

28 September 2021

## Open Letter to the Chair of the Committee on Standards in Public Life

Dear Lord Evans,

Sex matters in many areas of life. But public institutions have adopted policies which replace clarity about the two sexes with self-identification on a spectrum of 'gender identity'. In doing this they have departed from the law. Erasing sex undermines equality, safeguarding, data collection, evidence-based policy making and the rule of law, especially the application of the Equality Act 2010.

This is happening not through democratic processes, but at the behest of lobby groups claiming to represent the interests of a transgender minority.<sup>1</sup> It is enabled by institutional capture,<sup>2</sup> the threat of being called "transphobic",<sup>3</sup> and the chilling effect of intimidation and closing down of debate.

When JK Rowling expressed her concerns in measured, careful and compassionate terms, the ferocity of the response served as a warning to others.<sup>4</sup> Ordinary people from every sphere of life face similar attacks.<sup>5</sup> They fear losing their security, their freedom to speak, their livelihoods and maybe even liberty.

As one NHS consultant said, in words that were read out in House of Lords:

"I have campaigned for equality across the board all my life and yet now I'm dismissed as a bigot and a transphobe for even trying to raise concerns at all."<sup>6</sup>

This is a situation that public bodies have walked into with the best of intentions. Roughly 250 Government departments and public bodies, including police forces, local councils and NHS trusts, are members of Stonewall's "Diversity Champions" scheme.<sup>7</sup> Others are trained by Gendered Intelligence, Mermaids, and other allied organisations. These institutions adopt a broad definition of "transphobia" and commit to an approach of "zero tolerance".

Public bodies demonstrate their allegiance through measures such as rebranding their logos with rainbows, substituting gender for the protected characteristic of sex in their equality policies and monitoring, and adopting a definition of "transphobia" that makes dissent a disciplinary matter.

We support the aims of ensuring that transgender people are not discriminated against or harassed in employment and as users of services. But the demands of these organisations go beyond that, and seek to compel acceptance of a set of beliefs about sex and gender identity; what it means to be male or female.

Individual practices are now being tested in court, and judges are expressing surprise at the lack of evidence, data and oversight underpinning them. Examples

include Keira Bell's challenge of the Tavistock Clinic's treatment of gender dysphoric children with puberty blocking drugs;<sup>8</sup> the judicial review of the accommodation of male prisoners who have obtained a "gender recognition certificate" in women's prisons;<sup>9</sup> and the judicial review of the Office of National Statistics' advising people to disregard what it says on their birth certificate when answering the sex question in the census.<sup>10</sup> Her Majesty's Passport Office has admitted that it has no record of how many people it has allowed to change the sex recorded on their passport from "M" to "F" with a simple template letter downloaded from the internet and signed by a General Practitioner.<sup>11</sup> The Equality and Human Rights Commission has been challenged for its failure to publish clear guidance on single sex services.

Legal cases are one way to bring arguments and evidence into public debate and scrutiny. But they are expensive, and these policies are pervasive; across schools, universities, the NHS, local government, regulators, the charitable sector. The dots need to be joined up. And those who are disadvantaged and put at risk when safeguarding protections are corroded, and single sex services removed or made ambiguous, are often the most vulnerable and least able to complain.

These cases have been supported by an extraordinary movement of grassroots groups, funded by thousands of people contributing small amounts of money. This mobilisation is testament to a failure of the institutions of public life to hold open space for debate and deliberation.

Recently in parliament a debate broke through the chilling effect, following the introduction of a bill on maternity leave for Ministers, which avoided using either the words "woman" or "mother". It took courage for MPs and Lords to speak up. As cross-bench Lord Baroness Tanni-Grey Thomson said

"This is a contentious issue and in this debate there will be many views... We need to be able to have an open discussion, without fear of retribution, of being cancelled or shouted down for discussing terminology or having a different view...

I thought long and hard about joining the debate today and whether I could deal with any potential backlash that may come my way for saying that the word "woman" should be in this Bill. ...Being told what my opinion should be does not encourage sharing of views and is detrimental to the long-term goal of equality."<sup>12</sup>

We urge you to read the whole of those debates, particularly those in the House of Lords on 22 and 25 February where Lords from across the house expressed grave concern about the impacts of the erasure of sex on law and policy, on freedom of speech and on public decision making and the culture of public institutions.<sup>13</sup>

This is a systemic issue, across national and local government institutions and private and voluntary institutions. Fear of speaking clearly and recognising reality makes it impossible for people to do their jobs with integrity, objectivity and accountability and to pursue equality.

The Committee on Standards in Public Life, uniquely and unquestionably, has a remit and responsibility to take this up. We urge you to speak up and to call for leaders of institutions to refocus on building cultures that enable selflessness, integrity, objectivity, accountability, openness, honesty and leadership, not identity politics. We call the Committee to open an inquiry into the political erasure of sex in the UK.

Yours sincerely

Michael Biggs, Rebecca Bull, Naomi Cunningham, Maya Forstater, Emma Hilton  
**Sex Matters Board**

**And 7893 signatories\***

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<sup>1</sup> Sex Matters Submission to the Committee on Standards in Public Life: Standards 2 Inquiry <https://sex-matters.org/wp-content/uploads/2021/02/Standards-in-public-life-29012021-1.pdf>

<sup>2</sup> Murray, Kath and Lucy Hunter Blackburn. 2019. Losing sight of women's rights: the unregulated introduction of gender self-identification as a case study of policy capture in Scotland in <https://eupublishing.com/doi/full/10.3366/scot.2019.0284>

<sup>3</sup> Transactual's definition of transphobia <https://www.transactual.org.uk/transphobia>

<sup>4</sup> Rowling, JK. 2020. J.K. Rowling Writes about Her Reasons for Speaking out on Sex and Gender Issues. 10 June 2020. <https://www.jkrowling.com/opinions/j-k-rowling-writes-about-her-reasons-for-speaking-out-on-sex-and-gender-issues/>

<sup>5</sup> <https://gender-dissidents.net/>

<sup>6</sup> Lord Hunt of Kings Heath 2:30 pm, 25th February 2021, House of Lords <https://www.theyworkforyou.com/lords/?id=2021-02-25c.926.0>

<sup>7</sup> Cunningham, N. 2021. Submission and Compliance: Risks for Stonewall Champions <https://legalfeminist.org.uk/2021/02/01/submission-and-compliance/>

<sup>8</sup> <https://www.judiciary.uk/wp-content/uploads/2020/12/Bell-v-Tavistock-Judgment.pdf>

<sup>9</sup> <https://fairplayforwomen.com/wp-content/uploads/2021/07/FDJ-v-SSJ-judgment-approved-as-handed-down-on-02.07.21-002.pdf>

<sup>10</sup> <https://www.reuters.com/article/britain-lgbt-government-idUSL8N2LF3D8>

<sup>11</sup> <https://murrayblackburnmackenzie.org/2021/02/12/ons-guidance-for-the-sex-question-in-the-2021-census-in-england-and-wales/>

<sup>12</sup> <https://www.theyworkforyou.com/lords/?id=2021-02-22c.654.0>

<sup>13</sup> <https://hansard.parliament.uk/lords/2021-02-22/debates/EF8A7974-0A9C-4F17-B9DC-B7D26E52D52F/MinisterialAndOtherMaternityAllowancesBill>

<https://hansard.parliament.uk/Lords/2021-02-25/debates/DFB70DF3-ABA0-4168-8DBF-DBDA63BA4AEE/MinisterialAndOtherMaternityAllowancesBill>

## **\* Who signed the letter**

200+ academics, including 25 Professors

150+ student, including 40 afraid to publish their name

500+ teachers, Including 100 afraid to have their name published

170 retired teachers and head teachers

235 others involved in education

75 doctors

30 psychologists

80 therapists

30 NHS managers

100 nurses

30 mental health nurses

15 midwives

10 occupational therapists

10 emergency medical workers

190 other healthcare professionals

150 retired healthcare professionals

40 social workers

175 care sector workers

50 retired social care professionals

60 civil servants

20 local councillors

80 other public servants

60 retired public servants

230 legal professionals

20 retired legal professionals

67 police officers, security, prisons, firefighters

209 campaigners and charity professionals,

50 sports and fitness professionals

200 engineers, architects and builders

200 accountants and financial managers

60 HR managers  
665 business people  
75 people n hospitality  
300 people in IT  
300 people in media and arts  
60 ministers of religion  
80 people working with environment and nature  
250 administrators  
120 in customer service  
37 in transport and logistics  
200 parents, carers  
760 retired and disabled people