# Britain's first transgender judge to challenge Supreme Court ruling at the ECHR



Britain's first transgender judge, retired High Court judge Dr Victoria McCloud, has announced plans to challenge a recent Supreme Court ruling at the European Court of Human Rights (ECHR), asserting that the UK judiciary infringed on her rights. This follows the Supreme Court’s landmark decision delivered on 15 April, which declared that the legal definitions of "woman" and "sex" within the Equality Act pertain solely to biological sex assigned at birth.

The historic Supreme Court ruling, reached unanimously, was the result of a case brought by campaign group For Women Scotland against the Scottish government. The group argued that legal protections based on sex should apply exclusively to those born female. Lord Patrick Hodge, delivering the verdict, emphasised that the decision was not intended as a victory for any faction, but upheld that the law aims to protect transgender individuals against discrimination. The judgement clarified that transgender women with gender recognition certificates could be excluded from certain single-sex spaces when such exclusion was deemed "proportionate."

In response to the ruling, Dr McCloud, 55, contended that the judgement violated her human rights by leaving her "contained and segregated" and placing her in a legal limbo, being "two sexes at once." She criticised the Supreme Court for refusing to hear her evidence or give reasons for its decisions, claiming this contravened the right to a fair trial as protected under Article 6 of the European Convention on Human Rights. Dr McCloud’s forthcoming application to the ECHR will argue that her rights were infringed by the UK’s highest court, with potential repercussions including compensation or remedial measures, should the ECHR find in her favour.

The Equality and Human Rights Commission (EHRC), responsible for enforcing the Equality Act, issued guidance following the ruling, effectively instituting a blanket ban on transgender people using single-sex services corresponding to their gender identity rather than their biological sex. This guidance has sparked significant controversy and unrest in the UK, especially within the transgender community and allied healthcare professionals.

Fiona McAnena, from human rights organisation Sex Matters, commented on the situation, stating: "Men who identify as women never had the right to use female-only spaces and services, even if they thought they did. Trans activist groups encouraged a misunderstanding of the law so that many organisations adopted policies that centred the wishes of those men, at the expense of women. The law has not been changed, merely clearly stated."

Author and activist JK Rowling welcomed the Supreme Court’s clarification, expressing to the Express that the ruling was necessary to address previous misunderstandings propagated by media and activist groups who argued that gender transition altered a person’s legal sex in all respects.

Prime Minister Sir Keir Starmer described the judgement as providing "much-needed clarity," although the ruling elicited a strong backlash. Protests erupted across the UK, with activists expressing their opposition on the streets, and acts of vandalism against statues prompted police condemnation, with the Metropolitan Police describing such actions as "senseless and unacceptable."

The decision has also intensified debates within medical circles. Some healthcare professionals argue that the binary distinction between biological sex and gender identity, as emphasised by the ruling, lacks scientific or medical basis and is potentially harmful to transgender and gender-diverse individuals. Notably, the British Medical Association’s union branch representing around 50,000 resident doctors condemned the judgement as "scientifically illiterate" and warned it would inflict "real-world harm" on trans, non-binary, and intersex communities.

The Supreme Court’s ruling represents a significant moment in the ongoing legal and social discussions around sex and gender rights across Scotland, England, and Wales, with the case and its repercussions continuing to shape the national conversation.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

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