

## **A Woman's response to the Women and Equalities inquiry into the reform of the Gender Recognition Act**

### **Introduction**

1. My name is Rachel. I am responding to this consultation in a personal capacity. My qualification is my lived experience as a woman. During lock-down my internet browsing has strayed into the transgender debate and I have been absolutely appalled, frightened and sickened by what I have found there. A minority of people, mostly men with a sense of entitlement and some with a peculiar sexual interest in calling themselves women, are wading in and seeking to appropriate the very language I use to validate and express my existence and hard won legal protections for women. Yet, if I were to express these views anywhere but to you or in a limited number of safe places, I would be denounced as a transphobe or TERF and open to every kind of misogynistic abuse that is readily permitted on social media. It has motivated me to try and grapple with some very complex issues and respond to this consultation. Far too many women are oblivious of what is going on behind their backs in the name of 'inclusion'. They are probably too busy putting others before themselves. So here I am standing up for me, and for them. I hope you will listen.

### **Summary**

2. In my opinion:

- the requirement for a diagnosis of gender dysphoria should not be removed,
- the spousal consent clause should not be reformed,
- it must be clear that there are legitimate reasons for exclusions based on biological versus legal sex (not gender),
- further reform of the Equality Act for the provision of single-sex and separate-sex spaces and facilities is not required. Guidance may need to be provided on the provision of 'trans-only' spaces.

### **Questions**

**The Government's response to the GRA consultation:**

**Should the requirement for a diagnosis of gender dysphoria be removed?**

3. No. Absolutely not. Gender dysphoria is very real condition which is treated through the means of gender reassignment – achieved through counselling, daily ingestion of hormones and surgical interventions. The Gender Recognition Act allows people who have transitioned to be legally recognised as their chosen sex and the Equality Act provides protection against discrimination for having transitioned.

## Written evidence submitted by Rachel Lee [GRA1354]

4. The idea that a GRC, and thereby the protected characteristic of sex, should be granted through simple statutory declaration is just horrifying. It is the expression of a gender ideology not based on medical fact. It could include *anybody* whose sense of their own gender does not correlate to the gender stereotypes pertaining to their birth sex; it is not restricted to those who experience dysphoria and wish to make a complete transition, meaning that those who make no changes would still be entitled to be treated as a member of the opposite sex. This includes a man who identify as women to actualise their autogynephilic desires. Some of the more high profile individuals have been called out by concerned individuals (e.g. Aimee Challoner<sup>1</sup> or 'the Princess Mom'<sup>2</sup>) - including by members of the trans community (see Blaire White's exposure of 'Jessica Yaniv'<sup>3</sup>). Even lesbians who do are not attracted to trans-women (with male genitalia) are being accused of being transphobes<sup>4</sup>.

5. Allowing any man who feels like he wants to be a woman, declare he is a woman, have access to our hard won protects is just another form of male domination. Women are raised to be compliant and accommodating. Those women (and some men) who have had the temerity to stand up and express their/my concerns are branded trans-phobic, canceled, sacked, require security protection<sup>5</sup> threatened with rape, death etc. simply for having an opinion. I want the **Women** and Equality Committee to represent women's views on transgender issues. You should be conducting an Equality Impact Assessment of the affects of changes you are considering on women. Anything less is an abdication of your responsibility towards women.

**Does the spousal consent provision in the Act need reforming? If so, how? If it needs reforming or removal, is anything else needed to protect any rights of the spouse or civil partner?**

6. No. The spousal consent provision is very important and provide a degree of protection to the spouse. This situation mostly affects the wives of late transitioning males. If spousal consent is removed they will be trapped in marriages utterly changed from that which they entered. For some, divorce may be a straightforward, but the law must take account of the needs of everyone, including those in abusive relationships or from religious communities where divorce may not be an option. Some women, especially if they have children, may not be able to afford a divorce. Therefore, a veto must always be an option for the non-transitioning spouse. The Committee should listen to the voices of TransWidows<sup>6</sup>.

**Wider issues concerning transgender equality and current legislation:**

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<sup>1</sup>[https://www.mumsnet.com/Talk/womens\\_rights/3639203-Nathaniel-Knight-partner-of-Aimee-Challenor-worrying-twitter-admissions](https://www.mumsnet.com/Talk/womens_rights/3639203-Nathaniel-Knight-partner-of-Aimee-Challenor-worrying-twitter-admissions)

<sup>2</sup><https://grahamlinehan.substack.com/p/princess-mom>

<sup>3</sup><https://www.youtube.com/channel/UCDmCBKaKOtOrEqgsL4-3C8Q>

<sup>4</sup><https://news.trust.org/item/20190412100802-6md1q/>

<sup>5</sup><https://www.theguardian.com/education/2020/jan/14/sacked-silenced-academics-say-they-are-blocked-from-exploring-trans-issues>

<sup>6</sup><https://www.transwidows.com/index.php/voices/transwidow-1/>

**Are there challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact? For example, in terms of the different language and terminology used across both pieces of legislation**

7. Under Section 9 of the Gender Recognition Act 2004 (GRA), holding a Gender Recognition Certificate 'changes' the person's gender. But the statute conflates sex and gender, when it actually means legal sex. The effect of s9 (1) of the GRA is to move a person from ticking the male to female box or vice versa. Section 9(1) says that this is 'for all purposes' but s9(3) goes on to qualify the principle by making it subject to 'provision made by this Act or any other enactment'. So, essentially this change is limited by what this and other Acts say, meaning that one can still in some circumstances distinguish biological and legal sex for some purposes. Subsequent statutes have not made clear when s.9(1) GRA does or does not apply.

8. Under the Equality Act (EA) both sex and gender reassignment are protected characteristics. Sex is defined by s.212(1) EA to mean that a woman is as a biological female of any age, while a man is a biological male of any age. Section 9(1) GRA allows a biological male to be legally considered female on acquisition of a GRC. The EA introduced exemptions to protect single-sex services for example where women are physically at a disadvantage, such as in women's sports. It seems very unclear that the exemptions can be applied to exclude those who have a GRC and have become legally female, because the GRC gives the person the protected characteristic of sex, as well as of gender reassignment.

9. Trans women should not be allowed to compete in women's sporting events. Even if they are **legally** a woman, the **biological** reality is that a person growing to maturity male will have greater muscle mass and denser, stronger bones, tendons and ligaments. Female hormones may reduce muscle mass, but there remains a physical advantage which is unfair to women competitors already underrepresented in sport. See for example the controversial case of Rachel McKinnon<sup>7</sup>. We certainly need clearer interpretation of what is or isn't allowed given that people who are intersex have been barred from competing in women's events on biological grounds despite this being their assigned gender since birth<sup>8</sup>.

**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?**

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<sup>7</sup><https://www.nationalreview.com/news/transgender-cyclist-wins-female-cycling-world-championship-claims-only-objections-come-from-losers/>.

<sup>8</sup><https://www.sportsintegrityinitiative.com/ten-ethical-flaws-in-the-caster-semenya-decision-on-intersex-in-sport/>

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10. The Equality Act 2010 sets out nine protected characteristics. One of these is 'sex'. Conflating sex with 'gender' a misrepresentation of the law. Sex is a biological reality (particularly for trans men and trans women who take hormones on a daily basis to maintain their transition), whereas gender roles are socially constructed and commonly formed in stereotypical ways that reinforce discrimination.

11. Any relaxation of any legal definition of what it is to be a man or a woman could render sex discrimination law meaningless. The ability to define one's own "gender" undermines the legal characteristic of "sex" and could lead to serious implications for women and their ability to fight sex discrimination and oppression. Single-sex spaces exist to try to ameliorate the oppression women face.

12. Women are an oppressed group (we are still fighting for equality) and it is women who are most affected by the proposals. Women who have raised concerns who have been attacked as bigots and labeled TERFs for speaking out — often by men whose rights are not affected in the same way (for example, the recent resignation of Suzanne Moore from The Guardian). Now the very language used to describe us is erasing our very existence: 'cis', 'non-men', 'pregnant people', people with a cervix', 'vagina owners', 'menstruators'. I find being described in this way insulting and degrading, I never agreed to it. **I AM A WOMAN**. Men's language remains untouched; if that isn't sexism what is?

13. The problem with so-called 'trans-inclusive language' is that it excludes 51% of the population. As a woman I am being told that my biology is not female, even though that is what makes me feel female – and the oppression we face because of our sex has not disappeared:

*“Women who suffer female genital mutilation, sexual harassment or rape cannot identify out of these attacks. Women who live in poverty, cannot access education or equal pay at work cannot identify into wealth or equality. Sex data on issues as diverse as pensions and pay or domestic violence become harder to collect and use as part of our battle for equality.”<sup>9</sup>*

More than 3 women a week have died during lockdown<sup>10</sup>. Women in the UK are still fighting for universal access to reproductive rights services or abortions. Yet talking about “a woman's right to choose” or referring to vaginas or ovaries is now considered transphobic. The fact that such campaigns are also being pressured to use the term 'pregnant people' is just another obstacle in the ongoing, historic battle by women globally to assert control over their bodies.

14. Where services do not exist for a specific group then they must be created and we must all fight for that.

### November 2020

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<sup>9</sup>Kiri Tunks (2017). 'Sex Matters'. Morning Star <https://morningstaronline.co.uk/a-c509-sex-matters-1>

<sup>10</sup>See the Femicide Census <https://www.femicidecensus.org/wp-content/uploads/2020/11/Femicide-Census-10-year-report.pdf?fbclid=IwAR3zLaUgMzs-p6j7mfATHG3TIG3hoTTiHd10S57EFF1pfxCKjbkae5pXPE>