

Written evidence submitted by Armstrong [GRA1982]

Evidence from Sarah Armstrong

I am a feminist who believes that “the significant physical, economic and social consequences of being born female are why women require law and policy to recognise their specific needs for safety, privacy, dignity and fairness.” (Murray Blackburn McKenzie)

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

If the diagnosis of gender dysphoria is removed, what is left? The nebulous, indefinable concept of “gender identity”, which is supposedly innate and, according to its devotees, is more significant than a person’s biological sex. I am not a devotee of this faith and I do not agree that a biologically male person who claims to have a female “gender identity” is actually a woman or should be treated by society as a woman.

I would like to know what it is that makes someone a woman if it is not being an adult of the female sex. Because literally the only thing that all women have in common is that we are female people. Whether our reproductive system is functional or not, intact or not, whether we use it to reproduce or not, doesn’t matter: it is still the **only** thing that fundamentally distinguishes us from the other type of human beings, the biologically male ones.

This ideology that says that some biologically male people actually are women and should be seen as such seems to me to rest only on the most regressive stereotypes. It reduces womanhood down to a set of prescribed behaviours, attitudes, and feelings, to clothes and appearance, rather than acknowledging that there is endless variety and scope for the type of person that a woman can be – just as there is endless variety and scope for the type of person a man can be.

In a genuinely civilised and progressive society, we would take the fact that some biologically male people identify with behaviours/feelings etc more commonly associated with women, and wish to wear the clothes more commonly associated with women, as proof not that they actually are women but that this is a valid way for men to be too, and we would be looking at ways to make it easier for those people to be accepted as men.

Does the spousal consent provision in the Act need reforming?

No. This is often wrongly referred to as the spousal veto clause, as if it gives a woman the right to prevent her husband transitioning; I believe it is accurately called the spousal *exit* clause, because it is actually about the woman’s right to leave a marriage which will otherwise change so fundamentally in character, as quickly and easily as possible.

This is a right which should under no circumstances be taken away from those women, a number of whom have in the past been the victims of severe emotional abuse at the hands of their partners, as documented by posters on the Trans Widows threads on the Mumsnet website (Feminism Chat board).

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(I make no mention of men needing to divorce late-transitioning wives as this is simply not a recognised phenomenon. Virtually all late transitioners are [biologically] male - in opposition to those transitioning in their teenage years, the majority of whom are [biologically] female.)

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

Absolutely not. Even 18 is a young age to make a choice and a commitment for the rest of your life, given that the brain is still developing until a person is in their mid 20's; I don't see how anyone who has personal experience with teenagers younger than that, or indeed who has ever been 16 themselves, can think this is a good idea.

Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004?

No, emphatically not. Scotland is not the beacon of progress on this issue that some would like to present it as, and the government is indeed being challenged in the Scottish courts by women there who are fully aware of just how much their rights are threatened by Scottish policy in this area.

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.

There are certainly challenges in the language used in both. In the GRA, "gender" is used in place of "sex", and at the same time to mean gender, which makes it unacceptably unclear as a piece of legislation.

There is also confusing terminology in the EA: for example, the phrase "for the purpose of reassigning the person's sex by changing physiological or other attributes of sex"

What other type of attributes of sex are there other than physiological ones? Is the Act suggesting that clothes or names can be an attribute of sex? Surely they are attributes of gender, not sex.

There has been a conflation in recent years of the terms "sex" and "gender", and an obfuscation of the actual meaning of the term "sex". This has led to a great deal of confusion in this area and I think it has made it very hard for some people to think critically on this issue – something which is inevitably hard to do when words have no clear meanings, and law is made around abstract, undefined concepts.

While I believe the conflation of sex and gender arose initially in a euphemistic way, in an attempt to avoid the use of the word "sex" as a descriptor because the word is also used to describe the sex act, I think that since then, over time, the attempts at obfuscation have become more deliberate. It has served a purpose for some groups of people to blur the lines

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between actual material reality, and our concepts of who we are as human beings, and this “postmodern” approach to life has been fostered and promoted vigorously in the world of academia and among those who claim to be progressive.

Notwithstanding the irresistible rise of a culture which seems to maintain that only the perception of reality matters, material reality continues to exist, and the material reality of there being two (and only two) sexes, and of the physical impossibility of actually changing from one sex to the other is as solid today as it has ever been, despite the many and constant assertions these days that “sex is a spectrum” etc etc.

(Sex refers to reproductive capacity. Post pubertal humans have the potential to produce *either* small, motile gametes *or* larger, immobile gametes. Never both; never a third type. The facts that women stop producing gametes post-menopause, and that some people stop producing them or never produce any due to medical conditions, in no way negates the reality that sex *is* a binary. “Intersex” people, so often used by trans rights activists to “prove” that sex is a spectrum, are all still male or female but with a Disorder of Sexual Development – a DSD specific to their sex.)

Why does all this matter? The acknowledgment of this material reality matters most particularly to the more vulnerable sex. The sex that has been dominated, controlled and often abused, by the other sex in virtually every culture worldwide for thousand of years. The sex that can be impregnated, the sex that carries children and gives birth, that breastfeeds. The sex whose members are on average smaller and weaker than the other sex.

This sex needs specific protections because of the huge imbalance of power between the sexes, both on a physical level and also – historically but also still currently – on a societal/cultural/political/economic level. This is why sex is another of the protected characteristics of the EA. For women’s necessary protections to be maintained, it is vital that UK legislation is written in clear, commonly understood language, and is free from ambiguities. This blurring of terms and their meanings needs to be addressed and corrected.

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?

My understanding is that the provisions in the EA are reasonably clear but not clear enough, and that similarly to the deliberate obfuscation around the term “sex” I addressed in the question above, there have been campaigns to disseminate to service providers a misleading interpretation of these provisions on the part of trans rights lobby groups, such as Stonewall.

Everyone should be entitled to the privacy and dignity afforded by genuinely single sex spaces, but because of the imbalance of power between the sexes, and because of endemic

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male violence and sexual violence against women and girls, single sex spaces are especially important to those of the female sex.

I myself have had recourse both to a hostel for homeless women and support groups for survivors of sexual violence. It was absolutely imperative for me when I was at my most vulnerable that those services be truly single sex; not only would the whole dynamic have changed if there had been any biologically male people present, I would not have felt safe there and probably wouldn't have been able to access the services at all. I know the same is true for many other women, including one woman in Canada who was thrown out of a shelter because she wouldn't share a bedroom with a clearly male person; and there is also the question of women from minority religions whose faith explicitly precludes them from sharing such spaces and services with biologically male people, so this is another way that the different protected characteristics of the EA bump up against each other with the lack of clarity here.

Women's prisons are another area of great concern. The MoJ figures this year showed that one in 50 male prisoners now identify as transgender. That's *one in fifty*, a huge number, and significantly more than the percentage in the general population. Given that the male prison population vastly outnumbers the female, if all these males – at least some of whom, I think we can presume, are simply taking advantage of a perceived loophole to try and make their time in prison easier for themselves – were able to self ID as women and be moved to women's prisons on their own say-so, this would have a catastrophic effect on the women in those prisons, who are already a very vulnerable demographic.

I believe it is quite simply an infringement of women's human rights to be imprisoned alongside members of the opposite sex, whether or not they have a GRC. And when those male people have committed crimes of sexual violence against women and girls, it is an outright abuse, and we should not be tolerating it, much less enabling it.

There are numerous other areas where I see women's rights being infringed in breach of the EA but nothing is being done to enforce the single sex exemptions. Women's right to single sex sport, for example, which has been completely erased by the England Rugby Football Union despite the recommendations from the World Rugby, after serious and in depth studies of the science, that no biologically male people be allowed to take part in the women's game. Many women have told stories of online groups set up for women to support each other on specific issues being entered by transwomen even when the groups were for female-specific health issues, or breastfeeding. The impact of this is always negative, often leading to the group folding. Ditto lesbian book clubs, women's film making courses, and a plethora of other formerly women-only ventures.

And of course women's simple rights to single sex toilets and changing rooms are being steamrollered. We now have sexual assaults taking place in "gender neutral" (mixed sex) toilets at OMG nightclub in Bristol, and young girls being sexually assaulted in women's toilets by "Katie" Dolatowski in Scotland. (Dolatowski was subsequently moved to a women's hostel too, with zero concern for the female residents there.) It was widely reported that women have been avoiding the new gender neutral toilets at the Home

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Office, because of the state some men leave them in and the fact many of them are apt to leave the cubicle door open while urinating.

This is not to paint all biologically male transgender people as predators, it is simply to acknowledge that male people *in general* pose a risk and a threat to female people in terms of the frequency with which they commit violence/sexual violence, and the fact of a male person being transgender does nothing to lessen that risk. I don't wish transwomen to be excluded from women's single sex spaces because they're trans but because they're male. I wish biologically male people to be excluded from women only spaces because if they are included, then *women* are excluded.

In recent years the WEC has published reports on sexual harassment in schools, and in public places, which show just how widespread and deep rooted the problem is; it probably wasn't news to most women. It certainly wasn't to me. Against that backdrop, and the backdrop of #metoo, I have to ask why more isn't being done to strengthen women's protections and rights to give/withhold consent instead of the steady erosion of them that we are seeing.

In summary, I would like to see the provisions in the EA for single sex facilities and services made much clearer and more robust. I would like women's consent to be sought, and if we don't give consent, for that to be respected. I would like us not *still* to be treated like second class citizens.

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