

Women & Equalities Select Committee inquiry into Reform of the GRA

Response submitted on behalf of Merched Cymru

Introduction

Merched Cymru is a grassroots group of ordinary women from across Wales who want to protect the sex-based rights of women and girls. We include women from all age groups, ethnic backgrounds, sexual orientations, all faiths and none. We are not aligned to any political party.

Our concerns relate to the risks to women's rights, single sex protections, and our very ability to define ourselves as a political class that are posed by allowing male people to identify as women and be treated as such under the law.

Our response to this call for evidence therefore focuses on these aspects.

Trans identified women, or transmen, do not pose a risk to men in the same way. Our concern for them stems from the reasons that so many young women, many of whom are autistic, are seeking to reject their female bodies. [1]

Women face systemic discrimination because of our sex, not because of a subjective sense of gender identity.

We completely support the rights of trans identified men – ie transwomen – to live their lives free from discrimination or harassment and their rights as a group are protected under law.

We do not, however, subscribe to the belief that 'transwomen are women'. There is no legal, medical, or scientific basis for this statement and we categorically reject any attempt to erase the distinction between the material reality of sex and the subjective belief of gender identity.

Will the Government's proposed changes meet its aim of making the process "kinder and more straight forward"?

We dispute that the purpose of legislation is to be kind. Legislation needs to be clear and evidence-based and serve a specific function.

We were relieved that that the Government rejected proposals for self-ID. We now call on the Government to issue clear guidance reinforcing the lawful single sex exemptions that organisations can impose.

Should a fee for obtaining a Gender Recognition Certificate be removed or retained? Are there other financial burdens on applicants that could be removed or retained?

Merched Cymru has no strong opinion on this question, although our members point out that fees apply for other documentation, such as passports and driving licences.

[1] https://www.thetimes.co.uk/article/surge-in-girls-switching-gender-pwqdtd5vk

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

We strongly disagree with removing the requirement for a diagnosis of gender dysphoria.

Supporting people to live as comfortably as possible with this distressing mental health condition is surely the entire point of the gender recognition process.

Without dysphoria, what exactly does being transgender mean? How can we possibly legislate for something so amorphous? There is no reason otherwise that men should be treated legally as women and vice versa.

If the requirement for a diagnosis of gender dysphoria is removed, then a man can be legally be granted a GRC and change the sex on his birth certificate based on nothing more than his own say-so.

This has significant implications for women's single sex rights and protections. Gender identity will be embedded into UK law, effectively superseding biological sex as a legal class.

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

First, Merched Cymru would like to put on record our position that 'living in an acquired gender' is essentially meaningless, highlighting the regressive nature of gender identity ideology, which equates performance of gender stereotypes with biological sex.

Would a man changing his name and adopting 'Miss' or 'Ms' as a prefix count? Or would he be expected to wear dresses and make-up? Would his appearance give him the right to use women's facilities or demand that single sex provisions should apply to him? Legally, no, but this requirement has been used as justification by some transwomen to do this and to denounce as 'transphobic' anyone who questions it.

We do, however, support the continuation of this requirement as a period of consideration from a person's initial application to a final decision regarding the awarding of a GRC.

There is nothing to prevent people living and presenting however they want in the meantime, but the legal rights that flow from a GRC would not apply during this period.

It should also be made very clear that this process does not automatically entitle trans identifying men to have access to women's single sex spaces and provisions and that these exclusions may still apply even when they have a GRC.

If someone is serious about their need for a GRC, this would not be onerous, and they would still have legal protection from discrimination under the characteristic of 'gender reassignment'.

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

We do not agree that that the age limit should be lowered. It is our view that this would cement further the clinically dubious affirmation agenda, so reducing the opportunities for watchful waiting that allow many young people to come to terms with and accept their bodies.

If the requirement for two years 'living in their acquired gender' were also removed, this would mean that 16 year old boys who are still at school could change their legal sex to female, making it more difficult for schools to maintain single sex provisions that protect the dignity and privacy of girls.

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

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?

We address these two questions together.

Conflating 'sex' and 'gender' leads to the erosion of women's sex-based rights and protections. If we cannot acknowledge sex, then it is impossible to monitor and tackle sexism and misogyny.

Following the 2016 Trans Action Plan in Wales, women's refuges, domestic violence and rape support services are required to provide 'gender-neutral' or mixed-sex facilities. Neither staff nor those using these vital services were consulted.

A Merched Cymru member working in this field has told us that they will lose funding if they utilise the sex-based exemptions in the Equality Act. They speak of a climate of fear.

There is an urgent need for public bodies, policy makers, and parliamentarians to recognise and openly acknowledge that conflicts of rights do exist and women's single sex protections are threatened.

Clear guidance is needed to ensure that women can be confident in asserting our rights to single sex provision and maintaining our lawful boundaries, and for organisations to be able to lawfully restrict provision based on sex.

These conflicts are most obvious and distressing in areas such as

refuges for women escaping and recovering from domestic abuse

women's prisons

rape crisis and counselling services for women

homelessness shelters

psychiatric wards

They also, however, have an impact on the lives of every woman in terms of healthcare, access to services, and our ability to participate fully in public life.

> 'I know that there are young women in my family who would not have been able to continue with their education and go to university if genuinely single-sex accommodation and facilities had not been available. It's not because of a belief in gender segregation generally or that women are inferior to men in any way, but separate sex halls of residence, toilets and changing rooms exist for a reason. The mixing of the sexes for such things isn't condoned in Muslim culture and the reasons for having single-sex facilities haven't disappeared as far as I can see. Young women themselves are deeply uncomfortable about it, as are some men, but are afraid to complain. It would be a tragedy if young women of minority cultures or faiths no longer feel that they can continue their studies safely and with dignity, which is a human right, and we may be deprived of very able women doctors, teachers, lawyers or engineers. This is not progress at all.' *Grandmother, Aunt and Merched Cymru member*

For example, in schools, public buildings, theatres and businesses, single-sex toilets are being replaced by mixed-sex (gender neutral) toilets as organisations, advised by gender identity lobbying groups, seek to be 'inclusive'.

This is despite clear evidence that mixed-sex provision undermines the safety and dignity of all women and girls, and has a particular impact on people from a variety of black and minority ethnic groups.

'I'm getting older myself now and have some health issues, sometimes embarrassing ones. It's bad enough needing to build in things like access to a toilet into your plans to get on with the everyday routine of life. The trend for mixed sex toilets doesn't seem to give any consideration to women's, or men's, need for privacy and dignity. Personally I'm more likely to avoid going out for those reasons than due to worries about safety. I've a friend of a similar age who was sexually abused and while she's fine with people in general, anywhere where you're likely to be undressed or vulnerable is a different matter. For all this talk of intersectionality there seems to be little thought of how age, health, faith, abuse, trauma, disability or culture affects women. We're not bigots, we're realists.' *Grandmother and Merched Cymru member*

'My two daughters are in different schools. A couple of years ago, my eldest came home and said that they would be installing unisex toilets in one of the blocks, replacing the girls' toilets. The only consultation was via the school Council, who are naturally a rule following, teacher pleasing group of students on the whole and there was no consultation with parents.

'I complained to the head and to the councillor responsible for education and was basically fobbed off. I was told that the cubicles were floor to ceiling, but when I pointed out that the sink should be in the cubicle they just brushed over that. The councillor even challenged me about how girls manage their periods, saying that there would never be an issue with girls having to wash blood off their hands in front of boys. As a tampon user from the very off as I used to swim several times a week as a teen, I had to explain to her that yes, girls do have to wash blood off their hands regularly. I was astonished at her attitude and lack of understanding of the needs of girls who may be very new to managing periods.

'I'm afraid that due to personal circumstances, I didn't follow up as strongly as I could have. I just couldn't face it at the time I'm afraid. The toilets are in now I believe, but my daughter has already left the school. I suspect there will be many problems with them and what is most concerning is how the school and elected representative were willing to ignore legislation in order to push the project through.

'There are no plans that I know of for unisex toilets in the school my youngest daughter goes to, but she was pretty horrified about a trans identifying boy a few years above her being able to use the girls' changing rooms and toilets. She said that she is so relieved that there are no trans identifying boys in her year as she would hate doing sports if she had to share a changing room. She said there are a few girls who feel exactly the same, but they are cautious talking about openly as they know that the norm being pushed is just acceptance.

'She hates PE anyway and I think this would finish it for her. She has very heavy periods and needs privacy in the toilets as she sometimes needs to spend a lot of time in a cubicle sorting herself out. She'd be horrified if she thought a trans identifying boy could walk in.' *Mother and Merched Cymru member*

Below are some further concerns raised by members of Merched Cymru.

Health

'How can women specifically requesting care from a female healthcare professional be confident that they won't be faced with a man who 'identifies' as a woman? What rights will they have to refuse care in this situation and will they be accused of prejudice if they do? What about the rights and dignity of women with dementia or learning disabilities who might not be able to speak up for themselves? What about women whose religion means that they cannot be treated by a man?' *Merched Cymru member*

> ‘Women in hospital are vulnerable and have a right to feel safe. We have single sex wards for a reason. We need them to protect the privacy and dignity of both men and women at a time when illness might make them confused and distressed, and when they might be in a state of undress.’ *Merched Cymru member*

Education

> ‘I’m really worried that I might have to teach children about gender identity as though it’s a fact when it really isn’t. It is unscientific, it has no basis in fact and I believe that it is actively harmful as it just reinforces the kind of gender stereotypes that women have been trying to get rid of for so long.’ *Teacher and Merched Cymru member*

> ‘I find the drive to automatically affirm and even celebrate a pupil’s gender identity quite alarming. I feel that it makes it much more difficult for pupils to change their minds later on – how do you tell everyone who has made such a fuss of you that actually you’re OK being a girl or being a boy after all?’ *Teacher and Merched Cymru member*

Members have expressed concerns about the messages that children get if they like toys or activities that are stereotypically associated with the opposite sex.

> ‘What on earth is going on when a little boy who likes sparkles and dressing up is told that he might have been born in the wrong body and is actually a little girl? Kids should be able to play and make up stories and dress up however they want without all these ridiculous assumptions.’ *Mother and Merched Cymru member*

Members who strongly support their children learning about different kinds of families and understanding that same sex relationships are completely normal question why gender identity should be linked with sexual orientation in relationships and sex education.

Merched Cymru believes that children and young people should be able to learn about gender dysphoria and why some people seek to transition, but not in the context of a ‘gender identity’ being something that everyone has, which in our view reinforces harmful gender stereotypes.

Sports and leisure

Members were clear about the fundamental unfairness of allowing men to compete on women’s sports teams. Men are stronger, faster, and more powerful. If men can be included on women’s teams because they ‘identify’ as women, they will deprive women of places and make fair competition impossible.

At a school or junior competition level, allowing trans identifying boys, who have the physical advantages bestowed by a male puberty, to compete against girls, will discourage girls from taking part. Girls already participate less than boys in sports and physical activity, with detrimental effects on their health and fitness in later life.

> ‘My granddaughter is a keen runner and when I see the cases of those boys in America being able to compete and win against girls because they say they identify as a girl, the unfairness takes my breath away. I would be devastated for my granddaughter and other girls like her if they lost their chance to compete and excel at something they love because a school or a running club thought they couldn’t say no to a boy who said he was a girl.’ *Grandmother and Merched Cymru member*

We also highlight the significant safety concerns of males competing in female sports. In a recent review, World Rugby clearly outlined the increased danger to women of playing against men, concluding that ‘…a

balance between safety, fairness and inclusion could not be provided for transwomen playing women's contact rugby.'[2]

With regard to gyms, swimming pools, fitness classes etc, members were very concerned about trans identifying men having access to women's changing facilities and about the introduction of mixed sex changing rooms.

Unisex – ie mixed sex - changing rooms are without doubt more dangerous for women. Research by the Sunday Times in 2018 showed that almost 90% of reported sexual assaults, harassment and voyeurism in swimming pool and sports-centre changing rooms happen in unisex facilities, which make up less than half the total number of facilities.[3]

Yet all single sex changing rooms would effectively become mixed sex if access was based on gender identity and not sex.

Some gyms and swimming pools offer women-only sessions to encourage participation by women who cannot exercise alongside men for religious, cultural, or personal reasons. By law, this is permitted, but how can this be enforced if sex and gender are conflated?

Conclusion

This response is intended to provide a snapshot of the concerns raised by ordinary women about the conflation of sex and gender and the implications of gender identity ideology.

The concerns outlined here relate to areas affecting the majority of Merched Cymru members on a day-to-day basis.

Other members have more specific concerns informed by their personal or professional experiences, but many are too worried about the threats to their livelihoods and safety to express these openly.

Merched Cymru believes that this is unacceptable and calls on the Committee to pay close attention to the levels of abuse that women face online and in real life simply for standing up for their existing rights.

[2] https://resources.world.rugby/worldrugby/document/2020/10/09/a67e3cc3-7dea-4f1e-b523-2cba1073729d/Transgender-Research_Summary-of-data_ENGLISH-09.10.2020.pdf

[3] https://www.thetimes.co.uk/article/unisex-changing-rooms-put-women-in-danger-8lwbp8kgk