

Crime and Policing Bill: combatting exposure and the importance of single-sex spaces

Briefing for peers, 15th October 2025

Clause 85 of the Crime and Policing Bill amends the **exposure offence** at section 66 of the Sexual Offences Act 2003 to capture a broader range of intention on the part of offenders, including those who expose their genitals with the intent to cause the victim “**humiliation**”, or for the purpose of obtaining sexual gratification, while being **reckless** as to whether the person who sees their genitals will be caused alarm, distress or humiliation.

Sex Matters welcomes this clause recognising important features of this criminal behaviour, which are often opportunistic and which result in humiliation for victims.

Exposure, voyeurism and non-consensual touching are **predominantly male crimes**, and the victims tend to be women and girls. They may be committed opportunistically and under the cover of plausible

deniability such as by a toilet door swinging open or a man leaving his trousers undone “by accident” and allowing them to fall open, or groping in a confined space.

Victims of these crimes may suffer a long-term impact on their wellbeing including trauma and feelings of isolation and shame. Victims may find it difficult to feel confident in public places.

As well as being a crime, exposure and voyeurism are also **harassment related to the protected characteristic of sex or sexual harassment** under the Equality Act 2010 if the conduct takes place at work or within a service such as a gym, pub, youth hostel or hospital. Section 26 of the Equality Act defines harassment as unwanted conduct related to a relevant protected characteristic, that has the **purpose or effect** of violating a person’s dignity, or creating an **intimidating, hostile, degrading, humiliating or offensive** environment for them.

As the Supreme Court has recently ruled in the case of *For Women Scotland v Scottish Ministers*, the meanings of “man” and “woman” in the Equality Act are clear:

“The words ‘sex’, ‘woman’ and ‘man’ in sections 11 and 212(1) [of the Equality Act] **mean (and were always intended to mean) biological sex, biological woman and biological man.**”¹

Thus, a man who identifies as a “transwoman” and seeks to “live as a woman” (for example by wearing female clothing or adopting a female name) remains a man in terms of both biology and the law. The Equality Act does not provide the right to use opposite-sex facilities.

The threat of exposure to male genitals is likely to be enough to create an intimidating and hostile environment for women.

The Supreme Court recognised that the biological sex of a transgender person is “**likely to be readily identifiable**”. Men who identify as “transwomen” (the majority of whom do not have genital surgery, and are not required to) are just as likely to cause humiliation, alarm and distress to women if their genitals are exposed to women as any other man.

The Supreme Court also recognised that one of the reasons for separate-sex services in situations such

¹ *For Women Scotland v The Scottish Ministers* [2025] UKSC 16.

as toilets, changing rooms, showers and sleeping accommodation is to protect the **privacy and dignity** of women and men.

Yet many organisations are continuing to resist providing clear sex spaces following the judgment, and exposing women to risk of harassment and exposure:

- **The City of London** has maintained its practice of allowing fully intact males to shower naked in the communal women's showers at Kenwood Ladies' Pond on the basis that "trans women are women" following the Supreme Court judgement. This is being challenged in a judicial review by Sex Matters.
- **The Society of Friends (Quakers)**, which runs the large Friends House conference centre in London, has rejected calls to provide single-sex toilets but instead says that its toilets (including urinals) are not single-sex spaces but are "trans inclusive". In response to concerns from women, the leadership responded that "referring to trans women as men is transphobia".²

² Quakers in Britain (2025). [Letter to Sex Matters re statement of policy on provision of trans-inclusive facilities, 16th July 2025.](#)

- **NHS England** has not yet revised its “Annex B” policy which allows men who identify as women or non-binary to be housed in female-only accommodation under the single-sex wards policy.³
- **Several trans-identifying male prisoners** continue to be housed in the female estate in both England and Scotland. Some of these prisoners have been known to expose themselves to women.
- **The National Police Chiefs’ Council** recently issued new guidance that police forces should aim to provide female officers to strip-search any male detainee who identifies as transgender and requests to be searched by a female officer. This includes looking closely at the genitals of men, some of whom are being questioned about sex offences, including child sexual offences.

The evidential hurdle for a criminal conviction of exposure is necessarily high. But everyone should be expected to respect clear and simple rules that exclude all men (whatever their gender identity) from women’s spaces. This protects women from accidental, opportunistic, reckless or intentional exposure to male genitals and protects people with

³ Sex Matters (2021). *Reviewing Annex B.*

transgender identities from being accused of a crime or of harassment.

These expectations should now be clear. It is not “transphobia” or a breach of human rights to say that everyone should respect the rules about single sex spaces which are provided for **privacy and dignity**.

Thousands of women have written to Sex Matters telling us how much they fear voyeurism and exposure in mixed sex spaces, and spaces where “women” is interpreted as meaning anyone who identifies as a woman.⁴

“I am now more wary when entering toilets as I know there could be males there. I worry for my daughter as I know there is now an increased risk of sexual assault and hidden cameras in toilets, with the push for males to be allowed to use female facilities if they wish.”
Female, Scotland, 35–44

“My local gyms allow men to self-identify into the women’s changing rooms if they wish to. It’s terrifying.” *Female, England, 55–64*

⁴ Sex Matters (2022). ‘Why do single-sex services matter?’.

“My 14 year old daughter is made to change in open changing room with a boy who says he is a girl. He is on the netball team. Two boys are using the girls’ toilets in her year group. They no longer have single sex spaces.” *Female, England, 45–54*

“I have encountered a man of about 23 wearing a swimsuit at our gym in the women’s changing room. I complained to management. He was clearly a man. He was over 6 ft tall with male genitals.” *Female, England, 45–54*

“I was a regular gym goer but cancelled my membership after my gym decided to allow access on a self ID basis. I had often been in the changing rooms alone in quieter times and no longer felt safe knowing that no one would be alerted by a male entering.” *Female, England, 35–44*

“I first experienced this in a changing room, a male was undressing, all the women in the changing room left because everyone was so uncomfortable, it was genuinely scary for everyone.” *Female, England, 25–34*

“I froze my membership of the local swimming pool after a trans identifying male was in the women’s changing rooms two weeks running. The second week he got changed outside the cubicles and was standing facing me when I came out of the shower. I didn’t look at him but I have never gone back.” *Female, Scotland, 55–64*

“A man who is still bodily a man should not be allowed in female only areas – no matter how he identifies – if he still has a penis.” *Female, England, 65 and over*

“There was a male (intact, fully developed) who wore his hair long and wore nail polish using the female changing rooms at the gym. He was just there because he could be... On multiple occasions this man sat fully naked in the changing room and watched the other women change. Every other woman did everything they could to stay covered in a space that was once open and friendly. I no longer go to the gym and am lucky enough to be able to exercise at home.” *Female, England, 35–44*

“I worked at a helpline for men & women suffering DV – a male colleague decided to ‘identify’ as a woman, and started going into the female toilets, and just sitting in a stall and listening and spying on the women, and I suspect, masturbating, so I left that job, I was very scared by him.” *Female, England, 65 and over*

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