

Lesbian Persistence

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Alex Cole-Hamilton
Leader of the Scottish Liberal Democrats
Scottish Parliament
Edinburgh EH99 1SP
By email to: Alex.Cole-Hamilton.msp@parliament.scot

Dear Mr Cole-Hamilton

Lesbian Rights

We are writing to ask you to commit the Liberal Democrats to ensuring that the Supreme Court Ruling in *For Women Scotland vs the Scottish Ministers* is implemented in full, and speedily, now that the new session of parliament has started. The election provides an opportunity for a reset, after the hesitation and avoidance that we saw during the last parliament. It is also timely with the publication of the much-delayed EHRC Code of Practice due to be published this week.

Lesbian Persistence is a Scottish voluntary association with members across Scotland. We work to raise the profile of lesbians, socially, politically and culturally. We understand lesbians to be same-sex attracted biological women, as did the Supreme Court in *For Women Scotland*. The lesbian interveners' argument is widely believed to have had a significant impact on that final ruling. Lesbians are uniquely affected by having men in our spaces. Heterosexual women's need for single-sex spaces is largely dependent on the situation – using a changing room, or being in hospital for example. Our need for lesbian space, however, is foundational to our existence as lesbians. It pervades every aspect of our lives, from our social and dating circles to our need for sexual violence support. In recent years we have lost almost all of our cultural and social spaces and activities as they have been invaded by heterosexual men claiming to be lesbians.

So, for lesbians, implementation of FWS cannot come a moment too soon. Full implementation means all public bodies, employers and service providers must clearly distinguish between biological males and females whenever sex is relevant, and amend policies and practices as necessary to ensure compliance.

As a minimum this must include

- the reinstatement of single-sex spaces where required – hospitals and changing rooms etc, and of course the removal of all men from women’s prisons;
- the withdrawal and rewriting of all policies and guidance, including in the NHS and schools, that suggest it is possible for someone to be the opposite sex, or that self-ID has any legal validity;
- the reinstatement of single-sex sports and leisure activities, clubs and competitions at all levels;
- the proper use of the single-sex exceptions in the Equality Act and
- the accurate collection of sex-disaggregated data. On which point we are extremely concerned to note that the Parliament currently wrongly lists a male MSP as a “woman”.

It is extremely concerning that the Liberal Democrats appear to be standing in the way of implementation. Whilst it is open to you to argue for a change in the law, until such time as that happens you are bound to implement the law as it currently is. As parliamentarians we have a reasonable expectation that you will respect the rule of law, and not act to undermine it.

Secondly, we are asking you to pay attention to lesbians’ specific needs. Historically, we have been absent from discussions concerning law, policy and practice. This is true internationally, and at UK and Scotland level. We cannot recall a single instance at Holyrood where the specific needs or experiences of lesbians were taken into account.

Lesbians are also almost completely absent from any data collection. We are subsumed within the category of “women” or “homosexuals” and, more recently “LGBT+”. But not one of these categories is able to reflect the needs or experience of lesbian women. Without data about lesbian poverty, lesbian parenting, lesbian health needs, lesbian tenure, lesbian’s experience of domestic or sexual violence, or lesbian employment it is impossible to be even *ask* if any policy will serve the needs of our community.

This was exacerbated in the last parliament as there was no Cross-Party Group representing same-sex attracted lesbians or gay men. The LGBTI+ CPG membership was very heavily weighted in favour of organisations which deny the biological reality of sex. We hope you will support a better balance if the group is reestablished.

After 27 years of the parliament in Holyrood, we would like your support in calling time on our invisibility.

We would be grateful for a response setting out what steps the Liberal Democrats will take to ensure implementation of FWS, and a commitment to take lesbian needs into account

We would be very happy to meet with you, or the appropriate member of your team, to discuss ways in which lesbians can be better represented by our elected representatives.

Best regards

A handwritten signature in black ink, appearing to read 'SW', with a horizontal line extending to the right.

Sally Wainwright