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TOPIC B

Transgender inclusion in cis-women spaces

CSW

Commission on the Status of Women



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Introduction

Transgender inclusion in cis-women spaces is a key area of debate in contemporary gender politics. Gender has moved away from biological definitions, and institutions are being asked to keep pace. The discussion is far broader than access to spaces, it's about redefining women, and a state's duty to protect the human rights of all gender minorities whilst still protecting the rights of cis-women. But this has proven difficult seeing as vast majority of trans people still face discrimination and exclusion, as stated in the 2022 United States Trans Survey (USTS), nearly one half of responders who had seen a health provider within the last 12 months had at least one negative experience regarding their identity, that be misgendering, being refused healthcare, providers getting physically rough, or using derogatory language towards them (*Early Insights: A Report of the 2022 U.S. Transgender Survey, 2024*).

Transgender people have faced great support from some governments, such as the Canadian Human Rights Act ammendment (*Government Bill (House of Commons) C-16 (42-1) - First Reading - an Act to Amend the Canadian Human Rights Act and the Criminal Code - Parliament of Canada, n.d.*) or the Council of Europe's Resolution 2048 that bans discrimination of trans people in Europe (*Doc. 13742 - Report - Working Document, n.d.*). Yet, inclusion into cis-women spaces is a problem that persists worldwide, with very few countries showing progressive attitudes towards the issue. Trans women are massively underrepresented in high school, sports, work and in their everyday life, and something must be done about it.



Definition of Key Terms

- **Cis-women**

Women who's gender identity matches the one she was assigned at birth.

- **Gender Recognition Act**

Parliament originated in the United Kingdom that allows adults who feel uncomfortable with their birth-assigned gender to change their legal sex.



- **United States Trans Survey (USTS)**

The largest survey regarding transgender people in the United States conducted by the National Center for Transgender Equality (NCTE). Collects data on multiple areas of trans people across their lives.

- **Misgendering**

Referring to or addressing someone using pronouns or terms that don't align with their gender identity.

- **Council of Europe 2048 Resolution**

Resolution passed in 2015 calling upon member states to fight discrimination against transgender people and to ensure their inclusion in society.



Background information

While many states have fortified gender equality and women's rights, transgender women have increasingly faced systemic inequities: legal denial, social rejection, violence, and limited access to health care, employment, and public services. The inclusion debate has become contentious, often in traditional cis-women spaces, including women's domestic violence shelters, bathrooms, prisons, and sports leagues. The controversies surrounding these spaces reflect competing views of fairness, safety, and identity, which have led to litigation and political controversy. In a number of nations, conservative opposition movements and political actors have used this issue to launch attacks on gains made by feminists and members of the LGBTQ+ community and in doing so are gesturing towards a larger anti-gender movement.

Although, there are sincere points of view—such as how to build trauma-informed spaces, protect privacy, and ensure fairness in competition—all which do not rely on exclusion and discrimination. Such as athletics, an ever growing area of dissension with subsisting differences in policy regarding the inclusion of transgender women in women's sports. With frameworks changing in real-time, such as the IOC releasing the "Framework on Fairness, Inclusion and Discrimination On the Basis of Gender identity and Sex variations" in 2021 (*Fairness, Inclusion and Non-Discrimination in Olympic Sport*, 2021) or the World Athletics establishing regulations for transgender athletes to facilitate the participation of athletes in the gender division they identify with in 2023 (Safer et al., 2023) and launching a new stakeholder consultation on female eligibility as of this February (*World Athletics Launches New Stakeholder Consultation on Female Eligibility | PRESS-RELEASES | World Athletics*, 2025)

However, some parties grow concerned that cis-women will be harmed in the process. Upholding the idea that women will be disadvantaged and endangered in sports, unsafe in certain spaces like prisons, and uncomfortable in more private spaces like bathrooms, locker rooms and sleeping chambers. With cis-women athletes fearing for possible harm, with Women in Sports stating that compared to age-matched females at any weight, adult males have 40-50% greater upper body strength, (*Trans Inclusion & Women'S Sport - Women in Sport*, n.d.) with sports being inherently physical, biological strength and mass disadvantages are a growing concern, ideally searching for a solution that both includes trans-women but doesn't put cis-women at a disadvantage nor danger.

Major Parties Involved

- **United States of America**



As of May 19, there have already been over 910 anti-trans bills introduced in the United States, from re-stating gender (Alabama State Senate & Weaver, 2025), to sex-based segregation based on strictly biological sex (*SB486 Bill Information*, n.d.) and even banning trans-girls starting from sixth grade from participating in sports traditionally for cis-women (*GA SB1 / Anti-trans Legislation*, n.d.). With elected president Donald J. Trump's presidential action regarding trans people (The White House, 2025), the United States has shown little tolerance for the topic as of late.

- **United Kingdom of Great Britain and Northern Ireland**



As of April 2025, the United Kingdom Supreme Court ruled that the term "woman" used in Equality Act 2010 will refer specifically to biological women. Indicating that even if trans-women have a Gender Recognition Certificate (GRC) they will be banned from single-sex spaces with the Equality and Human Rights Commission (EHRC) following up with an interim that aligned with the Supreme Court's stance on trans-women in cis-women spaces. With the UK always being very progressive towards transgender people, they've faced a regression.

- **Saudi Arabia**



Saudi Arabia has always presented itself as a more conservative country, already having issues with women rights, trans-women rights don't see much prosperity. Where even attempting sex-change surgery is illegal, criminalizing any form of gender-expression, deriving these from Sharia, since there is no stated penal law (*#OUTLAWED: 'The Love That Dare Not Speak Its Name'*, n.d.). Both the legal framework and societal norms of Saudi Arabia are against transgender people, and to that even more against inclusion of them in cis-women spaces.

- **Argentina**



Argentina has proven itself as a leading country in the talk of transgender progression, with multiple laws passed to facilitate transgender inclusion, such as the Diana Sacayan-Lohana Berkins law that makes sure the national public sector must keep 1% of its vacants open for trans people, (*BOLETIN OFICIAL REPUBLICA ARGENTINA - LEY DE PROMOCIÓN DEL ACCESO AL EMPLEO FORMAL PARA PERSONAS TRAVESTIS, TRANSEXUALES Y TRANSGÉNERO "DIANA SACAYÁN - LOHANA BERKINS" - Ley 27636*, n.d.) or their Trans-Friendly healthcare services, with three hospitals that have areas called "transvivir" or Transliving, where trans people can get the healthcare they need and get treated with respect and humanity (*Breaking Down Barriers to Healthcare Access for Transgender People in Argentina*, 2018). Although president Milei's ban of gender inclusive language in ststae institutions has raised some concerns, Argentina still maintains it's supportive framework.

- **Afghanistan**



Since the Taliban took back control in 2021, LBTQ+ individuals have become criminalized under the legal framework derived from the Sharia law by the Taliban. Afghanistan has also witnessed extreme gender segregation once again, making it impossible for trans-women to enter cis-women spaces, not even being able to identify as transgender. ("Even if You Go to the Skies, We'll Find You," 2023) In 2022 the Taliban also banned any type of gender-affirming surgery and there is no legal framework that affirms gender identity nor protects it.

Previous Attempts to Solve the Issue

The International Olympics Committee declared in 2015 that transgender people would be able to compete in the division of the gender they identify with without needing surgery, that trans-men could compete with no issue, but that trans-women could only compete if their testosterone levels aligned with a certain requirement. (*IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism, 2015*).

Although this was a step forward, testosterone was being used as a measure that would apply to everyone, which wouldn't make it a proper assessment of an individual's true potential and qualities. So, the IOC released the "Framework on Fairness Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations, shifting requirements to be more individualized, allowing more trans people to involve themselves whilst still not disadvantaging cis-women. Even though trans-women are now able to participate more freely in the olympics, there's still a long way to go to ensure the security in other spaces and other sports leagues, where this same framework may not be as tangible.

Possible Solutions

An essential element that must be addressed to come to a solution is to remember human rights, no matter the gender a human is still human, seeing as this should be the base of every solution. Member states must come to an understanding on how they will defend human rights and implement them, from discrimination, to unsafe spaces, abuse, derogatory language, and even being refused healthcare. The rooting problem of many countries is human rights must be prioritized, a baseline must be formed for any tangible solution to be attained.



It is crucial to increase legal protection for transgender individuals to feel safe, and possibly implement harsher anti-discrimination framework to assure the safety of all women. When developing inclusive policy both trans and cis women should play a role in the process, to make sure both parties can have a say in the matter.

Additionally, legal frameworks should allow service providers to adopt trauma-informed practices that support the safety of all women, being trained on how to prevent exclusion and arbitrary situations, mitigating and/or mediating any issue that there could be in the facility or between the women in them.



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