

ARTICLE 8 AND TOILETS

and other separate-sex facilities

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ARTICLE 8: RIGHT TO RESPECT FOR **PRIVATE AND FAMILY LIFE**

(1) Everyone has the right to respect for their private and family life, their home and their correspondence.

This includes:

- your information privacy
- your autonomy
- your bodily privacy
- your personal identity



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EVERYONE HAS THE SAME HUMAN RIGHTS

whether they are male or female, and whatever other protected characteristics they have

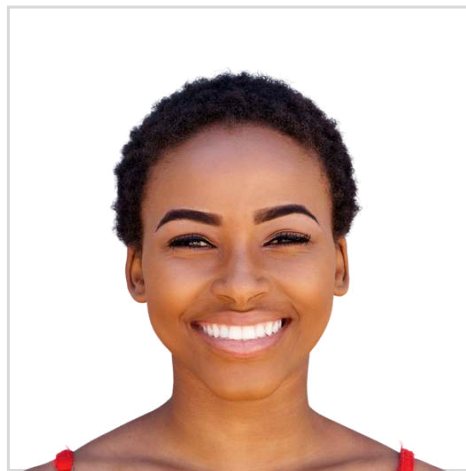
Men



Trans



Women



Bodily privacy



Autonomy



Information privacy

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ARTICLE 8 IS A QUALIFIED RIGHT

– privacy rights can be constrained by laws and rules that are proportionate

(2) There shall be no interference by a public authority with the exercise of this right except such as is **in accordance with the law** and is necessary in a democratic society

For reasons of:

- national security
- public safety or the economic well-being of the country
- prevention of disorder or crime
- the protection of health or morals
- the protection of the rights and freedoms of others.



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THE EQUALITY ACT AND OTHER LAWS PROVIDE FOR **SEPARATE-SEX** SPACES AND SERVICES



Equality Act 2010



Health and Safety at Work Act 1974

Anyone entering these premises
must comply with regulations
covered by the above act.



Providing a single-sex space requires excluding members of the opposite sex.

The sex-based **rule is lawful because it is justified** as a proportionate means to a legitimate aim.



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THE SUPREME COURT RECOGNISED THAT SEX MEANS SEX

– in other words “biological sex”

“On any view, the plain intention of these provisions is to allow for the provision of separate or single-sex services for women which exclude all (biological) men (or vice-versa).

Applying a biological meaning of sex achieves that purpose.”

UKSC For Women Scotland, paragraph 225



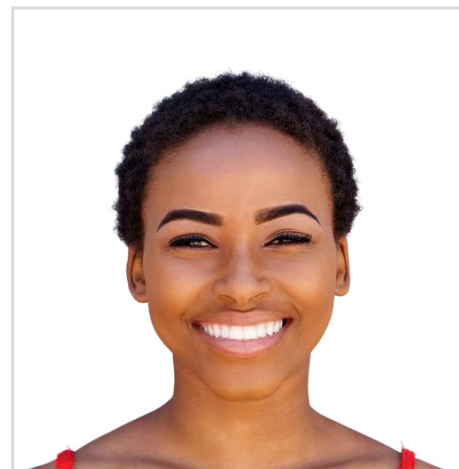
BEING TRANS DOES NOT CHANGE A PERSON'S SEX

“sex” and “gender reassignment” are two different protected characteristics

Sex: Man / male



Sex: Woman / female



Gender reassignment

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UNISEX FACILITIES INCLUDE EVERYONE, BUT ARE NOT IDEAL FOR MOST PEOPLE



Everyone has a degree of **information privacy**: no questions are asked.

But most people prefer separate-sex facilities, for **bodily privacy**.

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SINGLE-SEX SPACES ARE PREFERRED BY MOST, BUT NOT IDEAL FOR SOME



Woman



Separate-sex services provide more **bodily privacy** and comfort. Most people don't mind being clear about their sex and prefer them.



Woman
Trans



But some people are concerned about **information privacy**. They may prefer spaces where no questions are asked.

DIFFERENT SETS OF RULES MEET ARTICLE 8



Bodily privacy for everyone
Information privacy for people who don't feel comfortable about their sex



Bodily privacy for everyone
Autonomy for people who prefer separate-sex services



Bodily privacy for everyone
Autonomy for people to choose separate-sex or unisex space
Information privacy for people who don't feel comfortable about their sex

THE EQUALITY ACT RESOLVES CONFLICTING RIGHTS

recognising that women and men (including those who are trans) are different groups

Woman



Bodily privacy
Autonomy



Man
Trans



Information privacy
Autonomy

There is no positive obligation for the state to force, trick or pressure people to share a “single-sex” space with individuals of the opposite sex.

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FORESEEABLE RULES PROTECT EVERYONE'S RIGHTS

because everyone needs to know what to expect and how to comply with rules



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