

# Transgender Misdiagnoses and Human Rights<sup>1</sup>

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This is a two-part document, and the introduction is separately available. This article should be read alongside: Gilchrist, S. (2025): "What Happens when you Misdiagnose Transgender Conditions?"<sup>2</sup>

## PART 1

### 1:0 Introduction

For many centuries in religion, societies, and in many parts of the world today, any attempt by gender and sexual variant people (LGBTQIA people) to express their gender and sexual identities is being attacked; and has been attacked with severe penalties and scapegoating, including death, imprisonment, damnation, discrimination, persecution, and other condemnations. Before 1967, in the United Kingdom, sexual intercourse between men in all circumstances was a criminal act. It was the feminist movements; from Simone De Beauvoir and Judith Butler onwards, who liberated the words "men" and "women" from the biology of sex: by using them to describe the "*performance of gender*" which each sex enacts<sup>3</sup>. Gender-critical groups use this to argue that cognition and sexual motives alone drive development forward, so nothing can happen before cognition develops. An ideology is imposed on transgender people which alleges that they claim to be able to "*choose, change or deny biological sex*", and the impacts of all earlier and pre-cognitive development are ignored. A separate study which examines how development takes place during the first three to four years of life is described in this account: Far from ignoring what happens during it; I show that it is of crucial importance instead.

Transgender people use the same descriptions of "*performance of gender*" to describe their own experiences<sup>4</sup>: And when surgery is sought to make the body conform more closely to the gender identified with, the terms "*gender confirmation*" or "*gender reassignment*" surgery are invariably used. They may look for differences in sexual development: but they do not claim to change sex. I use the word "*Transsexual*" instead of the word "*Trans Woman*" with great reluctance in this account: Because it is needed to describe the way the Supreme Court has removed the word "*Trans Women*" from the category of "*Women*" in the 2010 Equality Act. And instead of treating transgender issues as personality variations and as matters of the "*performance of gender*", the Court now considers these conditions to be personality disruptions and matters of sex<sup>5</sup>. And when the timescales, motives and methods of managing personality disruptions and personality variations differ to the extent that what one group considers to be approaches of compassion, understanding and concern is automatically considered to be recruitment and coercion by the other, it is essential to get the diagnosis correct. The ability of transgender women to call themselves "*women*" has always been supported in the 2004 Gender Recognition Act: which recognised that the words "*men*", "*women*", "*male*" and "*female*" are used interchangeably to describe "*the performance of gender*" and "*biological sex*": And which introduced a legal artifice to ensure that interpretation was always made in the context that was correct.

In this article I examine the nature of the intense conflict over transgender conditions today in the United Kingdom, where one side uses the scientific consensus adopted by the World Authorities and Professional Medical Institutions: who consider transgender conditions to be searches for coherence of identity; where gender identity; including transgender identity, is a core or foundational element of the personality that is created. While gender-critical feminist groups, consider them to be "*perversions, paraphilias*" or "*disruptions*" of the gender role; so that motives of sex, behaviour and desire are considered to be the driving force behind them. And the understanding of gender is reduced to that of a nebulous collectively created construct associated only with the gender role. Therefore, the existence of gender as a core element of the personality is denied. Which means that, instead of considering transgender conditions as personality variations which search for coherence of identity and as core elements of the personality that is created, they must be considered as sexually motivated perversions, paraphilias or disruptions driven by desires for a role or attractions of sex. This conclusion also means that cognition and sexual motives alone are understood to

drive development forward: But these do not come fully into effect until about the age of three years. Which means that according to this definition, all pre-cognitive and earlier development processes must also be ignored.

Most modern definitions of gender identity divide it into two components, where either or both usually, but need not always align with biological sex. Gender identities cannot form before birth because they depend on relationships with others, therefore they are consequent effects. The first component concerns the development of the “*Core Gender Identity*”. It involves the process of “*separating the self from the other*” and creates a deep-seated sense of belonging without any behavioural implications, which involves the search for coherence of identity. It has been shown to be established very early in life and is known to be very difficult to change after the first three years. It is mirrored in the scientific consensus adopted by the World Authorities and Professional Medical Institutions who consider transgender conditions to be “*naturally expected variations of the human condition, which lie within the normal range of development, are intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life*”. With no knowledge of sex, we all start from the same base. This is why transgender women should be included in the category of women, for we share in these same identities and “*performances of gender*” from early in life.

The second element of gender identity is the “*Gender Role Identity*”, which acts as an overlay on the “*Core Gender Identity*”. This involves the cognitive processes, which include the mental actions involved in acquiring knowledge and understanding through thinking, sensing, and experiencing. These processes include fundamental operations like perception, attention, and memory, as well as higher-order functions such as reasoning, problem-solving, and decision-making: Where motives of behaviour, sex, and desire respond to what society expects. Management methods for the core gender identity must be considered as personality variations: for taking actions that would destroy it leave a vacuum in its place. Whereas disturbance to the gender role must be managed as personality disruptions, since the objective is to return to some biologically or divinely ordained path. Where gender identity ... created through search for a coherence of identity and social relationships with society: And sexual identity ... created through sexual orientation and love and attractions of sex, are equal but independently functioning core elements of the personality that is created, which form together as a single complex very early in life<sup>7</sup>.

The recent decision of the United Kingdom Supreme Court to endorse a gender-critical and feminist ideology, and to confine the definition of “men” and “women” in the 2010 Equality act to “*biological sex*”, sets the clock back by many years. Instead of the welcome and inclusion in society which for years has recognised that transgender conditions are searches for coherence of identity and fulfilment of life, it now by default seeks to exclude them, because it presumes they are driven by desires and attractions of sex. Not only does it deny the right of transgender women to call themselves women through their shared “*performances of gender*” given to them in the 2004 Gender Recognition Act: It denies them the fundamental right to express their gender identities under international human rights legislation because: instead of personality variations and expressions of identity, they are now regarded as personality disruptions, involving these desires for a role or the attractions of sex<sup>8</sup>. The Court’s decision that “*biological sex*” instead of the “*performance of gender*” should be primary criterion for moderating behaviour in society: takes away that right and turns an approach which by default has included transgender women in the category of women, in all clubs, associations, hospitals, shops schools and societies into one which now specifies their exclusion<sup>9</sup>. The Supreme Court correctly states that transgender people are as equally protected under the protected characteristic of “*gender reassignment*” as lesbian and gay people are under that of “*sexual orientation*”. This should provide protection in law for all gender and sexually variant people through their “*performances of gender*”<sup>10</sup> or for their “*performances of sex*”.

That definition would justify the continued retention of an approach which maximises the inclusion of transgender people in everyday life. But the Court contradicts this by its identification of “*biological sex*” as the moderating factor in any equality legislation; most notably in the 2010 Equality Act: Its adoption also makes the Court’s decision reminiscent of a religious tradition; whereby the expression of any gender or sexually variant behaviour for any purpose, is automatically regarded as an intrinsically disordered sexual act: And where the additional identification with the existence of some unnamed perversion or disruption, creates plenty of opportunities for incrimination and attacks<sup>11 12</sup>: This disregard of all later advances, takes the understanding of how gender and sexual identities develop back some 60 years, and creates the perceived

threats to women and children, because of its presumed motives of sex. There must never be a justification for any approach which ignores the massive advances in the neural and cognitive understanding of early development to justify its arguments. The Court's endorsement of a gender-critical ideology which declares that "*inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex*", does exactly that: And the Court's total dismissal of all of these advances in science; medicine and experiential evidence which is now available on the understanding of all earlier and pre-cognitive developments; has been roundly condemned by a whole swathe of expert opinion as being "*Unfounded, transgender exclusive and totally incorrect*".

These are not just condemnations by some minority group. The Council of Europe has accepted a report which considers that the transphobia and homophobia now developing in the UK directly infringes upon Article 14 of the Human Rights Act; which is designed to shield marginalised people from discriminatory treatment<sup>13</sup>: It has issued a warning letter; it its role of representing the European Court of Human Rights (ECHR), stating that the Supreme Court gender ruling risks leaving transgender people in an "*intermediate zone*" and could breach its protection of human rights<sup>14</sup>. The Lemkin Institute for Genocide Prevention and Human Security has issued a red-flag alert on Anti-Trans and Intersex Rights in the UK<sup>15</sup>. On the domestic and medical front, the Royal College of Psychiatrists responded to the Supreme Court judgment by saying it will significantly harm the mental health of trans and non-binary people and could put lives at risk. The BMA Resident Doctors Association stated: "*We recognize as doctors that sex and gender are complex and multifaceted aspects of the human condition and attempting to impose a rigid binary has no basis in science or medicine while being actively harmful to transgender and gender diverse people*". Open letters come from many sources, including many biologists telling government to restore trans people's access to public spaces, also from the culture sector, with these letters being signed by many people. And many specialist overviews have produced critical results. Instead of recognising that transgender condition are searches for coherence of identity, the Supreme Court misdiagnoses these misdiagnoses as drives of sex. Instead of recognising that the reason for seeking full inclusion of transgender women, is because of the ways in which natal women and transgender women share in common their "*performances of gender*" in everyday life. Including their fight for women's rights. Against a feminist and gender-critical ideology which seeks to exclude transgender women by default from all allocated spaces and public boards set aside for women on the grounds of appearance and of identity alone; regardless of the capabilities they may be seen to provide because ... instead of a search for a common identity; and as allies in a common cause, they are claimed to be seeking power over women, and attacking women's "*sex-based rights*"<sup>16 17</sup>.

It is extremely important to note that these arguments also involve a minority of people who take a more radical approach: For we must also remember that there are a great many people; maybe a great majority, who take a *gender-critical* approach: But do not concern themselves with these arguments: For they simply accept and welcome transgender women; as the women they say they are; on their "*performances of gender*" and the evidence they see before them in everyday life. That welcome is very much appreciated, and many see themselves as allies in a common cause. Nevertheless, all of the traditional psychodynamic and social learning theories rely on cognition for their explanations, so none can adequately explain how pre-cognitive development occurs. Freud could not identify any constructive features either because he too relied on cognition for his explanations. But instead of treating this period of the first three years, as one of being unknown; or of needing investigation: some more radical gender critical groups justify their explanation of transgender conditions as "*perversions, paraphilia or disruptions of the gender role*" ... by specifically denying that anything beforehand can occur. This is also a conflict where the views of those who oppose these gender-critical viewpoints are being attacked as "*not being based on credible science*", merely the work of transgender activists, with the denigration of the motives of those who pursue this approach: In a recent Court case Kathleen Stock outlined the context of her own gender-critical approach. Which of course she is absolutely entitled to do and must be heard<sup>18</sup>. But her outspoken views on Stonewall and others who oppose her do not help<sup>19</sup>. This is a situation where exactly the same behaviour can be interpreted in totally different ways, which differ profoundly, depending on the starting point that is taken. With differences like these experiential evidence must stand in their place. And the intensity of the present conflict comes from the actions of gender critical groups, such as "*Sex matters*" who try to enforce a diagnosis on transgender people which alleges that these conditions are driven by the motives of desire and sex, when transgender people know that they are driven by searches for coherence of identity instead. And where the attempt to enforce a feminist ideology on transgender people, imposes a diagnosis that is harmful and incorrect.

The major area of contention in these is the role of the core gender identity and how development proceeds during the first three years of life. All of the traditional theories rely on cognition for their explanations, but modern approaches show that this is a much more complex process<sup>20</sup> and work pioneered by neurologists and anthropologists, including Girard, Dawkins, Gallese and many others; from the 1960s onwards, present a very different picture. Instead of early development being a passive and reactive process., it is shown that these are driven by strong, innate and pro-active forces, where individual, fragmented, and initially isolated strands of thought, compete and combine with each other, to build larger structures which bring order to life. It is these influences which has led me from 2011 to conduct a study which uses transgender conditions together with these largely pre-cognitive processes, to seek greater insight into how personalities and identities for all of us are formed. In it I show that these processes are driven by strong, innate and pro-active forces which dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect. I also confirm that the identities these create also the result of a fragmented processes, so a different end point for every individual is found. Where the core elements of personality and identity coalesce from fragmented thought, during a unique period of rapid neural development which takes place around a median age of two years<sup>21</sup>. And by mapping how development takes place during the first three to four years of life I show how the psychological and physiological aspects of brain development can act pro-actively together in these early years to form a finely tuned system in which the maximum amounts of individuality, possessiveness, intelligence, and inquisitiveness, together with the minimum degrees of energy expenditure are generated. Other optimising process, which do not require cognition, such as *bootstrapping* and *quorum sensing* may also be involved. So, core gender and sexual identities can be created this early in life, which do not align with biological sex.

It is now well established that, although on average there are significant differences in male and female behavioural patterns, with men more prone to engage in physical violence, considerable overlap occurs<sup>22</sup>. Aggression profiles follow similar patterns<sup>23</sup>. And differences in neural maturation rates can have a similar effect<sup>24</sup>. Which enables a great many people to welcome transgender women as the women they say they are: Considers them to be of no danger to women and children's safety identities and lives: And can recognise them as true allies in the feminist cause. In this study I show that this allows all women, including male-to-female transsexuals: acting as women with women, to pursue the same feminist arguments with the same vigour, from a stronger base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base: And this also means that the gender-critical approach, which ignores these pre-cognitive processes is the less effective approach. Our gender identities also depend on the natures of our interactions with others; and with no knowledge of sex, we all start from the same base. Therefore, transgender women should be included in the category of women: for they share the same "*performances of gender*" from early in life. And the long-term stability of these core elements of personality and identity ... which includes transgender identities<sup>25</sup>, enables the widest possible range of gender expressions to be encountered: while providing a stable base to bring order to life: Since gender identities are measured through the "*performances of gender*", and the interactions and behaviours that have already been created, it follows that the "*core gender identity*", and "*performances of gender*" instead of "*biological sex*" should be the primary standard to determine how people should socially interact.

Although gender identities and sexual identities normally align with biological sex, they need not do so. Nor need they align with each other: And major trauma can occur when these collide. For some transgender people, the alienation they experience to the gender identity assigned to them, is so complete; that it is rejected from the earliest memories they possess. But for others the conflict which these inconsistencies create becomes so great, it can have an overwhelming effect. There are many transgender people who do attempt to resolve this conflict by trying to persuade themselves that they are homosexual, but most; with some often having tried for years, find that this does not work: So that the alienation and attrition caused by this, can lead to catastrophic collapse<sup>26</sup>. And when gender and sexuality are in conflict it is usually gender that wins out<sup>27</sup>. It is universally recognised that "*conversion therapy*," which can be described as attempts to change gender and sexual identities does not work. Therefore, methods of managing transgender conditions as personality variations: and not as personality disruptions are needed. Instead of suppressing the incongruence, that demands accepting its reality and finding ways to manage it: And it is why any misdiagnosis can be potentially disastrous, because the time when transgender children and their parents most need help to manage these conditions occurs from early childhood, not from a later time in life.

None of us can be consciously aware of these processes since they take place so early in life. And normally they are quiescent: unless some incongruence occurs. The traditional social learning and psychodynamic theories rely on cognition, so they cannot explain them, and their existence is ignored by many sociologists, educationalists, psychiatrists, psychologists and others: Who may instead use sexual motives, Freudian psychodynamics or religious ideologies to try to explain them. But when the timescales, motives and methods of managing personality disruptions and personality variations differ to the extent that what one group considers to be approaches of compassion, understanding and concern is automatically considered to be recruitment and coercion by the other, it is essential to get the diagnosis correct. And this denial does not justify gender-critical groups, such as “*sex matters*” writing gender incongruences out of existence; to prove a gender-critical ideology, or when the correct methods of management are needed instead.

It is therefore essential that all approaches are equally considered in any Supreme Court judgement. But that does not happen. One of the Supreme Court judges, Lord Hodge has said. “*Did we realise that [our decision] would cause an outrage for people? Yes, because people had been led to believe by public authorities, among others, for the last 15 years that they had rights, which they didn't have*”.<sup>28</sup> However, there is the counter argument; which I adopt, that these are instead expectations of human rights that have been taken away by a Supreme Court judgement which; by the Court's own admission, relies entirely on the views of “*Sex matters*” and other gender-critical groups: Who dismiss the scientific consensus adopted by the World Authorities and Professional Medical Institutions and Professional Medical Institutions as “*not being a credible*” approach. Examining the judgement and the references cited by the Court reveals that the views of World Authorities and Professional institutions were not seriously examined and were rejected as being unreliable or incorrect. The Court's refusal to accept the intervention of the “*Good Law Project*” also meant that expert opinion, which would have provided a counterpoint to the arguments was denied. And no justification for the dismissal of this intervention is given: Without any other expert input the advances in science, clinical, medical, experiential evidence and public understanding since the 1960s are also denied. And that strong denial of the many advances that have taken place, as “*unfounded, transgender exclusive, and totally incorrect*” is shown in the universal condemnations by expert opinion since the Court's judgement was released ... Where the Court has replaced an approach which had sought with no problems for many years to maximise the inclusion of transgender people in everyday life into one that now focusses on exclusion instead<sup>29</sup>.

It is only seven years since Penny Mordaunt; on the grounds of “*performance of gender*” said in Parliament that: “*Transgender women are women, that's the starting point of the conversation*”, to today when the Supreme Court actively denies it, and confines the Equality Act to the biology of sex<sup>30</sup>. Thus, turning the understanding of transgender conditions from coherences of identity into drives of sex<sup>31</sup>. The imposition of this gender critical ideology by the United Kingdom Equality and Human Rights Commission (EHRC), in its interpretation of the Supreme Court judgement even more strongly maximises exclusion. This approach dismisses the impact of the key neural transformations and changes in pre-cognitive and early development. It makes the mistake that considering sexual motives and cognition alone drive development forward. It destroys the legitimacy of transgender identities as searches of coherence of identity, by representing these as drives of sex. Therefore, transgender conditions are misdiagnosed as personality disruptions instead of personality variations, with dangers to others. And anything which further excludes an already vilified group, from everyday life, has very damaging effects.

However, it is not just the judgement of the Supreme Court that should be considered. There are major concerns over the actions of the current and previous United Kingdom Governments: and most particularly the United Kingdom Equality and Human Rights Commission (EHRC), all of whom have uncritically adopted a gender-critical approach. It should be expected that all of these bodies, particularly the EHRC would take an impartial approach, and that people who are “*at a distance*” would be better able to take an objective view: in what is a toxic dispute. Therefore, questions have to be asked about the reliability of results, when known campaigners have been appointed to boards and have been entrusted to conduct independent reviews. I believe this adoption of one approach to the exclusion of all others, raises major concerns over the protection of all our human rights. And I consider this in sections 11 and 12 of this article<sup>32</sup>. Of significant concern is the response which the present UK Home Secretary; Shabana Mahmood, gave to the criticism of the Council of Europe; in its role of representing the European Court of Human Rights: when she wrote. “*Lastly, I want to address your comments in your letter to Lord Alton and Sarah Owen MP on the human rights situation of trans people in the UK. I would like to take this opportunity to emphasise that I consider it unacceptable to question*

*the validity of the Supreme Court in making this decision. The court has provided legal clarity on this issue, exactly as they are expected to. I find any attempt to cast aspersions on the Supreme Court's decision disappointing*": And she supports her rejection by arguing that this EHRC concern would be justification for leaving the jurisdiction of the European Court of Human Rights.<sup>33</sup>

But that "clarity" comes at the expense of adopting a gender-critical ideology which totally ignores the work by Girard; Dawkins; Gallese; and many others: which dates from the 1960s and shows that these processes of early development are driven by strong, innate and pro-active forces which dominate from birth, and only gradually come under control as the organising powers of cognition come into greater effect. Far from adopting this gender-critical viewpoint, which reduces transgender conditions to "perversions, paraphilias or disruptions of the gender role" and considering the first three years to be a time when little of significance happens, I show that is of crucial importance instead. And adopting a gender-critical approach which relies on sexual motives and cognition alone to drive development forward: means that these early processes must be denied or ignored. So: for example Rippon dismisses the approaches of those who argue that what happens during this early period is crucial for development, as "whack-a-mole" myths, or untrue statements which are repeated so often, they come to be believed<sup>34</sup>, Cass set the frame of reference for her review to ignore how development takes place during the first three years: And she uses arguments from the 1960s to justify the conclusions she reaches<sup>35</sup>. Stock denies the influence of any departure during the first three to four years by relying exclusively on cognition and logic to justify her approach: So that the pre-cognitive influences are also ignored: And she dismisses the approaches of Stonewall; and others who challenge her views, as being unworthy or unscholarly, and not worthy of any place in an academic institution instead<sup>36</sup>. Sullivan argues that gender and sexuality are different things: And then she presents these as perversions, paraphilias, or disruptions of sex: So that the influence of gender is totally ignored<sup>37</sup>. Rippon and other cognitive neuroscientists argue that gender differentiation must be due to social learning alone because no differences in the neural organizing of male and female babies and children below about six years of age before now have been found. However, this simple reliance on discrete brain structures is dismissed by Joel<sup>38</sup>, Swaab and others. There is a whole raft of sex differences that impact on behaviour, maturation and relationships which begin at the pre-natal stage<sup>39</sup>. In my own work I have used transgender experiences as case studies to give greater insight how personalities and identities for all of us develop from early in life. The well studied "What make me, me" network in the brain contains many elements which affect behaviours and feelings, some of which are active from birth. Recent work at Stanford University has identified a separate, and computationally independent "Who am I" brain network which forms very early in life<sup>40</sup>. Much more work is needed, but this combination of the "who am I" network", the "what makes me: me?" network; together with the often hidden but long-term stabilities of the core elements of personality and identity: which is identified in my own study, might give some greater insight into how awareness and consciousness for all of us arise<sup>41</sup>.

Therefore, gender-critical groups and investigators, such as Rippon, Stock, Cass, Sullivan and others, may be able to tell us many things about how the gender role identity develops; how perversions and disruptions are created, and how they are driven by motives of sex: But they cannot tell anything about earlier development and how the core gender identity is created ... because the existence and magnitudes of the neural and cognitive transformations at this time: And because the influences of all the early and pre-cognitive development processes described in this account are too strong to be denied. Therefore, there is no foundation for any theory or for any Supreme Court Judgment which relies on these denials to justify a gender-critical approach. The Court judgement may seem to be a victory for gender-critical groups, but it is likely to be a pyrrhic victory: for the adoption of an approach which presumes that sexual motives and cognition alone drive development forward, does not just affect transgender people. The same dismissal affects all gender and sexually variant people, and it takes everyone back to a time when all forms of gender and sexually variant behaviour; regardless of purpose, were regarded as intrinsically disordered behaviour in pursuit of inappropriate sex.

This is not just a social issue either. Attempting to treat transgender conditions as personality deviations or disruptions when the diagnosis should be that of personality variations is potentially disastrous, because the time when transgender children and their parents most need help to manage these conditions occurs from early childhood, not later in life. Moreover, when the motives, timescales and methods of management of these two approaches differ to the extent that what one side considers to be those of compassion and concern, are almost inevitably regarded as recruitment, grooming, capture, and coercion by the other, it is essential to get the diagnosis correct. Unlike personality variations: where development proceeds in the

variant direction from the outset a diagnosis of disruption applies, where some unnamed perversion, paraphilia or disruption is presumed to have caused transgender conditions to arise. Today, and for centuries that perception that transgender conditions are sexually motivated perversions or disruptions, instead of searches for coherence of identity has put all gender and sexually variant people under suspicion, persecution, condemnation, criminalisation and attack<sup>42</sup>.

That is being repeated today by politicians and others, who now follow a populist approach which ignores the abundant experiential evidence and the advances in the understanding of the neural and cognitive processes involved in early development; to try to prove that transgender people are personality disruptions and dangers to women and children because: instead of a search for coherence of identity, they are understood to be driven by behaviours and desires of sex. Not only does the decision of the Supreme Court give support to these arguments, it transforms an egalitarian society from one which welcomed gender diversity, into a gender complementarian society where men and women must be clones of biology. It also denies the legitimacy of diagnosing transgender conditions as a search for coherence of identity, and the right to be accepted by other women; as the women they say they are; through their common “*performances of gender*”, and their ability to live a harmonious, fulfilled and rewarding lives: That is particularly so, when this breadth of experience also brings of even greater benefits in the understanding of how gender identities develop, the management of cultural diversity, and in advances women’s rights. It is of significance that in recent years a large majority of individual feminists and feminist groups have supported the diagnosis of transgender condition as “*performances of gender*” and only a minority support their diagnoses as “*drives of sex*”.

This majority is now under attack. With differences as great as these, experiential evidence must also be relied on. Little could change before 1967, when homosexuality was decriminalised in the United Kingdom. And since that time a transformation has taken place: From one where all gender and sexually variant behaviour was considered to be intrinsically disordered perversions, which involve desires for a role or the attractions of sex, into one where people now recognise that these activities are instead about searches for a coherence of identity; and can celebrate them in same-sex marriages and other acts. Allowing transgender people to self-identify their gender is part of that same rationale. That also reached a peak in the United Kingdom in 2018, with the proposed reform of the Gender Recognition act: Where; in line with the viewpoint of the World Authorities and no threat to others, instead of desires for a role or the attractions of sex. When Penny Mordaunt; then the Government Equalities Minister in 2018 could say; on the grounds of “*performance of gender*” that “*Trans Women are Women. That is the starting point of the consultation*”<sup>43</sup>. To a time today where the Supreme Court denies the right of transgender people to call themselves women, or to be included in the category of women: By decreeing that transgender conditions must solely be driven by drives of sex, and where gender identity must always be congruent with biological sex.

Baroness Faulkner, currently Chair of the EHRC, claims that this change is due to “*advances in understanding*”. But these “*advances in understanding*”, have involved the re-writing or replacement of documents to cast doubt on the quality of existing research.<sup>44</sup> Which include the adoption of a gender-critical ideology which presumes that cognition and sexual motives alone, drive development forward and totally disregards or dismisses the many advances in the understanding of the neural and cognitive processes in early development which has since taken place. All genuine advances must be accepted and recognised, but I conclude the these are matters of regression instead. Any Government and every Equality and Human Rights Commission must operate in an informed and impartial manner: But I do not find any evidence that this has happened. For most people it also seems natural to assume that gender identity should always align with biological sex. But this is no justification for endorsing one side of a toxic dispute, without equitably considering the views of another. The consequence of these perceived failures by our own Governments, the United Kingdom Equality and Human Rights Commission: and now the Supreme Court, in the United Kingdom raises serious concerns over the state of our own human rights.

The United Kingdom (UK) is currently ranked 22nd in the ILGA-Europe Rainbow Map 2025, a significant drop from its previous high rankings. This is the UK’s lowest ever position on the annual list, which evaluates LGBTQ+ rights in European countries based on laws and policies. The decline is partly attributed to recent legal and policy changes, such as the Supreme Court ruling defining sex under the Equality Act as biological, and the lack of a conversion therapy ban. 10 years ago, the UK was ranked first.<sup>45</sup> At present an appeal over the Supreme Court decision is being made to the European Court under Article 6, which is the right to a fair trial<sup>46</sup>, The decisions post-1998 beginning with the *Christine Goodman v. UK*<sup>47</sup> in 2002 to *Y.V v. Turkey*<sup>48</sup> in

2015, which alleged violations of Articles 8, 12, 13 and 14 of the Convention in respect of the legal status of transsexuals in the United Kingdom. Including violations of Article 8 which requires that interference with the applicant's right to respect for their private life; which involve disclosing private information to the authorities, could not be permitted in a democratic society, which were upheld by the European Court. The Council of Europe has accepted a report which considers that the transphobia and homophobia now developing in the UK directly infringes upon Article 14 of the Human Rights Act, which is designed to shield marginalised people from discriminatory treatment<sup>49</sup>. The Trans Advocacy and Complaints Collection, and the Trans Exiles Network have asked the Council of Europe for the *Goodman v. UK* to be re-opened<sup>50</sup> United Nations experts have also warned of legal uncertainty and rights implications following UK Supreme Court ruling<sup>51</sup>. The "Good Law Project" is taking legal action which challenges the present EHRC Interim Advice<sup>52</sup>. Groups representing transgender people, Translucent, Trans Actual and others, are making representations. As of the 15<sup>th</sup> October 2025, the EHRC withdrew its interim advice<sup>53</sup>. However, various parties in the United Kingdom are still proposing withdrawing from the jurisdiction of the European Court of Justice and the Convention Human Rights. If what has now happened in relation to transgender issues in the UK, were also to happen in other circumstances, we should all be concerned about how any withdrawal of the UK from the jurisdiction of the European court would affect the protections of all our human rights.

It is earlier noted that the Supreme Court correctly states that transgender people are as equally protected by the protected characteristic of "*gender reassignment*" as lesbian and gay people are under that of "*sexual orientation*". This should provide protection in law for all gender and sexually variant people through their "*performances of gender*" or for their "*performances of sex*". But the Court denies this by demanding that the correctness of all gender and sexual behaviour must instead be moderated by "*biological sex*". This reliance on biology; and the need for a consistent judgement, enforces a gender complementarity onto society which demands that transgender conditions must always be defined as "*perversions paraphilias of the gender role*", and never a core element of the personality that is created. It also leaves transgender people vulnerable, since it is natural for most people to assume that unless some disruption occurs, gender identity should always be congruent with biological sex. And my own experience of working for reconciliation in communities divided by tribal violence is that; fear of the unknown alone, is sufficient to create violence, scapegoating and attacks. However, there are those aspects of physiology when a criterion of "*biology*" which does not reduce the "*performance of gender*" is needed. And I would not object to any exemption for this being specifically written into any legislation, although it is already present by implication in the 2004 Gender Recognition Act. Another strand of my work has been on examining the interface between LGBTI issues and religious impacts<sup>54</sup>. Although I would not judge on the Court's intention, the decision of the Supreme Court closely matches the traditional Christian ideologies which still allows many protections of gender to be determined on the grounds of performance, but which condemns all forms of gender and sexually variant behaviour on the grounds of biology; regardless of purpose, as acts of grave depravity, intrinsically disordered and in pursuit of inappropriate sex.

Lord Hodge has made it clear that: although these separation of spaces and services must now be provided on the grounds of biological sex, the court did not mandate how they should be implemented. And the separations demanded by the EHRC interim guidance, which it has now withdrawn, may have gone far beyond what the Court expected. People do not just judge on the legislation that is enacted. They judge on the diagnosis that is used. And an enormous amount of damage has been caused since the judgement was released. The decision of the Court to adopt a diagnosis, which totally ignores all of the massive neural and cognitive transformations known about since the 1960s, has set the understanding of, not just transgender conditions, but the nature and origin of all gender and sexually variant conditions transgender conditions back by many years. Not only does it force a diagnosis on transgender people which they cannot agree with. It imposes a verdict on these people which claims that; instead of a search for identity, they are driven by desires of sex. And because of an ideology it adopts, which decides that transgender conditions are driven by cognition and sexual motive alone, it dismisses all or most of, the major changes and advances in neural and cognitive development over the first three years of life. No court judgment can have any validity if it ignores all of these advances in neurology and the supporting clinical, medical and experiential evidence available since the 1960s, in any verdict it delivers. And no approach which ignores such key features can ever justify a claim to be correct. Transgender conditions are incongruences of the core gender identity, which search for fulfilment in life: They are not disturbance of the gender role identity, which look instead for the pleasures of a role or attraction of sex. In this analysis I confirm that the identification of transgender conditions as

incongruences of gender is correct. And there cannot be any justification on imposing a blanket ban on transgender peoples access to any spaces and services on a diagnosis which is incorrect.

These are not just matters of judgement. I conclude that they are also deficiencies of process; at Government; EHRC; and legal levels, which have prevented a correct diagnosis being made. Therefore, I would draw this matter to the attention of the European Court of Human Rights, the Supreme Court itself, the UK Government, Parliament, The Parliamentary Women and Equalities Select Committee, and the joint Committee of the House of Commons and the House of Lords on Human Rights.

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A list of resource documents is given at the end of this article. And a companion article which more briefly considers these issues is also available<sup>55</sup> In the following sections of this document I consider in more detail, some of the issues involved.

This is a two-part document, and the introduction is separately available

## PART 2

### 2:0 Dispute

We have seen in the introduction that the World Authorities and Professional Medical Institutions regard both sexual and gender identities in the same way: Where both are foundational or core elements of the personalities and identities for all of us that are created. They involve the creation of the ability to separate the self from the other: They cannot form before birth because they rely on interaction with others, so they are consequential effects. Therefore, gender identities develop through social interactions with society: And sexual identities are measured in terms of sexual attractions and orientations in the same way. Both are regarded as equal, but independently functioning core or foundational elements of the personality that is created. And current neural studies show that both form from a single complex very early in life<sup>56</sup>. With no knowledge of sex, we all start from the same base. This is why transgender women should be included in the category of women, for we share in these same identities and “*performances of gender*” from early in life. These core elements are manifested through the search for a coherence of identity, which puts a sense of “*being*” in place. They are also personality variations; since development proceeds in the same direction from the outset, and no disturbance, perversion or disruption occurs. This means that they must be managed as personality variations, instead of personality disruptions; for all attempts to deny or destroy this inner sense of identity: for example, through use of “*conversion therapy*”, invariably proves harmful since it leaves a vacuum in place.

This is against those in the gender-critical movements, who continue to identify sexual identities as core elements of the personality being created, but instead reduce transgender identities to “*perversions, paraphilias, or disruptions of the gender role*”. Which destroys any claims for the expression of these conditions to be considered a basic human right. This approach ignores all pre-cognitive elements of development and presumes that the driving forces behind the creation of gender identities are cognition and sexual motives alone. It reflects a major principle of feminist ideology where the depth and intensity of transgender identities is written out of existence because, feminist ideologies demand there cannot be any more fundamental or deeper difference<sup>57 58</sup>, and the reality or impact of the Core Gender Identity is denied. This is also the “*gender critical*” approach, which is taken by Rippon, Stock, Sullivan, Cass and others, which presumes that; instead of searches for coherence of identity, transgender conditions are driven by motives of desire and sex. And, unless some unnamed or unidentified perversion or disruption occurs; gender identity should always be congruent with biological sex: However, all of the standard psychodynamic and social learning theories rely on cognition for their explanations. But this gender-critical and feminist approach differs from Freud and others, who could admit the possibility of earlier processes, by very strongly denying that no others can exist.

Therefore, this is a conflict between those who consider transgender conditions to be personality variations; and searches for coherence of identity: And are therefore willing to accept transgender women as the women

they say they are, consider them to be of no danger to women and children's safety identities and lives: And welcomes them as true allies in the feminist cause,. Whereas those and see transgender condition as "*perversions, paraphilias, or disruptions of the gender role*": And use the argument the "*transgender women are men*", gives them the same motives as all men: Misdiagnose transgender conditions by presuming they are drives of sex; instead of a search for coherence of identity, And attributes all of the same dangers to women's, safety, identity and lives.

### 3:0 Gender and Sex

Transgender people represent a small minority in the population, it is natural for most people to assume that gender identity should always be congruent with biological sex, and today transgender people are currently subject to many attacks. It is generally accepted today that gender identity is divided into two components. The Core Gender identity which represents an innate sense of belonging without behavioural implications; and is formed by the search for a coherence of identity; through the need to separate the self from the other; and is measured in the "*performance of gender*", from early in life. The second is the Gender Role Identity, which requires a certain level of self-awareness and cognition to have developed: to be able to respond to what others, society, and the environment expects: Where this is measured by motives of behaviour, desire and sex. While gender identities are formed through searches for coherence of identity involving social relationships with society, sexual identities form because of sexual orientation and drives of love and desires of sex. Although each of these acts largely independently of each other, almost every handbook on sexuality and psychology and or any research study, today shows that these develop from a single complex very early in life. Although some of the internal processes have been less well known, all of these rely on interactions with others to be created and each of these usually; but need not always, align with biological sex.

The development of identity is also a dynamic process: And today this pattern is reflected in the scientific consensus adopted by the World Authorities and Professional Medical Institutions which regard both gender and sexually incongruent core identities to be the foundational elements of the personality that is created, and are; "*naturally expected variations of the human condition, which lie within the normal range of development, are intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life*". This is why methods of management that are appropriate to "*Personality Variations*" are needed and why treatments like "*Conversion Therapy*" are universally considered to have a very harmful effect. And when the timescales, motives and methods of managing personality disruptions and personality variations differ to the extent that what one group considers to be approaches of compassion, understanding and concern is automatically considered to be recruitment and coercion by the other it is essential to get the diagnosis correct.

### 4:0 Personal Research

This study supports the view that gender identity is divided into two components, where either or both usually, but need not always align with biological sex. Gender identities cannot form before birth because they depend on relationships with others, therefore they are consequent effects. The first component concerns the development of the "*Core Gender Identity*". It involves the process of "*separating the self from the other*" and creates a deep-seated sense of belonging without any behavioural implications, which involves the search for coherence of identity. The second element is the "*Gender Role Identity*", which requires a sufficient level of the cognitive abilities. It involves mental processes like thinking, perceiving, and remembering, with key characteristics including attention, memory, language, and problem-solving, to be present: This also forms part of a well-studied "*What makes me: me?*"<sup>59</sup> network, because it measures how we respond to our own learning experiences and incorporate the expectations of others and influences of society in our everyday lives. That does not in general reach a sufficient level of capability to be effective until a median age of three years. In contrast to the core gender identity, which is represented by an internally focussed search for coherence of identity; with no threat to others, disturbances to the gender role identity are measured by motives of sexual attraction, behaviour, and desire, where the consequent but presumed perversions and paraphilias<sup>60</sup> can be seen to cause threats to women's safety, identity and lives. This also means that the Gender Role Identity acts as an overlay of the Core Gender Identity which has already been created. The combination of these is usually referred to as "*Gender Expression*" but apart from acknowledging its presence, we are generally not aware of the impact of the Core Gender Identity, unless some incongruence occurs. Today, many psychologists, psychiatrists, educationalists and sociologists still ignore these effects. In my own

work I have used transgender experiences as case studies with the aim of gaining greater insight how personalities and identities for all of us develop. And the combination of the “*who am I*” network, the “*what makes me: me?*” network; and the often hidden but long-term stabilities of these core elements of personality and identity; might give some greater insight into how awareness and consciousness arise<sup>61</sup>.

## 5:0 Court Actions

The 2004 Gender Recognition Act also recognises that the words, *Men and Women, Male and Female* are used interchangeably in everyday life. Therefore, a legal artifice was included in the Act to ensure that the interpretation of legislation: regardless of date; or the words that are used, is always made in the context which is correct. The right of transgender women to call themselves women; because of their performances of gender, is enshrined in that Act. Regardless of purpose, the recent decision of the United Kingdom Supreme Court; now denies them that right. And the Court’s decision to confine the definition of “sex” to “*biological sex*”. for the purpose of the 2010 Equality Act, has legally removed the specific rights of transgender people, to access public services and spaces normally reserved for women for the performances, which were previously available through the 2004 Gender Recognition Act.

When all equality legislation is normally moderated through behaviours and performances in society, the Court’s decision to restrict the interpretation to that of “*biological sex*” for the 2010 Equality Act does not just disenfranchise transgender people. It frustrates the plain meanings of both Acts. It in addition enforces a throwback to a gender complementarian society, which demands that everyone conforms to the expectations of “*biological sex*”. The Court may have provided the protections which satisfy the legal requirements of the 2010 Equality Act. But, instead of creating a society which by default seeks to maximise the inclusion of all gender and sexually variant people in everyday life, by default, these Court decisions now act to exclude them. And I believe that this allowance of exclusion, is a denial of a basic human right.

The Supreme Court states that transgender people are as equally protected under the protected characteristic of “*gender reassignment*” as lesbian and gay people are under that of “*sexual orientation*”. But by these actions: And by deciding that “*inspection of the genitals at birth is sufficient to determine the appropriateness of all future gender behaviour and that unless some unnamed sexual perversion occurs, gender identity must be congruent with biological sex*”, it totally removes all protections for the “*performance of gender*” from transgender people. It is reminiscent of a religious tradition whereby the expression of any gender or sexually variant behaviour is automatically regarded as an intrinsically disordered sexual act. It also ignores pre-cognitive development. And it has roundly been condemned by much expert opinion as being “*Unfounded, transgender exclusive and totally incorrect*”.

## 6:0 Experience

For centuries it has been understood that all gender and sexually variant behaviour must be condemned as intrinsically disordered conduct in pursuit of inappropriate sex. Little could change in the United Kingdom before same-sex intercourse by adults in private was de-criminalised in the 1960s. Since that time a transformation has taken place: From one where all gender and sexually variant behaviour was considered to be intrinsically disordered perversions, which involve desires for a role or the attractions of sex, into one where people now recognise that these activities are instead about searches for a coherence of identity; and can celebrate them in same-sex marriages and other acts. Allowing transgender people to self-identify their gender is part of that same rationale. A regression has taken place in the United Kingdom since that peak in 2018; when transgender people were being fully accepted in society; and policies supporting legal self-declaration of gender identity were being advocated ... to an approach which today alleges that, instead of searches for coherence of identity; with no harm to others, transgender conditions are instead driven by attractions of role, or desires of sex, and where transgender women are considered to be as great a danger as all males in women’s spaces and services, with the demands by various populist Governments to return to “*traditional values*”; and a “*common sense approach*”: And I show that this is because of the adoption of a gender-critical approach, where all these pre-cognitive influences are ignored. People do not judge on the legislation that is enacted, they judge on the diagnosis that is applied. And the effects of these are seen in the massive increase in hate crime and attacks

## 7:0 Evidence

It is now well established that, although on average there are significant differences in male and female behavioural patterns, with men more prone to engage in physical violence, considerable overlap occurs. Our gender identities also depend on the natures of our interactions with others; and with no knowledge of sex, we all start from the same base.. And in this analysis, I show that core elements of personality and identity coalesce from fragmented thought, around a median age of two years: but identification with the gender role identity does not significantly manifest itself before a median age of three years. this means that the gender role identity can only develop as an overlay on the core gender identity which has already been created. Elsewhere, I show that this allows all women, including male-to-female transsexuals: acting as women with women, to pursue the same feminist arguments with the same vigour, from a stronger base. Equally for any female-to-male transsexual: acting as men with men, to pursue any equivalent male arguments from a similarly stronger base: And this also means that the gender-critical approach, which ignores these pre-cognitive processes is the less effective approach. Since gender identities are measured through the *“performances of gender”*, and the interactions and behaviours that have already been created, it also follows that the *“core gender identity”*, instead of *“biological sex”* should be the primary standard to determine how people should socially interact.

## 8:0 Early Development

Most neuroscientists and allies; consider the impacts of the pre-cognitive and post- cognitive elements involved in these disputes, even if their natures and origins are not well understood. Alice Sullivan, representing *“Sex Matters”* rightly states that *“gender”* and *“sex”* are different things, but then she totally ignores the influence of *“gender”* on performance in society, even to the extent of arguing that it should not need to be recorded for many purposes. In doing so, she and others, including Cass, Rippon, Stock, with other people and groups adopt a *“gender-critical”* approach, which presumes that cognition and sexual motives alone drive development forward. Therefore, the impacts of all pre-cognitive elements, and the many advances in knowledge, science, research, clinical, medical, and experiential evidence available from the 1960s which examine these earlier processes; and can show how core gender identities and the ability to separate the self from the other, are ignored. Instead of recognising gender identity as a core element of the personality that is created it is now treated as a *“perversion, paraphilia or disruption of the gender role”*. A false ideology is imposed on transgender people which alleges they can *“choose, change or deny biological sex”* so the core gender identity is treated as a nebulous collectively created concept, associated only with the gender role. And, instead of allowing its expression as a search for coherence of identity; and as a fundamental human right, it is now presented as a disruption or disturbance of sex.

## 9:0 Judgement

The Supreme Court should have considered both approaches: But that was taken away by the Court's own decision to rely entirely on the views of *“Sex matters”* and other gender-critical groups. An examination of the judgement and of the references cited by the Court reveals that the views of world Authorities and Professional institutions were not considered: The Court's refusal to accept the intervention of the *“Good Law Project”* also meant that expert opinion, which would have provided a counterpoint to the arguments, was denied. Without any other expert input the advances in science, clinical, medical, experiential evidence and public understanding since the 1960s are also denied. As a consequence, transgender conditions are diagnosed as personality disruptions, driven by desires for a role or the attractions of sex, where fears are created and threats; to others are encountered, instead of inwardly focussed searches for coherence of identity

By ignoring the many advances in neurology and psychology since the 1960s, the Supreme Court sides with a gender-critical ideology: Which determines that biology; rather the performance of gender, should govern how people interact. No codes of practice or other considerations can be valid if the analysis on which it is based is incorrect. Therefore, I conclude that the Supreme Court's judgment must be reconsidered: And the interim EHRC advice, which maximises the exclusion of transgender people must be discarded with immediate effect: For there is no reason to depart from the previous approach which has sought to maximise the inclusion of transgender people in everyday life. currently this present EHRC advice is with the present Government, with

the intention of being laid before Parliament, which would then give it legal effect. I urgently request that action is taken to have it set aside, or to prevent its progression, because that would have very harmful effects.

## 10:0 Inputs

These are not just differences which require a clear, impartial and objective study, they have also entered into the social and political spheres, and a number of questions need to be asked, particularly in relation to Government Actions and the United Kingdom Equality and Human Rights Commission (EHRC)

The United Kingdom Equality and Human Rights Commission (EHRC) exists to challenge discrimination and protect human rights, including holding Governments to account. However, the Government has the power to appoint Commissioners and Members to the Board. In view of the toxic nature of the dispute over transgender issues, it should be expected that someone “*at a distance*” would be appointed. However, the current head of the EHRC is Baroness Kishwer Falkner, who is a strong advocate of a “*gender critical*” approach, took on the role in December 2020, under the then premiership of Liz Truss.

The Cass Report, which was commissioned in Autumn 2020, under the same Conservative Government, totally ignored the massive neural and cognitive changes during the first three years, and has taken the understanding of transgender conditions back to the 1960s, and to the time when most investigators were trying to attribute the development of transgender conditions entirely to the gender role and to social learning processes alone, with attacks on transgender people’s lives.

In February 2024, a UK Government sponsored review, led by Professor Alice Sullivan, was asked to examine how public bodies collect data on sex and gender. The review focused on identifying obstacles to accurate data collection and research on these topics. In its identification of transgender conditions, the influence of gender as a search for coherence of identity is totally ignored, and transgender conditions are presumed to be entirely driven by desires for a role, or the attractions of sex. The question therefore has to be asked is about why Professor Sullivan, was asked to conduct an “*independent review*”, when she is known to be prominently involved in “*Sex matters*”, and is a strong advocate of a *gender-critical* approach.

On the 4<sup>th</sup> August 2025 it was announced that Dr. Mary-Ann Stephenson is to be appointed as the new Chair of the Equality and Human Rights Commission (EHRC). She will assume the role on December 1, 2025. Her appointment was subject to review by the Parliamentary women and equalities committee and the House of Lords joint committee on human rights. This Government has gone ahead with this appointment, despite the fact that; after the review, Sarah Owen and David Alton, the Chairs of both Committees had written to the equalities minister Bridget Phillipson stating “*However, it is with regret that we do not feel we can endorse her appointment to the role at this time*”. Where a significant concern by the Committees; was over transgender matters, and her previous support for a gender-critical approach. This is in line with Stock, Cass, Rippon, Sullivan, and others who similarly presumed that transgender conditions are driven by cognition and sexual motives alone, and where all took a gender-critical approach.

Of particular concern is the fine of £585,000 which England’s University Office for Students regulator imposed on the University of Sussex in March this year, arguing that a fine of up to £3.5 million could have been imposed: As a lecturer in the University, Stock has every right to express her views; and in that she has my total support. However, Universities are also bastions of scholarship as well as free speech. And there has been widespread student condemnation of the views which Stock presents. This is a conflict where opponents of these gender-critical views are being attacked and as “*not being based on credible science*”, merely the work of transgender activists, with the denigration of the motives of those who pursue this approach. In a recent Court case Stock outlined the context of her own gender-critical approach. Which of course she is absolutely entitled to do and must be heard<sup>62</sup>. But her outspoken views on Stonewall and others who oppose her views do not help<sup>63</sup>. I do not comment on the merits of this individual case, and I do not suggest any malpractice by Stock, and I am perfectly willing to accept that Stock puts forward her arguments with integrity and commitment. But the focus of the argument must be about whether it is Stock, or the students who are correct. That gives the Office for Students Regulator great power. And this must also raise concerns, when the regulator fines the University £585,000, with threats of much more: presumably because of its approach of “*positively representing transgender people*”, is not considered correct. Apparently, because of its failure to censure the student protests against what the students see, as Stock’s negative approach. That has a chilling

effect on any legitimate protest. And it raises major concerns about the legitimacy of all protest, and the protection of all human rights ... When the students instead may be the ones who are correct.

## 11:0 Regression

There has been a complete transformation in outlook from 2018 in the United Kingdom, when the then Conservative Government and the then Equality and Human Rights Commission were strongly recommending that transgender people should have the right to legally self-identify their gender: When Penny Mordaunt, then the Government Equalities Minister launched a consultation on reforming the Gender Recognition Act in 2018 by declaring that "*Trans Women are Women. That is the starting point of the consultation*"<sup>64</sup>, which recognised transgender conditions as searches for coherence of identity and fulfilment of life. And sought to maximise the inclusion of transgender people in society: To one which now by default seeks to exclude them, because it presumes they are driven by desires and attractions of sex. Not only does the interpretation of the law; as now defined by the Supreme Court, deny the right of transgender women to call themselves women through their shared "*performances of gender*" and their searches for coherence of identity: given to them in the 2004 Gender Recognition Act: It denies them the fundamental right to express their gender identities under international human rights legislation because: instead of personality variations, expressions of identity, and core elements of the personality that is created, the Court has now decided that they are "*perversions, paraphilias of the gender role*", driven by desires for a role or the attractions of sex<sup>65</sup>.

That transformation has been brought about by the rejection of the scientific consensus adopted by the World Authorities and Professional Medical Institutions, who identify transgender conditions as inwardly focussed personality variations, expressed in "*performances of gender*": which search for coherence of identity: which give the ability to live in harmony; without harm to others, and to seek fulfilment of life. And its replacement with the gender-critical approach, where these early and largely pre-cognitive influences are ignored, so that transgender conditions are considered to be perversions, paraphilias or disruptions of the gender role, which involve threats to others: Because they are understood to be driven by desires for a role or the attractions of sex. Gender-critical groups and investigators, such as Rippon, Stock, Cass, Sullivan and others; who presume that sexual motives and cognition alone drive development forward, may be able to tell us many things about how the gender role identity develops; how perversions and disruptions are created: And how they are driven by motives of sex, but they cannot tell anything about earlier development proceeds and how the core gender identity is created: because the influence of all of the early and pre-cognitive development processes is denied. It is essential for all sides to be equitably considered but this does not happen. This denial means that there is no justification for any theory; or for any Supreme Court Judgment, which depends on the same denials, to justify a gender-critical approach. The Court judgement may seem to be a victory for gender-critical groups, but it is likely to be a pyrrhic victory: for the adoption of an approach which presumes that sexual motives and cognition alone drive development forward, does not just affect transgender people. The same dismissal affects all gender and sexually variant people, and it takes everyone back to a time when all forms of gender and sexually variant behaviours; regardless of purpose, were regarded as intrinsically disordered behaviour in pursuit of inappropriate sex: And there cannot be any justification on imposing a blanket ban on transgender people's access to any spaces and services on a diagnosis which is incorrect.

Attempting to treat transgender conditions as personality deviations or disruptions when the diagnosis should be that of personality variations is potentially disastrous, because the time when transgender children and their parents most need help to manage these conditions occurs from early childhood, not later in life. Moreover, when the motives, timescales and methods of management of these two approaches differ to the extent that what one side considers to be those of compassion and concern, are almost inevitably regarded as recruitment, grooming, capture, and coercion by the other, it is essential to get the diagnosis correct. Unlike personality variations: where development proceeds in the variant direction from the outset a diagnosis of disruption applies, where some unnamed perversion, paraphilia or disruption is presumed to have caused transgender conditions to arise. Today, and for centuries that perception that transgender conditions are sexually motivated perversions or disruptions, instead of searches for coherence of identity has put all gender and sexually variant people under suspicion, persecution, condemnation, criminalisation and attack<sup>66</sup>. The Court has no power to change the law, instead it has power to interpret it: And the effect of the Court's decision that transgender conditions must be treated as personality disruptions instead of personality variations, is now to enforce; in law, a medical treatment and a diagnosis which is harmful and incorrect.

Any Government and every Equality and Human Rights Commission must operate in an informed and impartial manner: But I do not find any evidence that this has happened. These are not just matters of judgement. I also conclude that there are deficiencies of process; at Government; EHRC; and at legal levels: Which have prevented a correct diagnosis being made. The consequence of these failures in the United Kingdom raises serious concerns over the state of our own human rights. And: if what has already happened in relation to transgender issues in the UK; could also happen with other UK issues, we should all be concerned about how withdrawal from the jurisdiction of the European court would affect the protections of all our human rights. Therefore, I would draw this matter to the attention of the European Court of Human Rights, the Supreme Court itself, the UK Government, Parliament, The Parliamentary Women and Equalities Select Committee, and the joint Committee of the House of Commons and the House of Lords on Human Rights.

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## Resources and Endnotes

This is one of a series of documents: These are:

Full references and cross references to original sources are given in many of these documents

Gilchrist, S. (2024): *“What is a Woman?”*: <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf> . (Text: 15 pages). This is a document I prepared for intervention in advance of the Supreme Court hearing.

Gilchrist, S. (2025): *“What Happens when you Misdiagnose Transgender Conditions?”* <https://www.tgdr.co.uk/documents/256P-WhatHappens.pdf> (Text: 8 pages).

Gilchrist, S. (2025): *“Transgender Diagnoses and Issues”* [www.tgdr.co.uk/documents/256P-TransgenderIssues](https://www.tgdr.co.uk/documents/256P-TransgenderIssues) (4 pages)

Gilchrist, S: (2025) *“A Challenge to the Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services”*: <https://www.tgdr.co.uk/documents/256P-TransDamage.pdf> (Text 1 page)

Gilchrist, S. (2025) *“Why the Supreme Court is Mistaken in its Understanding of Transgender Conditions”*: <https://www.tgdr.co.uk/documents/256P-TransMisdiagnosis.pdf> (Text 2 pages)

Gilchrist, S: (2025) *“Why You should Contest the Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services”*: <https://www.tgdr.co.uk/documents/256P-TransContest.pdf> (Text 2 pages)

Gilchrist, S: (2025) *“Actions of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions”*: <https://www.tgdr.co.uk/documents/256P-TransActions.pdf> . (Text 20 pages)

Gilchrist, S: (2025) *“Judgement of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions”*: <https://www.tgdr.co.uk/documents/256P-TransJudgement.pdf> . (Text 31 pages: Draft)

Gilchrist, S. (2025): *“The Misdiagnosis of Transgender Conditions by the Supreme Court”*: <https://www.tgdr.co.uk/documents/256P-TransDevelopment.pdf> (Text 3 pages)

Gilchrist, S. (2025) *“Transgender Misdiagnoses and Human Rights: Overview”* <https://www.tgdr.co.uk/documents/256P-TransRightsIntro.pdf> (Text 1 page)

Gilchrist, S. (2025) *“Transgender Misdiagnoses and Human Rights: Introduction”* <https://www.tgdr.co.uk/documents/256P-TransRightsIntro.pdf> (Text 9 pages)

Gilchrist, S. (2025): *“Transgender Misdiagnoses and Human Rights”*: <https://www.tgdr.co.uk/documents/256P-TransRights.pdf> (Text 14 pages)

The following two documents were submitted to The Parliamentary Women and Equalities Select Committee, and the joint Committee of the House of Commons and the House of Lords on Human Rights in June 2025.

Gilchrist, S: (2025) *“Verdict of the United Kingdom Supreme Court: Overview of the Effects of Misdiagnoses and the Independence of the Cass and Sullivan Reports”*: <https://www.tgdr.co.uk/documents/256P-TransVerdictOverview.pdf> . (2 pages)

Gilchrist, S. (2025): *“Transgender Misdiagnoses and Human Rights”* 256P

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Gilchrist, S: (2025) "Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports": <https://www.tgdr.co.uk/documents/256P-TransVerdict.pdf> (50 pages. Draft)

Gilchrist, S. (2022): "No Blacks, No Irish, No Homosexuals, No Transgender People": <https://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

Not all of these documents have been completed: But all have been taken as far as necessary for this study  
This material has been made available to tribunals and other groups

For other documents go to the bibliography tab on [www.tgdr.co.uk](https://www.tgdr.co.uk/articles/bibliography.htm)

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<sup>1</sup> Cite this document as Gilchrist, S. (2035) "Transgender Misdiagnoses and Human Rights": <https://www.tgdr.co.uk/documents/256P-TransRights.pdf>

<sup>2</sup> Gilchrist, S. (2025): "What Happens when you Misdiagnose Transgender Conditions?" <https://www.tgdr.co.uk/documents/256P-WhatHappens.pdf> (Text: 8 pages)

<sup>3</sup> Gilchrist, S. (2021a): "Gender Identity, Feminism, and Transgender People": <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

<sup>4</sup> The following document was prepared for use as part of an intervention in the Supreme Court Case: Gilchrist, S. (2024): "What is a Woman?": <https://www.tgdr.co.uk/documents/255P-WhatIsAWoman.pdf>.

<sup>5</sup> Today the word "transsexual" is very strongly discouraged within the transgender community, since these are matters of gender, coherence of identity, and not of sex,

<sup>6</sup> For details of my own research, see <https://tgdr.co.uk/articles/bibliography.htm> Including: Gilchrist, S. (2024): "On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review": <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>; Gilchrist, S. (2020b): "Responsibility in Transgender Disputes": <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>; Gilchrist, S. (2013d): "Personality Development and LGB&T People: A New Approach": <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>

<sup>7</sup> See section D.2 Gender Attacks in Gilchrist, S. (2020b): "Responsibility in Transgender Disputes": <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

<sup>8</sup> ECHR Factsheet [www.echr.coe.int/documents/d/echr/fs\\_gender\\_identity\\_eng](http://www.echr.coe.int/documents/d/echr/fs_gender_identity_eng)

<sup>9</sup> Trans men are also affected: See: Alge, Daniel (2025): "There are similar concerns for transgender men What does the UK Supreme Court's gender ruling mean for trans men?" Brunel University News 23 April 2025 <https://www.brunel.ac.uk/news-and-events/news/articles/What-does-the-UK-Supreme-Court's-gender-ruling-mean-for-trans-men>

<sup>10</sup> However, a strict interpretation states that only the binary gender categories of "men" and "women" are protected. But 2010 Equality Act also states that it also applies to: "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 purpose of reassigning the person's sex by changing physiological or other attributes of sex".

<sup>11</sup> In a strongly worded article in the Guardian Newspaper, Judith Butler wrote "With such strongly divergent views and opinions being expressed it is essential that an impartial and objective approach is taken. That does not happen. In a 2021 article in the Guardian Newspaper Judith Butler, a major authority and pioneer in the feminist movements expressed her views on these gender-critical approaches: She said: "It is not easy to fully reconstruct the arguments used by the anti-gender ideology movement because they do not hold themselves to standards of consistency or coherence. They assemble and launch incendiary claims to defeat what they see as "gender ideology" or "gender studies" by any rhetorical means necessary. For instance, they object to "gender" because it putatively denies biological sex or because it undermines the natural or divine character of the heteronormative family"; "The anti-gender movement is not a conservative position with a clear set of principles. No, as a fascist trend, it mobilizes a range of rhetorical strategies from across the political spectrum to maximize the fear of infiltration and destruction that comes from a diverse set of economic and social forces. It does not strive for consistency, for its incoherence is part of its power". See Gilchrist, S. (2024): "Transgender Misdiagnoses: EHRC and Government Advice": <https://www.tgdr.co.uk/documents/040B-MisdiagnosesAndAdvice.pdf> Butler, Judith, (2021): "Why is the idea of 'gender' provoking backlash the world over?" the Guardian 23 October 2021. See Discussion of Butler in Gilchrist, S. (2022): "No Blacks, No Irish, No Homosexuals, No Transgender People". <https://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

<sup>12</sup> Similar comments are being made in the United States: Lempinen, Edward: Pohl, Jason: Thulin, Lila: (2005) "Experts React to U.S. Supreme Court Ruling on Medical Care for Trans Minors" Berkley Research June 18, 2025 <https://vcresearch.berkeley.edu/news/experts-react-us-supreme-court-ruling-medical-care-trans-minors>

<sup>13</sup> The Council of Europe has published a report, adopted by a committee of parliamentarians from across the continent, which condemns the UK's treatment of transgender people. Adopting a report by Fourat Ben Chikha, a member of the Belgian Senate, the Committee on Equality and Non-Discrimination condemned "the extensive and often virulent attacks on the rights of LGBTI people for several years" in Hungary, Poland, the Russian Federation, Turkey and the United Kingdom. Transphobia and homophobia in the UK directly infringe upon Article 14 of the Human Rights Act, which is designed to shield marginalised people from discriminatory treatment. The parliamentarians warned: "The scapegoating and violations of LGBTI people's civil rights come to a large extent from political figures, including government representatives, as well as religious leaders."

[https://pace.coe.int/en/news/8431/committee-highlights-rise-in-hatred-against-lgbti-people?\\_cf\\_chl\\_jschl\\_tk\\_=dBvpVaTmOm4tCKfHhpAZjA5cPivU88GH7KyZ00mu3to-1641559647-0-gaNycGzNCP0](https://pace.coe.int/en/news/8431/committee-highlights-rise-in-hatred-against-lgbti-people?_cf_chl_jschl_tk_=dBvpVaTmOm4tCKfHhpAZjA5cPivU88GH7KyZ00mu3to-1641559647-0-gaNycGzNCP0)

<sup>14</sup> Independent "Supreme Court gender ruling risks leaving trans people in 'intermediate zone' and could breach ECHR, UK warned" Tuesday 14 October 2025 <https://www.independent.co.uk/news/uk/politics/trans-ruling-supreme-court-uk-b2844987.html> Read the letter to the Home Secretary: <https://rm.coe.int/letter-to-the-home-secretary-of-united-kingdom-by-michael-o-flaherty-c/488028b2a8> Read the letter to the Chairs of the Joint Committee on Human Rights and the Women and Equalities Committee <https://rm.coe.int/letter-to-parliament-and-house-of-commons-of-the-united-kingdom-by-mich/488028ddd7> Read the last paragraph in the letter of reply from the UK Home Secretary to the Commissioner: "Lastly, I want to address your comments in your letter to Lord Alton and Sarah Owen MP on the human rights situation of trans people in the UK. I would like to take this opportunity to emphasise that I consider it unacceptable to

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question the validity of the Supreme Court in making this decision. The court has provided legal clarity on this issue, exactly as they are expected to. I find any attempt to cast aspersions on the Supreme Court's decision disappointing". <https://rm.coe.int/-/reply-home-secretary-to-commissioner-o-flaherty-letter-response/488028fcbe>

<sup>15</sup> Lemkin Institute (2025): "The Lemkin Institute for Genocide Prevention and Human Security would like to bring attention to and condemn recent judicial and governmental developments in the United Kingdom, which attempt to harm transgender and intersex people in the UK by stripping them of privacy and segregating them as 'others.' The Lemkin Institute believes these moves are part of a broader process of erasure. It is not only government action but also the media narrative that has fuelled hostility to and debate about the humanity of trans and intersex people while ignoring their voices" Lemkin Institute 30 June 2025 <https://www.lemkininstitute.com/red-flag-alerts/red-flag-alert-on-anti-trans-and-intersex-rights-in-the-uk>

<sup>16</sup> See section 18:0 Feminist Issues and Decisions of the Supreme Court in Gilchrist, S. (2025) "Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports":

<https://www.tgdr.co.uk/documents/255P-TransVerdict.pdf>. The Royal College of Psychiatrists responded to the Supreme Court judgment and its implications via its input into a consultation on the Equality and Human Rights Commission's (EHRC) updated Code of Practice. Its primary concerns centre on the risk of deepening mental health inequalities for trans and non-binary individuals. It is extremely concerned that the updated legal definition of sex, following the ruling, will significantly harm the mental health of trans and non-binary people and could put lives at risk. It notes that trans and non-binary people already face higher rates of mental illness, self-harm, and suicide compared to the general population, and the ruling risks exacerbating this. The BMA Resident Doctors Association stated: "This meeting condemns the Supreme Court ruling defining the term 'woman' with respect to the Equality Act as being based on 'biological sex', which they refer to as a person who 'was at birth of the female sex', as reductive, trans and intersex-exclusionary and biologically nonsensical. We recognize as doctors that sex and gender are complex and multifaceted aspects of the human condition and attempting to impose a rigid binary has no basis in science or medicine while being actively harmful to transgender and gender diverse people. It reiterates the BMA's position on affirming the rights of transgender and non-binary individuals to live their lives with dignity, having their identity respected. Reminds the Supreme Court of the existence of intersex people and reaffirms their right to exist in the gender identity that matches their sense of self, regardless of whether this matches any identity assigned to them at birth. Condemns scientifically illiterate rulings from the Supreme Court, made without consulting relevant experts and stakeholders, that will cause real-world harm to the trans, non-binary and intersex communities in this country. Commits to strive for better access to necessary health services for trans, non-binary and gender-diverse people. For letters, see also: London Economic (2025) "Biologists tell government to restore trans people's access to public spaces after Supreme Court ruling" <https://www.thelondoneconomic.com/news/biologists-tell-government-to-restore-trans-peoples-access-to-public-spaces-after-supreme-court-ruling-392997/>; Airtable (2025) "An open letter to the Equality and Human Rights Commission from the Culture Sector, April 2025" <https://airtable.com/appJiTpDvAuSGrX37/pagdNlqDLD38RXbI/form> For more on management see: Gilchrist, S. (2024): "Why the Present United Kingdom Government Advice on Transgender Children Must be Challenged". <https://www.tgdr.co.uk/documents/040B-GovAdviceTransChildren.pdf> And for a specialist overview: see: "the essence of the court's decision is (in broad purposes) as follows: a) the Gender Recognition Act 2004 states that a person with a GRC [gender recognition certificate] is to be treated as the sex stated in the GRC "for all purposes" unless a statute provides otherwise; b) although the Equality Act 2010 doesn't explicitly state otherwise, it contains various references to the word "woman" in contexts where it makes more sense if it is read as "biological woman"; Thus, c) the Equality Act therefore rebuts the presumption in the Gender Recognition Act and, for its purposes, "woman" means "biological" ("cis") woman. Therefore, by statute, the 2018 act must be read as excluding trans women from the class of "women". However, that argument can only make sense if you consider the definition of "woman" to be that of "someone who was at birth a member of the female sex". The court acknowledged that, should a trans woman be discriminated against because someone thinks she is a cis woman, then she will still be entitled to make a claim for sex discrimination in the same way as a cis woman. But if someone recognises a trans woman as a trans woman, no such protection applies". Although the appeal was made only in the context of public boards, the Court extended it to consider access to all same sex allocated services and spaces. Thus, the effect of the Court's decision is to introduce a statute which means that in no circumstances, can trans women call themselves women, and in no circumstances can trans men call themselves men. Therefore, trans women and men can be excluded by default from all same sex allocated spaces, and public boards on the grounds of appearance and of identity alone, regardless of the capabilities they may be seen to provide. The right to offend is also a basic human right, although nobody should wish to apply it at any time. At first sight, imposing exclusions entirely on the grounds of physicality or identity; with the unequal treatment of natal women and trans women seems to be a breach of all international conventions on human rights. See also Gilchrist, S. (2022): "No Blacks, No Irish, No Homosexuals, No Transgender People": <http://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

<sup>17</sup> Alge, Daniel (2025): "There are similar concerns for transgender men What does the UK Supreme Court's gender ruling mean for trans men?" Brunel University News 23 April 2025 <https://www.brunel.ac.uk/news-and-events/news/articles/What-does-the-UK-Supreme-Court's-gender-ruling-mean-for-trans-men>

<sup>18</sup> "Kathleen Stock in a recent court case (Smith v Northumbria Police), finally provided us with a definition of what those with gender critical beliefs consider should be banned. This involves, I) Banning easier access to Gender Recognition Certificates. ii) Refusing to treat gender identity as a protected characteristic in law and policy. iii) Denying recognition of gender identity in medical, educational, and judicial contexts. iv) Banning conversion therapy for trans people. v) Denying access to gender-affirming medical care, including for young people. vi) Preventing access to single-sex spaces (like changing rooms, prisons, sports) based on gender identity

<sup>19</sup> For Stock's views on Stonewall See section 13:00 Conflict in Gilchrist, S. (2021a): "Gender Identity, Feminism, and Transgender People": <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

<sup>20</sup> There are many general descriptions available: Kleeman, J.A. The establishment of core gender identity in normal girls. I. (a) introduction; (b) development of the ego capacity to differentiate. *Arch Sex Behav* 1, 103–116 (1971).

<https://doi.org/10.1007/BF01541055>; Shainess, N. (1969). The formation of gender identity. *The Journal of Sex Research*, 5(2), 75–85.

<https://doi.org/10.1080/00224496909550603> : Savic, Ivanka : Falgueras, Alicia Garcia; Swaab, Dick (2010) "Chapter 4 – "Sexual differentiation of the human brain in relation to gender identity and sexual orientation" *Progress in Brain Research* Volume 186, 2010, Pages 41-62: Batista, R. L., & Oliveira, L. M. B. (2024). The genetics and hormonal basis of human gender identity. *Archives of Endocrinology and Metabolism*, 68(spe 1), e240232 : Mehrtens, I., & Addante, S. (2023). Transgender and Gender Diverse Identity Development in Pediatric Populations. *Pediatric Annals*, 52(12), e450-e455. Dey, R. (2022). TRANSGENDER IDENTITY DEVELOPMENT: A BRIEF REVIEW. *Emerging Social Work Debates*, 140.Etc

<sup>21</sup> Freud also noted that a process of separating the self from the other is needed, and he did this through the Oedipal Complex. But, because her relied on cognition for his arguments he placed this to between the ages of three to five years. Therefore, he regarded it as part of the development of the gender role identity. Which means it has no independent effect.

<sup>22</sup> Mitchell, Kevin J. (2018): *"Innate: How the Wiring of our Brain Shapes Who We Are"*: Princeton University Press; ISBN 978-0-691-17388-7.

<sup>23</sup> Wrangham, Richard: (2019): *"The Goodness Paradox: How Evolution Made Us More and Less Violent"* Pantheon Books ISBN 978 1 78125 583 4

<sup>24</sup> See: Gilchrist, S. (2016a): "Taking a Different Path": Chapter 10 in: *"This Is My Body: Hearing the Theology of Transgender Christians"*, Ed: Beardsley, T. and O'Brien, M: Darton Longman and Todd. May 2016 ISBN 978-0-232-53206-7 Notes for this chapter are available on: <http://www.tgdr.co.uk/sourcesA/index.htm>

<sup>25</sup> See Section 8:0 in Gilchrist, S. (2024): *"On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review"*: <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

<sup>26</sup> Gilchrist, S. (2017p): *"What does it mean to be Transgender?"*: <http://www.tgdr.co.uk/documents/242P-TransgenderIdentities.pdf>

<sup>27</sup> Gilchrist, S. (2024): *"On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review"*: <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

<sup>28</sup> Gilchrist, S. (2011a): *"LGB and T People: Labels and Faith"*: <http://www.tgdr.co.uk/documents/002B-LabelsFaithText.pdf>

<sup>29</sup> For a more extended review of Lord Hodge's comments: see Gilchrist, S: (2025) *"Actions of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions"*: <https://www.tgdr.co.uk/documents/256P-TransActions.pdf>

<sup>30</sup> Gilchrist, S: (2025) *"Verdict of the United Kingdom Supreme Court: Overview of the Effects of Misdiagnoses and the Independence of the Cass and Sullivan Reports"*: <https://www.tgdr.co.uk/documents/255P-TransVerdictOverview.pdf>

<sup>31</sup> Gilchrist, S: (2025) *"Judgement of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions"*: <https://www.tgdr.co.uk/documents/255P-TransJudgement.pdf>

<sup>32</sup> Gilchrist, S: (2025) *"Transgender Misdiagnoses and Human Rights"*: <https://www.tgdr.co.uk/documents/256P-TransRights.pdf>

<sup>33</sup> Shabana Mahmood says rights watchdog undermines UK case to stay in ECHR. Read the letter to the Home Secretary: <https://rm.coe.int/-/reply-home-secretary-to-commissioner-o-flaherty-letter-response/488028fcbe>

The Council of Europe had criticised the government's stance on transgender rights and said that banning Palestine Action may breach the freedom of peaceful assembly" Times 14 October 2025 <https://www.thetimes.com/uk/politics/article/trans-people-human-rights-news-q6k3r8pzt>

<sup>34</sup> Rippon, Gina. (2019); *"The Gendered Brain: The new Neuroscience that shatters the myth of the female brain"*: Penguin Random House, London 2019: ISBN 9781847924759. Reviewed in Gilchrist, S. (2021a): *"Gender Identity, Feminism, and Transgender People"*: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf> . Gilchrist, S. (2020b): *"Responsibility in Transgender Disputes"*: <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

<sup>35</sup> Gilchrist, S. (2025): *"Correctly Diagnosing Transgender Conditions: the Consequences of Misdiagnoses and the Independence of the Cass and Sullivan Reports"*: <https://www.tgdr.co.uk/documents/255P-CassIndependence.pdf>

<sup>36</sup> Stock's work is extensively reviewed in Gilchrist, S. (2021a): *"Gender Identity, Feminism, and Transgender People"*: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf> . Gilchrist, S. (2020b): *"Responsibility in Transgender Disputes"*: <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

<sup>37</sup> See section 5:0 Sullivan Report

<sup>38</sup> Joel, Daphna; Garcia-Falgueras, Alicia; Swaab, Dick: (2019). "The Complex Relationships between Sex and the Brain" *Sage Journals Review Article* Find in PubMed <https://doi.org/10.1177/1073858419867298> See also Gilchrist, S. (2020b): *"Responsibility in Transgender Disputes"*: <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

<sup>39</sup> See the 2020 Handbook of Clinical Neurology Volume 175: *"Sex Differences in Neurology and Psychiatry"* for descriptions of these

<sup>40</sup> In my own work I have used transgender experiences as case studies with the aim of gaining greater insight how personalities and identities for all of us develop. And the combination of the "who am I" network", the "what makes me: me?" network; and the often hidden but long-term stabilities of the core elements of personality and identity; I identify in this study might give some greater insight into how awareness and consciousness arise. A Stanford Medicine study using some 1500 individuals and Artificial Intelligence techniques has identified distinct brain organization patterns in women and men. While answers to questions of "What makes me, me?" are claimed to dwell in the well-studied network of neurons in the default mode network there's no official name yet for the equivalent "Who am I" network. Nor has it been similarly studied. And that may be a key element in determining how senses of identity are formed. Although they are separate, the two brain areas constantly interact with each other. While stimulation of the default mode network does not cause any change to the sense of selfhood that a person possesses, considerable disruption to this sense of selfhood arises when this "Who am I" area is stimulated instead. See Section 9:0 of Gilchrist, S. (2024): *"On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review"*: <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

<sup>41</sup> Much more work on consciousness, awareness and these issues is required, including confirmation as to whether various brain areas are active before birth or if they only become active after birth. It is also much too early to say if any of these modules contain generically determined behavioural traits which leads directly to consciousness and gender identification: and that need not depend on the presence of XX or XY chromosomes. It should also be expected that this would only set the direction of travel. Therefore, it is the massive neural, social, and cognitive advances and changes during the first three years which result in stable core gender and other identities to be created, And the recognition of this may lead to greater insights into how own sense of consciousness is formed. However, these features should only be considered as part of the explanation. Other influences, including the important influence of hormonal or endocrinological effects are as certain to be involved. Nevertheless, the early development of these behavioural traits and the experiences with intersex children does suggest there may be some genetically and hormonally associated contributions: And these considerations support the presence of distinct neural modular structures in the brain which are computationally independent, in the way that Fordor describes. Thus, it is the combination of the "who am I" network", the "what makes me: me?" network; and the often hidden but long-term stabilities of the core elements of personality and identity; I identify in this study might give some greater insight into how awareness and consciousness arise. See Section 9:0 of Gilchrist, S. (2024): *"On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review"*: <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

<sup>42</sup> Gilchrist, S. (2023): *"How to Trash the Economy, Transgender Identities and Human Rights"* <https://www.tgdr.co.uk/articles/255P-HowToTrash.pdf>

<sup>43</sup>When the equalities minister in the previous Conservative UK Government, Penny Mordaunt launched the consultation on reforming the Gender Recognition Act in 2018 by declaring that “*Trans Women are Women. That is the starting point of the consultation*”, she was using the definition of the feminist pioneers that men and women are distinguished from each other through the ways in which they integrate into society. When Richi Sunak as Prime Minister in 2024 made the statement “*I know what a woman is*” in the UK Parliament, at a time when he understood that the mother of a recently murdered transgender teenager was in the gallery, he was restating the current Conservative Government policy, which is to define men and women exclusively in terms of biology, measures both the hurt that can be created, and the total change in government attitudes to transgender conditions. Gilchrist, S. (2024): “*Why the Present United Kingdom Government Advice on Transgender Children Must be Challenged*”. <https://www.tgdr.co.uk/documents/040B-GovAdviceTransChildren.pdf>

<sup>44</sup> Gilchrist, S. (2022): “*Transgender Disputes, Conversion Therapy and Government actions*” (Presentation): <http://www.tgdr.co.uk/documents/254p-PresTransDisputesAndGovActions.pdf>

<sup>45</sup> Stavrou, Athena: (2025): “*The UK, once the most LGBT+ friendly country in Europe, is now 22<sup>nd</sup>*” The Independent Friday 16 May 2025 <https://www.independent.co.uk/bulletin/lifestyle/uk-lgbt-rights-europe-ranking-b2752271.html>

<sup>46</sup> Brooks, Libby (2025): “*UK’s first trans judge appeals to European court of human rights over supreme court ruling*”: The Guardian 20 April 2025 <https://www.theguardian.com/society/2025/apr/29/uk-s-first-trans-judge-victoria-mccloud-appeals-to-european-court-over-supreme-court-ruling>

<sup>47</sup> *Christine Goodman v. UK* App no. 28957/95 (ECHR 11 July 2002)

<sup>48</sup> *Y.V v. Turkey* App no. 14793/08 (ECHR 10 May 2015)

<sup>49</sup> Independent “*Supreme Court gender ruling risks leaving trans people in ‘intermediate zone’ and could breach ECHR, UK warned*” Tuesday 14 October 2025 <https://www.independent.co.uk/news/uk/politics/trans-ruling-supreme-court-uk-b2844987.html> Read the letter to the Home Secretary: <https://rm.coe.int/letter-to-the-home-secretary-of-united-kingdom-by-michael-o-flaherty-c/488028b2a8> Read the letter to the Chairs of the Joint Committee on Human Rights and the Women and Equalities Committee <https://rm.coe.int/letter-to-parliament-and-house-of-commons-of-the-united-kingdom-by-mich/488028ddd7> Read the last paragraph in the letter of reply from the UK Home Secretary to the Commissioner: “*Lastly, I want to address your comments in your letter to Lord Alton and Sarah Owen MP on the human rights situation of trans people in the UK. I would like to take this opportunity to emphasise that I consider it unacceptable to question the validity of the Supreme Court in making this decision. The court has provided legal clarity on this issue, exactly as they are expected to. I find any attempt to cast aspersions on the Supreme Court’s decision disappointing*”. <https://rm.coe.int/reply-home-secretary-to-commissioner-o-flaherty-letter-response/488028fcbe>

<sup>50</sup> The Trans Advocacy and Complaints Collective and the Trans Exiles Network submitted a communication to the Council of Europe on 14 October 2025, requesting the re-opening of enforcement supervision against the UK related to the cases of Goodwin v UK and Grant v UK. These cases established that the rights of transsexual individuals were violated by UK law, which did not recognize their acquired sex for all purposes. The recent Supreme Court ruling in For Women Scotland v Scottish Ministers (2025) has raised concerns that the UK has not complied with the earlier judgments, effectively placing trans individuals back in an “*intermediate zone*.”

<sup>51</sup> UNHCR (2025) “*UN experts warn of legal uncertainty and rights implications following UK Supreme Court ruling*” Office of the United Nations High Commissioner for Human Rights: 22 May 2025 <https://www.ohchr.org/en/press-releases/2025/05/un-experts-warn-legal-uncertainty-and-rights-implications-following-uk> “*The experts recalled that the UK has previously been found in violation of the European Convention on Human Rights for failing to provide adequate legal recognition for trans individuals, leading to the adoption of the Gender Recognition Act in 2004. They warned that, without corrective changes to law and policy, the current ruling could lead to similar legal challenges being reopened. “*The law must be clear, coherent, and consistent with international human rights standards*,” the experts said. “*We urge UK lawmakers to act decisively to reform and align the legal framework in a way that ensures dignity, equality, and non-discrimination for all.*”*

<sup>52</sup> Good Law Project (2025) “*We’re challenging the EHRC’s interim guidance*. The ‘*interim guidance*’ that the EHRC issued after the Supreme Court’s decision on trans rights was transphobic, harmful – and legally wrong. We’re bringing a challenge in the High Court. <https://goodlawproject.org/case/were-challenging-the-ehrcs-interim-guidance/>

<sup>53</sup> The EHRC’s interim advice was withdrawn on or around October 15, 2025. It was replaced with a recommendation for organizations to seek specialist legal advice while the government considers the EHRC’s revised statutory Code of Practice.

<sup>54</sup> See for example Gilchrist, S. (2024): “*What Celtic Christianity and the Ancient Church of the East Can Tell us about Christian Attitudes to Women and LGBTI Relationships*”: <https://www.tgdr.co.uk/documents/040B-CelticChristianityWomenGenderSex.pdf> Gilchrist, S. (2022): “*Christian Communities, Transgender People and Christian Traditions*” (Presentation): <http://www.tgdr.co.uk/documents/037B-PresDoctrinesDisputesTransPeople.pdf> And other material on my website [www.tgdr.co.uk](http://www.tgdr.co.uk)

<sup>55</sup> Gilchrist, S. (2025): “*The Misdiagnosis of Transgender Conditions by the Supreme Court*”: <https://www.tgdr.co.uk/documents/256P-TransDevelopment.pdf>

<sup>56</sup> See for example: Lanzenberger, R.; Kranz, G.S.; Savic, I.: (Eds) (2020): *Sex Differences in Neurology and Psychiatry* Handbook of Clinical Neurology Volume 175, 2020. These are further discussed in Section D:2 Gender Attacks in Gilchrist, S. (2020b): “*Responsibility in Transgender Disputes*”: <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>

<sup>57</sup> Gilchrist, S: (2025) *Actions of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions*”: <https://www.tgdr.co.uk/documents/255P-TransActions.pdf> Gilchrist, S: (2025) “*Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports*”: <https://www.tgdr.co.uk/documents/255P-TransVerdict.pdf>

<sup>58</sup> Feminism relies on the principle that men and women have equal capabilities. And, therefore, it is not just difference in behaviour which are causes by social conditioning which must be challenge, the existence of any differences in behaviour which could be regarded as innate, or non-cognitive in nature, must also be denies. See Gilchrist, S. (2021a): “*Gender Identity, Feminism, and Transgender People*”: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

<sup>59</sup> See endnote 3

<sup>60</sup> A paraphilia is an intense, persistent sexual interest in objects, situations, or non-consenting individuals. Unlike a perversion or paraphilic disorder, a paraphilia itself does not necessarily require distress or harm, it simply describes an atypical sexual interest. A paraphilic disorder is diagnosed when the paraphilia causes distress to the individual, impairs their functioning, or involves a risk of harm to other

<sup>61</sup> Much more work on consciousness, awareness and these issues is required, including confirmation as to whether various brain areas are active before birth or if they only become active after birth. It is also much too early to say if any of these modules contain generically determined behavioural traits which leads directly to consciousness and gender identification: and that need not depend on the presence of XX or XY chromosomes. It should also be expected that this would only set the direction of travel. Therefore, it is the massive neural,

Gilchrist, S. (2025): “*Transgender Misdiagnoses and Human Rights*” 256P

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social, and cognitive advances and changes during the first three years which result in stable core gender and other identities to be created, And the recognition of this may lead to greater insights into how our own sense of consciousness is formed. However, these features should only be considered as part of the explanation. Other influences, including the important influence of hormonal or endocrinal effects are as certain to be involved. Nevertheless, the early development of these behavioural traits and the experiences with intersex children does suggest there may be some genetically and hormonally associated contributions: And these considerations support the presence of distinct neural modular structures in the brain which are computationally independent, in the way that Fordor describes. Thus, it is the combination of the "who am I" network", the "what makes me: me?" network; and the often hidden but long-term stabilities of the core elements of personality and identity; I identify in this study might give some greater insight into how awareness and consciousness arise. See Section 9:0 of Gilchrist, S. (2024): *"On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review"*: <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>

<sup>62</sup> "Kathleen Stock in a recent court case (Smith v Northumbria Police), finally provided us with a definition of what those with gender critical beliefs consider should be banned. This involves, I) Banning easier access to Gender Recognition Certificates. ii) Refusing to treat gender identity as a protected characteristic in law and policy. iii) Denying recognition of gender identity in medical, educational, and judicial contexts. iv) Banning conversion therapy for trans people. v) Denying access to gender-affirming medical care, including for young people. vi) Preventing access to single-sex spaces (like changing rooms, prisons, sports) based on gender identity

<sup>63</sup> For Stock's views on Stonewall See section 13:00 *Conflict* in Gilchrist, S. (2021a): *"Gender Identity, Feminism, and Transgender People"*: <http://www.tgdr.co.uk/documents/250P-GenderIdentityAndTrans.pdf>

<sup>64</sup>When the equalities minister in the previous Conservative UK Government, Penny Mordaunt launched the consultation on reforming the Gender Recognition Act in 2018 by declaring that "*Trans Women are Women. That is the starting point of the consultation*", she was using the definition of the feminist pioneers that men and women are distinguished from each other through the ways in which they integrate into society. When Richi Sunak as Prime Minister in 2024 made the statement "*I know what a woman is*" in the UK Parliament, at a time when he understood that the mother of a recently murdered transgender teenager was in the gallery, he was restating the current Conservative Government policy, which is to define men and women exclusively in terms of biology, measures both the hurt that can be created, and the total change in government attitudes to transgender conditions. Gilchrist, S. (2024): *"Why the Present United Kingdom Government Advice on Transgender Children Must be Challenged"*. <https://www.tgdr.co.uk/documents/040B-GovAdviceTransChildren.pdf>

<sup>65</sup> ECHR Factsheet [www.echr.coe.int/documents/d/echr/fs\\_gender\\_identity\\_eng](http://www.echr.coe.int/documents/d/echr/fs_gender_identity_eng)

<sup>66</sup> Gilchrist, S. (2023): *"How to Trash the Economy, Transgender Identities and Human Rights"* <https://www.tgdr.co.uk/articles/255P-HowToTrash.pdf>