

## SEX MATTERS VISITS EDINBURGH TO TALK TO SMPs – AND TO PARTY!

### For immediate release

**14th June 2023:** Human-rights organisation Sex Matters is visiting Edinburgh on 15th and 16th June 2023, to brief Scottish parliamentarians on the law regarding sex and gender on the Thursday, and to hold a party the following day celebrating Edinburgh as the location that offered the most support for our parliamentary petition to make the Equality Act clear.

**Ranking constituencies by the number of signatures as a share of population, the top five were all in Edinburgh.** In total, the petition gained nearly 110,000 signatures, and was debated in Westminster Hall on 12th June, along with a rival petition calling for the government *not* to amend the Equality Act in order to clarify the meaning of the protected characteristic of “sex”. For highlights from the speeches, read [Sex Matters’ account of the day](#), and [for the full official transcription of the debate, see Hansard](#).

The quality and range of the speeches was impressive. MPs explained how a clear definition of “sex” is essential if service-providers are to feel confident that they can offer single-sex spaces without risk of being sued – whether those spaces are everyday ones such as changing rooms and toilets, or specialist services such as rape-crisis centres and domestic-violence shelters. The same is true for governing bodies that want to exclude all male people from female sports.

The Equality Act contains provisions permitting the exclusion of people who have “acquired a gender” under the provisions of the Gender Recognition Act from spaces, services and sports for their acquired sex. But those provisions are complex, poorly understood and impractical to operate. Moreover, they do not cover schools, charities or associations, or take account of the public-sector equality duty.

As parliamentarians speaking in favour of the Sex Matters amendment explained, only complete clarity that the protected characteristic of sex really means sex – male and female – and not the possession of a government-issued piece of paper (a “gender-recognition certificate”) can ensure that the Equality Act continues to offer the same protections against sex discriminations as first introduced in the Sex Discrimination Act 1975.

### Live issue

This question of what “sex” means in the Equality Act is increasingly fraught. The Gender Recognition Reform Bill passed by the Scottish Parliament before Christmas, and stayed by Westminster in January by use of a Section 35 order under the Scotland Act, would introduce gender self-identification in Scotland. It is the subject of a legal challenge by the Scottish government.

Also in December, the issue was complicated by a Scottish court ruling in a challenge brought by campaign group For Women Scotland against the Scottish government, which had used the definition of sex as “modified by possession of a gender-recognition certificate” in a measure aimed at increasing the representation of women on public boards. (For more, read [Sex Matters’ analysis of the judgment handed down by Lady Haldane](#).) That ruling concluded that “sex” in the Equality Act means “sex as modified by a gender-recognition certificate”, but is also subject to appeal.

Against that background, Sex Matters will offer a briefing to Scottish parliamentarians, legal scholars and practising lawyers on the law concerning sex and gender. The briefing will be held in Holyrood on Thursday 16th June, at the invitation of Ash Regan SMP. Speaking are Naomi Cunningham, chair of Sex Matters, Maya Forstater, executive director of Sex Matters, and Michael Foran, lecturer in law at Glasgow University.

**Journalists who would like to receive a briefing from any of the speakers, please contact [press@sex-matters.org](mailto:press@sex-matters.org). And please let us know if you would like a complimentary subscription to the Sex Matters weekly memo on news about sex and gender, or to receive our public and press notices.**

### **Party time!**

On Friday, Sex Matters is holding a party in a central Edinburgh location to celebrate the petition reaching the 100,000 signatures that triggered a parliamentary debate. Speaking at the event will be Joanna Cherry KC, SNP MP; Marion Calder of For Women Scotland; standup comedian and physiotherapist Elaine Miller (aka Gussie Grips); and Maya Forstater of Sex Matters. Helen Joyce, director of advocacy for Sex Matters, will compère.

**Journalists who would like to receive a complimentary ticket, please contact [emma.moore@sex-matters.org](mailto:emma.moore@sex-matters.org). You will receive a QR code that you must bring with you to the venue.**

**Maya Forstater, Executive Director of Sex Matters, said:** “The strength of support in Scotland for the Sex Matters petition to make the Equality Act clear is heartening. Scotland is the part of the UK that has moved furthest towards converting the biological category of sex, meaning male and female, into a matter of paperwork. The governing coalition the SNP and Greens has made so-called gender self-identification a signature policy. And so it’s striking that Scotland, and Edinburgh in particular, is where there is most concern about any move away from biological reality in the laws that protect single-sex provision and penalise sex discrimination. This is a policy that becomes less popular as public awareness rises. Elected politicians should take notice.”

## Notes for editors:

### **About Sex Matters**

Sex Matters is a human-rights organisation co-founded in 2021 by Maya Forstater, who is its director, to campaign for sex-based rights. It lobbies for clarity on sex in law and institutions; publishes research, guidance and analysis; supports and mobilises people to speak up; and holds organisations accountable.

### **About Naomi Cunningham**

Naomi is a barrister specialising in employment and discrimination law. She was instructed in Fair Play for Women's challenge to the ONS guidance on the sex question in the 2021 census. She is part of the lawyers' collective Legal Feminist; she has written about sex and gender in sport, personal care, security staff guidance, and puberty blockers and parental consent. In February 2021 she gave evidence to the Women and Equalities Select Committee on behalf of Legal Feminist. She is chair of the Sex Matters board.

### **About Maya Forstater**

Maya Forstater is co-founder and executive director of Sex Matters. In 2019 she lost her job as a researcher with the European arm of American think-tank Center for Global Development, after tweeting and writing about sex and gender. She was the claimant in the landmark test case which established that the protected characteristic of belief in the Equality Act covers gender-critical beliefs. She writes about single-sex services at [a-question-of-consent.net](http://a-question-of-consent.net) and tweets @MForstater.

### **About Helen Joyce**

Helen Joyce is a journalist and author of *Trans: When Ideology Meets Reality*, an Amazon top ten bestseller, and *Times of London* and *Spectator* book of the year (recently reissued as *Trans: Gender Identity and the New Battle for Women's Rights*). She was a staff journalist at *The Economist* between 2005 and 2022, holding several senior positions, including International editor, Finance editor and Britain editor. She is director of advocacy for Sex Matters. Her newsletter can be found at [thehelenjoyce.com](http://thehelenjoyce.com).

### **About Michael Foran**

Michael Foran is a lecturer in public law at the University of Glasgow. He received his PhD from the University of Cambridge. His thesis *Equality Before the Law* won the prestigious Yorke Prize and will be published this year. He specialises in constitutional and equality law. His recent [article for Scottish Legal News](#) looks at the issue in light of the For Women Scotland appeal and the GRR (Scotland) Bill and s.35 order – both cases that are due to come to court.

### **About Joanna Cherry**

Joanna Cherry KC practised as an advocate at the Scottish Bar for 20 years and took silk in 2009. She has been the Scottish National Party MP for Edinburgh South West since May 2015 and was the SNP spokesperson for justice and home affairs until 2021 – when she was relegated to the backbenches for being a persistent critic of Nicola Sturgeon, particularly on gender self-ID. She now chairs Westminster’s joint committee on human rights and intends to continue her career in politics for as long as she has the support of her electorate.

### **About Marion Calder**

Marion Calder is co-director of For Women Scotland, the campaign group founded to oppose the Scottish Government’s plans to reform the Gender Recognition Act to allow for self-declaration of sex and in the process helped bring down Nicola Sturgeon. “It was Nicola’s failure to be able to say a rapist was a man that turned it in the end,” Calder told *The Times*. “If you can’t say that, why should anyone trust anything that comes out of your mouth?”

### **About Elaine Miller**

Elaine Miller is the woman who made the word “merkin” famous again. Known on Twitter as @GussieGrips – tagline “Come for the fanny, stay for the feminism” – she combined her professional knowledge as a pelvic physiotherapist with her love of stand-up comedy to write a show that tells women about the science of continence and the wonders of the pelvic floor. *Gusset Grippers* had sell-out runs and five-star reviews at the 2019 Edinburgh Fringe and then won awards in Australia too. Her message of #LaughDontLeak has reached more than 590 million people – which is just one of the reasons she was awarded a Fellowship by the Chartered Society of Physiotherapy.

**ENDS**