

## About Us

Gender Critical Autistics (GCA) is a recently-formed group for autistic adults, and the parents of autistic children, who have concerns about gender identity and transgender activism on the rights of other groups. We are particularly focused on the impact on the protected characteristic of Disability given we are an autistic interest group, although our members come from a broad spectrum of society and we are also interested on the impact on women's rights, lesbian and gay rights, and children's rights, as well as associated issues around freedom of expression and belief.

While we have several transgender and detransitioned members, we decided to focus our response on specific questions in the second section, as this is more relevant to us as autistic people and the protected characteristic(s) we share.

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

- *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.*

We at GCA have a few concerns about the language of both Acts and how they interact.

Autism is a communication disability; one of the most common 'reasonable adjustments' offered to autistic people is to be spoken to in clear, unambiguous language. With this in mind, we note both the GRA and the EA use 'gender' and 'sex', sometimes interchangeably, sometimes with more specific meanings. This is both difficult to understand, and creates real ambiguities when we try to access services.

We believe the government needs to clearly define 'gender', 'sex', 'identity', 'expression' and the various other terms used, and which protected characteristics they are seeking to apply to them.

We feel greater clarity is also needed around the exemptions – what is a case of 'proportionate means' and a 'legitimate aim'. These are frequently understood to be 'case by case', i.e. individual by individual, but our female members have expressed a strong preference to be able to access a service that is female-only in all circumstances, i.e. males of any gender identity or GRC status will be excluded.

As autistic people we have significant difficulties with comprehension of ambiguous wording. We would like to better understand the intent of the law and how it proposes to protect all vulnerable groups – not just transgender individuals.

- *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?*

The GRA changes someone's 'sex' in law, but then provides exemptions – this is confusing and ambiguous. What does a provider of an explicitly single-sex service do if someone who is evidently biologically male but has legal documentation to say they are female? This scenario has happened and puts the service provider in an incredibly difficult position, particularly as they cannot ask to see

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a GRC. They have to choose between putting their vulnerable service users at risk and admitting the individual or putting their entire service at risk by refusing them. This is a clear illustration of how the GRA directly impacts the EA.

Gender Critical Autistics feel that there is a clear need for specific, unambiguous guidance for service providers. One of our members told us 'I have an impaired sense of danger, and I rely on single-sex services to be safe. How can I know if a service is really single-sex, or if it's run on the basis of gender identity?' This is also an issue for our gender-diverse members; it is not always obvious to them whether a service is intended to be single-sex or inclusive of their gender identity, and they risk inadvertently making service users feel unsafe – bear in mind a characteristic of our shared disability is being unable to read social subtext and understand how our behaviour will be perceived.

As well as issues with accessing support, other members have pointed out the obstacles to setting up services or support groups. As pointed out in the recent GRA consultation, in particular the responses to question 13b, small organisations do not have the resources to appoint lawyers to ensure their single-sex exemption is correctly applied – leaving them vulnerable to a discrimination claim, even when their purpose is legitimate. This particularly affects our members as autistic people who may have difficulty communicating or articulating their reasons for requiring single-sex provision; indeed, there is often significant social pressure for us to say 'I don't mind', when often, we do. A lack of legally cogent articulation does not make our underlying need less valid.

- *What issues do trans people have in accessing support services, including health and social care services, domestic violence and sexual violence services?*

We have several concerns about support services for autistic people, particularly autistic youth, presenting with gender dysphoria or expressing a transgender identity.

Several of our members are parents of autistic children, and are troubled at the substantial number of young autistic people, particularly girls, seeking medical transition. We understand there are enquiries ongoing at the moment to look into why this might be.

We would like to note that frequently, gender non-conformity is a *characteristic of autism* rather than a characteristic of a transgender identity – so care should be taken when an autistic child or young adult presents to a service and expresses dissatisfaction with their sex, either the physical or social aspects. Our experience is that this isn't adequately acknowledged when autistic youth access gender identity or health services.

We would also like to note that autistic youth often have specific communication needs, and assessing their ability to fully conceptualise and consent to what may be the loss of their adult fertility or sexual sensation needs to be addressed with a view to this. Care should be taken when giving information to autistic youth; we are literal-minded and often see the world in black and white. Telling a dysphoric female child 'you can be a boy' is likely to be taken to be literally true, i.e. she will become biologically male, and can lead to severe distress in adolescence and adulthood when the young person realises this isn't physically possible.

We feel this cohort of 'trans' youth are poorly served by 'affirmation' model healthcare and support – affirming them may make them feel better in the short term, however it seems at odds with medical ethics to not investigate the root cause of their feelings. One of our members, a parent of an autistic child, described the 'affirmation' approach as 'medical negligence' and said 'it should be required [to make] extra effort to provide information and to ensure the information is understood'.

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We are very concerned that many young autistic people are being put on a medical pathway which will sterilise them. As a disability advocacy group, we are reminded of times in the recent past when disabled people were sterilised or discouraged from reproducing.

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

We understand a person's belief about their identity is deeply-held, sincere and non-trivial – and we include beliefs about being non-binary and variations on gender fluidity here.

We recommend such views be protected under the category of 'belief', as they are not evidentially-based or independently verifiable in the way that having a biological sex is. Not all of us share a belief in innate gender identity or non-binary identities; people who hold such beliefs should be able to freely express them but others should not be compelled to participate.

We therefore feel that the wide gamut of gender expression is best protected as individual belief – worthy of respect in our society. Likewise, we hope the honest and forthright expression common to autistic individuals will also be respected.

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