

Impact of proposed legislation based on self-declared gender identity

Gender and sex are two different things and should not be conflated.

"Sex" refers to the biological and physiological characteristics that define men and women.

"Gender" refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.

Human beings are a sexually dimorphic species, ie. there are two distinct sexes, Female and Male. Under 1% of people are born with a biological 'intersex' condition, caused by one of several genetic disorders. Intersex people are a distinct group and should not be conflated with 'transgender.' Human brains are not 100% sexually dimorphic, ie. there is no distinct Male and Female brain with 'opposite' characteristics.

'Sex' is an objectively factual distinction between men and women, with recognised characteristics. It is important for several reasons:

- The root of female oppression is biology: women's reproductive systems are controlled through legislation; the sex industry is built on the sale of women's bodies; sexual violence is enacted on women's bodies because of their sex, not their identity; child-rearing and care work are designated 'women's work' because of female biology, not identity.
- Women's distinct health needs have historically been neglected as research is based on the male body. Women need to have the words to talk about female bodies and specifically female health and reproductive issues without couching their language in 'gender neutral' terms to save the feelings of others or align with someone else's agenda.
- Male violence, including sexual violence and harassment, is the number one risk to female health, advancement and life. Females have a right to be safe from male violence and therefore a right to single-sex facilities and services which exclude males, no matter how they identify.
- Failing to recognise biological sex has health implications for all: male and female bodies react differently to medication; serious conditions may be mis-diagnosed without knowledge of biological sex and family history; many conditions present different symptoms depending on biological sex.

'Gender' is an abstract idea of 'masculinity' and 'femininity' which changes according to historical era and from culture to culture. 'Gender identity' fails women and girls as the distinction between men and women for the following reasons:

- The idea that 'gender' is an identity rather than a socially-enforced phenomenon suggests that women identify with their oppression; women 'identify' as the inferior sex; they are 'naturally' suited to unpaid care-work and unsuited to positions of power within society.
- 'Innate gender identity' reinforces the myth of 'pink' and 'blue' brains and therefore the gender stereotypes that hold back and disadvantage girls.
- Acceptance of innate gender identity absolves us from the task of objective and sociological analysis of the harms of 'gender' on both boys and girls, but particularly girls.
- The idea of innate gender identity enables us to define boys as girls and girls as boys and set children off on a path of invasive sex-change medication with some irreversible effects such as sterilisation, and a lifelong dependency on synthetic hormones, with no knowledge of the long-term effects on health.
- As an internally held self-definition, gender identity is unfalsifiable and unknowable by others, putting women and girls at risk of deception by predatory males.
- If gender identity is the recognised legal distinction between men and women, biological sex is erased, along with the protected characteristic 'sex'. 'Male' and 'female' would no longer have legal meaning. This means there is effectively no way to distinguish between men and women, as gender identity is a subjective personal feeling with no recognisable characteristics.
- Women and girls cannot 'identify' their way out of oppression. A girl who identifies as a boy may still be raped, because she is female.

The legal validation of the concept of gender identity based on self-declaration only will change society to the disadvantage of women and girls as well as children, as we are already seeing in the following areas:

1. The pressure on parents to accept a trans diagnosis for a gender non-conforming child, based on gender stereotypes of clothing and toy preferences; or in the case of teenagers, to give in to the social media contagion to which they might be susceptible. The loss of protection for children and adolescents whose immature and developing identities will be affirmed without exploration because of the legal status of a personally-held 'gender identity.'
2. The threat to current sex-based rights and protections, which keep males and females segregated in public places where women and girls might be physically vulnerable. These include single-sex facilities and services such as toilets, changing rooms, rape crisis centres, women's refuges, hospital wards and prisons.
3. The inclusion of male-bodied, male-socialised and advantaged people, into areas of success and achievement where women currently have their own space in order to make competition fair or to level the playing field with men. These include women-only sports, prizes and awards, shortlists and quotas.

4. The negative effect on the lesbian community of the pressure on young women to identify as 'straight' trans men rather than as lesbian. There is also pressure and coercion to accept male-bodied self-identified 'lesbians' as sexual partners or be accused of 'transphobia.'
5. The skewing of national crime statistics recorded by gender identity rather than sex, due to the higher rate of offending by male transgender people as opposed to women, with possible knock-on effects on funding for women's services.
6. The effect on the 'trans widows' of men who transition in middle age. There is nowhere for these women to turn: all the help and support is directed towards the 'trans' person.
7. The changing of language pertinent to women and girls in order to make it more trans-inclusive, thereby making 'women's issues' impossible to talk about. This includes the use of such terms as 'pregnant people' by health providers and 'menstruators' by the BBC.
8. A whole new arena of bullying, intimidation and silencing of women who exercise their right to talk about female biological sex: including no-platforming, censoring of women's writing and online threats of rape with a 'lady penis' and new words to insult women: 'cis-scum' and TERF, a slur which stands for Trans Exclusionary Radical Feminist and is commonly used in the phrases "Die in a fire TERF" and "Kill all TERFS."