

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE

CENSUS (AMENDMENT) (SCOTLAND) BILL

SUBMISSION FROM ANONYMOUS

Firstly, I feel the need to point out to you that gender identity is not a protected characteristic in the Equality Act 2010, despite what your Census report says. Gender reassignment is a protected characteristic; gender identity is not. The W&E Committee may have asked for it to have been made a protected characteristic, however the UK Government turned down this request.

On to the questions and proposed changes. Before you begin to attempt to enshrine this in law do you not think you should be clear on what questions you are going to ask and how you define sex and gender identity? Sex and gender identity are not the same thing. Sex should be defined straightforwardly, as it is in the Equality Act 2010 - biological and legal sex. One may identify with a gender; however, one cannot self-identify one's sex. Sex is immutable; it is wrong to conflate the two. It is bad enough that sex and gender are conflated much of the time, but to conflate sex with gender *identity* is alarming.

The definition of sex is important as the female sex is oppressed due to her biology and requires sex-based protections and rights that men and trans women (biological males) do not.

If you seek to collate Census data on gender identity that seems like a reasonable thing to do, however may I suggest you cover it in a separate question? Most respondents understand that a sex question refers to their biological sex, a gender question refers to how they identify. I think it would be far more useful to collate both pieces of information separately to understand how many transgender people we have in Scotland and what their responses tell us about them.

If you simply change sex to gender identity, then you are going to have the responses of males identifying with women assumed to have come from women when they haven't. I.e. you will not understand your trans population at all. Natal women and trans women are not the same and have very different lived experiences, challenges etc. The same would apply to natal men and trans men.

If you play your part in eradicating the female sex class politically and legally you are negatively impacting the human rights of, and services delivered to, females across the country. You will also be doing the same to trans people as their responses will be swallowed into the male/female categories when their needs and the needs of the services the government delivers to them are quite distinct.

Essentially, this would result in inaccurate segmentation analysis and poorly targeted policy and public service-delivery.