

**CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE**  
**CENSUS (AMENDMENT) (SCOTLAND) BILL**  
**SUBMISSION FROM ELIZABETH MCCLURE**

My submission to the proposed new census.

[http://www.parliament.scot/S5\\_Bills/CensusScotlandBill/SPBill40DPMS052018.pdf](http://www.parliament.scot/S5_Bills/CensusScotlandBill/SPBill40DPMS052018.pdf)

'1 Particulars about gender identity and sexual orientation may be gathered in census

1. The Census Act 1920 is amended as follows.

5 (2) In the schedule (matters in respect of which particulars may be required)

— (a) in paragraph 1, after “sex” insert “(including gender)

*Sex and gender are not interchangeable.*

*Sex is binary. Gender is not*

[http://www.parliament.scot/S5\\_Bills/CensusScotlandBill/SPBill40PMS052018.pdf](http://www.parliament.scot/S5_Bills/CensusScotlandBill/SPBill40PMS052018.pdf)

'5. The Scottish Government regards —gender identityll as already being covered by the reference to —sexll in paragraph 1 of the schedule to the 1920 Act'

*I cannot stress enough sex and gender identity are two completely separate entities.*

*Sex is binary, gender identity is based on what?*

'The issues of sex and of gender identity are linked, especially if the sex question asked is a non-binary sex question (for example —Are you male, female, other?ll).'

*Non binary sex is an abnormality which exists in a tiny minority of people, male, female, other should be based on scientific examination as to if there is a gender dysphoria present.*

*You cannot change years of biological scientific, peer assessed descriptions of sex.*

8. Government, local authorities, health services, the education and academic communities, the third sector, commercial businesses, and others need reliable information on the number and characteristics of people and households if they are to conduct many of their activities effectively.

*This is absolutely true so that male/female ratios can be found and this also relates to pay equality. If you use 'gender identity' to replace sex you are removing the accuracy of this assessment.*

11. Extensive research and consultation has been carried out since the last census, which clearly identified a user need for data on sexual orientation and gender identity.

*I have no knowledge of this consultation were the results readily available?*

'Sex 15. There has always been a question on sex with a binary response option (male/female) included in the census. The 2011 Census recognised that society's understanding of sex has changed and guidance provided explained that the question was being asked in terms of self-identified sex.'

'Looking forward to 2021, consultation has identified the need for a more inclusive approach to measuring sex. The sex question being proposed for the 2021 Census will continue to be one of self-identification and will provide non-binary response options. Importantly, the sex question proposed will not seek a declaration of biological or legal sex.'

*What evidence is there that society's understanding of sex has changed?*

*There is no such entity as self-identified sex, you are again confusing sex with gender.*

*What justification is there for dropping the biological or legal definition of sex?*

*The census can be more inclusive by adopting a question about self-identification of gender.*

*'The term —transll in the proposed question refers to a diverse range of people who find their gender identity does not fully correspond with the sex they were assigned at birth.'*

*Sex is not assigned, it is based on secondary sexual characteristics.*

The matter of —sexll included in paragraph 1 of the Schedule would be wide enough to cover the

NRS

Sexual Orientation and Gender Identity Stakeholder Meeting

### **Privacy**

There are issues around privacy and any question about the stage of transition would be considered intrusive. Some trans people find the 'sex at birth' question offensive.

### **Protected characteristic**

Sex and gender reassignment are both protected characteristics in the Equality Act 2010. The Women and Equalities Committee (UK Parliament) have requested that gender identity is the protected characteristic (rather than Gender Reassignment as at present).

### **Outputs**

How would the responses from a gender question be output? This is a technical consideration that NRS and SG statisticians will need to discuss.

### **Legal**

It was noted that the First Minister has stated that there would be legal recognition of non-binary people in this parliament. By 2021, people will be recognised as non-binary and intersex and the census should be required to acknowledge this.

particulars in respect of gender identity

*Gender identity and sex are not equable.*

'It was considered, however, that the legislation would be clearer and more accessible if a more obvious link were made between the reference to —gender identity'

*More accessible to whom, certainly not natal women.*

*Why has there been a complete exclusion of women's and children's groups?*

NRS

Sexual Orientation and Gender Identity Stakeholder Meeting

**Scotland's Census 2021 – Sexual Orientation and Gender Identity Stakeholder Meeting**

**Minutes of Meeting 24 January 2017, 14:00-16:00  
New Register House, Edinburgh**

<b>Attendees:</b>	Gordon Bryden	National Records of Scotland
	Esta Clark	National Records of Scotland
	Sarah Duncan	Scottish Government
	Karen Grieve	Scottish Government
	Tim Hopkins	Equality Network
	Jon Hunter	Scottish Government
	Hugh Kerr	Northern Ireland Statistics and Research Agency(NISRA)
	Brandi Lee Lough Dennell	LGBT Health
	Anneli Lyon	National Records of Scotland
	Cecilia Macintyre	National Records of Scotland
	Michelle Monkman	ONS
	Hannah Pearson	Equality Network
	Liam Rankin	Scottish Government
	Jamie Roberston	Scottish Government
	Catherine Somerville	Stonewall Scotland
	Simon Stockwell	Scottish Government

[http://www.parliament.scot/S5\\_Bills/CensusScotlandBill/SPBill40ENS052018.pdf](http://www.parliament.scot/S5_Bills/CensusScotlandBill/SPBill40ENS052018.pdf)

'SexII already includes the gender'

*It should not include gender.*

[http://www.parliament.scot/S5\\_Bills/CensusScotlandBill/SPBill40FMS052018.pdf](http://www.parliament.scot/S5_Bills/CensusScotlandBill/SPBill40FMS052018.pdf)

Spend type

Estimated value

Share of overall costs attributed to questions on sexual orientation and gender identity  
£340,000

Total

£386,000

*The vast majority of the money is spent on the above?*

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**6. The Schedule to the 1920 Act as amended by the Bill will expressly include gender identity as an aspect of the matter of "sex". It is intended (subject to further policy development and parliamentary consideration of the necessary**

**subordinate legislation) that the census in 2021 will include a compulsory question on sex (allowing for non-binary responses as well as the binary male and female responses used in previous censuses)**

*You are including this as a compulsory question but you have the wrong definition of sex.*

*I will not be happy answering this question since it is based on 'gender identity'.*

*Sex should have three choices, male/female/other.*

*Gender identity can be an open question.*

Provision 5, section1;

'The power is only exercisable in relation to particulars in respect of gender identity, not any other particulars which may be specified in the Order.'

*Why are you forcing people to answer a question on gender, when they disagree with the definition of gender.*

<https://sp-bpr-en-prod-cdnep.azureedge.net/published/DPLR/2018/10/31/Census--Amendment---Scotland--Bill--Stage-1/DPLRS052018R50.pdf>

'The Schedule to the 1920 Act as amended by the Bill will expressly include gender identity as an aspect of the matter of "sex"'

*Sex and gender are not interchangeable words.*

*Sex is binary, gender is not.*

'a compulsory question on sex (allowing for non-binary responses as well as the binary male and female responses used in previous censuses)'

*All scientific definitions of sex is that sex is binary, there are some sex chromosome disorders but these are not the norm.*

' The Scottish Government considers that the legislation would be clearer and more accessible if an obvious link were made between the reference to "gender identity"'

*What is meant by gender identity?*

*Women need sex segregated spaces for our safety, well-being and religious observation.*

*Confusing sex with gender orientation will remove those spaces.*