

Statement from Women and Girls in Scotland

Sent: 24/05/2022

WGiS is a working-class led women's organisation and has been active for over four years, gathering information and producing research and other resources addressing the potential impact on women and girls of changes to policies and the law that replace sex with how a person identifies. This is not our sole focus but it is our main focus. We believe replacing sex with gender identity in law, policy and practice poses a significant risk to women and girls, including as regards their ability to fully and equally participate in society, and that it is minorities, survivors and working-class women who stand to face the most detriment where single-sex provisions are lost, such as in prisons and services for survivors of sexual violence.

We produced a report on how some, we believe many, women will self-exclude, and are already self-excluding, from spaces and services if they are not sure they are really single sex/know that they aren't. This report also covered the experiences of detriment faced by women who are self-excluding. The Scottish government knows about this report. But it has chosen to ignore it when it has assessed the possible impact of its policies on women, and has not been able to explain why – indeed we are still waiting for an explanation regarding this and also why the government has decided to ignore self-exclusion as an issue at all (which we have also highlighted constitutes a failure to uphold the Public Sector Equality Duty).

We are concerned that information that should have been available and part of this evidence gathering stage, and the overall parliamentary process, may not be available to be understood and scrutinised till it is far too late.

We have been trying since 2018 to get the government to share all the material sent in to its first consultation. After it refused to publish individual responses to the first consultation, we asked for guarantees that it would make all the responses to the second consultation available. We were given those. We therefore encouraged individual women to respond using detailed examples of why they were worried about what was being planned. We did that because at least we thought those responses would help build an evidence base everyone could make use of, not just the government.

But these responses have not been published. We have challenged that, as the reason initially given was based on what we consider to be a falsehood (and have evidenced as such) and we are still waiting on a response to this challenge, as well to our other questions (many going well back into last year) relating to the impact of the GRC on the operation of single-sex provisions, and failures in regard to the EQIA and the PSED. What we have faced in the process of trying to have our questions answered by this government can only be described as contempt: we have been given misleading information and our questions have gone unanswered, despite the pertinence of those questions to what is happening in the parliament, now, and the impact of failing to answer. We are still in a stage two complaints process with the Scottish Government at this time, and are not in a position to take our concerns forward until this is resolved and also other questions asked months ago, are answered/resolved (which may also entail a complaint process).

WGiS will continue to try to get answers to our questions, and as soon as we do we will contact the committee (and others as appropriate). We are very sorry to say we have none yet. The government has done everything it can to complicate this process for us. If/when we finally do get the answers/clarity we are seeking, it may well be too late to impact the Bill. This process is too rushed, and it has become unfit for purpose and exclusionary as a result.

The Jimmy Reid Foundation found that working class people are nearly completely absent from the parliamentary process, and that the make-up of those being able to influence policy does not even nearly reflect the socio-economic make-up of Scotland. Our experience of trying to be included in this process and to make it possible for women like us to have a voice is just more proof of that.

We have repeatedly told the government that any proposals that impact single-sex spaces would disproportionately impact working-class women, as well as minorities and survivors of sexual violence. We are telling you that now, too.