

Executive Summary

- The current position on self ID should be maintained
- Government should clarify the legal meaning of all terms being used
- Sex based rights should be protected and strengthened
- Current rules and guidance in use by public bodies should be thoroughly reviewed and amended to abide by the law
- An inquiry should be held into how these bodies received and adopted this guidance and the influence of lobby groups.

1. Introduction

1.1. I am a retired librarian. I have spent my whole life working in public library services, mainly in inner city areas. This has included much work with regard to equality and social inclusion to which I am passionately committed as well as working closely with local schools. I currently volunteer in a local school delivering literacy support.

2. Processes

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

- 2.1. A diagnosis of gender dysphoria is essential in creating a necessary balance between the interest of the individual and society. Exploring feelings of distress with a professional before making such a significant change are essential for at least some vulnerable people and beneficial for everyone. Self-diagnosis is a risky and unreliable tool. If the problem is speed of access to a diagnosis then that is what should be addressed.
- 2.2. Without a proper system of diagnosis what would be the actual basis for a legal change of sex? A system of self-diagnosis and declaration with no objective medical diagnosis is open to misunderstanding, misuse and potential abuse by men who present with personality disorders or sexual fetishes. The latter should never be allowed to be legally recognised as female. It would also lead to suspicion of all trans people, making acceptance more and not less difficult.

Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years?

- 2.3. Changing legal sex on a birth certificate is a serious and profound life-long commitment that should not be taken lightly. Transgender people are already free to socially transition without restriction. Experiencing the reality of social transition before taking more permanent steps seems a sensible approach particularly for younger people who may have very unrealistic ideas of the effects of transitioning. However, this requirement should not inscribe sexist stereotypes in law e.g. requiring extreme 'feminine' clothes.

Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?

Written evidence submitted by Buttolph [GRA1659]

- 2.4. The NHS is currently undertaking a review of gender identity services for children and young people. This follows widespread concern on current treatments especially unconditional acceptance and the use of puberty blockers which have not been tested for this purpose. I share this concern. In this area I believe the precautionary principle is the most sensible approach.
- 2.5. I have only ever seen a child express their gender identity in terms of whether they like 'girl's things' or 'boy's things.' This is not good practice. I am shocked and angry that regressive sex stereotypes are once again being entrenched instead of challenged. Challenging sex stereotypes is one of the foundation stones of the Istanbul Convention which the UK ratified in 2019.
- 'Gender stereotypes and sexism engrain the attitudes that inhibit, intimidate and dissuade people – most often women – from making their voices heard, standing up for their rights, and making the career choices to which they are entitled and from which our societies would benefit.'*
- ["Rising to the Challenge of Sexist Stereotypes" - Speeches \(coe.int\)](#)
- 2.6. As a young girl I wanted to be a boy, wore boys clothes changed my name cut my hair. At puberty this simply ceased. This is a common experience. It has been estimated that about 80% of children exhibiting 'symptoms' don't go on to transition as adults. There is no test to identify the children who will do. Many of these young girls grew up to be Lesbians. I have also known many young boys who played happily with girls and 'girl's toys' before growing in to happy well-adjusted men.
- 2.7. However, despite the absence of such a test there is lobbying and pressure on services to prescribe puberty blockers despite the lack of evidence regarding long term consequences and our increasing knowledge about brain maturity.
- 2.8. <https://www.scottishsentencingcouncil.org.uk/news-and-media/news/research-indicates-the-brain-does-not-fully-mature-until-you-are-at-least-25/indicates-the-brain-does-not-fully-mature-until-you-are-at-least-25/>
- 2.9. There has been a side-lining and vilification of the growing number of detransitioners who are courageously speaking up. It is outrageous that their voices have not been listened to.

3. Interaction of the GRA and EQA

Are there challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact?

- 3.1. Language is a major factor in the confusion about the law. Terms have been changed and invented without any public dialogue. Clarity and precision are the hallmarks of good laws.
- 3.2. The Gender Recognition Act has created a legal fiction; that a person who lives as if they were the opposite sex have actually become that sex. Humans cannot change their sex. It is this that has created an inherent conflict between women's right to single sex spaces and the GRA.

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- 3.3. There needs to be a clear definition of terms which does not mangle reality and common usage. There are several key terms in use 'sex' 'gender' and 'gender identity'. In common usage over the last few years 'gender' has been used as a synonym for 'sex' the former also being a social construct and the latter a real-world biological fact. A new concept of 'gender identity' which is rooted not in shared understanding but an individual unverifiable feeling has been added. The inevitable result is a contraction of Gender Identity to the simple word gender and thereby a confusion with the precision of sex. This has a knock-on effect with regard to the definition of 'woman'.
- 3.4. There is absolutely no reason why the rights and dignity of trans people require the erasure of women's collective biological and political reality and rights. Transgender individuals can face discrimination or abuses, but their experiences are not the same as those of women, racial minorities, or persons with disabilities. These are all covered by the Equality Act and their experiences have different reasons even if there are similarities across the board. This is why it is key to have specific protections for each group, not to conflate the groups.
- 3.5. There is no hierarchy among the protected groups in the Equality Act and yet the erasure of women as a distinct class seems at times to be the purpose of transactivists. The mantra of 'No Debate' has done a great deal of harm to the credibility of transpeople. I sincerely hope that we can now begin a rational discussion about how to resolve the impasse that has been created. The following are facts that cannot be erased within the law:
 - 3.5.1. The definition of a 'woman' is 'adult human female'
 - 3.5.2. The definition of a 'man' is 'adult human male'.
 - 3.5.3. There are only two sexes; male and female. Sex is determined at fertilisation and revealed at birth or even before.
 - 3.5.4. Human beings cannot change sex. Sex is not determined by clothes, hairstyles, choice of pronouns or activities
- 3.6. Nobody should be harassed, threatened or suffer unlawful discrimination because of how they look or wish to be called. Transpeople are entitled to protection against this.
- 3.7. Section 9 of the Gender Recognition Act 2004 (GRA) conflates 'sex' and 'gender' 'Where a full gender recognition certificate is issued to a person, the person's gender becomes **for all purposes** the acquired gender (so that if the acquired gender is the male gender, the person's sex becomes that of a man, and if it is the female gender, the person's sex becomes that of a woman). This must be reviewed as it is at the root of the current confusion. The deletion of the phrase for all purposes would then allow the integrity of the sex-based rights in the Equality Act, making it clear that a GRC does not directly equate to sex.

4. 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?

- 4.1. Sex is relevant in many areas of life including healthcare, safeguarding and risk assessment, sexual relationships and reproduction, bodily privacy and consent, protections against sex discrimination and the collection of statistics.
- 4.2. The Equality Act is not at all easy to understand either for individuals or organisations. It is impossible for lay people to easily navigate so they become reliant on guidance which is in itself of dubious quality. For example, my council together with many others replaced the protected category of 'sex' with 'gender' (often due to pressure from trans organisations) in effect prioritising transgender people as a group over women. This is also true of other organisations. This completely undermines the confidence of women and officials in enforcing women's rights to single sex spaces. This is even true of the EHRC which has had to amend and clarify earlier guidance.
- 4.3. These are my rights and I feel very strongly that they are being eradicated by stealth and also by the absence of any timely route to actually ensure enforcement. Single sex spaces are essential to my well-being and dignity as a woman. I consider them a basic human right. Those impacted by law or policy must be consulted and women have not been consulted despite Equality Impact Assessments being required. [EXCLUSIVE Firms should abolish single sex spaces to make staff comfortable, says Law Society | RollOnFriday](#)
'Written by the Law Society's LGBT+ Committee, but published and promoted to law firms without wider consultation of Law Society members, the template states that the Equality Act 2010 is not fit for purpose. It also dismisses sex, one of the protected characteristics under the Equality Act, as being based on stereotypes, placing a question mark over the Law Society's support for sex-based rights and issues.'
- 4.4. Although the Equality Act permits the exclusion of transwomen with a GRA from single sex spaces there is however ambiguity in the reference to on 'a case by case basis'. It has left individual women unable to enforce their rights in a simple and timely manner. For example, the necessity of crowdfunding a legal challenge to the Labour Party's admission of men to AWS without requiring a GRC on the basis of self-identification which has still not been resolved.
- 4.5. Many organisations pre-empted the previous consultation on the reform of the GRA under the guidance of lobby groups and have made the inclusion of self-declared transwomen in single sex spaces distressingly common in all areas, from toilets to changing rooms, schools and hospitals. All without consulting women. These include guidance to judges via The Bench Book, NHS, Police among others.

<https://www.lawgazette.co.uk/news/warning-over-judges-transgender-guidance/5103196.article>

<https://improvement.nhs.uk/resources/delivering-same-sex-accommodation/>

The NHS promises same sex accommodation on the surface but adds in the appendix

'A transperson does not need to have had, or be planning, any medical gender reassignment treatment to be protected under the Equality Act: it is enough if they are undergoing a personal process of changing gender. In addition, good practice requires that clinical responses be patient-centred, respectful and flexible towards all transgender people whether they live continuously or temporarily in a gender role that does not conform to their natal sex'.

It is a severe betrayal of trust.

5. Negative effects for women

- 5.1. The effect on me of this attack on my basic right to single sex services has been immense, taking a psychological toll due to the vilification of women as 'TERFS' on line and in real life, not to mention the women I respect and agree with losing their jobs and receiving avalanches of death and rape threats. It is 100 years since women won the right to vote and here in the 21st century I find myself effectively disenfranchised. The party I have supported my whole has decided I can be labelled a transphobe and a bigot merely for supporting grassroots women's organisations fighting for women's rights.
- 5.2. This is an article about the treatment of women at Qatar airport. 'Qatar to prosecute officials over forced exams of women at airport' Qatar says several airport officials have been referred for prosecution after forced gynaecological exams were carried out on women flying to Sydney. The group - which included women from Australia, the UK and New Zealand - was checked for evidence they had recently given birth after a baby was found in a bin at Doha airport on 2 October <https://www.bbc.co.uk/news/world-asia-54747504>.
- 5.3. I have never before encountered such a relentless and far reaching attack on women's rights in this country. What happened in Qatar is very close to what is taking place now entirely due to the shoddy legislation that has been created. The concept of informed consent is being thrown out of the window. <https://www.heraldscotland.com/news/18852360.agenda-new-bill-must-not-conflate-sex-gender/?ref=twtrecc&s=09>

Central to this proposed law is the right for a person to request that the "medical examination be carried out by a registered medical practitioner of a **gender** specified by the person"[my emphasis]. With that one word the Scottish Government has once again entered the fray of the self-identification of sex debate, which in this instance would allow male practitioners who declare themselves to be women to be included in the pool of female doctors requested by rape victims. They need not have obtained a Gender Recognition Certificate or even made any changes to their appearance.

- 5.4. Women quite rightly have specific protections based on their history of discrimination, disempowerment as a distinct group. Expanding the definition of who is a woman undermines the object and purpose of those protections. If it is not possible to enforce these exemptions, they are not worth the paper they

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are written on and it will be necessary to return to basics in rebuilding women's rights.

- 5.5. I have only recently realised that all my rights are in fact provisional and hang by a thread. Single sex spaces are in fact not my right but the right of a service provider. With one stroke of a pen sex becomes gender and then mixed sex. I want the government to be very clear that the provision of single sex spaces is an obligation and not an option.
- 5.6. Single sex spaces are very difficult to enforce for the individuals who are most impacted. There is a fear of victimisation and abuse – bigot, transphobe or being identified as someone who needs 'education' An approach which is the antithesis of human rights. The onus is being placed on individual women to check the policies of every organisation because single sex exemptions are being made meaningless. Decisions about this are being taken by organisations in fear of litigation from Trans organisations, taking the line of least resistance rather than consulting their users.
- 5.7. I go on women's only walking holidays, sometimes sharing a room with strangers. Can I be assured now that these holidays will actually be single sex, and will my only option be to restrict my life by increasing my social isolation. (see the policy of YHA which is segregation by self-identified gender not sex.) Will I be forced to pay more for a private room?
Confusion about the GRA has created a presumption of access to female spaces, instead of a presumption of exclusion, even for evidently male individuals. This is dependent exclusively on an individual's subjective apprehension of their gender identity, removing objective scrutiny. This creates a legal loophole exploitable by predators, fetishists, exhibitionists and voyeurs.
- 5.8. As I get older the prospect of needing personal care in a care home is a real possibility. How do I enforce my rights when I am at my most vulnerable? The right to intimate care and medical treatment by a same sex provider should not be an optional extra for those who can pay.
- 5.9. I strongly believe the balance needs to be reversed. Transwomen should not have access to single sex spaces without a GRC and an exceptional reason. The onus should be on finding an equal alternative. For example, the Girls Guides are a unique single sex organisation, an equivalent organisation the Scouts which takes boys and girls already exists. Where is the necessity for a boy identifying as a girl to access the Girl Guides, thereby excluding girls from religious groups, or those who are nervous around boys after suffering abuse. This is not showing any respect for the necessary principle of single sex spaces. Again, this decision has been taken under advice for trans groups with no consultation with women
- 5.10. It is necessary to investigate how provision of third spaces could protect the ECHR Article 8 rights to privacy and psychological integrity of those with 'gender dysphoria' while protecting the rights of women and girls.

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- 5.11. Specialist refuge and domestic violence services would be of benefit to LGBT survivors as indicated in this briefing by the EHRC

[briefing: Survival, recovery and justice: specialist services for survivors of domestic abuse \(592KB, Word\) \(equalityhumanrights.com\)](#)

The provision of gender-neutral facilities with regard to changing rooms etc as well as single sex provision would also be effective.

- 5.12. The confusion about terms also has an effect at an International level blurring the focus on women's rights globally and the interpretation of International agreements at local level e.g CEDAW.

[Declaration on Women's Sex-Based Rights: Full Text - Women's Human Rights Campaign \(womensdeclaration.com\)](#)

6. *Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how?*

- 6.1. I personally do not identify with gender binaries and have fought against them my whole life. I could therefore claim to be non-binary, it would make no difference to my life. I have done on line surveys which have indicated I'm trans. No one is a stereotype and it is impossible and undesirable to break normal human variations into smaller vague categories. Laws should not be carelessly introduced without clear objective definitions which can be falsified. Everyone should be free to live and express themselves. The primary marker should be sex not gender which is a social and therefore mutable category.

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