evidence-based debate with implicated or concerned parties that would build democratic legitimacy for its views. By penalizing individuals who do not adopt its view of gender identity issues, Stonewall has had a chilling effect on free speech and civic discourse around an issue of huge contemporary importance.

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6 James Kirkup, “[The document that reveals the remarkable tactics of trans lobbyists](#)”, *The Spectator* (2019).

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# What is Stonewall?

## Stonewall 1989–2015

Stonewall is a charitable organisation established in 1989. Originally a campaign for the repeal of Section 28 of the Local Government Act 1988, which prohibited the “promotion” of homosexuality by local authorities,<sup>7</sup> Stonewall took up the cause of equal rights for gay and lesbian people more broadly, describing its mission in 1997 as:

to protect and advance the civil, political, economic, social and cultural rights of lesbians and gay men so that they are held on an equal basis with those of other citizens.<sup>8</sup>

Stonewall aimed “to create a highly professional lobbying organisation”<sup>9</sup> and attracted well-connected board members who have gone on to occupy roles at important policy-making organisations like the Equality and Human Rights Commission.<sup>10</sup> Perhaps because of this, Stonewall has been a financial success, reporting total income of just under £8.7 million in 2018.<sup>11</sup>

Stonewall’s campaigning contributed to significant advances in gay and lesbian equality, including the repeal of Section 28 in all parts of the UK by 2003, the introduction of civil partnerships for same-sex couples in 2002 and the inclusion of same-sex attraction as a protected characteristic in the Equality Act 2010.<sup>7</sup>

On the back of these victories for gay and lesbian equality, Stonewall began to market trainings and benchmarking programmes designed to ensure equal rights for same-sex-attracted people in the workplace.

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7 Stonewall, “[Key dates for lesbian, gay, bi and trans equality](#)” (2016).

8 The Stonewall Lobby Group Limited, [Annual Report and Accounts](#) (1997), 1.

9 Ruth Hunt and Ayaz Manji, [Trans people and Stonewall: Campaigning together for lesbian, gay, bisexual and trans equality](#), Stonewall (2016), 4.

10 Owen Bowcott, “[David Isaac: ‘Disabled people still face huge barriers’](#)”, *The Guardian* (2016).

11 Stonewall Equality Limited, [Trustees’ Report and Financial Statements](#) (2018), 20.

These include the Stonewall Diversity Champions programme<sup>12</sup> and the School and College Champions programme,<sup>13</sup> the latter of which delivers similar benchmarking services for educational institutions. Fees collected from programmes like these accounted for just under 40% of Stonewall's total income in 2019<sup>14</sup> and their operation and impact will be examined later.

## **Adding the “T” to the “LGB” – Stonewall in 2015**

In 2015, recently appointed CEO of Stonewall Ruth Hunt announced that Stonewall would begin to include transgender people in its work, updating its mission statement to read:

to advance equality and acceptance for lesbian, gay, bisexual and transgender (LGBT) people in Britain and worldwide.<sup>15</sup>

In a 2016 report titled *Trans People and Stonewall* Hunt outlined the reasons for the decision:

Stonewall no longer needs to maintain a strict distinction between sexual orientation and gender identity. Historically, we thought it was the right thing to do. Over the last four months I've spoken to hundreds of trans people who say we were wrong to maintain that distinction and we made it worse by making mistakes... We apologise to trans people for the harm that we have caused.<sup>16</sup>

Some commentators have speculated that Stonewall had become a victim of its own success by 2015.<sup>17</sup> Its organisational purpose and rationale for soliciting funding arguably evaporated once it achieved its legislative goals in relation to sexual orientation. The charity found itself in need of a new cause to justify its continued existence. While this is a speculative view, it is certainly true that in 2015 Hunt described her fear of “creeping complacency” in the organisation and Jan Gooding, a Stonewall trustee, spoke of the need to begin “a new

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12 Stonewall, “[Diversity Champions programme](#)”.

13 Stonewall, “[Stonewall School and College Champion Membership](#)”.

14 Stonewall Equality Limited, [Trustees' Report and Financial Statements](#) (2019), 23.

15 Stonewall Equality Limited, [Trustees' Report and Financial Statements](#) (2015), 2.

16 Hunt and Manji, Foreword.

17 Douglas Murray, “[I thought the culture wars would stop when Covid struck. Now, things have become so toxic... that we're living through the Age of Mass Derangement](#)”, *The Mail on Sunday* (2020).

chapter”.<sup>18</sup> It is also noteworthy that taking up the cause of transgender people appears to have been of financial benefit to Stonewall. Between 2014–2018, over the period when it began to campaign on trans issues, Stonewall’s income increased by 61%.<sup>19</sup>

The *Trans People and Stonewall* report outlined sweeping changes to Stonewall’s operation. Training on transgender and non-binary identity was mandated for all Stonewall staff and Stonewall’s school and workplace programmes were updated to integrate its newly adopted definitions of “gender identity” and “transgender”. A host of new staff, including a Director of Trans Integration, were recruited to begin campaigning on policy issues affecting transgender people.<sup>20</sup>

## Stonewall’s Terminology and Ideology

At this point it is necessary to briefly outline how Stonewall has defined the terms “gender identity” and “transgender” since adopting them in its campaigning.

Additionally, it will be useful to outline two philosophical concepts, standpoint epistemology and the exclusionary nature of linguistic categories. Both are rooted in the academic theory of gender identity and underpin much of Stonewall’s campaigning. These ideological frameworks are defined here because they have particular consequences for freedom of speech and knowledge production, but the full theoretical and philosophical origins of gender identity theory are beyond the scope of this paper.<sup>21</sup>

## Gender Identity

Stonewall defines “gender identity” as: “A person’s innate sense of their own gender, whether male, female or something else... which may or may not correspond to the sex assigned at birth.”<sup>22</sup> In this view, it is an inner psychological perception of gender identity that determines whether you are male or female, not your biological sex.<sup>23</sup> Stonewall

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18 Alexandra Topping, “[Stonewall chief Ruth Hunt: we will do more to promote transgender rights](#)”, *The Guardian* (2014).

19 Jo Bartosch, “[The rise and fall of Stonewall](#)”, *Spiked* (2020).

20 Hunt and Manji.

21 For an accessible introduction to gender identity theory, please see: Kathleen Stock, *Material Girls: Why Reality Matters for Feminism* (Fleet, 2021).

22 Stonewall, [An Introduction to Supporting LGBT Children and Young People: A guide for schools, colleges and settings](#) (2020b; updated June 2021), 67.

23 Stock (2021).

argues that gender identity is the sole preserve of the individual, advising that “Trans people... need to be accepted for who they are”<sup>24</sup> and deeming it transphobic to speculate on someone’s gender identity.<sup>25</sup> Writing for Stonewall in 2017, Rachel Stein said, “Trans women have every right to have their identity and experiences respected... They are women... and their sense of their gender is as engrained in their identity as yours or mine. Being trans... is about an innate sense of self. To imply anything other than this is reductive and hurtful to many trans people.”<sup>26</sup> It follows that a person should be able to identify as a member of the opposite sex, and enjoy the same legal rights as a member of that sex, without the need for a sex change operation, or even the need to take on the appearance of a member of the opposite sex. Stonewall has campaigned for the concept of gender identity to replace biological sex or gender reassignment across a range of public domains that will be examined later.<sup>27</sup>

## Transgender

“Transgender” is defined by Stonewall as: “An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.”<sup>28</sup> The 2016 *Trans People and Stonewall* report references the organisation’s intention to promote “a wide range of trans identities including those who don’t conform to a narrow perception of trans identity”.<sup>29</sup> This is perhaps why identities that may be unfamiliar to many people, such as “non-binary”, “agender”, “crossdresser”, “neutrois” and “genderless”, are listed by Stonewall as falling under the trans umbrella.<sup>28</sup> It is significant that this definition of transgender diverges considerably from the category of “gender reassignment” used to establish the rights of trans people in UK law. Stonewall believes that trans rights shouldn’t be contingent on “gender reassignment”. This will be discussed further.

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24 Stonewall, “[Stonewall welcomes commitment to end trans ‘cure’](#)” (2017b).

25 Stonewall, [Trans inclusive policies and benefits: How to ensure your policies and benefits are trans inclusive](#) (2016a), 5.

26 Rachel Stein, “[Trans Women are Women](#)”, Stonewall (2017).

27 Stonewall (2017a).

28 Stonewall, “[Glossary of Terms](#)” (2021).

29 Hunt and Manji, 18.

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## Ideology: Standpoint Epistemology and “Exclusionary” or “Oppressive” Language

Standpoint epistemology holds that certain kinds of knowledge are privileged by the identity of the holder and not accessible to those who do not share that identity. American sociologist Patricia Hill Collins writes:

Identity politics claims the authority of one’s own experiences and social location as a source of epistemic agency. Standpoint epistemology asserts the right to be an equal epistemic agent in interpreting one’s own realities.<sup>30</sup>

Standpoint epistemology is relevant to Stonewall’s policies in at least two ways.

Firstly, the concept of self-identified gender appears entirely determined by standpoint epistemology. Under the Stonewall definitions, gender identity and trans identification are established purely by “the authority of one’s own experiences” and are not subject to outward verification by others based on physical characteristics or medical processes of transition or presentation.

This leads to a second, related point that has significant consequences for free speech and knowledge production. It lies in the claim that assertions made based on standpoint epistemology are not merely qualitative statements about subjective personal experience but have the same unimpeachable authority as objective knowledge and cannot be legitimately questioned by anyone who does not share the speaker’s epistemic standpoint. According to Collins:

Painting... standpoint epistemology as a limited and potentially biased form of knowing illustrates this general practice of discrediting the epistemic agency of oppressed subjects.<sup>31</sup>

This raises a difficult point from a freedom of speech point of view: if we understand the concept of gender identity adopted by Stonewall as a form of standpoint epistemology would it also be, as Collins argues, “discrediting the epistemic agency of oppressed subjects” for someone to question the validity of self-identified gender by, for instance, claiming there’s a distinction between biological men who identify as women and biological women when it comes to sex-based

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30 Patricia Hill Collins, cited in Helen Pluckrose and James Lindsay, *Cynical Theories: How Universities Made Everything about Race, Gender and Identity – and Why This Harms Everybody* (Pitchstone Publishing, 2020), 311.

31 Ibid.

rights? Stonewall appears to believe so, labelling any discussion about potential conflicts between self-identification and women's sex-based rights as debate about "trans people's rights to exist"<sup>32</sup> and promising to "confront individuals and movements that refuse to recognise the legitimacy of trans identities".<sup>33</sup>

As we will see, Stonewall's concept of "transphobia", defined using the above formulation of standpoint epistemology and gender identity, has often been used to suppress legitimate critique of its lobbying and ideas. Kathleen Stock succinctly summarises the impact that standpoint epistemology has had on the transgender debate more broadly:

[W]hen transmuted through popular culture this has quickly become the idea that only trans people can legitimately say anything about their own nature and interests including on philosophical matters of gender identity. Cis people, including feminists and lesbians, have nothing useful to contribute here.<sup>34</sup>

Stonewall's policies also evidence tacit acceptance of another ideological framework derived from gender identity ideology. This is the idea that categories traditionally determined by biology, such as "man" and "woman", are oppressive and exclusionary, particularly for trans people. Stock summarises this radically socially constructionist view, popularised by Judith Butler, in the following way:

Linguistic categories, including scientific and biological ones, aren't a means of *reflecting* existing divisions in the world, but a means of *creating* things that otherwise wouldn't have existed. According to Butler, scientific language in particular creates "hierarchies" of dominance and subordination, entrenching power relations between social groups. And this also applies to the categories of male and female: they are arbitrary, artificial and do not reflect any prior material division. What they *do* reflect is "exclusionary" power relations dictating who gets to count as a "real" woman or man, and who does not.<sup>35</sup>

We see this concept of oppressive or exclusionary categories most obviously in Stonewall's policies around gender neutral language, which seek to remove words associated with biological sex on the grounds that they exclude trans people. For example, Brighton and

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32 Ruth Hunt, "[Our work for trans equality is at the heart of our mission for acceptance without exception](#)" (Stonewall, 2018).

33 Stonewall (2017a), 13.

34 Stock (2021), 31.

35 *Ibid.* 21.

Sussex University Hospitals Trust now refer to “pregnant people” rather than “pregnant women” on the grounds that this is “inclusive of trans and non-binary birthing people”.<sup>36</sup> Stonewall also claim that “misgendering”, meaning to reference a person’s biological sex by failing to use their preferred pronouns, is a form of “transphobic bullying”.<sup>37</sup>

This intense scrutiny of language and the stigmatising of people who fail to use the “correct” terminology has an automatic chilling effect on free speech, not to mention making it difficult to frame the terms of the debate about issues arising from gender self-identification in a neutral, impartial way. If, according to Stonewall’s terms, it is “transphobic bullying” to reference the biological sex of trans identified people, how do we even begin to discuss issues where sex is a salient factor, such as whether trans women should be able to access single sex spaces?

## **Stonewall’s Legislative and Policy Aims**

On the recommendation of the 2016 *Trans People and Stonewall* report,<sup>38</sup> the Stonewall Trans Advisory Group (TAG) was formed. TAG produced the document *A Vision for Change – Acceptance without Exception for Trans People 2017–2022*<sup>39</sup> which has provided the intellectual underpinnings of Stonewall’s lobbying activities on trans issues. The impact of these activities on freedom of speech will be examined in depth later, but here the Stonewall policies and legislative aims relevant to our discussion are briefly introduced:

- **The reform of the 2004 Gender Recognition Act**, to remove existing provisions requiring medical evidence of gender dysphoria and proof of having lived in an “acquired gender” for at least two years before a person can legally change their sex on official documents. Stonewall campaigns for “a self-declaration process” in place of these requirements whereby a person would only have to complete a “simple administrative process” to have their self-identified gender, Stonewall’s definition of which is outlined above, legally recognised with no need for further verification. Stonewall also campaigns for the Gender Recognition Act to be extended to non-binary people and those who are under the age of 18.<sup>40</sup>

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36 BBC, “[Brighton NHS Trust introduces new trans-friendly terms](#)” (2021a).

37 Stonewall, “[The Truth about Trans](#)” (2021a).

38 Hunt and Manji.

39 Stonewall (2017a).

- **The replacement of the protected characteristic “gender reassignment” in the Equality Act 2010 with “gender identity” and the removal of the Act’s single-sex exemptions.**<sup>41</sup> The rights of transgender people to protection from discrimination and harassment are currently codified in the Equality Act under the term “gender reassignment”. The Act states that: “A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purposes of reassigning the person’s sex by changing physiological or other attributes of sex.”<sup>42</sup> As we have already established, Stonewall’s definition of “gender identity” is based entirely on self-identification and is therefore independent of any of the “physiological or other attributes of sex” currently referred to in the Equality Act.
- The single-sex exemptions that Stonewall also objects to are “an exception to the general prohibition of gender reassignment discrimination in relation to the provision of separate- and single-sex services”. In order to exclude a trans identified person from a single-sex space “such treatment by a provider has to be objectively justified” and the example given of such a justification is a group counselling session for female victims of sexual assault.<sup>43</sup> Stonewall characterises the current single-sex exemptions as evidence that “a trans person’s rights are not the same as everyone else’s” and maintains that access to single-sex spaces should not be circumscribed by anything other than a person’s self-declared gender identity.<sup>44</sup> If a biological male wishes to participate in a group counselling section for female victims of sexual assault they should be allowed to do so.
- Stonewall’s legislative aims regarding the Equality Act are relevant to another of its policies, namely **“addressing the disproportionately high level of hate crime experienced by trans communities”**.<sup>45</sup> Some commentators disagree with

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40 Stonewall (2017a), 30–33.

41 Ibid.

42 Equality Act 2010, [s.7](#).

43 Equality Act 2010, Explanatory Notes, [pt.16, sch.3, pt.7](#).

44 Stonewall (2017a), 30.

45 Hunt and Manji.

the premise of this claim, arguing that trans people do not face uniquely high levels of hate crime.<sup>46</sup> A “hate crime” or “hate incident” is currently determined in law with reference to five protected characteristics, one of which is “transgender identity”.<sup>47</sup> Using the definitions promoted by Stonewall of “transgender” and “gender identity”, established via standpoint epistemology as we have discussed, potentially increases the number of incidents that can be labelled as a transphobic hate crime or a non-crime hate incident (NCHI) directed at a trans person, especially given the lower evidence threshold required for the latter. An NCHI is defined as “behaviour which isn’t a crime but which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice based on the five protected characteristics”. The role of NCHIs in relation to Stonewall is explored later but a detailed examination of the consequences for free speech of policing “non-crime” is beyond the range of this paper.<sup>48</sup>

- **The inclusion of gender identity in planned legislation to ban conversion therapy.**<sup>49</sup> Some commentators have voiced concerns that a ban on gender identity conversion might lead to an affirmation-only approach to treatment of gender dysphoria, where recommending “watchful waiting” or talking therapy are viewed as coercive attempts to change or suppress someone’s self-identified gender, even if the person has complex co-morbidities like autistic spectrum disorder or anorexia which may contribute to feelings of gender dysphoria.<sup>50</sup> The Memorandum of Understanding on Conversion, signed by many healthcare professionals and medical associations, was originally intended to protect patients from coercive practices to alter sexual orientation. In 2017 the Memorandum was updated to include gender identity<sup>51</sup> and in March 2021 the minister for women and equalities, Liz Truss, indicated that the government intended to

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46 Wilfred Reilly, “[Are We in the Midst of a Transgender Murder Epidemic?](#)”, *Quillette* (2019).

47 Crown Prosecution Service, “[Hate crime](#)” (2021).

48 For a detailed examination of Non-Crime Hate Incidents, please see: Radomir Tylecote, *[An Orwellian Society: Non-Crime Hate Incidents and the policing of speech](#)* (The Free Speech Union, 2021).

49 Stonewall, “[Stonewall statement on conversion therapy consultation](#)” (2021b).

50 Evans (2020), 1–6.

51 *Ibid.*

hold a consultation on proposed legislation to ban conversion therapy.<sup>52</sup> She did not comment on whether conversion of gender identity would be included in addition to sexual orientation. Despite its eagerness to see a ban on conversion therapy, Stonewall was not pleased by news of the consultation, writing in May 2021 that it was “concerning” that the government felt the need to consult people with a range of opinions on the subject, saying: “We don’t need a consultation to know that all practices that seek to convert, suppress, cure or change us are dangerous, abusive and must be banned... any delay leaves us at further risk of abuse.”<sup>53</sup> Stonewall’s apparent view that it is not necessary for policymaking to be accompanied by consultation of a diverse range of views is explored in depth later.

## Critics of Stonewall

As stated in the introduction, Stonewall’s claims about the nature of sex, sexual orientation and gender identity, in addition to its legislative goals, give rise to a number of significant questions that should be subject to open debate by the public. Having outlined the ideological and legislative approach of Stonewall, it will be useful to briefly introduce some common criticisms made against them.

Much criticism of Stonewall arises from disagreement with the basic claim of one of its most prominent slogans: “Trans women are women. Get over it!”<sup>54</sup> Many people disagree that trans women ARE women and contest Stonewall’s conceptual model of gender as purely self-identified and divorced from biological sex. This also places them in disagreement with much of Stonewall’s legislative reform agenda, particularly as it relates to accessing single-sex spaces and services. Those who fall into this category of Stonewall’s critics include feminist philosophers like Kathleen Stock<sup>55</sup>, lesbian and gay people concerned that the concept of self-identified gender has repercussions for our understanding of what constitutes same sex attraction<sup>56</sup>; transgender people like Debbie Hayton who do not believe that transgender identification changes a person’s intrinsic biological sex<sup>57</sup>, and women’s rights groups asserting the need for single-sex spaces to

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52 BBC, “[Liz Truss promises ban on gay conversion therapy](#)” (2021b).

53 Stonewall (2021b).

54 Stein (2017).

55 Stock (2021).

56 [Get the L Out UK](#).

maintain women's safety and privacy from male bodied people.<sup>58</sup> People expressing these criticisms of Stonewall are broadly referred to as "gender-critical".<sup>59</sup> Trans activists sometimes use the derogatory label TERF, meaning "trans exclusionary radical feminist", to describe people who hold gender-critical views.<sup>60</sup>

Another strand of criticism comes from medical practitioners and researchers wishing to investigate questions about gender identity, gender dysphoria and transgender identification outside the conceptual framework adhered to by Stonewall. Criticisms of Stonewall-inspired medical policies include the efficacy of affirmation-only therapeutic interventions in gender-dysphoric young people,<sup>61</sup> the long term health impacts of hormonal treatments on physical and emotional wellbeing,<sup>62</sup> the sudden spike in teenage girls seeking medical treatment for gender dysphoria<sup>63</sup> and the growing phenomenon of "detransition", where people who once identified as transgender return to identifying as their natal sex, sometimes having made irreversible changes to their bodies which they regret.<sup>64</sup>

Groups have formed to advocate for freedom of debate about the questions raised by Stonewall's positions on these issues. The LGB Alliance<sup>65</sup> was formed to oppose Stonewall's gender self-identification policies and their consequences for same-sex-attracted people. Simon Fanshawe, who helped found Stonewall in 1989, and Gill Butler, a former Stonewall trustee, are among the LGB Alliance's supporters. Fanshawe said of his decision:

The key issue is not about whether Stonewall should or shouldn't be supporting trans people in the campaigns it wants to run. The issue is the way in which Stonewall has chosen to go about it. My public break with Stonewall was preceded by a very considerable effort, by me and others who were on the original board of Stonewall, to get it to engage in proper

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57 Debbie Hayton, "[Why does Penny Mordaunt think 'trans men are men'?](#)", *The Spectator* (2021).

58 [Woman's Place UK](#).

59 Stock (2021), 221.

60 Ibid. 29–31.

61 Evans (2020).

62 Grace Davis, "[Oxford Professor Describes Use of Hormone Blockers On Transgender Children as 'An Unregulated Live Experiment'](#)", *The Oxford Student* (2019).

63 Gilligan (2019).

64 Transgender Trend, "[Detransition](#)" (2021a).

65 [LGB Alliance](#).

dialogue by which we could reach some common points of agreement on the knotty questions... But there was absolutely no attempt from Stonewall to create a dialogue.<sup>66</sup>

Perhaps as a consequence of this, the LGB Alliance mission statement make an explicit commitment to “promote free speech”.<sup>67</sup>

Transgender Trend, started by Stephanie Davies-Arai, was launched to voice “concern about the medical transition of children and young people and the erasure of girls’ sex-based protections in school and society”. Like the LGB Alliance, Transgender Trend aims to “encourage the widest possible public debate and engagement”.<sup>68</sup>

In a later section we will explore examples of ways in which Stonewall’s recommended policies, when adopted by institutions like universities, appear to have made it difficult for gender-critical people to exercise their legally-protected speech rights when seeking to explore questions about gender identity.

But first we will examine Stonewall’s corporate programmes, the mechanisms of which go some way to explaining *how* Stonewall policy has come to inhibit freedom of speech.

## **Stonewall Programmes**

Stonewall made over £3 million in fees in 2019, chiefly by marketing programmes for employers and schools.<sup>69</sup>

Perhaps the best known is the workplace Diversity Champions programme (DCP), launched in 2001 with the aim of helping employers to “challenge sexual orientation discrimination and promote diversity in the work-place”.<sup>70</sup> Since 2015 the DCP has integrated Stonewall’s view of gender identity and transgender identification into its programmes. Signing up gives employers access to Stonewall training programmes, policy advice and guidance, described as creating “inclusive and accepting environments”<sup>71</sup> for lesbian, gay, bisexual and transgender people. DCP certified organisations are also entitled to display Stonewall’s imprimatur of approval. Participation in the DCP costs a minimum of £2,500 per year, rising according to the

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66 Paddy Hannam, “[Stonewall now represents intolerance](#)”, *Spiked* (2021).

67 LGB Alliance, “[Our Vision](#)” (2021).

68 Transgender Trend, “[Constitution](#)” (2021b).

69 Stonewall Equality Limited (2019), 23.

70 Stonewall (2016).

71 Stonewall, “[Diversity Champions Members](#)” (2015a).

size of the company. Stonewall states that 850 UK organisations are registered with the DCP. Notable organisations with DCP membership include 250 government departments and public bodies,<sup>72</sup> NHS England and NHS Scotland, top universities including Cardiff and Essex and broadcasting regulator Ofcom.<sup>73</sup>

Apparently to incentivise participation in the DCP, Stonewall also runs the Workplace Equality Index, described as “the UK’s leading benchmarking tool for LGBT inclusion in the workplace”.<sup>74</sup> By meeting criteria set by Stonewall and paying an additional fee, participating organisations can be considered for a place on the “top 100 employers” list. Filing an application to the Workplace Equality Index is an exhaustive bureaucratic process, with reports that it can take up to sixty hours to answer and evidence the sixty-two-question submission.<sup>75</sup> Organisations in the DCP who wish to improve their ranking in the Workplace Equality Index can access Stonewall’s paid “empowerment” programmes at a discounted rate. Even with the discount, participation in a one-day Stonewall “empowerment” course can cost as much as £410 per person.<sup>76</sup>

The Stonewall School and College Champion programme and School and College Champion Awards<sup>77</sup> operate according to the same principle. Educational institutions are charged between £150–£800<sup>78</sup> a year for access to Stonewall approved trainings, resources and consultations. The School and College Champion Awards fill the same benchmarking role as the Workplace Equality Index, with schools classified as Bronze, Silver or Gold.<sup>79</sup> In 2019 there were 1,291

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72 Ewan Somerville, “[Exodus over transgender advice continues as Government pulls out of Stonewall diversity training](#)”, *The Telegraph* (2021).

73 Graham Linehan, “[Stonewall accidentally hide their list of ‘diversity champions’](#)”, Substack (2021). (*N.B. Stonewall formerly maintained a public list of organisations in the Diversity Champions programme but this was made password protected in May 2021. The cited list was compiled by Graham Linehan.*)

74 Stonewall, “[Top 100 Employers 2020](#)” (2020c).

75 NHSBSA Editor, “[Completing the Stonewall Workplace Equality Index](#)” (NHS, 2020).

76 Debbie Hayton, “[Why are taxpayers funding Stonewall diversity programmes?](#)”, *The Spectator* (2020).

77 Stonewall, “[School & College Champions Membership](#)” (2021c).

78 Stonewall, “[Stonewall School & College Champion FAQs](#)” (2021d).

79 Stonewall, “[Stonewall School & College Champion Awards](#)” (2021e).

schools signed up to the Stonewall School and College Champions programme.<sup>80</sup>

So what does Stonewall advise members of its Champions programmes to do? The salient points from a free speech point of view relate to Stonewall's guidance regarding self-identification and single-sex spaces, and relatedly to the low threshold it sets for speech critical of self-identification policies to be classified as transphobic discrimination.

Stonewall guidance advises employers to implement policies stating, "That the organisation considers any gender identities outside of the gender binary as a protected characteristic", stating that "the most inclusive employers consider non-binary to be a protected characteristic".<sup>81</sup> While the language of "protected characteristics" mimics that used in the Equality Act and hate crime sentencing, commentators have pointed out that it is not "gender identities outside of the gender binary" that are treated as a protected characteristic in law. It is the category of "gender reassignment", defined above.<sup>82</sup> Stonewall is quite explicit in telling employers to disregard the legal category of "gender reassignment":

The law and terminology around gender reassignment is outdated and doesn't reflect the full variety of experience of the trans community. The descriptive term used within legislation is gender reassignment, but this is a very narrow definition of what it means to be trans. Best practice is to treat all individuals, including those who identify as non-binary, as you would other people with protected characteristics.<sup>83</sup>

In line with their own definition, Stonewall DCP advice goes on to suggest that "you should allow anyone to access facilities, spaces and groups which align with their gender identity".<sup>84</sup> Schools are explicitly advised that "under the Equality Act a trans child or young person can use the toilets and changing rooms that match their gender".<sup>85</sup> Commenting on the decision by Girlguiding UK to allow biological males with a self-identified female gender identity to share spaces traditionally reserved for biological females, Stonewall wrote that

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80 Stonewall Equality Limited (2019), 9.

81 Stonewall (2016a), 2–3.

82 Naomi Cunningham, "[SUBMISSION AND COMPLIANCE: risks for Stonewall Champions](#)", Legal Feminist (2021).

83 Stonewall (2016a), 2–3.

84 Ibid. 4.

85 Stonewall (2020b).

“refusing to include trans young people can have serious consequences for their safety and wellbeing and is also breaking the law”.<sup>86</sup> But, again, commentators have pointed out that, as currently formulated, the Equality Act advises that access to “facilities, spaces and groups” may sometimes be subject to single-sex exemptions, defined by reference to whether someone is “either male or female”, rather than according to gender self-identification as Stonewall advocates.<sup>87</sup> This has led to accusations that Stonewall, in its legal advice, describes the law as it would prefer it to be, rather than the law as it is.<sup>88</sup>

The Stonewall Champion programmes advise schools and employers to:

explicitly state that the organisation will not tolerate discrimination or harassment of anyone based on their gender identity or expression. You should also highlight specific examples of transphobia, explaining why they constitute transphobic language or behaviour – often staff may not be aware of the subtle and nuanced ways in which transphobia can occur.

The confluence of standpoint epistemology and belief in the exclusionary power of linguistic categories evident in Stonewall’s definitions have led to it listing as examples of transphobia “speculating about someone’s gender” and “ignoring someone’s preferred pronoun”.<sup>89</sup> It should be immediately evident that engaging in debate about the validity or otherwise of Stonewall’s conception of self-identified gender is made almost impossible by this policy, which renders the language necessary to frame the terms of the debate as, in itself, transphobic.

Stonewall CEO Nancy Kelley maintained as of June 2021 that the organisation was “really confident” in its advice on the Equality Act and denied widespread media coverage arguing that they had misinterpreted the Act as it related to transgender people.<sup>90</sup>

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86 Serina Sandhu, “[Girlguiding defends transgender policy and calls criticism ‘inaccurate’](#)”, *iNews* (2018).

87 Cunningham (2021).

88 Nicola Woolcock, “[Stonewall ‘gave bad advice’ to university in free speech row](#)”, *The Times* (2021).

89 Stonewall (2016a), 5.

90 Jessica Parker and Eleanor Lawrie, “[Stonewall boss defends new strategy amid criticism](#)”, BBC (2021).

Now we will examine the consequences of Stonewall's policies on free speech and public discourse across a range of important British institutions.

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# Stonewall's Influence

## Government

Stonewall's 2019 financial report states that "we continued to build our relationships with policy makers across all political parties".<sup>91</sup> Two hundred and fifty government departments and public bodies are members of the Stonewall Diversity Champions programme. In addition, government grants totalling £2,616,102 were paid to Stonewall between 2015–2019 with the Department for Education contributing the largest amount, just under £1 million between 2015–16 and 2018–2019. The Welsh Government paid Stonewall £552,326<sup>92</sup> and wrote in their submission to the 2020 Workplace Equality Index that "the Equality in the Workplace Team also regularly sends policies to Stonewall for their feedback".<sup>93</sup> The Scottish government made the Stonewall Workplace Equality Index Top 100 in 2012<sup>94</sup> and 2019.<sup>95</sup>

By itself, this appears to warrant the view that Stonewall policies are likely to have had a significant impact on government. But there is further evidence suggesting that Stonewall has sometimes seemed to determine the range of opinion considered by government on matters of significant public concern.

In 2015, the same year in which Stonewall began lobbying on transgender issues, the House of Commons Women and Equalities Select Committee held an enquiry on Transgender Equality. Stonewall was informally consulted on the inquiry before it even began, which is arguably why no groups critical of self-identification policies were invited to give their views.<sup>96</sup> In its evidence, Stonewall argued for the

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91 Stonewall Equality Limited (2019), 10.

92 Lucy Bannerman, "[Taxpayers gave Stonewall £2.6m over four years](#)", *The Times* (2021).

93 Supporting Document. [Welsh Government Submission to Stonewall Workplace Equality Index](#) (2020). Freedom of Information Request.

94 Stonewall, [Top 100 Employers 2012](#) (2016b).

95 Stonewall, "[The Full List: Top 100 Employers 2019](#)" (2019b).

96 Women and Equalities Committee, [Transgender Equality First Report of Session 2015–16](#), 8 December 2015, HC 390 2015-16, 6–7.

legislative changes relating to gender recognition and the definition of transgender identity that have already been outlined and also for training on transgender identity in line with Stonewall definitions to be rolled out across schools and workplaces.<sup>97</sup>

While the Committee's final report initially endorsed all the recommendations made by Stonewall, its publication galvanized critics of gender self-identification to lobby government for the inclusion of a more diverse range of views. Groups including Transgender Trend,<sup>98</sup> Fair Play for Women<sup>99</sup> and Woman's Place UK<sup>100</sup> were established from 2015 onwards. When the government published its response to the report six months later, Stonewall's demands had been diluted to a simple review of the Gender Recognition Act 2004.<sup>101</sup> However, in 2019 the LGB Alliance, which campaigns against Stonewall's conception of gender identity and in particular for the maintenance of the category of same-sex attraction as determined by biological sex, not self-identification, wrote that: "The government continues to treat Stonewall as if it represented the views of progressive thinking in general, and specifically LGB opinion. It does not."<sup>102</sup>

## Law

Established by a provision of the Equality Act 2006, the Employment and Human Rights Commission (EHRC) is an independent body overseeing equality and anti-discrimination law in the UK. As such, it plays a role in determining the application of equality laws,<sup>103</sup> reform of which Stonewall is explicitly committed to. The EHRC has commissioned research from Stonewall, paying as much as £96,904 in 2009,<sup>104</sup> and David Isaac, the Chair of Stonewall from 2003–2012, became the Chair of the EHRC from 2016–2020. The EHRC was also a member of the Stonewall DCP until announcing that it would not renew its membership in May 2021.<sup>105</sup>

97 Stonewall, "[Women and Equalities Select Committee Inquiry on Transgender Equality](#)" (2015b).

98 [Transgender Trend](#).

99 [Fair Play for Women](#).

100 [Woman's Place UK](#).

101 Transgender Trend, [Government response to trans inquiry](#) (2016).

102 Nicholas Hellen, "[Anti-women' trans policy may split Stonewall](#)", *The Sunday Times* (2019).

103 Equality and Human Rights Commission. "[Who we are](#)" (2021).

104 Stonewall Equality Limited, [Financial Statements](#) (2009), 15.

In March 2019, Maya Forstater's employment contract was not renewed by the think tank Centre for Global Development, apparently because she had been critical of gender self-identification on her personal social media accounts. At an employment tribunal, Forstater stated that she had been discriminated against on the basis of her gender-critical views, arguing that her belief in the reality of biological sex should be treated in law as falling within the category of "philosophical belief", a protected characteristic. This was rejected by the tribunal judge, who said Forstater's views weren't entitled to protection under equality law and were "not worthy of respect in a democratic society".

In May 2021, Baroness Falkner, chairwoman of the EHRC, made a rare intervention on Forstater's appeal of this decision, stating that the tribunal judge had incorrectly interpreted equality law. She stated:

The principles are absolutely clear, which is why we took a position to intervene in the case. The principles are that freedom of belief is protected.

She went on to add:

Someone can believe that people who self-identify as a different sex are not the different sex that they self-identify. A lot of people would find this an entirely reasonable belief.<sup>106</sup>

Forstater has since won her appeal, resulting in recognition from the Employment Appeals Tribunal that gender-critical beliefs are indeed protected under the Equality Act 2010, although the judge was at pains to point out that the expression of those beliefs in the workplace could, in certain circumstances, constitute harassment against trans or gender non-conforming people.<sup>107</sup>

Also in May 2021, the EHRC announced that it would not be renewing its DCP membership on the grounds that it "did not constitute best value for money".<sup>105</sup> This may well be true, but it is also plain that Baroness Falkner's comments on behalf of the EHRC are completely at odds with Stonewall's DCP guidance about what constitutes transphobic speech.

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105 John McManus "[Human rights body leaves Stonewall diversity scheme](#)", BBC (2021).

106 Oliver Wright, "[Women must be heard on transgender identity, says new equalities chief](#)", *The Times* (2021).

107 Doug Faulkner, "[Maya Forstater: Woman wins tribunal appeal over transgender tweets](#)", BBC (2021).

As we will discuss in the conclusion, the EHRC is just one of many government or government-adjacent organisations that have begun distancing themselves from Stonewall, and it is to be hoped that this is motivated by a broader concern about the impact the organisation has had on freedom of speech, in addition to value-for-money considerations.

Equally, the finding in the Forstater case may determine the outcome of other cases where gender-critical belief has been penalized in the workplace. Barrister Allison Bailey is currently involved in proceedings against her employer, Garden Court chambers (DCP members), who launched an investigation into her conduct after Stonewall complained about her public support of the LGB Alliance. Bailey states that she hopes her case “can stop Stonewall policing free speech via its Diversity Champions scheme”.<sup>108</sup>

## **Policing**

In 2019, former police constable Harry Miller founded Fair Cop, an organisation that campaigns against “police attempts to criminalise people for expressing opinions that don’t contravene any laws”.<sup>109</sup>

Miller was contacted by Humberside Police in 2019 following an anonymous complaint that thirty of his tweets about the transgender debate might constitute a transphobic “hate incident”. He had written, retweeted or liked posts that included statements like “trans women are not women” and “I was assigned mammal at birth, but my orientation is fish. Don’t mis-species me.”<sup>110</sup> He was advised that his “promotion” of these views did not rise to the level of a crime, but that the complaint would be registered in his name as a “non-crime hate incident” (NCHI), the terms of which are established by the “perception” of the complainant. NCHIs show up on people’s police records when prospective employers carry out enhanced disclosure checks on them and may therefore impact their employment prospects. Miller was explicitly advised that his employment could be at risk if he did not moderate his speech in future. The anonymous complainant was referred to as the “victim” throughout, tacitly positioning Miller as a criminal even though he had not committed a crime. Most worryingly from a free speech point of view, Miller reports that the officer told him it was necessary to “check your thinking.”<sup>111</sup>

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108 Allison Bailey, “[I am suing Stonewall](#)” (2021). Crowdfunder.

109 [Fair Cop](#) (2021).

110 BBC, “[Harry Miller: Police probe into ‘transphobic’ tweets unlawful](#)” (2020).

It later emerged that Humberside Police, in addition to approximately 50% of police forces in England and Wales, are enrolled as Stonewall Diversity Champions.<sup>112</sup> It seems highly likely that Stonewall guidance and training contributed to the view taken by Humberside Police that Miller's commentary amounted to transphobia, rather than legitimate, if satirical, commentary on the questions raised by gender identity ideology. Recall that "speculating about someone's gender" and refusing "to recognise the legitimacy of trans identities" are classified as transphobic abuse by Stonewall.

In February 2020, the High Court ruled that Humberside Police's actions had been an infringement of Miller's right to free speech but refused his wider challenge to the perception-based reporting and recording of NCHIs, a judgement that Miller is now contesting in the Court of Appeal.<sup>110</sup> Fair Cop announced in June 2021 that it would take legal action against police forces that remained in the DCP beyond a period of consideration. Miller wrote that:

It is now beyond reasonable doubt that any association, formal or otherwise, with Stonewall is a violation of The Code [of Ethics]... reasonable members of the public perceive an actual or apparent conflict of interest with police work... such that it creates the impression that the police are not able to discharge their duties impartially.<sup>112</sup>

## Universities

At the time of writing, over 100 UK universities are enrolled in the Stonewall DCP.<sup>73</sup> As our chief centres of knowledge production, universities have typically placed a high value on the expression of even controversial ideas as essential to the operation of academic freedom. However, DCP membership appears to be connected to many gender-critical individuals being disinvited from speaking events or subject to formal investigations by universities on the grounds that their views are transphobic or constitute a form of harassment. Stonewall DCP guidance for the higher education sector advises that, "Speakers who hold strongly anti-LGBT views, such as... denying that trans people exist as the gender they say they are, cause LGBT

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111 David Scullion, "[Fair Cop? How Stonewall turned the police into political activists](#)", *The Critic* (2020).

James Kirkup, "[Is it now a crime to like a poem about transgenderism?](#)", *The Spectator* (2019a).

112 Ewan Somerville and Hayley Dixon, "[Exclusive: Police forces threatened with legal action over links to Stonewall](#)", *The Telegraph* (2021).

people to feel deeply unsafe.”<sup>113</sup> Gender-critical philosophy professor Kathleen Stock has collated examples of extensive speech suppression relating to gender-critical thought in academia<sup>114</sup> and authored a letter signed by over thirty academics which summarised the apparent conflict between academic freedom and DCP membership in the following way:

Most UK universities, including Oxford Brookes, are members of the Stonewall Diversity Champions scheme, and as a requirement have produced university policies framed by Stonewall’s political position on gender identity. These go well beyond equality law and in our view come into conflict with English and Scottish laws protecting academic freedom... Present university policies put academics who question the political position of Stonewall at risk of formal complaint, as well as wider harassment. This is to the detriment of society, for there is general public confusion about sex and gender and their social and political implications.<sup>115</sup>

Stonewall DCP member Essex University apparently followed Stonewall’s higher education guidance to the letter when it cancelled a talk on trans rights and criminal justice by the criminology professor Jo Phoenix in December 2019. They were also following Stonewall DCP advice when they subsequently disinvited Rosa Freedman, a law professor, from speaking at the university. Student protestors alleged that the gender-critical views expressed by Phoenix and Freedman constituted transphobic hate speech “that would cause harassment to students”. A subsequent investigation found that “the wording of the University’s policy on supporting trans and non-binary staff could have been used to lend credence to the idea that newspaper letters on trans issues, written by the two women, could amount to or lead to unlawful harassment”.<sup>88</sup> Freedman later discovered via a Subject Access Request that she was almost denied an interview for a job at Essex University on the grounds that there would be protests about her “transphobia”. In the event, the University decided not to fill the vacancy at all.<sup>116</sup>

The investigation into the treatment of Phoenix and Freedman, commissioned by Essex and carried out by barrister Akua Reindorf,

<sup>113</sup> Katie Budd, [Delivering LGBT-Inclusive Higher Education](#) (Stonewall, 2019).

<sup>114</sup> Kathleen Stock, “[Are academics freely able to criticise the idea of ‘gender identity’ in UK Universities?](#)”, Medium (2019).

<sup>115</sup> Kathleen Stock, Simon Fanshawe et al., “[Stonewall ‘is stifling academic freedom’](#)”, letter to *The Times* (2019).

<sup>116</sup> Julie Bindel, “[Stonewall and the silencing of feminist voices at universities](#)”, *The Spectator* (2021).

found in May 2021 that the university had failed in its duty to uphold freedom of speech. Reindorf's report contains some striking comments about the University's relationship to Stonewall. She writes:

This policy is founded on an erroneous understanding of the law. The policy is reviewed annually by Stonewall and its incorrect summary of the law does not appear to have been picked up by them. In my view the policy states the law as Stonewall would prefer it to be, rather than the law as it is. To that extent the policy is misleading.

Reindorf also commented that association with Stonewall had erroneously “given university members the impression that gender-critical academics can legitimately be excluded from the institution”.<sup>88</sup>

While Reindorf's report will hopefully mark a turning point in the suppression of gender-critical views in academia, it is worth noting the considerable chilling effect that Stonewall policies have had, not just on philosophical debates about gender identity, but also on evidence-based research into the treatment of gender dysphoria. In 2017 psychotherapist James Caspian was denied permission to conduct research on the experience of detransitioners by Bath Spa University. While Bath Spa is not listed as a DCP member, it justified its decision by claiming that the research “might cause offence” because it was “politically incorrect”.<sup>117</sup> Stonewall has attempted to downplay the extent, impact and causes of detransition,<sup>118</sup> which has contributed to an atmosphere in which it has been deemed an “offensive” area of research. Closing down research and debate in this area plainly has repercussions for our ability to make evidence-based decisions about how to provide effective care and treatment to people contemplating an irreversible medical procedure.

## Schools

In 2019, Stonewall reported that 1,291 schools were enrolled in the School Champions programme.<sup>119</sup> A report from the Taxpayers' Alliance found that the Department for Education had given £934,424 to Stonewall in grants between 2015–2016 and 2018–2019.<sup>92</sup> Also in 2019, Stonewall published an LGBT+ Inclusive Primary Curriculum<sup>120</sup>

117 Fraser Myers, “[James Caspian – My battle with the transgender thoughtpolice](#)”, *Spiked* (2019).

118 Kirrin Medcalf, “[Dispelling Myths around Detransition](#)” (Stonewall, 2019).

119 Stonewall Equality Limited (2019), 9.

120 Stonewall, “[LGBT-inclusive curriculum guide launched for UK primary schools](#)” (2019a).

funded by the Government Equalities Office and in the same year reported that “we worked with key stakeholders and the Welsh Government to design and reform the new curriculum to ensure that it’s inclusive of LGBT identities”.<sup>121</sup>

In 2018, Stonewall School Champion member Barrow Hall Primary in Great Saney replaced sex-segregated toilets with gender-neutral facilities without informing parents of the change. In response to complaints from parents, who alleged that female pupils were uncomfortable and refusing to use the new facilities, the school explained that the policy was based on “training and advice” from the Stonewall Champions Programme and was therefore in line with the Equality Act.<sup>122</sup> Likewise, Oxfordshire County Council, also Stonewall School Champions, faced a judicial review when a 13-year-old schoolgirl argued in 2020 that its Trans Inclusion Toolkit violated her right to single-sex spaces.<sup>123</sup> The Toolkit was created in consultation with Stonewall and the Council ultimately chose to withdraw it rather than face the judicial review. Lawyer Naomi Cunningham has commented that “the policy made various erroneous statements about the law”<sup>82</sup> and Transgender Trend have pointed out that English and Welsh schools must comply with School Premises regulations that state that “separate toilet facilities for boys and girls aged eight years or over must be provided”.<sup>124</sup>

Stonewall’s schools guidance also recommends intensive policing of speech, advising schools to “monitor and report all incidents that are motivated by a prejudice, including those that fall below the definition of bullying”. Examples of transphobic prejudice include “misnaming or misgendering” and staff are advised to “support colleagues by correcting them”. After undertaking a comprehensive review, Transgender Trend identified “compelled speech and belief” alongside “biological inaccuracies... legal inaccuracies... promotion of ideology and reinforcement of sex stereotypes” as among the shortcomings of Stonewall’s school guidance created between 2015–2019.<sup>125</sup> Stonewall claimed in response that Transgender Trend, which

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121 Stonewall Equality Limited (2019), 10.

122 Isabel Cotogni, “[Anger as gender neutral toilets introduced at primary school without parents knowing](#)”, *Warrington Guardian* (2018).

123 BBC, “[Court action over Oxfordshire County Council’s transgender policy](#)” (2020a).

124 Transgender Trend, “[Is your school a Stonewall School Champion?](#)” (2021c).

125 Transgender Trend, [Stonewall Schools Guidance: A Critical Review](#) (2021d).

encourages an evidence-based approach to gender identity issues, is “dangerous” and “deeply damaging”.<sup>126</sup>

## Healthcare

A full survey of the issues surrounding transgender healthcare is beyond the scope of this paper. A few core questions will be outlined here, but it is sufficient to note in relation to free speech that, as a relatively new and evolving field of medicine where there are diverging views about the best treatment pathway for patients, questions of best practice in transgender healthcare should be open to the widest possible debate. Unfettered, evidence-based enquiry is plainly in the best interests of transgender patients. Just under 100 health and social care organisations, including many NHS trusts, were registered as Stonewall DCP members in 2021.<sup>73</sup>

There have been several noteworthy demographic shifts in those referred for medical treatment for gender dysphoria that warrant open discussion. In the ten years between 2009–2019, there was a 3264% rise in referrals to the national gender identity clinic,<sup>127</sup> the Tavistock and Portman NHS Trust, and female patients now make up the majority of referrals in a patient cohort that used to be predominantly male.<sup>4</sup> Professor Carl Heneghan, director of the Oxford Centre for Evidence-Based Medicine, gave a sense in 2019 of the range of medical questions relating to transgender healthcare that remain to be addressed:

There are a large number of unanswered questions that include the age at start, reversibility; adverse events, long term effects on mental health, quality of life, bone mineral density, osteoporosis in later life and cognition... Given paucity of evidence, the off-label use of drugs... in gender dysphoria treatment largely means an unregulated live experiment.<sup>62</sup>

Nonetheless, Stonewall takes a definitive moral position on the medical treatment of trans people. Following a recent High Court finding that court permission should be sought prior to the prescription of puberty-blocking treatments to people under the age of 18, Stonewall announced that “denying this vital support is not a neutral act and can be deeply harmful to trans young people”.<sup>3</sup> Former Stonewall CEO Ruth Hunt has also said that it is “unethical” to “attempt to change a person’s gender identity through therapy”.<sup>24</sup>

<sup>126</sup> Hannah Kibirige, “[Creating a trans-inclusive school environment – response to Transgender Trend](#)” (Stonewall, 2018).

<sup>127</sup> Evans (2020), 1.

This is a strangely unequivocal position to take given the unusually high turnover of staff at the Tavistock and Portman NHS Trust. Forty people departed the Trust between 2017–2019, citing among their reasons concerns about the rapid, and often irreversible, medical interventions being performed on trans-identifying young people and the failure to provide therapeutic interventions to explore other factors, such as same-sex attraction, autistic spectrum disorder or childhood trauma, that might contribute to feelings of gender dysphoria.<sup>128</sup> The concerns of these medical professionals suggest that some gender-dysphoric people might best be served by a treatment pathway that falls outside Stonewall’s model of innate gender identity, but the charity’s public stance does not appear to encourage debate on the subject.

Stonewall’s stance also has repercussions for the speech rights of patients who are not transgender. In 2019, DCP members Brighton and Sussex University Hospitals NHS Trust used letters from a female patient requesting a doctor of the same sex for an intimate examination as evidence of “unacceptable” and “highly discriminatory” transphobic speech. The letters were included as part of the Trust’s guidance on transgender patients and staff. The patient in question had been raped as a teenager and was understandably wary of male-bodied people, but the Trust maintained that “we have a duty to apply the same principles here as we would if a patient requested clinicians from particular backgrounds/ethnicities”.<sup>129</sup> The implication that it is akin to racism for a patient to request a doctor of the same sex as them appears to reflect Stonewall’s view that it is transphobic to reference the biological sex of transgender people, even in circumstances where biological sex is of particular relevance.

## Media

Ofcom is the UK’s broadcasting regulator and therefore responsible for determining the range of views the broadcast media is allowed to debate in the public sphere. Ofcom is registered with the Stonewall DCP and receives guidance from Stonewall on “the coverage of trans issues by broadcasters”.<sup>130</sup> Other notable media organisations in the DCP include the BBC and Sky.<sup>73</sup>

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128 Hannah Barnes and Deborah Cohen, “[NHS child gender clinic: Staff concerns ‘shut down’](#)”, BBC (2020).

129 Nicholas Hellen, “[Patient branded transphobic after asking for female medic](#)”, *The Sunday Times* (2019a).

130 Julia Snape, [Freedom of Information: right to know request](#), (Ofcom, 2021).

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Giving evidence to the Culture, Media and Sports Committee in 2020, Ofcom CEO Dame Melanie Dawes was asked why broadcasters like the BBC were obliged to “balance” their reporting on trans issues by including groups critical of Stonewall’s gender identity policies. The LGB Alliance was offered as an example of a “transphobic” group platformed by the BBC. Dawes described the inclusion of the LGB Alliance’s views as “extremely inappropriate” and stated that Ofcom was in discussions with Stonewall about how to prevent gender-critical speech reaching the airwaves.<sup>131</sup>

As a broadcasting regulator, Ofcom should place the highest value on freedom of expression and has a responsibility to ensure that the British public is exposed to a diverse range of viewpoints so it can engage fully in democratic decision-making on contentious issues. Stonewall DCP membership would appear to be at odds with this purpose and to undermine the traditional fourth estate watchdog function of the media.

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131 Digital, Culture, Media and Sports Committee, [Oral evidence: The future of Public Service Broadcasting](#), 15 December 2020, HC 156.

## Closing Discussion: Can Stonewall Step Out of the Shadows?

In the Introduction, journalist and political commentator James Kirkup was quoted as saying: “No policy made in the shadows can survive in sunlight.” The quote is drawn from an article in which Kirkup analyses a report from the law firm Dentons, created at the behest of the International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth and Student Organisation, to recommend effective lobbying techniques to achieve the removal of parental consent from the gender recognition process for those under 18. Kirkup revealed that the document advocated concealing lobbying activities from the general public behind a “veil”, covertly attaching policies that the public either did not know about or were actively opposed to, thereby preventing public scrutiny of controversial legislative changes. Kirkup wrote:

[I]n my experience of how changes in the law are brought about, the approach described in that report is simply not normal or usual. In a democracy, we are all free to argue for whatever policy or position we wish. But normally, anyone who wants to change the law accepts that to do so they need to win the support or, at least, the consent of the people whose authority ultimately gives the law its force.<sup>6</sup>

This approach is an example of “policy made in the shadows” and, while the Dentons’ report does not relate to Stonewall, the process of lobbying it outlines has some similarities to the way Stonewall pursues its agenda. “Policy capture” is another term that could reasonably be applied to Stonewall’s activities, defined by the OECD as:

The process of consistently or repeatedly directing public policy decisions away from the public interest towards the interest of a specific interest group or person. Capture is the opposite of inclusive and fair policy-making and always undermines core democratic values. The capture of public decisions can be

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achieved...through legal channels such as lobbying and financial support to political parties and political campaigns.<sup>132</sup>

The examples assembled in this paper demonstrate that Stonewall's programme has resulted in a form of policy capture. The negative consequences of this for freedom of speech can be shown to operate in a particular way. By creating corporate incentives to follow Stonewall guidance, the DCP encourages organisations to adhere to its particular understanding of gender identity as a concept and to its interpretation of the law relating to transgender and gender non-conforming people. As we have seen, a range of important British institutions have been influenced by Stonewall's positions. By advising these institutions to employ its questionable definitions of what constitutes "transphobia," Stonewall effectively excludes critical discussion of its ideas about gender identity, and as a consequence questioning voices at these institutions are stigmatised. This seems all the more undemocratic in light of information revealing that the taxpaying general public paid for almost three quarters of the grants the organisation received in 2018–2019.<sup>92</sup>

So, can Stonewall step out of the shadows and begin to make policy in the sunlight of full democratic scrutiny?

At the time of writing in June 2021 the Stonewall DCP is experiencing what has been described as an "exodus" of members. In May 2021, the Minister for Women and Equalities Liz Truss issued guidance to government departments stating that they should withdraw from the Stonewall DCP. This seems to have been partly in response to the comments of Baroness Falkner, quoted above, which raise questions about Stonewall's interpretation of equality law.<sup>133</sup> The Ministry of Justice, Cabinet Office and Government Equalities Office have withdrawn from the DCP.<sup>72</sup> Likewise, the finding on the permissibility of gender-critical speech in universities by Akua Reindorff, described earlier, has led institutions including University College London and the University of Winchester to withdraw from the DCP.<sup>134</sup> In the media sphere, Channel 4 has also decided not to renew its DCP membership.<sup>135</sup>

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132 OECD, *Preventing Policy Capture: Integrity in Public Decision Making*, (Public Governance Reviews; 2017), 9.

133 Eleni Courea, "[Liz Truss urges official withdrawal from Stonewall diversity scheme](#)", *The Times* (2021).

134 Hayley Dixon, "[Universities begin leaving Stonewall diversity scheme](#)", *The Telegraph* (2021).

This could be a turning point for Stonewall, and there are many ways in which it could begin to engage in democratic debate that might materially advance the public's understanding of and attitude towards trans people. Kathleen Stock makes a number of suggestions for places where constructive discourse could begin. For example, in the dispute over access to single-sex spaces there are surely reasonable compromises to be explored. There is nothing to prevent the retention of single-sex services for those who need them while *also* providing gender-neutral third spaces.<sup>136</sup> Likewise in data gathering, there is no need to *replace* the collection of data about biological sex with information only about self-identified gender when we might start recording data about both.<sup>137</sup> However, the precondition for these debates to take place, and for the rights of all concerned to be advanced, requires Stonewall to stop demonising its opponents.

Unfortunately, recent comments from Stonewall CEO Nancy Kelley do not suggest Stonewall is going to recognise the mistakes of the past and offer its ideas up for democratic scrutiny without demonising those who disagree. In a May 2021 interview, Kelley compared gender-critical beliefs to anti-Semitism and argued that the expression of those beliefs was “harmful” and “damaging”.<sup>90</sup> That being the case, society has a duty to remain sceptical of Stonewall’s policy advice and to be vigilant in ensuring that where the organisation has the power to influence policy, the widest range of stakeholders are democratically consulted alongside Stonewall before a decision is reached.

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135 Ben Ellery, “[Channel 4 quits Stonewall scheme amid legal advice scandal](#)”, *The Times* (2021).

136 Stock (2021).

137 *Ibid.* 158–159.

# Bibliography

- Allison Bailey, "[I am suing Stonewall](#)" (2021). Crowdfunder.
- Lucy Bannerman, "[Taxpayers gave Stonewall £2.6m over four years](#)", *The Times* (2021).
- Hannah Barnes and Deborah Cohen, "[NHS child gender clinic: Staff concerns 'shut down'](#)", BBC (2020).
- Jo Bartosch, "[The rise and fall of Stonewall](#)", *Spiked* (2020).
- BBC, "[Harry Miller: Police probe into 'transphobic' tweets unlawful](#)" (2020).
- BBC, "[Court action over Oxfordshire County Council's transgender policy](#)" (2020a).
- BBC, "[Brighton NHS Trust introduces new trans-friendly terms](#)" (2021a).
- BBC, "[Liz Truss promises ban on gay conversion therapy](#)" (2021b).
- Julie Bindel, "[Stonewall and the silencing of feminist voices at universities](#)", *The Spectator* (2021).
- Owen Bowcott, "[David Isaac: 'Disabled people still face huge barriers'](#)", *The Guardian* (2016).
- Katie Budd, *Delivering LGBT-Inclusive Higher Education* (Stonewall, 2019).
- Patricia Hill Collins, cited in Helen Pluckrose and James Lindsay, *Cynical Theories: How Universities Made Everything about Race, Gender and Identity – and Why This Harms Everybody* (Pitchstone Publishing, 2020), 311.
- Isabel Cotogni, "[Anger as gender neutral toilets introduced at primary school without parents knowing](#)", *Warrington Guardian* (2018).
- Eleni Courea, "[Liz Truss urges official withdrawal from Stonewall diversity scheme](#)", *The Times* (2021).
- Crown Prosecution Service, "[Hate crime](#)" (2021).
- Naomi Cunningham, "[SUBMISSION AND COMPLIANCE: risks for Stonewall Champions](#)", *Legal Feminist* (2021).
- Grace Davis, "[Oxford Professor Describes Use of Hormone Blockers On Transgender Children as 'An Unregulated Live Experiment'](#)", *The Oxford Student* (2019).
- Digital, Culture, Media and Sports Committee, *Oral evidence: The future of Public Service Broadcasting*, 15 December 2020, HC 156.
- Hayley Dixon, "[Universities begin leaving Stonewall diversity scheme](#)", *The Telegraph* (2021).
- Ben Ellery, "[Channel 4 quits Stonewall scheme amid legal advice scandal](#)", *The Times* (2021).

Equality Act 2010, [s.7](#).

Equality Act 2010, Explanatory Notes, [pt.16, sch.3, pt.7](#).

Equality and Human Rights Commission. "[Who we are](#)" (2021).

Marcus Evans, "[Freedom to think: The need for thorough assessment and treatment of gender dysphoric children](#)", *BJPsych Bulletin* (2020).

Doug Faulkner, "[Maya Forstater: Woman wins tribunal appeal over transgender tweets](#)", BBC (2021).

Andrew Gilligan, "[Surge in girls switching gender](#)", *The Times* (2019).

Paddy Hannam, "[Stonewall now represents intolerance](#)", *Spiked* (2021).

Debbie Hayton, "[Why are taxpayers funding Stonewall diversity programmes?](#)", *The Spectator* (2020).

Debbie Hayton, "[Why does Penny Mordaunt think 'trans men are men'?](#)", *The Spectator* (2021).

Nicholas Hellen, "['Anti-women' trans policy may split Stonewall](#)", *The Sunday Times* (2019).

Nicholas Hellen, "[Patient branded transphobic after asking for female medic](#)", *The Sunday Times* (2019a).

Ruth Hunt, "[Our work for trans equality is at the heart of our mission for acceptance without exception](#)" (Stonewall, 2018).

Ruth Hunt and Ayaz Manji, [Trans people and Stonewall: Campaigning together for lesbian, gay, bisexual and trans equality](#), Stonewall (2016).

Hannah Kibirige, "[Creating a trans-inclusive school environment – response to Transgender Trend](#)" (Stonewall, 2018).

James Kirkup, "[The document that reveals the remarkable tactics of trans lobbyists](#)", *The Spectator* (2019).

James Kirkup, "[Is it now a crime to like a poem about transgenderism?](#)", *The Spectator* (2019a).

Mark Lehain, "[Culture, political parties, and the public – new CCS research](#)" (Campaign for Common Sense, 2021).

LGB Alliance, "[Our Vision](#)" (2021).

Graham Linehan, "[Stonewall accidentally hide their list of 'diversity champions'](#)", Substack (2021).

John McManus "[Human rights body leaves Stonewall diversity scheme](#)", BBC (2021).

Kirrin Medcalf, "[Dispelling Myths around Detransition](#)", (Stonewall, 2019).

Douglas Murray, "[I thought the culture wars would stop when Covid struck. Now things have become so toxic... that we're living through the Age of Mass Derangement](#)", *The Mail on Sunday* (2020).

Fraser Myers, "[James Caspian – My battle with the transgender thoughtpolice](#)", *Spiked* (2019).

OECD, [Preventing Policy Capture: Integrity in Public Decision Making](#), (Public Governance Reviews; 2017).

Jessica Parker and Eleanor Lawrie, "[Stonewall boss defends new strategy amid criticism](#)", BBC (2021).

Wilfred Reilly, "[Are We in the Midst of a Transgender Murder Epidemic?](#)", *Quillette* (2019).

Serina Sandhu, "[Girlguiding defends transgender policy and calls criticism 'inaccurate'](#)", *iNews* (2018).

David Scullion, "[Fair Cop? How Stonewall turned the police into political activists](#)", *The Critic* (2020).

Julia Snape, [Freedom of Information: right to know request](#), (Ofcom, 2021).

Ewan Somerville, "[Exodus over transgender advice continues as Government pulls out of Stonewall diversity training](#)", *The Telegraph* (2021).

Ewan Somerville and Hayley Dixon, "[Exclusive: Police forces threatened with legal action over links to Stonewall](#)", *The Telegraph* (2021).

Rachel Stein, "[Trans Women are Women](#)", Stonewall (2017).

Kathleen Stock, "[Are academics freely able to criticise the idea of 'gender identity' in UK Universities?](#)", Medium (2019).

Kathleen Stock, *Material Girls: Why Reality Matters for Feminism* (Fleet, 2021).

Kathleen Stock, Simon Fanshawe et al., "[Stonewall 'is stifling academic freedom'](#)", letter to *The Times* (2019).

The Stonewall Lobby Group Limited, [Annual Report and Accounts](#) (1997).

Stonewall Equality Limited, [Financial Statements](#) (2009).

Stonewall Equality Limited, [Trustees' Report and Financial Statements](#) (2015).

Stonewall, "[Diversity Champions Members](#)" (2015a).

Stonewall, "[Women and Equalities Select Committee Inquiry on Transgender Equality](#)" (2015b).

Stonewall, "[Key dates for lesbian, gay, bi and trans equality](#)" (2016).

Stonewall, [Trans inclusive policies and benefits: How to ensure your policies and benefits are trans inclusive](#) (2016a).

Stonewall, [Top 100 Employers 2012](#) (2016b).

Stonewall, [A Vision for Change: Acceptance without exception for trans people 2017-2022](#) (2017a).

Stonewall, "[Stonewall welcomes commitment to end trans 'cure'](#)" (2017b).

Stonewall Equality Limited [Trustees' Report and Financial Statements](#) (2018).

Stonewall Equality Limited, [Trustees' Report and Financial Statements](#) (2019).

Stonewall, "[LGBT-inclusive curriculum guide launched for UK primary schools](#)" (2019a).

Stonewall, "[The Full List: Top 100 Employers 2019](#)" (2019b).

Stonewall, "[Stonewall statement on High Court puberty blockers ruling](#)" (2020a).

Stonewall, [An Introduction to Supporting LGBT Children and Young People: A guide for schools, colleges and settings](#) (2020b; updated June 2021).

Stonewall, ["Top 100 Employers 2020"](#) (2020c).

Stonewall, ["Glossary of Terms"](#) (2021).

Stonewall, ["The Truth about Trans"](#) (2021a).

Stonewall, ["Stonewall statement on conversion therapy consultation"](#) (2021b).

Stonewall, ["School & College Champions Membership"](#) (2021c).

Stonewall, ["Stonewall School & College Champion FAQs"](#) (2021d).

Stonewall, ["Stonewall School & College Champion Awards"](#) (2021e).

Supporting Document. [Welsh Government Submission to Stonewall Workplace Equality Index](#) (2020). Freedom of Information Request.

Alexandra Topping, ["Stonewall chief Ruth Hunt: we will do more to promote transgender rights"](#), *The Guardian* (2014).

Transgender Trend, [Government response to trans inquiry](#) (2016).

Transgender Trend, ["Detransition"](#) (2021a).

Transgender Trend, ["Constitution"](#) (2021b).

Transgender Trend, ["Is your school a Stonewall School Champion?"](#) (2021c).

Transgender Trend, [Stonewall Schools Guidance: A Critical Review](#) (2021d).

For a detailed examination of Non-Crime Hate Incidents, please see: Radomir Tylecote, [An Orwellian Society: Non-Crime Hate Incidents and the policing of speech](#) (The Free Speech Union, 2021).

Women and Equalities Committee, [Transgender Equality First Report of Session 2015–16](#), 8 December 2015, HC 390 2015-16, 6–7.

Nicola Woolcock, ["Stonewall 'gave bad advice' to university in free speech row"](#), *The Times* (2021).

Oliver Wright, ["Women must be heard on transgender identity, says new equalities chief"](#), *The Times* (2021).

