

Email 1

From: Tim Hopkins <Tim@equality-network.org>
Sent: 26 February 2020 09:53
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Intersex/VSC proposed definition

Hi [REDACTED]

Yes that all makes sense and seems fine to me – thanks for the explanation!

Tim

Tim Hopkins (he/him)
Director



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From: [REDACTED]
Sent: 26 February 2020 09:51
To: Tim Hopkins <Tim@equality-network.org>
Cc: [REDACTED]
Subject: RE: Intersex/VSC proposed definition

Hi Tim

I received some feedback on the use of the word 'and' in the below definition. We think that changing back to "or" may change the meaning because there may be a risk then that the physical characteristics would be considered separately from the biological characteristics. It may be taken as meaning that it is the physical characteristics as a whole that are to be considered or the biological characteristics as a whole that are to be considered (rather than both together).

In regards to the word 'physical' as well as 'biological', we wonder if these could be interpreted as being slightly differently i.e. physical being your outward appearance and most likely what motivates the perpetrator where they wouldn't necessarily know your biological characteristics (although we note that these physical characteristics would likely be as a result of the biological characteristics). I suppose we want to ensure the definition doesn't inadvertently miss anything.

Hopefully the above explanation of the use of the word 'and' makes sense and you would therefore be content with 'physical and biological'

However, if you still have concerns, it would be helpful to understand what the current draft does not achieve that you would like it to achieve.

Many thanks

[REDACTED]

Cohesive Communities | Connected Communities Unit | Scottish Government
3H North | Victoria Quay | Edinburgh | EH6 6QQ

[REDACTED]



From: [REDACTED]

Sent: 25 February 2020 10:53

To: 'Tim Hopkins' <Tim@equality-network.org>

Cc: [REDACTED]>

Subject: Intersex/VSC proposed definition

Hi Tim

Thanks for our chat this morning, as always – very useful! [REDACTED – OUT OF SCOPE]. I promised I would share the revised VSC definition:

*A person is a member of a group defined by reference to variations in sex characteristics if the person is born with physical and biological sex characteristics which, taken as a whole, are neither—
those typically associated with males, nor those typically associated with females.*

You indicated you were broadly content but questioned if 'or' could be used instead of 'and' if the word 'physical;' was necessary. I have fed this back and will let you know what we land on.

Thanks again

[REDACTED]

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[REDACTED]



Email 2

From: Tim Hopkins <Tim@equality-network.org>

Sent: 19 February 2020 13:45

To: [REDACTED]

Subject: RE: Hate Crime Bill - Gender/Sex

Hi [REDACTED],

Just getting back after our phone conversation yesterday – I've had a chance now to discuss the questions with colleagues here on the STA project and the intersex project.

[REDACTED – OUT OF SCOPE]

Secondly, on the intersex/VSC definition, we have a couple of points.

Firstly, we would prefer the term intersex to be mentioned alongside VSC in the definition. Both of these terms are commonly used, and people vary in their preference. The existing legislation uses 'intersexuality' which is not commonly used, but 'intersex' is the most used term around the world. We think a formulation that uses both intersex and VSC would be ideal and inclusive if possible.

Secondly, intersex/VSC equality advocates have a concern about definitions that are relative to the person's own "sex at birth" because that could lead to confusion with trans people, and avoiding that common confusion is very important.

The usual definition is in terms of being born with biological sex characteristics that differ from those typically associated with either the male or the female sex.

The words “born with” are crucial, because otherwise the definition catches people whose sex characteristics have been altered, eg by hormone or surgical treatment, since birth, including many trans people and others.

We’re not quite sure why “physical” is needed as well as “biological” but would not object to its inclusion.

So therefore we would propose something like:

... was born with biological sex characteristics that differ from those typically associated with the male sex and from those typically associated with the female sex.

That’s slightly wordy, but I think there might be a potential problem with the shorter:

... was born with biological sex characteristics that differ from those typically associated with either the male or female sex.

because it might inadvertently not cover a person whose sex characteristics are a mix of those typically associated with male and female sexes.

[REDACTED]

I hope that is helpful – we’d be happy to discuss it further.

All the best,

Tim

Tim Hopkins (he/him)
Director



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From: [REDACTED]

Sent: 18 February 2020 13:35

To: Tim Hopkins <Tim@equality-network.org>; [REDACTED]

Subject: Hate Crime Bill - Gender/Sex

Importance: High

Hi both

Do either or one of you have time for a quick chat this afternoon?

Thanks

[REDACTED]

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[REDACTED]

