

**CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE**

**CENSUS (AMENDMENT) (SCOTLAND) BILL**

**SUBMISSION FROM JENNIE KERMODE**

As someone who has worked extensively in the field of transgender issues, I am writing to urge you to abide by the recommendations of National Records Scotland in relation to the question about trans status and by the approach you took in 2011 in relation to the compulsory question on sex, in developing the next Scottish census.

As I'm sure you understand, it is becoming ever more important to have access to reliable statistics on the size of the trans population. This will enable better planning in health and care provision, social services, education and other areas of public policy. Naturally the reliability of this information will very depending on the extent to which individuals filling out the survey feel confident that their responses will not be seen by potentially hostile household members, but the census nevertheless has the potential to provide considerably better working data than has previously been available.

When it comes to the question about sex, it is important that individuals are able to answer in accordance with their identity, which is consistent with best practice across service provision in Scotland since 2010. This applies both to those who provide a binary (male or female) response and to those who mark the 'other' box that has been proposed. As a non-binary and intersex person, I would feel that I was lying if forced to mark one of the other boxes. The reality is that there is no medical or scientific consensus as to what constitutes sex (the closest thing we get is the notion that in a sexually dimorphic species individuals producing comparatively larger gametes should be labelled female; a significant proportion of humans do not produce gametes at all and a few produce more than one type). Given this, it is logical to take the internal sense of gender into account, but as this does not usually develop until somewhere between the ages of three and seven, it obviously cannot be established at birth. Assigned sex merely operates on a best guess basis.

Collecting sex data in the census allows us to ensure that there is adequate service provision for people in each category. As service provision is available on the basis of gender identity, as per the terms of the Equality Act, it is appropriate that this should be what the census focuses on. I understand that concerns have been raised about women somehow being less visible as a result of the focus on identity and this leading to inadequacy in the provision of services specifically needed by women. This is a misleading contention. Health services can be delivered more accurately when the existence of trans people is acknowledged. Services aimed at protecting women from sexual harassment and violence need to take into account the fact that non-binary people and trans men also face an elevated risk of being victims of crimes of this type.

To claim that there is a clash between trans people's rights and those of non-trans women and girls is to misinterpret the way that human rights work. Furthermore, it is highly

problematic that such a clash is frequently posited in the absence of any specific supporting evidence. I urge the committee to take an evidence-based approach to this issue, and to begin by ensuring that comprehensive data is collected.

I am Chair of Trans Media Watch, a charity which works with the media to promote representations of trans and intersex people that are accurate, dignified and respectful; I am a member of the Scottish Transgender Alliance, the Scottish Intersex Forum and the Equality Network, and recently served on the First Minister's Advisory Group on Human Rights; I am the author of 'Transgender Employees in the Workplace: a Guide for Employers' and the forthcoming 'Supporting Transgender and Non-Binary People with Disabilities or Illnesses'; I researched and wrote a thesis on how police officers in Scotland perceive and understand trans people, and I have provided training on trans issues to the Scottish Prison Service.

If I can provide any further assistance, I am at your disposal.