

[REDACTED]

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**From:** [REDACTED]@gmail.com>  
**Sent:** 15 January 2018 10:21  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** Re: Scottish Government- Consultation process about the Gender Recognition Act 2004

Dear Sarah,

Many thanks for your reply and letter in response to my email regarding the consultation on the GRA. Your comprehensive response is much appreciated.

You state in your letter that you would be willing to arrange a meeting to discuss issues arising from the consultation. I would like to take up this offer. I wish to attend along with a few members of Women's Spaces in Scotland, a group of women who are interested in preserving the principle of women and girls centred services and provisions in Scotland, advancing the cause of women's rights, and encouraging the participation of women in public life.

We would like to request that a meeting be arranged for mid February.

I would be grateful if you could confirm possible dates with me as soon as possible in order that we can schedule our diaries with as much prior notice as possible.

Kind Regards,

[REDACTED]

On 18 Dec 2017 10:04 a.m., <[REDACTED]@gov.scot> wrote:  
Thank you for your email regarding the Scottish Government consultation about reforming the Gender Recognition Act 2004. Please find attached our letter responding to your enquiry.

Sarah E Duncan  
Family and Property Law Team  
[REDACTED]

**From:** [REDACTED]@gmail.com]  
**Sent:** 30 November 2017 17:35  
**To:** SG Consultations  
**Subject:** Consultation process on GRA reform

To whom it may concern.

I am contacting you regarding the consultation process for the proposed reform to the Gender Recognition Act as it applies in Scotland.

I note that there is an online consultation with a closing date of 1st March 2018.

However, I would be grateful if you could inform me of any other means by which the public can respond to this consultation. By this, I mean will there be any public "conversations" hosted by the Scottish Parliament, or information sessions, or opportunities to submit more nuanced responses than the online survey allows?

I would also be grateful if you could supply me with the following information;

- By what process were the consultation questions and composition of the final online consultation decided upon?
- What organisations and lobbying groups were involved in the drawing up of the final consultation questions?
- Was the final consultation checked for bias, and if so, by whom?
- To whom should I write to if I have further questions, concerns, or other matters to raise with regard to the content or composition of the online survey?

I look forward to your swift response to my enquiry.

Kind Regards,



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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mh in. Chan eil e ceadichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur s dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun d il. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chl radh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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[REDACTED]

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**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 16 January 2018 09:59  
**To:** [REDACTED]  
**Cc:** Stockwell SW (Simon); [REDACTED]  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004

[REDACTED]

Thanks for your reply.

I'd initially propose three possible dates for the meeting:

21<sup>st</sup> February 14:00  
22<sup>nd</sup> February 14:00  
27 February 14:00

Our office is St Andrew's House, Regent Road, Edinburgh. Further information about [getting here](#) is available.

Let me know which of these dates/times, if any, suits you all best. As I need to organise meeting rooms well in advance, can you let me know how many colleagues of yours would be attending and whether you or any of your colleagues have disability requirements. I will also need to know their names nearer the time to advise our reception.

I look forward to hearing from you shortly.

Thanks,

Sarah E Duncan  
Scottish Government: Family and Property Law Team

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** [REDACTED]@gmail.com>  
**Sent:** 28 January 2018 14:04  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004

Hello Sarah,

Apologies for the delay, I had to consult with the group to determine which date was suitable for those who were likely to attend and this took longer than anticipated, particularly since many of us have work or childcare commitments to accommodate.

We would like to request a meeting with you and/or other relevant Scottish Government representatives on Thursday 22nd February at 2pm.

The list of attendees will be:

[REDACTED]

I look forward to hearing from you with your confirmation along with instructions about access to St Andrews House and any other necessary information.

Kind Regards,

[REDACTED]

[REDACTED]

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**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 29 January 2018 09:27  
**To:** [REDACTED]  
**Cc:** Stockwell SW (Simon); [REDACTED]  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004

[REDACTED]

Thanks for your reply confirming that 22 February is the best date for you.

This website contains information about visiting St Andrew's House, including the telephone number for reception: <https://beta.gov.scot/about/contact-information/buildings/> . There are no special instructions as such, but when you arrive, speak to the officers at the reception desk, who will have your names and the details of the meeting. They will advise us of your arrival and I will take you to the meeting room. There will likely be four of us attending.

We look forward to meeting you next month.

Thanks,

Sarah E Duncan  
Scottish Government: Family and Property Law Team

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 30 January 2018 17:12  
**To:** [REDACTED]  
**Subject:** RE: Womens spaces in scotland (338827)

That's working now, it wasn't on two previous occasions, but seems to have taken now.

Sarah

---

**From:** [REDACTED]  
**Sent:** 30 January 2018 17:11  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Womens spaces in scotland (338827)

Hi Sarah,

Are you now able to access the following site: <https://womensspacesinScotland.com/about/>.

Kindest regards,

[REDACTED]  
iTec - Systems Management  
K Spur  
Saughton House  
Tel: [REDACTED]  
Ext: [REDACTED]

---

**From:** [REDACTED]  
**Sent:** 30 January 2018 14:00  
**To:** Duncan SE (Sarah) (Justice) <[REDACTED]>  
**Subject:** Womens spaces in scotland

Hi Sarah,

This site has now been re-categorised. As before it may take a while to propagate through our systems. Could you intermittently try accessing it and advise when you successfully open the site?

Thanks,

[REDACTED]  
iTec - Systems Management  
K Spur  
Saughton House  
Tel: [REDACTED]  
Ext: [REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 30 January 2018 11:25  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** <https://womensspacesinScotland.com/about/>.

Dear Sarah,

The reason for you not being able to access <https://womensspacesinScotland.com/about/> is that the web site is currently classified as Unrated. We actively block unrated web sites as allowing this category could allow unwanted web sites to be accessed such as Pornography or Malware and could pose a security vulnerability to SCOTS .

I have requested that the domain be re-categorised and will be back in touch once I have received confirmation.

Kindest regards,

[REDACTED]  
iTec - Systems Management  
K Spur  
Saughton House  
Tel: [REDACTED]  
Ext: [REDACTED]

[REDACTED]

---

**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 02 February 2018 12:52  
**To:** [REDACTED]  
**Cc:** Stockwell SW (Simon)  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004

[REDACTED]

I will get back to you. Your expected numbers are now higher than the room is suitable for, and so I will need to investigate other possible arrangements.

Thanks,

Sarah E Duncan  
Scottish Government: Family and Property Law Team

[REDACTED]

**From:** [REDACTED]@gmail.com]  
**Sent:** 02 February 2018 12:47  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004

Hello Sarah,

Apologies for yet another email, but I would like to add [REDACTED] and [REDACTED] to our list of attendees. They were out of the country when I put the calling notice out and I have only just had a response from them.

I hope this doesn't cause too much inconvenience at your end.

Kind Regards,

[REDACTED]

Justice Directorate  
Civil Law and Legal System Division



Scottish Government  
Riaghaltas na h-Alba  
gov.scot



T: [REDACTED]  
E: [REDACTED]

[REDACTED]

By email to: [REDACTED]@gmail.com

Our ref: 2018/0000630 & 2018/0001284  
2 February 2018

Dear [REDACTED]

Reform of the GRA and women's concerns

Thank you for your emails of 8 and 12 January addressed to Angela Constance, Cabinet Secretary for Communities, Social Security and Equalities. I have been asked to respond.

The Scottish Government is proud that Scotland has a reputation as one of the most progressive countries in relation to LGBTI equality in Europe – but believes that more can be done.

In the Fairer Government Action Plan 2016 (<http://www.gov.scot/Publications/2016/10/9964>) the Scottish Government committed reforming gender recognition law for people who are transgender or intersex and to undertaking a consultation as part of that process. As you have noted, that consultation (at <https://consult.gov.scot/family-law/review-of-the-gender-recognition-act-2004/>) is currently open for responses.

Your email of 8 January sets out your views on the proposal in the Scottish Government's consultation on reform of the Gender Recognition Act 2004 that Scotland should adopt a self-declaration system of legal gender recognition. Your email of 12 January advises the Cabinet Secretary on a recent public meeting you attended in Glasgow and asks whether Ms Constance could also host a meeting of interested parties.

Since your correspondence was received, a meeting between representatives of Women's Spaces in Scotland and officials from the Scottish Government has been arranged for 22 February. We understand that you will be attending.

That meeting will allow for consideration of the points you have raised in your correspondence and for you to hear the Scottish Government's current thinking on advancing its commitment to improving the experience of trans people in Scotland, along

with its commitment to advancing equality for other groups, before the consultation closes at 5 pm on 1 March.

Yours sincerely,



Sarah E Duncan  
Family and Property Law Team

[REDACTED]

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**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 05 February 2018 10:31  
**To:** [REDACTED]  
**Subject:** RE: Meeting with Women Only Spaces Scotland

[REDACTED]

I have sent on the meeting request. Venue is supposed to be SAH but the group have asked to bring two others which may necessitate a change of venue if I can identify an available room.

I will send further background material nearer the time.

Sarah

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**From:** [REDACTED]  
**Sent:** 30 January 2018 12:05  
**To:** [REDACTED]; Duncan SE (Sarah) (Justice)  
**Cc:** [REDACTED] Stockwell SW (Simon); [REDACTED]  
**Subject:** RE: Meeting with Women Only Spaces Scotland

I think I can make it Sarah. If you could send me on the background that would be great.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 29 January 2018 15:09  
**To:** Duncan SE (Sarah) (Justice); [REDACTED]  
**Cc:** [REDACTED] Stockwell SW (Simon); [REDACTED]  
**Subject:** RE: Meeting with Women Only Spaces Scotland

Thanks Sarah, that's a shame.

I've copied [REDACTED] from my team in to see if she might be able to attend.

Best wishes

[REDACTED] | Equality Policy Team

t: [REDACTED]

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Scottish Government | Directorate for Local Government and Communities | Equality, Human Rights and Third Sector Division  
Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ

<< OLE Object: Picture (Device Independent Bitmap) >>

Visit our website here: [www.onescotland.org/5050by2020](http://www.onescotland.org/5050by2020)

-----Original Appointment-----

**From:** Duncan SE (Sarah) (Justice)

**Sent:** 29 January 2018 10:27

**To:** Stockwell SW (Simon); [REDACTED]

**Cc:** [REDACTED]

**Subject:** Meeting with Women Only Spaces Scotland

**When:** 22 February 2018 14:00-15:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

**Where:** SAH Ground Floor Meeting Room GW.06 (12)

Meeting is now confirmed for 22<sup>nd</sup> February. Unfortunately, [REDACTED] cannot make that date now. [REDACTED], if you have a colleague who wants to attend instead, let me know and I'll extend the invitation or you can forward the meeting invitation if you want.

You'll receive cancellations for the other proposed dates.

Sarah on ext [REDACTED]

[Redacted]

**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 05 February 2018 11:46  
**To:** [Redacted]  
**Cc:** Stockwell SW (Simon); [Redacted]  
**Subject:** Meeting with Women's Spaces in Scotland 22 February

Thanks [Redacted],

- In terms of background the meeting on 22 February originates in an FOI enquiry by [Redacted] about the development of the consultation paper and who was involved in that. My response offered a meeting.



[Redacted]

- [Redacted] is described as “ [Redacted]”
- I have now identified that the group we are meeting are calling themselves “Women’s Spaces in Scotland” and have a website [here](#).
- This MACCs case and MR sets out the variety of concerns that this group of women have regarding reform of gender recognition law and how we are currently responding to those concerns:



[Redacted]

- We are seeing similar arguments used in responses to the consultation and in other MACCs cases.
- At present, there are 8 women from this group intending to attend the meeting. They have asked if another two can come but I was having difficulty identifying sufficient meeting space for that number plus officials.
- The group are hosting a public meeting in Edinburgh on 14 February- <https://www.eventbrite.co.uk/e/a-womans-place-loves-womens-rights-tickets-42402450872>
- You can see a discussion about their last public meeting in Glasgow on Mumsnet: [https://www.mumsnet.com/Talk/womens\\_rights/3084291-We-need-to-talk-about-the-GRA-Glasgow](https://www.mumsnet.com/Talk/womens_rights/3084291-We-need-to-talk-about-the-GRA-Glasgow).
- I’m planning to ask for a draft agenda from [Redacted] prior to the meeting.

Sarah

**From:** [Redacted]  
**Sent:** 05 February 2018 10:36

[REDACTED]

---

**From:** [REDACTED]@gmail.com>  
**Sent:** 09 February 2018 20:45  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004

Dear Sarah,

Thank you so much for taking the trouble to arrange this.  
I will let the others know.

Looking forward to meeting you and your colleagues on the 22nd.

Kind Regards

[REDACTED]

On 9 Feb 2018 9:47 a.m., [REDACTED] wrote:

[REDACTED]

I have located meeting space to allow your two colleagues to attend. The meeting will now be at the same time but at Saughton House. Details for getting there can be found here:

<https://beta.gov.scot/about/contact-information/buildings/>

Sarah

[REDACTED]

**From:** [REDACTED]@gmail.com]  
**Sent:** 02 February 2018 12:47  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004

Hello Sarah,

Apologies for yet another email, but I would like to add [REDACTED] and [REDACTED] to our list of attendees. They were out of the country when I put the calling notice out and I have only just had a response from them.

I hope this doesn't cause too much inconvenience at your end.

Kind Regards,

**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 19 February 2018 11:44  
**To:** Stockwell SW (Simon); [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Review of Gender Recognition Act- consultation- meeting with Women's Spaces in Scotland 22/2/2018

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

1. Please find attached:

- The WSS response to the consultation submitted about a week ago for your information; and
- Draft of agenda for your comments/suggestions for change, which I will circulate to WSS attendees once finalised.



[REDACTED]  
[REDACTED]

2. Can you let me have any comments tomorrow before I circulate to WSS? I wasn't sure how directive to be in item 3 to try and keep to some sort of agenda given that there are 10 attendees from WSS. Happy to hear views.

3. I have booked the room for an additional half hour in advance of the 2pm meeting for set up and if thought necessary, a brief discussion on handling.

4. I hope to make arrangements to have someone available to help keep a minute/note of the meeting to circulate to WSS afterwards.

5. Their response mentions the impact for gender pay gap statistics. I have located the [guidance for employers](#) implementing the regulations for England and Wales, which clearly indicates that employers are not expected to respond based on biological sex or based on sex on birth certificates:

*"It is important for employers to be sensitive to how an employee chooses to self-identify in terms of their gender. The regulations do not define the terms 'male' and 'female' and the requirement to report gender pay should not result in employees being singled out and questioned about their gender. ...*

*Where this information is not available or may be unreliable, employers should establish a method which enables all employees to confirm or update their gender. This can be handled early and proactively when informing employees that gender pay reporting is taking place. It can be done by inviting employees to check their recorded gender, and update it if required. A free acas template communication is available at [www.acas.org.uk/genderpay](http://www.acas.org.uk/genderpay).*

*In cases where the employee does not self-identify as either gender, an employer may omit the individual from the calculations. "*

Thanks,

Sarah

## AGENDA

### REVIEW OF GENDER RECOGNITION ACT 2004

Members of Women's Spaces in Scotland and Officials from Scottish Government  
22 February 2018  
Saughton House Edinburgh 2:00pm – 4:00pm

Agenda item	Discussion introduced by
1. Introductions	
2. Scottish Government's proposals and future consultation for people with intersex variations.	SG
3. Women's Spaces in Scotland response to consultation, including: <ul style="list-style-type: none"> <li>• impact of reform on single-sex services and facilities</li> <li>• Statistics</li> <li>• Children and young people</li> <li>• Marriage and Civil partnership</li> <li>• Partial impact assessments</li> <li>• Cooling off period and</li> <li>• Other areas and other WSS suggested refinements in proposals</li> </ul>	WSS
5. Next steps following consultation	SG
6. Any other business	

[REDACTED]

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**From:** Stockwell SW (Simon)  
**Sent:** 19 February 2018 15:09  
**To:** Duncan SE (Sarah) (Justice); [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Review of Gender Recognition Act- consultation- meeting with Women's Spaces in Scotland 22/2/2018



Agenda -  
20180222.docx

Very minor changes to agenda.

**AGENDA****REVIEW OF GENDER RECOGNITION ACT 2004**

Members of Women's Spaces in Scotland and Officials from Scottish Government

22 February 2018

Saughton House Edinburgh 2:00pm – 4:00pm

<b>Agenda item</b>	<b>Discussion introduced by</b>
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4. Next steps following consultation	SG
5. Any other business	

**AGENDA****REVIEW OF GENDER RECOGNITION ACT 2004**

Members of Women's Spaces in Scotland and Officials from Scottish Government

22 February 2018

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4. Next steps following consultation	SG
5. Any other business	

[REDACTED]

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**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 20 February 2018 16:59  
**To:** [REDACTED]  
**Cc:** Stockwell SW (Simon); [REDACTED]  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004  
**Attachments:** Agenda- WSS. 22.2.2018.docx

[REDACTED]

I attach a proposed agenda for the meeting on 22 February that we have prepared using the consultation response that Women's Spaces in Scotland have submitted.

Please contact me if you have any questions in advance of Thursday's meeting.

Sarah

**From:** [REDACTED]@gmail.com]  
**Sent:** 09 February 2018 20:45  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Scottish Government- Consultation process about the Gender Recognition Act 2004

Dear Sarah,

Thank you so much for taking the trouble to arrange this.  
I will let the others know.

Looking forward to meeting you and your colleagues on the 22nd.

Kind Regards

[REDACTED]

On 9 Feb 2018 9:47 a.m., [REDACTED] wrote:

[REDACTED]

I have located meeting space to allow your two colleagues to attend. The meeting will now be at the same time but at Saughton House. Details for getting there can be found here:

<https://beta.gov.scot/about/contact-information/buildings/>

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 23 February 2018 09:06  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Women's Spaces in Scotland

Oh, we also said we'd give them the links to evidence on when children develop their gender identity.

Thanks,  
[REDACTED]

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**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 23 February 2018 09:01  
**To:** [REDACTED]  
**Subject:** RE: Women's Spaces in Scotland

Thanks for this [REDACTED] I'll build on yours with mine and prepare some sort of note to share.

Sarah

---

**From:** [REDACTED]  
**Sent:** 22 February 2018 18:54  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** FW: Women's Spaces in Scotland

Sarah,

In case any of my notes are helpful, here's what I took down today.

[REDACTED]

[REDACTED]

Women's Spaces in Scotland

16 – exercise of rights for young people in Scotland (marriage and voting)  
Reform would not change the access to women's only spaces and no change to the Equality Act 2010

Weight given to consultation responses outside of Scotland

Novel points

Academics

Points that haven't been made, although unlikely to be making a different approach if using a crib sheet

3 women's organisations specifically targeted when the consultation was issued  
Spread will be reflective of a wide range of society  
Anyone can respond so a targeted email group might be dropped in future

Glossary confusing, particularly gender

Acquired gender taken from the 2004 Act uses it

Section 9 of the GRA was purposely drafted using both sex and gender so that trans people couldn't be discriminated against on the grounds of one and not the other (explanatory notes)

GRA introduced because the government lost court cases

Equality Act uses gender and sex interchangeably

Trans

Gender dysphoria

Gender identity

Gender dysphoria internal sense of what a man and a woman is

How do we know - read research, spoken to people and spoken to parents of trans people

Proposal is to move away from a medical diagnosis of gender dysphoria to a more self-declaratory system

Don't need a medical diagnosis but it's enough for a person to feel that they have this

Defining terms - legislation doesn't draw the distinction that you would want to draw

Lawyers and the law can say something else – once you acquire a sex, you acquire a gender

Non-binary would be a third sex – if you recognise non-binary as a third gender, then you'd have to think that this would apply to a third sex too in terms of law

OR amend legislation to remove references to men and women to make references gender neutral

Problematic? Depends on where you remove the references. Want to keep stats that can measure pay gap and address this

Some references in family law legislation are outdated anyway, e.g. same sex marriage "a wife of a man could not be found guilty of incest" or women's property in family marriage legislation of the 19<sup>th</sup> century

Don't want to remove all references to women when there's work to tackle gender pay gap, etc

A trans woman would be counted as a woman now for this purpose

SPS will have to risk assess their prisoners in the same way as all other prisoners – SPS used to doing this

Best practice and evidence based research – Iran, America, Thailand

International recognition – ILGA Europe

Sterilisation wouldn't be regarded as best practice – treatment based system is contrary to bodily autonomy and contravenes a person's human rights (court case in France)

Long term research of the impact on puberty blockers – no studies in that area, but protects fertility

Doctors spoken to have said there is some areas of concern about use of puberty blockers

This information should have been included in the consultation

Live debate about under 16s – consultation is not clear cut on this

Consultation is deliberately consultative on under 16s due to mixed views on this and a great deal of uncertainty

Used in early onset of puberty – big court case around this in America

Cross-sex hormones can lead to sterilisation in six months

Gender-specific sexual offences – used to be described in gender specific offences, but now describes the act as criminal

Confusion as to how things are recorded – don't in any way think trans people are a threat  
Study couldn't conclude how many trans women had been convicted of sexual assault – poor evidence in some areas

Isle of Wight (130 out of 600 people convicted of sexual assault)

Low amount of successful prosecutions for rape

Small incidence of women being convicted of rape – if women are adding to these statistics, then how can we continue to robustly address this, particularly when Scotland is a world leader here

Domestic Abuse Bill put through – problem is male violence against women. Angela Constance is very clear on this

Scottish Government isn't going to move away from the approach that addresses male violence against women

Hard enough for women to prove that they have been raped

Framing exercise – based on research and evidence from our analysts. Unbiased – included the study about pre-pubescent young people who think they're trans but then realise they're not when they reach puberty

Orgs working with people with learning disabilities or children with autism weren't asked to give evidence to contribute to the partial EQIA

Mental health in trans men – Mexican field study

Disagreement with same sex marriage doesn't mean you are homophobic

Disagreement with gender recognition reform doesn't mean you are transphobic

Freedom of speech, incitement to hatred

Lord Advocate issued guidance

Community centre under attack because they hosted a women's group who wanted to discuss this  
Protection in law to prevent people from being fired because they are being labelled as transphobic

This consultation is the first movement of its kind in the social media world which, as it's so polarised, hasn't been helpful

SH education in school has been greatly skewed towards trans issues rather than anything else – easier to be trans further up the school than a lesbian

#### Actions:

Concerns re terminology in the glossary – conflation between sex and gender

Safety, prisons

If stats will be skewed – don't want to wait until the stats are skewed – want to address it before it becomes a problem

Evidence gaps

Organisations invited to respond to consultation, SCLD and children with autism

Freedom of speech

Roundtable, facilitated conversation with LGBT orgs

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 23 February 2018 11:59  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Women's Spaces in Scotland

No chance – I'm grabbing a few hours [REDACTED]  
[REDACTED] so speak to you next week. Have a good weekend.

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**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 23 February 2018 09:17  
**To:** [REDACTED]  
**Subject:** RE: Women's Spaces in Scotland

I think I might try to do that in an email later today and say our note will come later. Thanks for reminding me about the data on children required, as my mind is still spinning. Now go be not at work!

Sarah

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**From:** [REDACTED]  
**Sent:** 23 February 2018 09:06  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** RE: Women's Spaces in Scotland

Oh, we also said we'd give them the links to evidence on when children develop their gender identity.

Thanks,  
[REDACTED]

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**From:** Duncan SE (Sarah) (Justice)  
**Sent:** 23 February 2018 09:01  
**To:** [REDACTED]  
**Subject:** RE: Women's Spaces in Scotland

Thanks for this [REDACTED] I'll build on yours with mine and prepare some sort of note to share.

Sarah

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**From:** [REDACTED]  
**Sent:** 22 February 2018 18:54  
**To:** Duncan SE (Sarah) (Justice)  
**Subject:** FW: Women's Spaces in Scotland

Sarah,

In case any of my notes are helpful, here's what I took down today.

[REDACTED]

[REDACTED]

## Women's Spaces in Scotland

16 – exercise of rights for young people in Scotland (marriage and voting)  
Reform would not change the access to women's only spaces and no change to the Equality Act 2010

Weight given to consultation responses outside of Scotland

Novel points

Academics

Points that haven't been made, although unlikely to be making a different approach if using a crib sheet

3 women's organisations specifically targeted when the consultation was issued

Spread will be reflective of a wide range of society

Anyone can respond so a targeted email group might be dropped in future

Glossary confusing, particularly gender

Acquired gender taken from the 2004 Act uses it

Section 9 of the GRA was purposely drafted using both sex and gender so that trans people couldn't be discriminated against on the grounds of one and not the other (explanatory notes)

GRA introduced because the government lost court cases

Equality Act uses gender and sex interchangeably

Trans

Gender dysphoria

Gender identity

Gender dysphoria internal sense of what a man and a woman is

How do we know - read research, spoken to people and spoken to parents of trans people

Proposal is to move away from a medical diagnosis of gender dysphoria to a more self-declaratory system

Don't need a medical diagnosis but it's enough for a person to feel that they have this

Defining terms - legislation doesn't draw the distinction that you would want to draw

Lawyers and the law can say something else – once you acquire a sex, you acquire a gender

Non-binary would be a third sex – if you recognise non-binary as a third gender, then you'd have to think that this would apply to a third sex too in terms of law

OR amend legislation to remove references to men and women to make references gender neutral

Problematic? Depends on where you remove the references. Want to keep stats that can measure pay gap and address this

Some references in family law legislation are outdated anyway, e.g. same sex marriage "a wife of a man could not be found guilty of reset" or women's property in family marriage legislation of the 19<sup>th</sup> century

Don't want to remove all references to women when there's work to tackle gender pay gap, etc

A trans woman would be counted as a woman now for this purpose

SPS will have to risk assess their prisoners in the same way as all other prisoners – SPS used to doing this

Best practice and evidence based research – Iran, America, Thailand

International recognition – ILGA Europe

Sterilisation wouldn't be regarded as best practice – treatment based system is contrary to bodily autonomy and contravenes a person's human rights (court case in France)

Long term research of the impact on puberty blockers – no studies in that area, but protects fertility

Doctors spoken to have said there is some areas of concern about use of puberty blockers

This information should have been included in the consultation

Live debate about under 16s – consultation is not clear cut on this

Consultation is deliberately consultative on under 16s due to mixed views on this and a great deal of uncertainty

Used in early onset of puberty – big court case around this in America

Cross-sex hormones can lead to sterilisation in six months

Gender-specific sexual offences – used to be described in gender specific offences, but now describes the act as criminal

Confusion as to how things are recorded – don't in any way think trans people are a threat

Study couldn't conclude how many trans women had been convicted of sexual assault – poor evidence in some areas

Isle of Wight (130 out of 600 people convicted of sexual assault)

Low amount of successful prosecutions for rape

Small incidence of women being convicted of rape – if women are adding to these statistics, then how can we continue to robustly address this, particularly when Scotland is a world leader here

Domestic Abuse Bill put through – problem is male violence against women. Angela Constance is very clear on this

Scottish Government isn't going to move away from the approach that addresses male violence against women

Hard enough for women to prove that they have been raped

Framing exercise – based on research and evidence from our analysts. Unbiased – included the study about pre-pubescent young people who think they're trans but then realise they're not when they reach puberty

Orgs working with people with learning disabilities or children with autism weren't asked to give evidence to contribute to the partial EQIA

Mental health in trans men – Mexican field study

Disagreement with same sex marriage doesn't mean you are homophobic

Disagreement with gender recognition reform doesn't mean you are transphobic

Freedom of speech, incitement to hatred

Lord Advocate issued guidance

Community centre under attack because they hosted a women's group who wanted to discuss this  
Protection in law to prevent people from being fired because they are being labelled as transphobic

This consultation is the first movement of its kind in the social media world which, as it's so polarised, hasn't been helpful

SH education in school has been greatly skewed towards trans issues rather than anything else – easier to be trans further up the school than a lesbian

**Actions:**

Concerns re terminology in the glossary – conflation between sex and gender

Safety, prisons

If stats will be skewed – don't want to wait until the stats are skewed – want to address it before it becomes a problem

Evidence gaps

Organisations invited to respond to consultation, SCLD and children with autism

Freedom of speech

Roundtable, facilitated conversation with LGBT orgs

→ What might given to resp  
outside Scotland

Lib Sheets

→ Same Sex Marriage

→ D Women's Organisation & take  
found review - CS (1995)

\*Simon = not have a list(?)

Concern about clear definitions  
Growth used in many different  
ways. - Simon maybe looking  
to build on it.



→ Hansard (H)

S7, no question

→ carrying building on  
this.



→ do public understand  
Act - check.