

# Single-sex spaces are not adequately protected. Clearer guidance is needed to reassert their legitimacy.

## Executive Summary

- I am writing of my personal experience of the erosion of female privacy in the UK and the negative impact, particularly on young women and girls. I cite one example but there are many.
- This is being eroded by organisations like Stonewall claiming that transwomen have the right to access female facilities, and promoting the idea that certain males' rights to access female spaces trump the need and preference of females to retain single-sex spaces.
- As a result, males are increasingly using female facilities. Statistically, most will not have a GRC.
- People should be free to dress, behave, and live as they wish. At the point where rights conflict and their wishes have a negative impact on others, rules and laws are needed.
- That toilets, changing rooms, and the like marked "female" will not have males in them is a longstanding and reasonable expectation.
- Clarification is needed to provide organisation with the confidence and courage to use the single-sex exemption in the Equality Act as it stands, to know that it is fair and reasonable to provide female-only facilities, and that it is lawful and not discriminatory to exclude males from them, no matter how those males identify.

## 1. Introduction

- 1.1. I run my own consulting business and am a mother of two, a boy and a girl.
- 1.2. My experience and that of my daughter leads me to want to give evidence about how the protected characteristic of gender reassignment in the Equality Act is being misunderstood and leading to the loss of female privacy and peace of mind.
- 1.3. Single-sex spaces where females are vulnerable or in a state of undress are universally recognised as beneficial, and are championed by UN Women, Amnesty International and the World health Organisation, among others.
- 1.4. In the UK many spaces designated women-only are becoming mixed-sex, leaving women and girls vulnerable. This was clearly not the intention of either the GRA or the Equality Act.
- 1.5. Organisations have been led to believe, incorrectly, that if someone self-identifies as a woman, that person has a legal right to access women's spaces. This removes the opportunity for women to have male-free spaces, without our consent.
- 1.6. It goes against known international good practice, which recognises that the safety, dignity and privacy of females is enhanced when single-sex facilities are available. It is not progressive to remove such privacy, dignity and safety.

## Written evidence submitted by Ms F McAnena [GRA0353]

1.7. Clarification is therefore needed urgently to reassert the legitimacy of single-sex spaces and to provide guidance to the single-sex exemptions in the Equality Act that makes it clear that excluding transgender women – i.e. trans-identifying males – from women-only spaces is legitimate and is not discriminatory or unreasonable.

2. Are the provisions in the Equality Act for the provision of single-sex and separate-sex spaces and facilities in some circumstances clear and useable for service providers and service users? If not, is reform or further guidance needed?

2.1 Here is one example of the problem. When my daughter turned 18, she and some girlfriends had dinner one Friday night in a chain restaurant in Guildford, Surrey. When I went to pick them up, they were distressed. A large group of males dressed in short dresses, big wigs, lots of make-up, high heels, and in some case fishnet tights, were at another table. These people had been using the women's toilets all evening. They were loud, confident and clearly male. The girls had been afraid to go to the toilet themselves.

2.2 The issue is not whether these males represented a threat to the girls. The issue is that, contrary to worldwide norms and expectations, there were no female-only facilities available to the girls, and the ones labelled female-only had been taken over by people who were obviously male. The privacy and safety they would have felt in a female-only facility was denied them.

2.3 Extra discomfort, and some fear, came from the fact that the males were deliberately using the facilities designated for women only. The men's facilities were right next to the female ones.

2.4 I cannot say if these people were transgender, or part-time crossdressers, or drag queens, or any other variant. I cannot say if they identified as women or as men. Who knows if they had GRCs or not. The impact was that a group of teenage girls were denied access to female-only toilets, since they saw a group of men using the facilities. which is a reasonable expectation, and which the sign on the door indicated would be available.

2.5 People should be free to dress, behave, and live as they wish. At the point where rights conflict and their wishes have a negative impact on others, rules and laws are needed. That toilets, changing rooms, and the like marked "female" will not have males in them is a longstanding and reasonable expectation. This is being eroded by males ignoring the norm, and by organisations like Stonewall claiming that transwomen have the right to access female facilities.

2.6 Stonewall's definition of transwomen is extremely wide, goes way beyond GRC holders, and would certainly include the group of males we saw. It is: "Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois." <https://www.stonewall.org.uk/help-advice/faqs-and-glossary/glossary-terms#trans>

2.7 I asked the manager whether this was normal for them. He was unsure what to do, and had not spoken to the group about their use of the facilities. He was one and they were many, and much bigger than him. That may have been a factor. I certainly didn't take them on.

### 3. Should the requirement for a diagnosis of gender dysphoria be removed?

- 3.1. The Equality Act already protects self-identifying trans people from discrimination. The protected characteristic of gender reassignment does not require a medical diagnosis, a GRC, or any medical intervention or body changes.
- 3.2. It is right that people should not be discriminated against because they are gender non-conforming, and the protected characteristic of gender reassignment covers this. They do not need a GRC to have this protected characteristic.
- 3.3. Why should someone be allowed to change their sex from the reality of their sexed body to something else, if there is no medical need? They can already change their sex markers on passports, driving licences, and in every area except a birth certificate, and they are already protected from discrimination.
- 3.4. If anyone can legally change their sex, then there is no chance of maintaining or protecting women's spaces, sports, etc.
- 3.5. Trans campaign groups claim there is no conflict between trans rights and women's rights. This is false. If a male person can claim the rights of females, including access to single-sex spaces, sports, scholarships and prizes, clubs, and so on, then women are losing their opportunities to have those single-sex spaces.
- 3.6. Removing medical gatekeeping will make it easier, and therefore more likely, that men will make this legal change and claim women's rights. Remember, it does not compromise their bodies at all – they are not required to have hormone treatment or surgery.
- 3.7. Most males now presenting as transgender women in the UK do not have any surgery, and many have no hormone treatment either. This is a very different situation from that envisaged when the Gender Recognition Act was passed.
- 3.8. No one really needs to change their birth certificate, now that same-sex marriage is permitted. This was the original rationale for the GRA.
- 3.9. Anyone who really needs to change their birth certificate for their mental health must have a medical condition. Therefore medical gate keeping is appropriate for such a significant step, one which impacts them and many other people in society.

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