EQUALITIES AND HUMAN RIGHTS COMMITTEE
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What are the key public policy areas where individuals and protected groups are struggling to access their rights?

I feel women and girls (that is, biological females) are increasingly finding it difficult to access single-sex spaces in recent years even though such provisions are protected under the UK Equality Act 2010.

The key areas are:

- **Women-only services** for reasons of safety, privacy, dignity as well as religious and cultural needs such as single-sex hospital wards, female professionals for healthcare procedures, domestic violence shelters, single-sex changing rooms and showers in places like swimming pools and gyms.

- **Occupational requirements** due to the sensitive nature of some roles, such as allowing only female applicants as counsellors in a rape crisis centre.

- **Competitive sports** which should include not just elite/professional levels, but also amateur and sporting leagues at schools and universities. This is to uphold fair and safe competition between the sexes and to enable women the opportunity to achieve honour and recognition for their successes.

- **Communal accommodation** when this involves shared sleeping arrangements and shared sanitary facilities in places such as women's hostels and dormitories, or in groups like Girl Guides for reasons of safety.

- **All-women shortlists** in political parties to facilitate better representation and participation of women in all levels of political engagement.

Some of these are provided by public bodies, others by charities/third sector, in addition to private organisations.

Which groups of people are most likely to be affected and why?

Women and girls disproportionately face a number of structural disadvantages due to their biological sex - their reproductive health (abortion, pregnancy, childbirth, access to menstrual products), their vulnerability to male violence (harassment, stalking, rape, domestic abuse, child sexual abuse, prostitution and sex trafficking), sexism (discouraged from certain sports, parity in professional and academic fields) to name a few examples.

Yet, there are no funded third sector representation for women. Organisations such as Engender, in my view, are mixed sex due to their adoption of self-identification and gender identity instead of biological sex.
Are there public funding challenges for the third sector; if so what would be the implications for delivering equalities and human rights outcomes?

The current trend of conflating sex with gender identity and allowing males to self-identify as women has serious implications for how sex-based rights and protections can be monitored and enforced for biological women and girls.

At the moment, funding from the Scottish Government is conditional on having a transwomen-inclusive policy, which directly conflicts with and prohibits any use of single-sex exemptions as allowed under the Equality Act.

Having transwomen-inclusive policies attached to public funding means third sector organisations are tempted and incentivised to disregard and cover up complaints and concerns expressed by the women who access their services so as to preserve their income. There is growing evidence that many organisations have done partial Equality Impact Assessments or even none at all in their attempt to secure public funding. As more women become aware that men are being allowed into female only spaces, they will silently stop accessing the services that are meant for them which will only serve to further alienate and prevent women from getting the help they need.

What changes could be made to improve accountability for national priorities being delivered by the public sector in partnership with the third sector?

The condition that organisations must have transwomen-inclusive policies to be able to access public funding should be removed as soon as possible to enable organisations to invoke the single-sex exemptions of the Equality Act, if necessary.

There seems to be an imbalance in how funding is allocated, with LGBT groups receiving a large proportion, especially by spinning off multiple projects within the same organisation. Even within these organisations, there is a strong focus on the T, leaving the LBG side neglected. I have heard that Lesbian-only groups experience the least funding out of the LGBT umbrella.

There should be better allocation to ensure that funding goes to the appropriate organisation. For example, the Equality Network which is concerned with sexuality and transgender identity received considerable funding for Differences of Sex Development (Intersex). It would be better if such vital funds were allocated to a charity that is directly concerned with these medical conditions to improve visibility around how public money is being spent.

It is important that funding for advocacy organisations should be contingent on them demonstrating how they have consulted with the interest groups that they claim to represent. Many new grassroots groups such as ‘For Women Scotland’ and ‘Women & Girls in Scotland’ were formed in response to Engender, in my view, not being representative of women’s views.

There needs to be a mechanism for independent reviews across all the protected characteristics. It appears in many cases that funding and influence is given to one area with no consideration for how policies will impact on other vulnerable groups.
For example, the LGBT Youth transgender guidance for schools breached the human rights of girls¹, or changing room and toilet policies which have the effect of excluding women and religious users of its services. These are fairly major oversights that should not be happening as it undermines public trust in how money is being spent.

Third sector organisations often do not have the legal expertise and have been found to give incorrect information.

Many equality organisations provide front-line services and so should be subject to the same Public Sector Equality Duties as public bodies, including the need to conduct Equality Impact Assessments. The lack of these contributes to the failure to identify or address issues when there are competing or conflicting rights.

There seems little accountability and transparency from third sector organisations as to how public funding is being spent. The outcomes of funding should be publicly reported and organisations in receipt of public money should be subject to Freedom of Information requests.