

Written evidence submitted by Lesbian Strength [GRA0785]

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Executive Summary

- Lesbian Strength are a group of lesbians that formed to organise a lesbian event
- As we tried to publicise this event Leeds City Council prevented us from using the public events website that it runs
- The reason given for this was that in holding a single sex-event we were being 'exclusionary'
- We believe our experience exemplifies the tension between the Gender Recognition Act and the Equality Act and demonstrates the disadvantage to women and lesbians of disregarding sex as a characteristic.

Introduction

1. Lesbian Strength was formed in May 2019 as a group of nine lesbians. The main catalyst for our formation was that as lesbians we felt increasingly unrepresented and unwelcome at LGBT Pride events. Our group aims to organise an annual event for lesbians, to work to build community amongst lesbians across the UK and to amplify the voices of lesbians.
2. We held our first Lesbian Strength march on the September 2019, which was attended by approximately 150 women. Unfortunately due to the coronavirus pandemic our 2020 event had to be online, but the video we produced currently has over one thousand views on Youtube. We celebrated Lesbian Visibility Week 2020 on social media and some of our members started a 'Lesbians under Lockdown' virtual event to offer a regular community space during the coronavirus pandemic.
3. Our evidence concerns the tension between the Equality Act 2010 (EA) and the Gender Recognition Act 2004 (GRA) and whether the EA provision for single sex spaces is clear and useable.

Evidence

4. There is a conflict between lesbians, by which we mean female homosexuals, and males who have transitioned and wish to identify as lesbians because they are attracted to women. As lesbians we are same-sex attracted and so are exclusively attracted to members of the female sex. Sexual attraction and the choice to form a relationship is a deeply personal matter and is by its nature discriminatory. We are particularly concerned that some campaigners for trans rights have claimed that a lesbian who would not consider a relationship with a trans woman is transphobic.
5. Lesbians are often described as 'TERF', 'bigot', 'transphobe' and 'vagina fetishist' or 'obsessed with genitals' when they try to assert boundaries. Members of our group have lost friendships and we are aware of lesbians being sexually harassed, and coerced into sex, by males who have transitioned. This creates a significant social pressure on lesbians to define their sexual orientation in a way that is seen as inclusive. It is isolating and we find it homophobic.

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6. The idea that being homosexual is 'exclusionary' is particularly prominent within the 'LGBT' community, although the criticism is levelled at lesbians more often than it is gay men. This makes LGBT spaces, including Pride marches, hostile to lesbians who resist attempts to redefine the term.
7. To give an example: On the 1st June 2019 a group of lesbians, including members of our group, attended Bradford Pride. Having arrived early we met in a coffee shop to wait for the start of the event. Whilst there we were approached by two police officers responding to a complaint that had been made about one of our placards, which read 'lesbian = female homosexual'. The officers enquired as to whether we were a hate group because it had been alleged that the placard was transphobic, we assured them that we were attending Pride as lesbians and they left. Once outside we stood with our banners and spoke to a number of other attendees, until a transwoman came to shout at us that we were 'transphobic' and 'terfs'. The same person then spoke from the stage and called us 'bigoted' and said that we had no place at Pride. A group of males then joined in to physically intimidate us and cover our banners with flags (photographs were taken of this). There was a police officer within 100 metres of our group throughout but no intervention was made.
8. Due to the circumstances in which we formed, we had a clear understanding that in order to achieve our goals our event would need to be female-only. We wanted to build networks and a supportive community of lesbians and we feel strongly that a single-sex event was the only practical way to facilitate this.
9. In order to publicise our march, we placed an advert on 'Leeds Inspired', a Leeds City Council (LCC) events website. Our advert went live but was then removed. Leeds Inspired initially sought clarification that the march was female only and then removed our listing. The reason we were given for it's removal was:
'It has been decided that due to the exclusive nature of the event and the council's Public Sector Equality Duty to foster good relations between those who share a relevant characteristic and those who don't it is not appropriate for the event to be promoted by Leeds City Council on the Leeds Inspired website.'
10. We did not agree with LCC's interpretation that it's public sector equality duty (PSED) under the EA prevents it from promoting a lesbian event. We made a freedom of information (FOI) request for all emails between elected members and council officers related to the decision and submitted a stage one complaint.
11. From the FOI we learned that there were two complaints. One from a member of the public, who alleged that we were '*a transphobic group*' and then from Councillor Hannah Bithell of LCC who said '*evidence suggests this is a terf event and shouldn't therefore be endorsed*'. We reject any suggestion that we are transphobic, we believe that lesbians have a right to self-organise and wish to do so. An elected representative choosing to refer to us using the slur 'terf' was hurtful, disappointing and unacceptable.
12. The advice given by LCC's legal services department was that:

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'In terms of posting details of this march on the Leeds Inspired website, as with the exercise of all our functions, the public sector equality duty applies, and therefore we've got to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a relevant protected characteristic and those who don't, and in relation to the latter we need to have due regard in particular to the need to "tackle prejudice" and "promote understanding".'

Therefore, I guess the issue is whether we consider that publicising this event is likely to lead to a negative reaction from trans groups and individuals, and whether this in turn will likely lead to a worsening of relations, or whether if this is a "one-off" event, it's likely to pass off without creating too much friction.

13. Following this advice, Cllr Bithell commented:

'I would be interested to know what service they are providing that makes the equality act for single sex service provision come into play? Furthermore this has already been picked up by the trans community and there is expected to be a counter protest, so it is indeed something that is causing harm to trans people and especially trans lesbians. This is an inherently discriminatory march and if our role is to foster good relations between communities this will continue to do the absolute opposite (although I am not convinced I have a suggestion currently on how to improve those relations). They are able to make it lesbian only, they are not able to make it trans exclusive under the equality act, I don't believe, and certainly not under our public sector equality duty. In a city that prides itself on its inclusivity I am incredibly concerned by linking us in any small way to this sort of exclusionary march (as they have admitted to it being).'

After further discussion the council decided to remove our advert. This prevented us from reaching other local lesbians outside our networks.

14. Naturally we disagree with Cllr Bithell's comments above, but most importantly they are factually inaccurate. The Lesbian Strength March was a single sex event, which of course includes all females, including trans men, and was therefore not 'trans exclusive'
15. As our stage one complaint was not upheld, we continued our complaint on the basis that that LCC had misdirected itself in law and acted ultra vires with regard to PSED. As LCC had previously advertised and sponsored both LGBT pride and a separate trans pride we also alleged that in refusing our advert the council had discriminated against us because of our sexual orientation. Our complaint was not again not upheld by the council and the Local Government Ombudsman declined to investigate, suggesting instead that we take the matter to court. Having followed the complaints process, we were unable to do this because of a lack of funds and being out of time.

Conclusion

16. Our experience with LCC on this occasion reflects issues with the interpretation of both the EA and the GRA. The use of the terms sex and gender interchangeably

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within the GRA has caused confusion that has a knock on effect to interpretation of the EA. In this case the word lesbian has been redefined to include homosexual women and heterosexual males with a feminine gender identity

17. The EA can only function properly if the protected characteristics are objective. Including people who do not objectively share a protected characteristic, but subjectively identify with it prevents minority groups from organising based on their shared experience and needs and causes further marginalisation.
18. In order to prevent conflict between the protected characteristic of 'gender reassignment' and both 'sex' and 'sexual orientation' the Government should review the language used in the GRA to ensure that it is clear that gender and sex are two different characteristics and that biological sex cannot be altered.
19. The Government should clarify how the single-sex exemptions of the EA should be applied with regard to the protected characteristic of gender reassignment. It should also make clear whether the exemptions apply to a service or event or whether the exclusion of each person with the protected characteristic of gender reassignment must be justified separately.

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