PROTECTING THE RIGHTS OF WOMEN & CHILDREN

19 November 2026

Katie Hagmann MSP
Convener
and Members of the Equalities, Human Rights and Civil Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP

By email: ehrcj.committee@parliament.scot

Dear Convener and Members,

Submission of Lived Experiences – Implementation of the EHRC Revised Code of Practice

I write further to the oral evidence given by myself, Mary Howden of Women's Rights Network Scotland (WRN Scotland), on 12 November 2026, as part of the Committee's inquiry into the implementation of the Equality and Human Rights Commission's (EHRC) revised Code of Practice for Services, Public Functions and Associations.

During the evidence session, the Committee indicated that further lived experiences could be submitted to illustrate the practical impacts of how the law and the Code are (or are not) being applied. We are grateful for that opportunity and now enclose anonymised accounts from women and girls across Scotland.

These testimonies demonstrate the real and ongoing harms arising from the failure of many service providers, schools, healthcare settings, leisure facilities, retailers and care providers to implement the law as clarified by the Supreme Court in *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16, and as set out in the EHRC's updated Code of Practice which came into force on 5 August 2026. The Code confirms that, for the purposes of the Equality Act 2010, sex means biological sex, and that the provision of single-sex services remains lawful where it is a proportionate means of achieving a legitimate aim.

Despite this clarity, many organisations continue to operate on the basis of self-identified gender rather than sex. The consequences for women and girls include loss of privacy, dignity and safety; self-exclusion from essential services and exercise; bullying and social isolation (particularly of children and autistic girls); and, in some cases, the re-traumatisation of survivors of male violence.

All evidence and research show that women are at much greater risk of sexual assault than men. Repeated studies show 95% of sexual assaults are perpetrated by men. And it can happen anywhere. One of our members reported how she had even

been sexually assaulted in broad daylight, on a bus in Edinburgh. Women and girls are at risk of sexual assault anywhere. If it can happen on a bus, it can certainly happen in more intimate spaces. These are not hypothetical concerns; they are the daily experiences of ordinary women and girls.

Lived Experiences

The following accounts are presented largely in the words of the women and girls concerned. Minor edits have been made solely for clarity and to remove repetition.

1. **Healthcare settings**
    a) “My 76-year-old husband was asked if he was pregnant before going for heart surgery. This was extremely distressing prior to such a big operation. If they thought he could be pregnant it made me unsure they could do their job properly and increased my anxiety.”
    b) “I am a survivor of horrific domestic abuse. I had to run away from my home and family. I am terrified to be trapped in the same space as men. You are vulnerable at that moment. I work hard not to have males in my space and it terrifies me. I did wake up next to a man after my operation in hospital. It made me relive my trauma.”
2. **Schools and children**
    c) “My daughter and son do not like using the gender-neutral toilets at school and choose to go to the local supermarket. This concerns me because a girl was sexually assaulted in the supermarket toilets. I’m scared this will happen to my daughter.”
    d) “My daughter has been bullied by boys in the school toilets during her period and she is struggling to go to school. She is missing out on important schooling.”
    e) “My son becomes anxious when I need to use public toilets while we are out. He worries that a man may be inside and that I would not be safe on my own. As a result, he prefers that I avoid using them, which is not always possible and therefore heightens his anxiety.”
    f) “My daughter was subjected to prolonged bullying, both in person and online. In the eyes of those bullying her, her “crime” was that she believes sex is real and that boys should not share toilets or changing facilities with girls. She was excluded from social gatherings both inside and outside school. Nor did the bullying stop when she came home. The messages, name-calling and abuse continued through text messages and social media. She was called all sorts of names and accused of deliberately and intentionally causing harm or “violence” towards peers who identified as the opposite sex or as non-binary.”
    g) “My daughter refuses to use public toilets or changing rooms because she is afraid there may be a male present when she enters. She has a fear of males stemming from a previous trauma, and hearing a man in these spaces would cause her extreme distress. As a result, she avoids using them altogether. This has led to recurring urinary tract infections, as she delays going to the toilet until she is home.”

h) “There is an additional and extremely important aspect to this. My daughter is autistic. Autism comes with its own challenges, and in her case those challenges included difficulties around language and pronouns. Instead of those difficulties being understood and accommodated, she was subjected to further criticism and bullying when she got pronouns wrong. Her ASD should not have made her an easier target. Nor should she have been expected to overcome difficulties arising from her autism simply to avoid upsetting other pupils.”

i) “What I find particularly troubling is that the school appeared very focused on accommodating and protecting the feelings and identities of some pupils, while apparently giving insufficient consideration to my daughter’s own needs and protections as an autistic child. I raised my concerns with teachers on numerous occasions. I was repeatedly told that the school was “inclusive” and that “everyone had to be kind.” My question is: where was the inclusion and kindness for my daughter? At one point, I was told that a teacher intended to meet with her to explain that when we have “harmful opinions”, we should learn to keep those opinions in our heads rather than vocalise them. I found this deeply concerning. Is saying that a person cannot change sex a “harmful opinion”? Is a girl saying that she does not believe boys should use the girls’ toilets or changing rooms expressing a “harmful opinion”? That meeting did not ultimately go ahead after I challenged the school. As I pointed out to the school on more than one occasion, I felt that the way the situation had been handled had created an emboldened group of children who believed they had free rein to treat others badly, without meaningful challenge or repercussions, provided their actions were presented as defending inclusion.”

j) “I also questioned where the boundaries of “affirmation” lay. Would the school affirm a pupil with an eating disorder in a belief that she was overweight? Would it encourage other pupils to agree with that belief? Would it affirm or encourage self-harming behaviour? My point was not to equate these circumstances, but to question the notion that affirmation, without room for questions or disagreement, must always be the appropriate response.”

3. **Retail changing rooms and fitting services**

k) “I won’t use changing rooms in clothing stores or bra fitting services as a lot of these stores (M&S, Bravissimo) are not single-sex changing rooms/fitting services. I don’t want to be worried a man is trying to see into the changing area while I undress or have a bra fitting. I also worry that there may be males in there who could be recording on mobile phones so I just won’t use them.”

l) “I went with my 8 months pregnant daughter to buy nursing bras in M&S. Online they say they have male and female changing rooms. But they don’t, they have ‘fitting rooms’. The bra fitter was coming in and out of the changing cubicle to see what was best for my daughter. That meant the door (not floor to ceiling) was being opened and closed quite frequently. There were men moving around the area outside the individual cubicles and could easily see into each cubicle when the door was opened.”

m) “Another WRN member and I were in another M&S and asked a sales assistant in lingerie whether men were able to use the ‘fitting rooms’ in the area. She said they used the fitting room in menswear. We asked about men who identified as women and she said it was the law to allow them to use the so-called women’s changing rooms. We challenged her and she was adamant it was lawful and she’d received the training that told her so.”

4. **Leisure centres, swimming and gyms**

n) “I used to go to a women-only swim session at my local pool. This was my only form of exercise and I loved it. Then the rules changed and they let a man come to the swimming session. My religion meant I couldn’t go swimming with men so I self-excluded. My much-needed exercise is no longer available to me.”

o) “I had to cancel my membership at a hotel leisure club where I had use of a pool and gym. I asked them for assurance that their changing room was single sex and they told me members and guests could choose the changing facility that best aligned with their gender identity. This was a largely open changing area with only flimsy curtains on the showers. There was a very obvious TiM on the staff (who get automatic membership as a perk of employment) so it wasn’t hypothetical. This was in Oct-Nov 2025 after the FWS judgment. When I pointed out that their policy was unlawful and cited the judgment, they said they were waiting for the EHRC guidance. I sought legal advice but a Letter Before Action was going to cost £1800. I applied to the JKR fund but was unsuccessful so I cancelled my membership. There is no similar facility in the area – the next nearest was 10 miles away.”

p) “I was also aware that at another local gym (with no pool), an obvious male wearing skintight leggings had been seen entering the women’s changing room. Many women self-exclude as a result of these policies and face a real impact on their physical and mental health as a result. We are shrinking women’s lives to accommodate male fetishes.”

q) “I swim at a local hotel where I have a membership. Swimming is important for my mental health. I have depression and anxiety. I recently encountered a man in a bikini in the changing room. It is a communal space with only two lockable cubicles, none of which were available. I was in a state of undress putting my underwear on. I became increasingly anxious, dressed quickly and left. I felt too worried to speak to him about it as he was much bigger than me. I also felt too anxious to speak to the manager.”

5. **Autistic women’s support group**

r) “I have autism and there are few support groups for autistic adults. I have experience of being in a government-funded support group for autistic women. It is primarily online, but they also provide meet-ups and workshops. A trans woman joined the group and was extremely misogynistic. He constantly complained about “cisgender neurotypical women” and how they were jealous of him. Autistic people are over-represented in the trans community, which isn’t a surprise given how alien we feel to non-autistic people. On the other hand, honesty is important to

autistic people. Why am I expected to look at someone who is obviously a man and pretend he is a woman? Why should I pretend that his experience is anything like mine? I don't feel comfortable calling him out on his misogyny. How many other women felt the same way?"

s) "Autism presents differently in boys and girls, with the former receiving a diagnosis far sooner than the latter. How can a TiM know what life is like as an autistic girl? Autistic boys are louder and more aggressive than autistic girls. Their behaviour is excused because they are boys, whereas girls are disciplined for behaving the same way."

6. **Workplace**

t) "The toilets at employers were made mixed. They were single teeny-tiny cubicles with sinks – I just elected to go to a female-only one further away."

u) "I run and cycle to work and shower before starting work. My employer changed the changing area to gender neutral with no consultation or assessment of the impact this would have on female staff. It meant that I couldn't shower because the lock on the shower door didn't work. My employer refused to listen to my complaints and the union rep refused to help me."

v) "I attended a work diversity training session. I knew they were misrepresenting the law and said so. They seemed unaware of the Supreme Court ruling. After the session I was taken aside by my manager and told that I shouldn't have made that point – I was being discriminatory. I needed my job as I am the sole provider for my children. When they insisted, I redo the training I felt I had no choice but to comply."

w) "My employer disagreed with my sex realist views and constantly attempted to shut down any issue that I wanted to discuss, including conversations I had outside of the workplace that he became aware of. I felt very unsafe, unhappy, threatened and anxious. This is why I took early retirement at great cost. I couldn't tolerate it."

7. **Intimate care for elderly woman with dementia**

x) "My mother has dementia and needs full-time support. She has a brilliant care package and she is supported 4 times a day. This requires personal intimate care including washing, dressing, changing incontinence pad etc, as she is also bed bound. However recently the care company sent a man to do her personal care with a female colleague. I only found out because I visited while the care was being carried out. I was horrified as they had said that she would get female-only carers. When I asked the company, they said they could no longer guarantee a single-sex service and this was lawful. I can't change the care package and I'm so worried that I'm considering a hidden camera for her room."

8. **Rape Crisis Services**

y) "My granddaughter was sexually assaulted and was very traumatised. I tried to find her support but there were no services locally which were focused on supporting women only. She wouldn't use the service and has

struggled to cope with her trauma including sleepless nights and an unwillingness to leave the house."

Conclusion

These accounts are not exhaustive, but they are representative of the experiences being lived by our members. They demonstrate that the continued failure to implement single-sex provision on the basis of biological sex is having concrete, harmful effects on women's privacy, dignity, safety, mental and physical health, access to services, and participation in public life.

The law is clear. The EHRC Code of Practice provides practical guidance. What is now required is leadership from the Scottish Government and public bodies to ensure that the Code is implemented without further delay, so that women and girls can once again rely on single-sex spaces and services where these are justified.

We would be pleased to provide any further information the Committee may require and remain available to give additional oral evidence if helpful.

Yours sincerely,

Mary Howden
Director
Women's Rights Network
Scotland