

Evidence for the Women and Equalities Committee on Reform of the Gender Recognition Act

Executive Summary

- The requirement for a diagnosis of gender dysphoria should not be removed.
- The number of people applying for a GRC is low because the number of people suffering from gender dysphoria is low. The GRA was never expected to affect a wide range of people.
- The Equality Act is fatally compromised when 'gender' is allowed to supersede 'sex' in legislation, and women's rights are in this way being removed by the back door.
- Single-sex spaces and services are being decimated in the name of trans equality and women and girls are losing out.

1. Introduction

- 1.1. I am a resident of Brighton, a blogger and writer, feminist campaigner and a mother. I have been researching and writing about the impact of transgender legislation on women's rights for nearly a decade, and have watched the increasing impact on women's services and spaces as trans rights groups have increased in number and influence over the years. Women, including myself, have been smeared and silenced for wanting to have a voice in this debate, despite being major stakeholders.

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

- 2.1. No. The GRA was based on the experience of people for whom the impact of gender dysphoria meant that life in their biological sex was intolerable, and so it is integral to the classification of transgender in law. Without this, transgender becomes an identity which can be claimed by anyone, thus increasing the risk to the rights of other groups, particularly women and girls.
- 2.2. Public sympathy and acceptance towards transgender people relies on there being a genuine mismatch between someone's actual sex and the sex they feel themselves to be (gender dysphoria) and the pain and discomfort this causes. Many people will make an exception to the usual rules for people suffering with this condition, particularly if the number is very small and unlikely to infringe on any other group's rights to any great extent.
- 2.3. Without this diagnosis public trust is lost. Different rules for trans people around single-sex spaces for example are not acceptable without good reason, as the privacy, dignity and safety of other people, especially women, is negatively affected. This can only be justified in exceptional circumstances.

2.4. Although it is impossible to actually change sex there is some public acceptance of opposite sex identification where gender dysphoria is the reason. Without this there is much less acceptance, especially when it comes to males identifying into women's spaces.ⁱ Women have rights in law to single-sex spaces and services and, in the absence of any evidence that we no longer need them, these rights should not be compromised.

3. Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?

3.1. The GRA was intended to give rights to a very small group of transsexual people whose gender dysphoria could only be treated by a full-time identification with the opposite sex. The original estimation of the numbers involved have been proved accurate. It could be argued that the 'legal fiction' of a replacement birth certificate would not have been countenanced in the first place if the numbers had been expected to be high.

3.2. The additional numbers we are now seeing represent a swelling of the transgender community to include transvestites, cross-dressers and people who identify as the opposite sex on a part time basisⁱⁱ. The Act was never intended for this group of people, and a significant proportion will not have applied for a GRC simply because they do not fit the criteria. This is not a good reason for the criteria to change.

3.3. A GRC is a document which changes someone's legal sex (contrary to biological possibility). It is clear that for women's safety in particular this cannot be extended to cover people it was not originally intended for, without a wide-ranging public consultation on the impact on women. Where there has been any kind of impact assessment, such as the World Rugby conference on women's rugbyⁱⁱⁱ, the evidence suggests that allowing males into women's sports is unfair and potentially dangerous for women. This conference was a one-off: in no other area of trans inclusion policy-making have women been consulted.

4. 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.

4.1 Yes. The EA is clear on the single-sex exceptions, which apply to women as 'females of any age'. The GRA uses sex and gender interchangeably but does not define gender. There is therefore room for misinterpretation, whether deliberate or accidental.

4.2 Currently the single-sex exceptions in the EA allow services to be provided for women only where it is proportionate and legitimate, so refuges and rape crisis centres for example can lawfully exclude males. The waters have been muddied by trans advocacy groups like Stonewall and Gendered Intelligence, who have produced guidance which says that trans people should be allowed to use the facilities which match their gender identity.^{iv}

4.3 The reclassification of the word 'woman' to mean a gender identity rather than a biological and material reality has come about alongside the push to remove a diagnosis of gender dysphoria from the classification of trans. If trans can mean an innate feeling inside, which cannot be evidenced or challenged, then anyone who says they feel like a woman has to be accepted as one and be eligible for all the rights which were set up in the first place to level the playing field for women in an unequal world.

4.4 The removal of a diagnosis of gender dysphoria from the application for a GRC essentially does the job of reclassifying trans as an innate feeling, and therefore woman becomes a feeling too. The EA is compromised without any change to the legislation, as the definitions of who it is meant to protect have been changed. The law is changed by the back door through policy capture, without consultation with women and without their consent.

4.5 Women and girls can no longer have single-sex spaces if women and girls now come in both male and female varieties.

5. Are the provisions in the Equality Act for the provision of single-sex and separate-sex spaces and facilities in some circumstances clear and reasonable for service providers and service users? If not, is reform or further guidance needed?

5.1 Service providers have been misled as to the law by groups such as Stonewall and Gendered Intelligence. Single-sex provision such as toilets and changing rooms are provided where there is a reasonable expectation of privacy from the opposite sex. Gendered Intelligence in their GEO Guide for Service Providers advises companies and institutions to **"Assume everyone selects the facilities (such as toilets or changing rooms) appropriate to the gender in which they present."** This overrides the presumption of consent for other service users.

5.2 In schools children are being taught that consent doesn't matter when there is a child in the class who identifies as the opposite sex. Allsorts Trans Inclusion School Toolkit⁹ in East Sussex says this:

"My daughter doesn't want a boy changing next to her, what if he looks at her body?"

For example, in this scenario it would not be appropriate to remove the trans person from the changing rooms if a concern is raised by a parent or carer. In this situation it would be far more appropriate to look at offering an alternative changing arrangement for the child who feels uncomfortable around the trans person. A Human Rights response would be to state that although the individual in question may have the body of a boy, they are in every other respect a girl and as such has the right under the Equality Act to change with the girls and to be treated fairly as such."

This flies in the face of normal safeguarding procedure as well as ignoring the DfE guidance on single-sex facilities for children over the age of seven. It also misrepresents the EA and the Human Rights of the Child. It has been in Schools in East Sussex since 2014. In the service of 'trans rights' the existing rights of girls are being deliberately withheld from pupils in educational settings. Girls are being taught to ignore their own perceptions and to be unable to say no to a boy or a man in their space.

5.3 In the same way, there is a current trend for mixed-sex facilities in universities, and female students are being told they don't have a choice when it comes to trans inclusion. Poster campaigns at Bristol and Oxford Universities tell students:

“If you're in a public bathroom and you think a stranger's gender does not match the sign on the door, follow these steps:

1. Don't worry about it, they know better than you.”

5.4 On the high street the female changing rooms provided by big retailers such as Topshop^{vi} and Marks and Spencer are falling to the complaints of transgender customers and being relabelled 'gender-neutral' which means mixed sex. Once certain males are allowed access to female changing rooms there is no longer a way of deciding who should be allowed in and who should be kept out because gatekeeping of transgender identities is discouraged. No surgery or hormone treatment is required, even for the provision of a GRC, and upwards of 80% of males who identify as women have had no surgical modification and rely on changes in dress, hairstyle, makeup etc to signify their 'gender.' Stonewall itself employs a 'transwoman' who has a beard and is apparently 'widening the bandwidth of what it means to be a woman.'^{vii} Many women find this offensive and insulting.

5.5 In Brighton where I live there is no longer any single-sex provision for victims of rape or domestic violence, or any female-only counselling service. The EA single-sex exceptions have been claimed in job advertising for rape counsellors,^{viii} even though the advert will state 'self-identified' women ie 'women' who are the opposite sex, so not single-sex at all. Women in the real world, away from social media, largely have no idea this is happening and therefore believe that 'women only' still means what it always has done, and that women are assumed to come in one sex only, not both. These women have not been asked for their consent to be in a mixed-sex space when they are in a vulnerable state and may need to avoid the presence of males in order to heal. It seems particularly cruel to mislead women needing these services.

5.6 The inclusion of 'gender-fluid' people under the trans umbrella means that a man can be a woman on the days he feels like it, and gain access to women's spaces and services on those days. One example is Eddie Izzard^{ix} who was a comedian well known as a transvestite and a gender non-conforming man for decades before 'coming out' as transgender and claiming he has both boy genes and girl genes. On his 'girl' days he feels entitled to use women's toilets, encouraged no doubt by the accusations of transphobia thrown at any woman who voices an objection.

5.7 The demotion of 'woman' to a feeling which cannot be seen or measured puts women at risk. The need for single-sex spaces and services, based on the reality of sex, still exists. The law which is supposed to protect the privacy, dignity and safety of women and girls is being overridden by a new definition which instead protects the capricious desires of Eddie Izzard on a nail varnish day. I am sure the original debate over the GRA, for all its warnings of unintended consequences, did not anticipate that one.

5.8 The EHRC needs to urgently review all the guidance produced by, or with the help of, Stonewall, Gendered Intelligence, Allsorts and all the other groups which ride roughshod over women's and girls' rights in the name of trans equality, despite the well-documented threats to women and girls from males which still exists.^x The EA is not fit for purpose if the single-sex provision, which women and girls are entitled to, cannot actually be implemented on the ground. The EA originally incorporated the Sex Discrimination Act because women and girls were discriminated against on the basis of sex. The discrimination is still there but the means to combat it has fallen to extreme trans lobbying resulting in policy capture across the board.

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5.9 The balance of rights needs to be redressed. Women have lost rights in provision for recovering from male violence^{xi}, in sports, hospital wards, prisons, all women shortlists, prizes for women and more. Women have not yet achieved equality and the gains we have made are already being taken away. The Equality Act no longer serves to ensure the equality of women and girls. The definition of a woman is adult human female and we need our human rights legislation to reflect that.

ⁱ <https://twitter.com/helenstaniland/status/1055128983803703297?s=20>

ⁱⁱ <https://www.stonewall.org.uk/help-advice/faqs-and-glossary/glossary-terms#t>

ⁱⁱⁱ <https://www.world.rugby/news/563437>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/484857/Providing_services_for_transgender_customers-a_guide.pdf

^v <https://czone.eastsussex.gov.uk/media/5352/trans-inclusion-toolkit-2019-new-cover.pdf>

^{vi} <https://www.independent.co.uk/life-style/fashion/topshop-removes-women-only-changing-rooms-shops-policy-single-sex-high-street-gender-neutral-a8043771.html>

^{vii} <https://www.buzzfeed.com/patrickstrudwick/this-transgender-woman-has-a-full-beard-and-she-couldnt-be-h>

^{viii} <https://survivorsnetwork.org.uk/wp-content/uploads/2020/05/Trans-Staff-Volunteer-and-Service-Users-2019.pdf>

^{ix} <https://archive.is/04PRf>

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https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/91/91.pdf?utm_source=91&utm_medium=module&utm_campaign=modulereports

^{xi} <https://fovas.wordpress.com/response-to-stonewall-2/?fbclid=IwAR2VfBYVefPatgrwnbacMyaHp5hheogJUcd1K2Csj6LsgHIAOD6pvjdTR0>

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