

## **Call for Evidence – Inquiry on GRA reform – November 2020**

There are inevitable challenges with the way the GRA 2004 and the EA2010 interact with each other. The conflation of the language of gender and sex complicates protections for single sex spaces including on services reserved for victims of male violence.

Having undertaken my doctoral research into the silencing of feminist discourse on the proposed changes to the GRA 2004 and the impact on female only spaces for victims of male violence (submission date February 2021), I have discovered that many professionals in the male violence against women sector are concerned about the impact trans inclusive policies will have on both the safety and wellbeing of women who need to use these services.

I interviewed 31 participants in total from both sides of the debate (15 pro self-ID participants and 16 Activist Feminists against gender reform and Transgender inclusive policies in female only spaces for victims of male violence). 27 out of those 31 (87%) felt it important to provide and retain female only space for victims of male violence. 14 of those women had either worked in or still work within the violence against women sector, either on the frontline supporting female victims of male violence or as contributors to the wider movement, 6 of those participants were from the pro self-ID cohort. The assertion that there are no issues or concerns with transwomen accessing refuges or female only groups was not supported by participants or by the online ethnographic data I undertook. Moreover, 93% of participants felt that transgender victims should be afforded their own safe spaces and or specialist services to support their needs when they have experienced domestic abuse and sexual violence.

99% of participants who worked on the frontline in domestic abuse organisations felt they had been silenced in the past or are still silent because of a fear of losing funding for the already cash stripped services they provide for victims in their communities. The sweep of transgender ideology policy capture means that participants involved in the provision of services for female victims, understood that they risked their funding if they spoke up in objection to transwomen in female only spaces, this points to a successful campaign by lobby groups and extreme Transgender activists to prevent democratic debate.

The Equality Act (2010) remains a piece of legislation that is confusing in its guidance for single sex services in the violence against women sector. What is needed is clear guidance for providers on the protections afforded to women and it is essential this is based on biological sex. I would assert that Single Sex Exemptions in the EA2010, should be an 'opt out' option for services providing female only spaces for victims of male violence. Should services choose to opt out of the SSE, they must be clear that they become 'mixed sex provision' and clear guidance should be given to all victims on what 'trans inclusive' means. Services across the male violence against women sector view this very differently, with some stating they will only be open to transwomen with a GRC and some stating they are inclusive of all people under self-declaration. All victims deserve to understand what the service they are entering subscribe to.

Aside from the lack of clarity of inclusion in these spaces in relation to the Equality Act (2010), which, enshrines legislation based on sex (Komorowski, 2020<sup>1</sup>; Equality Act, 2010 p. 132), services including transwomen in female only spaces could be forfeiting their rights under the exemptions (Komorowski, 2020). As soon as doors of female spaces are opened to biological men, they '*cease to be services segregated or exclusive on the basis of sex, and thus lose their exception from the obligations not to discriminate because of sex*' (Komorowski, 2020). This ultimately means that any criteria applied by services stating what transwomen they will accept, in female only spaces, are entirely arbitrary. Any man can claim entry if male violence against women services have trans inclusive policies and they are subsequently open to litigation by men to gain access, as the law is based on sex (Komorowski, 2020). This is essential to clarify for domestic abuse and sexual violence services and for all victims of male violence.

Transgender victims of violence and abuse should be afforded the opportunity to design specialist services to meet their needs as a minority group and this can be created alongside the knowledge the male violence against women sector has built up over five decades, but it should not be developed to the detriment of the rights and protections afforded to women, who remain the vast majority of victims of male violence and of homicide in the UK (Femicide Census, 2020<sup>2</sup>). Myth busting information should be readily available to transgender victims including that there are already many services open to them in one to one advocacy and support provision across the country.

S Dillon  
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<sup>1</sup> Komorowski, J. (2020). Sex and the Equality Act | Law Society of Scotland. Retrieved 25 October 2020, from <https://www.lawscot.org.uk/members/journal/issues/vol-65-issue-01/sex-and-the-equality-act/>

<sup>2</sup> <https://www.femicidecensus.org/wp-content/uploads/2020/11/Femicide-Census-10-year-report.pdf>