

Dear Mr. Halliday,

I am writing to you personally since this subject is so critical.

I was alarmed at this draft document which recommends replacing the reality of sex with the very poorly-defined concepts of gender and gender identity (which have no standing in law).

Clearly the Scottish Government has had many discussions with lobby groups (who are government-funded) but has not consulted with wider groups such as ordinary people, women and religious groups.

Sex is clearly defined in law and women's rights in law are tied in law to sex. Sex is a core demographic variable.

Every person in Scotland has a sex (which never changes). A few people claim to have a gender or gender identity (which seems to rest on regressive stereotypes). This guidance would force people to adopt a gender identity against their will since there would be no mechanism to record sex. There are hundreds of genders and gender identities and the effect of collating data by these ever-increasing identities would be meaningless. If I am asked on a form about my "gender identity" then I put Prefer Not to Say because I do not have a gender identity (I reject the stereotypes about what a woman is supposed to be). The Prefer Not to Say would then be used as evidence of my being non-binary I suppose. I reject that label also.

If sex, which is real and measurable and enshrined in law, is to be removed from data collection, then what is the point of collecting data about gender identity which is poorly-defined and has no standing in law? Could someone explain? What would be the point of doing that?

If the Scottish Government embeds gender identity in law, then of course there will be many more gender identities that will need to be accommodated. If the government recognises the gender identity of woman and the gender identity of man, then of course they will need to recognise other gender identities. What are the health needs of a greygender person? Should a non-binary person go to a women's prison or a men's prison? Are non-binary people of the male sex allowed to participate in women's sports? This would have catastrophic results for all people of the female sex.

This draft guidance would render protections for women in the Equality Act 2010 obsolete (the draft guidance is silent on this).

Service providers would not be able to run single-sex services (contrary to express provision in current law) as they would have no means to collect data on sex. Every single female single-sex space would become mixed sex by default. Clearly this guidance gives rise to huge implications for safety, privacy, dignity and fairness which women and girls are expressly entitled to under the Equality Act 2010.

Religion is also a protected characteristic and the removal of single-sex provision is likely to be seen as discrimination in law since it would restrict religious women from public life.

The draft guidance states that collecting data on sex on a legal sex basis may be required in order for a public body to comply with the Public Sector Equality Duty. Given that you are advising public bodies not to collect data by sex and instead use gender identity, it is clearly impossible for public bodies to do this.

In terms of the practical consequences of this, well we are already seeing them. Some of Scotland's worst criminals are now identifying as women (this guidance doesn't actually state what a woman is). Every time I've seen a news report of a female paedophile in the last year, the offender has been biologically male.

The government is clear on the need for single-sex hospital wards but, given that sex is to be removed from data, would have no means to actually achieve that. Women's sports would be open to any male individual who merely wished to adopt a gender identity of woman, therefore removing fair play for women and girls. 98% of sexual crimes are committed by the male sex - the majority against women and girls. This is a key criminal justice variable which is used to identify offending patterns, target prevention schemes to the right people and to keep women and girls safe. Allowing offenders the choice of gender identity (and ignoring the reality of their male sex) offers clear opportunities for further offending. Women and girls have already been harmed by male offenders in women's spaces in Scotland.

I urge you to reconsider your position on this immediately. Where identity conflicts with reality, then reality must hold firm. Forcing Scots to adopt a nebulous "gender identity" instead of acknowledging the reality of their sex will have catastrophic consequences for women and girls in Scotland.

Thank you,

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