

Participant questions and responses from week one of the assembly

Questions on the 2018 motion:

Q. What are the changes to the GRA that the motion (line 3-4) that WEP was proposing supporting? (Is it the detail provided in lines 11-18?)

A. Yes - that is correct, the proposed changes were lines 11 to 18.

Q. Clarification on line 16 – is this in relation to leaving the marriage?

A. Yes - that is correct. That both people in a marriage must consent to continuing with the marriage if a GRC is granted.

Legislation

Responses were presented in week two

Data

Question for Alice – Would an approach to data collection that involved two sequential questions – sex, and then whether you are trans or not – not overcome the challenges that she presented around being able to disaggregate data?

Alice Sullivan: Yes it would, that is exactly what I would like to see.

Question for speakers 3 and 4 Alice and James – what alternative sex questions could be asked in standard data collection? (Particularly looking for guidance on phrasing?)

Alice Sullivan: The sex question should ask about sex, so I'm not sure what is meant by 'alternative sex questions'.

Question for James Morton and Alice Sullivan – Could the speakers recommend a template for 'model' survey questions to ask about sex, gender and gender identity? And could they reflect on when it is / isn't appropriate to ask for this information (i.e. in relation to justifying the collection of personal data for GDPR)?

Alice Sullivan:

On sex, it's quite straightforward. As per the longstanding census question: What is your sex? Response categories male/female. If guidance on answering is required, it should direct the respondent to answer according to their sex at birth.

I would see 'gender' as a social structure rather than an individual characteristic, so would not ask about it on surveys. Gender refers to the stereotypes and roles imposed on people *according to their sex*, so you just need to ask for their sex.

Gender Identity is more difficult, it really depends what you are trying to find out and why you want to know. If you are monitoring the protected characteristic, you would ask about gender reassignment see the SMF monitoring form for an example of this (<https://www.smf.co.uk/new-opportunity-events-and-administration-assistant/>) . If you are doing a research project on people's identities, you might ask a range of questions.

In terms of GDPR, you need to have a good reason for asking any question.

James Morton:

Most trans people prefer such questions to be labelled as gender to make clear that they can answer with their identity. However, it is fine to call the question a sex question so long as guidance reassures trans people that they are able to answer with how are they living in society. Ideally, there would be an option for people to specify something other than simply male or female, for example to say that they are non-binary and don't live simply as male or as female in society, (or if they are one of the small number of gender critical trans women or trans men who don't feel comfortable answering with their lived sex/gender in such questions). If the database doesn't accept a non-binary 'other' option, then at least in most situations the question could be binary but optional so that those unwilling to specify male or female could leave it blank. In some situations, such as the Census, the question is legally mandatory which is not good for non-binary people. In such situations, the guidance for the question should advice non-binary people to put whichever of male or female they would usually use on ID or in situations which have only male or female as options.

For example

Are you:

- Male
- Female
- Other (please specify, e.g. non-binary: _____)
- Prefer not to say

Guidance: If you are a trans person, please select the option which most closely matches how you live and identify in society. This does not need to match what is recorded on your birth certificate.

Do you consider yourself to be a trans person or to have a trans history?

- Yes (please specify, e.g. non-binary: _____)
- No
- Prefer not to say

Hope the above makes sense. The biological sex characteristics of trans people, such as their sex recorded at birth, current hormone levels and reproductive function should not be routinely collected but could be collected with consent in situations such as a piece of medical research that people are opting into where sufficient trans people are participating to be able to research the specific health needs or treatment outcomes of trans people. In other situations, the specific needs and results of natal/cis women can be identified by looking at the set of women who answered both female in the sex/gender question AND not trans in the trans status question.

Media

For the media presenter who had concerns about the Equality Act in connection to the current GRA, do they have any proposed solutions?

No response

Question for speaker 5 Ruth S – What was the outcomes of the complaint to IPSO? *No response*

Question for speaker 6 Jane Doe – what is the evidence for the claims made in the presentation? Specifically, the group would like a list of citations.

Answer:

Trans people have the right to self-identify in Norway, Denmark, Belgium, Ireland, Malta, Portugal, Argentina, California, Uruguay, Mexico City and a number of other US states and Latin American countries, possibly other countries as well. The lack of stories in the Times, Spectator, Mail etc. about the impact on cis women is evidence that there is no impact.

A peer-reviewed publication by Hasenbush et al (2018) has shown that there has been no increase in harm to women as a result of accommodating trans women in bathrooms in Boston.

Hasenbush, A et al (2018) Gender Identity Nondiscrimination Laws in Public Accommodations: a Review of Evidence Regarding Safety and Privacy in Public Restrooms, Locker Rooms, and Changing Rooms *Sexuality Research and Social Policy* 16 70-83

Tea Uglow's project on media coverage of trans people: <https://teau.me/fourth-estate>

Other questions

Is it acceptable to discuss biology in addition to or in place of sex? Would like to know more about this from a trans perspective. *Please see James Morton's response to the question above about the best way to format questions on sex.*

Can we hear more about how the themes discussed would be understood and experienced by those who are intersex? *This is a complex issue which requires a more detailed and nuanced response that is possible within the parameters of this assembly.*

What damage is done to people if we don't let them self-ID? *Please refer to the experiences described by the witness testimonies sent to participants between week one and week two.*