

The UK Supreme Court has said that the legal definition of "woman" is based on biological sex

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In a landmark ruling handed down on April 16, 2025, the [UK Supreme Court](#) has unanimously determined that the terms 'woman' and 'sex' in the Equality Act 2010 refer exclusively to biological sex. This means that 'women' and 'sex' in the Equality Act are defined on a biological basis, i.e. being born female of the human species.

According to the Supreme Court ruling, the issue at issue in the appeal from which it arose was to give a legal interpretation of the meaning of 'man', 'woman' and 'sex' in light of the Equality Act 2010 ("EA 2010"). This ruling follows a protracted legal battle brought by the feminist organization [For Women Scotland](#) (FWS) against the Scottish Government, which had sought to broaden the definition of 'woman' in the legislation on gender representation on Public Boards to include self-identified males with Gender Recognition Certificates (GRCs) and to encourage their increased political participation on such boards. The challenged legislation was held to be unlawful by the lower court (Inner House), which found that the statutory definition usurped matters outside the legislative competence of the Scottish Parliament.

In its ruling, the Supreme Court interprets the legal definition of 'sex' on a biological basis, i.e. that sex is determined by biology and not by gender, or in other words, by the roles and stereotypes with which people identify, which is the criterion on which transgenderism is based. This means that, in light of material reality, and the Supreme Court's interpretation of the law, women are only those born female. Therefore, in the Supreme Court's ruling, the legal definition of 'woman' implies the exclusion of self-identified males, even those who possess a GRC, that is, those who have requested and obtained the misnamed change of the registered sex.

The Supreme Court concluded that an interpretation of the law that included trans-self-identified men in the legal definition of 'woman' would undermine women's sex-based rights and negatively affect their exclusive spaces such as hospitals, shelters, sports clubs, prison modules and other spaces segregated by sex for reasons of security and privacy.

Even so, the British Supreme Court ruling reaffirms that transgender people are protected from discrimination under the gender reassignment characteristic; but

it clearly states that such protection does not alter the legal definition of 'woman' which is based on biological sex.

Implications of the ruling for women's sport

This ruling has profound repercussions in the sports world. Allowing trans-self-identified men or men with differences in sex development (DSD) to participate in female categories poses serious problems about the equity, safety and integrity of sports competitions, as we have seen in recent years in which the female category has been distorted, by unfairly allowing the participation of athletes born male.

As is well known, the differentiation of categories by sex in sport is based on biological differences widely documented by science; which is a notorious fact resulting from the undeniable sexual dimorphism between women and men, an ostensible truth for everyone.

Factors such as bone density, muscle mass, lung capacity, explosive strength, musculoskeletal configuration and physiology give males physical advantages over females, which become significant as they go through male puberty; advantages that are maintained even after hormonal treatments. Several scientific studies, such as the one led by [Emma Hilton](#), have shown that testosterone depletion does not eliminate physical advantages in female sport, demonstrating that fairness and safety in sporting activities cannot be guaranteed if natural-born males are allowed to participate in the female category.

As we have exposed in various articles in [IUSPORT](#), the inclusion of trans-self-identified men and men with DSD in female categories constitutes a flagrant violation of the rights of women athletes because it excludes them from their own category, causing them to lose scholarships, recognitions and sports opportunities, compromising decades of struggle for equality.

This ruling by the Supreme Court of the United Kingdom comes at a historic moment when the legality of the laws regulating the misnamed registered sex change, which have significantly deteriorated the legal protection of women and minors, is beginning to be reconsidered. This ruling reinforces the importance of maintaining clear legal definitions that allow the interpretation and application of the rules according to the proper meaning of the words. "Woman" has always meant to be the female of the human species.

Legal basis for requiring genetic testing in sport

Given the Supreme Court's ruling reaffirming that the legal definition of a woman should be based on biological sex, the [measures of the US Government](#) aimed at dismantling gender self-determination policies that allow men to self-identify as women, and the [UN Rapporteur's report](#) attesting to the grave harm done to women's and girls' rights, it is legally appropriate that all self-

determination laws be repealed globally, in order to protect the rights, opportunities and space of women and girls in all areas, particularly in sports, by ensuring dignified, fair and safe conditions that recognize the biological differences between women and men.

In this sense, the protection of the female category imposes the duty to ensure its integrity by requiring non-invasive genetic tests to verify sex, such as the oral hyposum, which must be carried out early and in duplicate, in order to guarantee confidentiality, reliability and the preservation of the privacy and dignity of the athletes, as approved by [World Athletics](#) and required by all women's sports organizations and the [International Consortium of Female Sports](#).

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