



15 October 2025

Statement

in response to the letter by Michael O’Flaherty, Council of Europe Commissioner for Human Rights

On 3 October 2025, Michael O’Flaherty, Commissioner for Human Rights at the Council of Europe (CoE) and former Director of the EU Fundamental Rights Agency (FRA), addressed a [letter](#) to the chairs of the UK Parliament’s Women’s and Human Rights Committees. In it, he expressed concern about the recent UK Supreme Court ruling and the “current climate for trans people in the UK”.

Mr O’Flaherty says that the UK Supreme Court did not consider the human rights of trans identified people. This is simply not true. It considered previous ECtHR judgments and the UK’s legislative framework which accommodates the qualified right to private life, safeguarded by Article 8.

What it also considered was the need for a coherent workable legislative framework to protect everyone against sex discrimination, and in particular women.

We would like to remind Mr O’Flaherty that the “current climate” in the UK, to which he refers, includes the recent attack on the largest women’s rights conference in Europe, FiLiA, attended by over 3,000 women from around the world. The venue was [vandalised](#) by transactivists who smashed windows and sprayed paint, prompting police intervention to protect the physical safety of female attendees.

This is only the latest in a long series of attacks, threats and intimidation by transactivists that have been ongoing for years – a pattern Mr O’Flaherty must surely be aware of if he has been following the human rights situation and the shrinking civic space for women in the UK and across Europe.

The UK Supreme Court found that the only way to ensure that the UK’s long-standing equality legislation is interpreted coherently to protect women’s rights, gay and lesbian rights and trans identified people’s rights is to interpret the words “sex”, “male”, “female” “man” and “woman” with their ordinary meaning. Mr O’Flaherty by contrast employs a transactivist lexicon (“sex assigned at birth”, “gender expression”). These are terms used to confuse the clear categories that are needed for human rights protection eroding sex-based protections for women and girls worldwide.

As the main drafter of the [Yogyakarta Principles](#) – a non-legal activist manifesto that calls for the global abolition of sex in contravention of established human rights standards – Mr O’Flaherty is well aware that the UK Supreme Court’s ruling sets an important precedent for upholding sex-based rights of women and girls, not only in the UK but across all Council of Europe member states and beyond. The Commissioner is equally aware that the era of secret lobbying, policy capture and the misuse of human rights law to advance an undemocratic transactivist agenda is drawing to a close.

Among the many questionable assertions in his letter, Mr O’Flaherty expresses particular concern over the re-establishment of single-sex spaces for women – including shelters for survivors of male violence – which have been dismantled in several CoE states under activist pressure. Lacking any legal basis to defend this erosion, the Commissioner resorts to the well-worn tactic of conflating “gender identity” with sex and sexual orientation, claiming that the latter’s protection under privacy law renders biological sex “private data” in all circumstances.

In issuing this letter, Mr O’Flaherty exceeds his [mandate](#), which is to support CoE member states in upholding international standards on human rights, by seeking instead to exert political pressure on independent judicial and legislative bodies. His intervention contributes to moral panic and deepens social polarisation, mirroring tactics used by those who seek to curtail women’s sex-based rights in political, social and reproductive life.

We call on the Council of Europe to uphold genuine human rights principles – including equality before the law, the protection of women and girls and the safeguarding of democratic institutions from ideological capture.

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