



Gender Identity Research and Education Society

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**GIRES, Molverley, The Warren
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Public Bill Committee
House of Commons
London SW1A 0AA

23 October 2007

Dear Sirs,

The Gender Identity Research and Education Society (GIRES) respectfully requests the Public Bill Committee to incorporate protection against incitement to transphobic hatred in the Criminal Justice and Immigration Bill. Moreover, it encourages the Committee to hear evidence from a representative of the transgender community who has personally experienced transphobic hatred. Professor Stephen Whittle OBE, of Manchester Metropolitan University, would be well qualified to be that representative. He can also draw on the findings of his recent survey among transgender people that was conducted as part of the Equalities Review (Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination).

Your Committee may find it helpful to consider the attached actual examples of the devastating effects that incitement to transphobic hatred can have on young as well as older transgender people. Frequently, the consequence is that they suffer vicious harassment and even violence. Too often, they attempt suicide. It is regrettable that causing suicide is not treated as equivalent to murder or manslaughter.

There are several points that we hope the Committee will take into account in making its decision:

- Being gay, lesbian or bisexual is a matter of sexual preference. That is a separate issue from gender identity. A transgender person may be sexually attracted to men, women, both or neither.
- Often, transgender people are much more visible in society than gay, lesbian or bisexual people. Consequently, they are at higher risk of being targeted
- The protection for transgender people should be widely drawn. It should not be restricted to those who intend to undergo, are undergoing or have undergone gender reassignment. It is most unlikely that the person engaging in incitement to transphobic hatred, or those who are then motivated by it, will have tried to distinguish whether or not the target or targets of that hatred do actually meet the above legal definition of a transsexual person. The resultant discrimination, harassment and violence will be just as injurious, whatever the reality of any victim's gender reassignment. GIRES recommends that the Committee accepts that all persons who are perceived to be intending to undergo, undergoing or having undergone gender reassignment are protected.

- Understandably, the Committee will wish to balance the entitlement to freedom of speech among those who wish to denigrate transgender people against the entitlement of transgender people to be protected against adverse discrimination. However, in making that comparison, the Committee may consider that the potential harm to transgender people that emanates from incitement to transphobic hatred, including injury and even death, is far more grave than their detractors experience by being silenced.

Another document that may be helpful to members of the Committee is “Transsexualism - the Inside Story: Information for MPs”. A number of MPs found this provided very helpful background during the passage of the Gender Recognition Bill. It may be downloaded from the GIRES website:

http://www.gires.org.uk/Text_Assets/Parliament_forum.pdf

GIRES will be pleased to give the Committee any further information it may require concerning this letter.

Yours sincerely,

Bernard Reed
Trustee

Copies to:

- Dileeni Daniel-Selvaratnam, Ministry of Justice
- Daksha Mistry, Home Office



Examples of Incitement to Transphobic Hatred and Its Consequences

(Real Names not Used)

1 – A mother wrote the following account of her child’s history. From the age of 2, Dennis Atkins began to show a strong preference for toys and books designed for girls. When Dennis started school, he liked it but gravitated towards the girls for making friends. Dennis told a couple of the girls that were closest to him that he wanted to be a girl, which they found odd and therefore called him names. The school staff supported Dennis as best they could. However, they didn’t understand what was happening. Dennis’s mother bought girl clothes for him to wear at home. He started at a new primary school, with a boy’s name and went into school in boy’s uniform. But he was becoming more adamant that he needed to be allowed to be a girl all the time. He began to tell the other children that he had a girl brain in a boy body. The school asked the mother to stop Dennis doing this. The mother told them that this was impossible. Over the next year Dennis grew his hair and began to wear more feminine clothes to school. He endured a lot of bullying and teasing and we went through a period when he had lots of sickness due to anxiety.

At the age of 12 years old, Dennis started senior school, looking like a girl in all aspects and adopted the name Denise. The word got around that a 'trannie' had started school, and she was subject to teasing, taunts and physical bullying. Her mother pulled her out of school after she took 2 overdoses of paracetamol to escape the situation. Following 3 months of home schooling she agreed to try school again, and over the next 6 months she progressed to the point where she was once more in full time school. The school changed her name to her girl’s name on the register and the teachers addressed her by female pronouns. She had a group of girlfriends who have known her from junior school and supported her. Nonetheless, from time to time, she still felt unable to go to school, for instance following a violent confrontation with another pupil following some unpleasant name-calling.

One day, Denise came home in a distraught state. An older boy at school shouted out insults then tried to pull her skirt down. After that, she refused to return to the school. Eventually, a place was found for her a school for children with special needs, where she is now doing well.

2 – Melissa Page aged 16, wrote “My school has been great about supporting me and many of the pupils are kind and understanding. Many, though, are ignorant and cruel and they shout out things like, ‘Girl with a cock’, ‘There’s the he/she/it’, ‘Tranny boy’, and other names. On my way to school, people shout similar comments from their cars, because of the way I look.” Subsequently, she made a serious attempt to take her own life by consuming a large quantity of paracetamol.

3 - An Employment Tribunal confirmed the following facts concerning Toni Shaw. She worked for four years, in a male gender role, as a mechanic at a theme park. Before gender confirmation surgery, she was required by the NHS Clinic that was treating her to declare her female gender identity to her employer and go to work dressed as a female. After doing so, for the next three years, she was continually subjected to cruel and humiliating harassment by the other employees, all male, with whom she worked.

In addition to verbal abuse, this included placing used tampons on her workbench, at various times, as well as a replica coffin, inscribed "RIP Toni Shaw". Her clothing was defaced with obscenities. Her tools were frequently stolen. Her car and motorcycle were sabotaged. Other employees would not work with her. Consequently, she was forced to carry out heavy manual tasks on her own. She suffered a series of disabling injuries. When she gave the employer a light duties certificate from her doctor, nothing was done about it. She complained to her managers who did not protect her. She asked in vain for a transfer.

On being told that that a sweepstake was operating, with the £100 prize going to whoever got her sacked or badly injured, she attempted suicide. After returning to work, she suffered a severe injury. She was then dismissed on medical grounds while she was on sick leave due to that injury.

Toni continues to suffer the physical and psychological consequences of her experiences at work and is now confined to a wheelchair.