

Document 1
Dated: August 2019 - December 2019

Exchange 1

From: [Redacted]@gov.scot>
Sent: 21 August 2019 17:01
To: LIBRARY <SGLibrary@gov.scot>
Subject: Library search requests _ for GRA EQIA - [Redacted] to reply. NL

Hello,

Please find attached requests for two related, but distinct, library searches.

Many thanks,
[Redacted]

[Redacted]

Scottish Government | [Redacted] | Edinburgh | EH6 6QQ
[Redacted]@gov.scot | [Redacted]

From: LIBRARY
Sent: 22 August 2019 09:28
To: [Redacted]
Cc: LIBRARY; [Redacted]; [Redacted]
Subject: Library search requests _ for GRA EQIA - Reply
Attachments: Literature_search_request_form_GRA August 2019_trans people.docx;
Literature_search_request_form_GRA August 2019_female services.docx
Follow Up Flag: Follow up
Flag Status: Completed

Hello [Redacted],

Thank you for your email. I will assign your searches to [Redacted] and [Redacted] and they will be in touch soon. I also note your completion dates as Thursday 5th September. If you have any queries with your search please do get in touch with the library.

Regards,

[Redacted]

Please take a moment to [submit feedback](#) on how we answered your enquiry. Thank you!

[Redacted] | Scottish Government Library | [Redacted] | [Redacted] | [Redacted] | Edinburgh | EH6 6QQ | Tel: [Redacted] | Fax: [Redacted] Library | [Topic Newsfeeds](#) | [Training](#) | [Blog](#) | [Scottish Government Learning Portal](#)

The Right Information: information skills for the 21st century



From: [Redacted]@gov.scot>

Sent: 30 August 2019 11:35

To: [Redacted]@gov.scot>

Subject: Literature search - Social Policy - Female services legitimate basis on which trans women might need to be excluded from some women-only services - August 2019 (A25469090)

Hello [Redacted]

Please find attached a link to your initial results for your literature results on “**Female services legitimate basis on which trans women might need to be excluded from some women-only services**”

There doesn't appear to be much academic literature out there yet on this topic. Most of what I suspect may be useful to you is exceptions included within some of these reports.

If you could let me know 'if I am on track' so to speak.

Regards [Redacted]

Please take a moment to [submit feedback](#) on how we answered your enquiry. Thank you!

[Redacted] | Scottish Government Library | [Redacted] | [Redacted] | [Redacted] | Edinburgh | [Redacted] | Tel: [Redacted] | Fax: [Redacted] [Library](#) | [Topic Newsfeeds](#) | [Training](#) | [Blog](#) | [Scottish Government Learning Portal](#)

<< File: A25469090.obr >>

[Redacted] ([Redacted]) has sent you a link to "Literature search - Social Policy - Female services legitimate basis on which trans women might need to be excluded from some women-only services - August 2019" (A25469090) from Objective.

Open in Navigator
Double click on the attachment

Open in Your Browser
Latest: <https://erdm.scotland.gov.uk/id:A25469090/document/versions/latest>
Published: <https://erdm.scotland.gov.uk/id:A25469090/document/versions/published>
<< OLE Object: Picture (Device Independent Bitmap) >>

From: [Redacted]@gov.scot
Sent: 30 August 2019 11:49
To: [Redacted]@gov.scot
Subject: RE: Literature search - Social Policy - Female services legitimate basis on which transwomen might need to be excluded from some women-only services - August 2019 (A25469090)

Hi [Redacted],

Thanks very much for this, it's looking great! Yes, most of these look like they'll be really helpful.

The only one that I'm not sure is relevant is Blair KL, Hoskin RA, *Transgender exclusion from the world of dating: Patterns of acceptance and rejection of hypothetical trans dating partners as a function of sexual and gender identity*. It doesn't look relevant from the abstract since we're interested in access to or inclusion in services / public spaces etc, rather than private life – but perhaps there are relevant sections in the main paper?

What's the next step – do you still have further sources to search, or will these be the final papers for me to review?

Thanks again,
[Redacted]

From: [Redacted]@gov.scot
Sent: 30 August 2019 11:54
To: [Redacted]@gov.scot
Subject: RE: Literature search - Social Policy - Female services legitimate basis on which transwomen might need to be excluded from some women-only services - August 2019 (A25469090)

Thank you [Redacted] for the feedback I was really unsure about this one..

[Redacted] is dealing with your other search, and I think there will be if anything too many results for her to cope with.

I have the internet to probe and at least 2 more databases. I will carry on, and see what I can find.

Thanks for the note on the personal angle – I will try to eliminate those from any further searches.

Regards [Redacted]

Please take a moment to [submit feedback](#) on how we answered your enquiry. Thank you!

[Redacted] | Scottish Government Library | [Redacted] | [Redacted] | [Redacted] | Edinburgh | EH6 6QQ | Tel: [Redacted] | Fax: [Redacted] | [Library](#) | [Topic Newsfeeds](#) | [Training](#) | [Blog](#) | [Scottish Government Learning Portal](#)



The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

From: [Redacted]

Sent: 02 September 2019 11:18

To: [Redacted]

Subject: RE: Literature search - Social Policy - Female services legitimate basis on which transwomen might need to be excluded from some women-only services - August 2019 (A25469090)

No problem [Redacted].

I am working on finishing your lit search. I may be able to get it to you today..

I like to find lots of research bodies (or individual researchers within Universities) that may have research in progress that may be able to help you.. You will find a list of these, and maybe a few Journals in the Key Results section as well as the other databases that I have searched for you.

Just a little more work to go.

Regards [Redacted]

Please take a moment to [submit feedback](#) on how we answered your enquiry. Thank you!

[Redacted] | Scottish Government Library | [Redacted] | [Redacted] | [Redacted] | Edinburgh | EH6 6QQ | Tel: [Redacted] | Fax: [Redacted] | [Library](#) | [Topic Newsfeeds](#) | [Training](#) | [Blog](#) | [Scottish Government Learning Portal](#)



From: [Redacted]

Sent: 04 September 2019 10:57

To: [Redacted]

Cc: [Redacted]; [Redacted]; [Redacted]; [Redacted](Library)

Subject: Literature search – Social Policy – Female services legitimate basis on which trans women might need to be excluded from some women-only services – August 2019 (A25469090)

Attachments: A25469090.obr

Follow Up Flag: Follow up

Flag Status: Completed

Dear [Redacted]

Please find your literature search results on Female services legitimate basis on which trans women might need to be excluded from some women-only services

attached.

Should you wish to see any of the publications in full text please see details below

1) IDOX

For items sourced from IDOX, please register online to source these articles direct from IDOX. Registered users can request hard-copy publications, carry out their own information searches, and sign up for regular topic updates. If you require any help in registering, searching the database, or sourcing full text articles please email the Library or call [Redacted].

2) KandE

If you wish to view publications sourced from a search of KandE in full text please click on the link in each record to access or request the full text. Upon clicking the link you will see to the left of the bibliographic record

Either a

- Green “Available” button – the publication is available for you to access in electronic full text by clicking this button.

Or a

- Amber “Request this item” button – the publication is not available in electronic full text from KandE. However, the Library can source the publication for you. Upon clicking this button you will be taken to a proforma which includes full bibliographic details of the publication which you require. Please complete the proforma with your details and submit your request. The request will be automatically forwarded to the Library in order that Library staff may source the publication for you.

If prompted for a password please enter

Password : scotland
Username: ebsco

Should you experience any problems in sourcing full text articles via KandE please e-mail LIBRARY.

3) Sourcing full text publications sourced from other information resources

If you require any other full text articles can you please return this document in full by email to the LIBRARY with items of interest highlighted in red.

Please note that we do not assess, judge or evaluate extensively any of the material found in relation to individual research areas. Any evaluation that we do undertake is linked directly to the 'key words' that enquirers provide when completing the literature search request form.

We are happy to carry out any training that you require either over the phone or at your desk, if you feel this would help when using these research resources. Please note that all of the research resources that we've used in your search are also fully accessible to you as well.

If you would like to be kept up-to-date with recent developments in your subject area please contact the Library Services team to discuss the 'alerting service' we currently offer, or take a look at the following link for further information [Alerts Centre](#)

Please contact me should you wish to discuss the literature search results, or wish further work to be carried out on the topic.

I hope that this information is of use.

Best wishes

[Redacted]

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If you require any further information or if you would like a Literature search on your subject area please contact us.

Please take a moment to submit feedback on how we answered your enquiry. Thank you!

[Redacted] ([Redacted]) has sent you a link to "Literature search - Social Policy - Female services legitimate basis on which trans women might need to be excluded from some women-only services - August 2019" (A25469090) from Objective.

Open in Navigator

Double click on the attachment

Open in Your Browser

Latest: <https://erdm.scotland.gov.uk/id:A25469090/document/versions/latest>

Published: <https://erdm.scotland.gov.uk/id:A25469090/document/versions/published>

From: [Redacted] on behalf of LIBRARY

Sent: 21 October 2019 15:21

To: [Redacted]; LIBRARY

Subject: RE: ILL Order submitted by [Redacted]@gov.scot at 2019-10-18 13:31 UTC - Found on PQ

Follow Up Flag: Follow up

Flag Status: Completed

Dear [Redacted],

Another of your requested Journal articles. *Please note the copyright advice below.*

Copyright

Any full text information which has been downloaded from a commercial database or internet website is protected by copyright laws, and therefore should not be stored in erdm or distributed further electronically. Further Copyright information can be found at [Copyright](#)

From: [Redacted]@ebSCO-gss.net

Sent: 18 October 2019 14:31

To: LIBRARY <SGLibrary@gov.scot>

Subject: ILL Order submitted by [Redacted]@gov.scot at 2019-10-18 13:31 UTC - Found on PQ

User Information

Name [Redacted]

E-mail [Redacted]@gov.scot

Item Details

Genre article

Article Title (Trans)Forming Single-Gender Services and Communal Accommodations.

Journal Title Social & Legal Studies

Author(s) Dunne, Peter

Date 2017

Volume 26

Issue 5

Start Page 537

DOI 10.1177/0964663917692027

ISSN 09646639

SID EBSCO:Criminal Justice Abstracts with Full Text:125605486

Extra Info
Copyright Agreed on

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Exchange 2

From: [Redacted]@gov.scot
Sent: 22 November 2019 12:14
To: [Redacted]@gov.scot; [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: GRA EqIA - evidence on potential impacts on women

Hi [Redacted], [Redacted],

I attach here the results of the review of literature on potential impacts for cisgender women of trans women being included in women-only spaces and services, for input into the EqIA. If you would like me to share any of the original sources please let me know.

[Redacted], I will comment on the draft EqIA separately.

Evidence on the specific inequalities experienced by trans people that you requested to follow.

Thank you,
[Redacted]

[Redacted]

Scottish Government | [Redacted] | Edinburgh | EH6 6QQ
[Redacted]@gov.scot | [Redacted]

From: [Redacted]@gov.scot
Sent: 22 November 2019 12:31
To: [Redacted]@gov.scot; [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: RE: GRA EqIA - evidence on potential impacts on women

[Redacted]

Thanks for this. I've read over and looks useful. I note you're going to reply to [Redacted] draft EQIA material. I have yet to review and comment so I'll look too for opportunities to use the evidence identified.

[Redacted]

From: [Redacted]
Sent: 22 November 2019 13:24
To: [Redacted]; [Redacted]
Cc: [Redacted]; [Redacted]

Subject: RE: GRA EqIA - evidence on potential impacts on women

Hi [Redacted],

Thank you, that sounds like a good plan.

Given that you have drafts of the impact assessments now, would it make more sense for me just to highlight any further evidence that I think would be useful in terms of transgender inequalities directly within the drafts?

Thank you,
[Redacted]

From: [Redacted]

Sent: 28 November 2019 11:46

To: [Redacted]

Cc: [Redacted]; [Redacted]; [Redacted]

Subject: GRA Bill _ EQIA literature search on potential impacts for cisgender women

Hi [Redacted],

[Redacted] is just reviewing the literature search I completed on potential impacts for cisgender women but in principle we're happy that the best approach would be to just publish this on our website, and refer to that in the EQIA.

Thank you,
[Redacted]

Scottish Government | [Redacted] | Edinburgh | EH6 6QQ
[Redacted]@gov.scot | [Redacted]

Exchange 3

From: [Redacted]@gov.scot
Sent: 04 December 2019 11:00
To: [Redacted]@gov.scot; [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: Gender Recognition Reform (Scotland) Bill; draft EQIA

[Redacted]
[Redacted]

[Redacted - Out of Scope]

6. On “sex” on pages 22 to 24 and the reference to the SG literature review, CabSec said that, of course, the review needs to be robust if we are to quote it. What view have we taken on publishing it? I’d be grateful for comments from [Redacted].

[Redacted]

From: [Redacted]@gov.scot
Sent: 04 December 2019 17:16
To: [Redacted]@gov.scot; [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: RE: Gender Recognition Reform (Scotland) Bill; draft EQIA

Hi [Redacted],

Thanks for this. Yes, we will publish the literature search and the EqIA can then refer to this directly if that’s easiest. I can see if we can put this up tomorrow, as we’re just going to put it up directly on the old website for ease.

That is, unless you think that we need to tell comms that this is going up or we need to take any other steps beforehand?

[Redacted - Out of Scope]

Thank you,
[Redacted]

From: [Redacted]@gov.scot
Sent: 04 December 2019 17:24
To: [Redacted]@gov.scot; [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: RE: Gender Recognition Reform (Scotland) Bill; draft EQIA

[Redacted]

Hi. CabSec will need to see the literature review before it is published. We are planning to put a submission up to CabSec tomorrow on the consultation. Could we include the lit review in that so she can see it? It may be best to publish at the same time as the consultation, on 17 December.

[Redacted - Out of Scope]

[Redacted]

From: [Redacted]@gov.scot
Sent: 05 December 2019 10:57
To: [Redacted]@gov.scot; [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: RE: Gender Recognition Reform (Scotland) Bill; draft EQIA

Hi [Redacted],

Of course, that sounds like a good approach. Please find the latest version attached here. The section on checking ID was drawn from this report – this was based on my understanding of current practice but if it is factually incorrect (rather than just something we don't want to highlight in the consultation) then please do let me know.

Do you require any lines from me on the literature search for your submission?

[Redacted - Out of Scope]

Thank you,
[Redacted]

From: [Redacted]
Sent: 05 December 2019 15:13

To: [Redacted]

Cc: [Redacted]; [Redacted]; [Redacted]; Henderson G (Gavin); [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]

Subject: FW: Gender Recognition Reform (Scotland) Bill; draft EQIA

Attachments: GRA EQIA Literature Search_Impacts for cisgender women.docx

Importance: High

[Redacted]

1. Many thanks.
2. My comments/questions on the draft literature review are outlined below. I have added page numbers, to help with the comments.
3. I would be grateful if you change all references to “cisgender” and “cis” to “non-trans”, except, of course, where we are directly quoting academic research.
4. On the bottom of page 5, I do not agree with the point that “the literature identified did not offer an explanation for why the different experiences of socialisation and oppression that trans women have experienced compared to cis women justifies their exclusion, while the differences in experience between women of different ethnicities, classes or sexualities does not”.
5. The argument being put forward here is straightforward (and appears, for example, in consultation responses and may well be in material produced by MurrayBlackburnMackenzie). The argument is that trans women may still have male bodies; that most domestic abuse and sexual crime is committed by men on women; and that women using single sex services such as domestic abuse refuges may be understandably nervous about sharing a refuge with someone with a male body.
6. More generally on page 5, I am not certain that the information by Gottschalk and Dunne is evidence relating to the specific question we are looking at.
7. I am not sure about the references at the top of page 5 (and elsewhere) to Stonewall. This could be read as suggesting that Stonewall agree with the argument that the inclusion of trans women could compromise women’s safety whereas, of course, Stonewall do not.
8. On page 6, I think the comments by Dunne are really policy arguments rather than evidence.
9. I think the point made in the penultimate para of page 6 is an important one we need to say to CabSec: there is a lack of evidence on the impact of trans inclusion on single sex services. I also think it helpful to note that the Gottschalk research on Australia did not include recipients of the service.

10. On the next para (bottom of page 6/top of page 7), I don't think the quote by the 3 Scottish organisations on page 7 answers the question and so it should be removed.

11. I think, therefore, nearly all of the section on "discomfort or fear of cisgender women" should be removed as I don't think it answers the question. We should retain the point on lack of evidence.

12. On page 7, I think the section on risk of sexual assault from transgender women is useful. Two comments:

- We need to explain what "grey literature" is.
- I don't understand the last sentence.

13. On page 7, I think the material on "athletic advantage in competition" should be removed as it's not answering the question on single sex spaces.

14. On page 8, I think the material on "enabling 'predatory' cisgender men to access women-only spaces and services" is helpful subject to the points above on the term "cisgender" and references to Stonewall which might mislead about their policy position.

15. On page 8/9 and "public opinion", I think this is generally useful. I am not sure on including the Northern Ireland material, although I see it is recent.

16. In summary, I think some of this literature review needs to be removed as it's not directly answering the question and some of the academic quotes are more policy views than evidence. I wonder if one way to proceed would be **not** to publish the literature review but, instead, adjust the EQIA to include points which do provide evidence (and to acknowledge that in some areas there is a lack of evidence).

17. Grateful for views and happy to discuss. I am putting the revised bundle up to CabSec first thing tomorrow.

[Redacted]

From: [Redacted]

Sent: 05 December 2019 17:02

To: [Redacted]

Cc: [Redacted]; [Redacted]; [Redacted]; Henderson G (Gavin); [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]

Subject: RE: Gender Recognition Reform (Scotland) Bill; draft EQIA

Attachments: GRA EQIA Literature Search_Impacts for non-trans women.docx

Hi [Redacted],

Thank you for this. I have responded to your comments below and an updated version is attached.

I can prepare some amendments for the EqIA in the event that you prefer to reference sources directly rather than the literature search as a whole.

Thanks,
[Redacted]

From: [Redacted]@gov.scot
Sent: 05 December 2019 15:14
To: [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: FW: Gender Recognition Reform (Scotland) Bill; draft EQIA
Importance: High

[Redacted]

1. Many thanks.
2. My comments/questions on the draft literature review are outlined below. I have added page numbers, to help with the comments.
3. I would be grateful if you change all references to “cisgender” and “cis” to “non-trans”, except, of course, where we are directly quoting academic research. **Done.**
4. On the bottom of page 5, I do not agree with the point that “the literature identified did not offer an explanation for why the different experiences of socialisation and oppression that trans women have experienced compared to cis women justifies their exclusion, while the differences in experience between women of different ethnicities, classes or sexualities does not”. **This particularly section was addressing the argument that ‘trans women cannot empathise fully with women’s experiences and feelings’ – but has now been removed as per the below.**
5. The argument being put forward here is straightforward (and appears, for example, in consultation responses and may well be in material produced by MurrayBlackburnMackenzie). The argument is that trans women may still have male bodies; that most domestic abuse and sexual crime is committed by men on women; and that women using single sex services such as domestic abuse refuges may be understandably nervous about sharing a refuge with someone with a male body. **Yes, you’re right that that is the argument used. However, while we have evidence that most domestic abuse is committed by men towards women, we don’t have any evidence that this is because of their biology rather than their gender - we don’t have evidence that**

trans women are likely to commit domestic abuse or sexual violence at the same rate as non-trans men.

6. More generally on page 5, I am not certain that the information by Gottschalk and Dunne is evidence relating to the specific question we are looking at. I think this was useful contextualising information for the claim that the presence of trans women might inhibit non-trans women from speaking openly, but again, removed as per point 11.

7. I am not sure about the references at the top of page 5 (and elsewhere) to Stonewall. This could be read as suggesting that Stonewall agree with the argument that the inclusion of trans women could compromise women's safety whereas, of course, Stonewall do not. No, of course not – this is just an argument that they explain in their paper. This particular reference can be removed if you like since there are others. I've also added 'see' before these references which might help make it clearer to readers that these authors do not necessarily agree with those arguments.

8. On page 6, I think the comments by Dunne are really policy arguments rather than evidence.

9. I think the point made in the penultimate para of page 6 is an important one we need to say to CabSec: there is a lack of evidence on the impact of trans inclusion on single sex services. I also think it helpful to note that the Gottschalk research on Australia did not include recipients of the service.

10. On the next para (bottom of page 6/top of page 7), I don't think the quote by the 3 Scottish organisations on page 7 answers the question and so it should be removed.
OK

11. I think, therefore, nearly all of the section on "discomfort or fear of cisgender women" should be removed as I don't think it answers the question. We should retain the point on lack of evidence. Happy to slim this section down if you'd prefer to retain the focus on there being a lack of evidence – I have done so, let me know if the new version suits.

12. On page 7, I think the section on risk of sexual assault from transgender women is useful. Two comments:

- We need to explain what "grey literature" is. Good idea, I have done this.
- I don't understand the last sentence. This is just to make clear that of the literature they reviewed, none compared perpetration rates between trans and non-trans people. Can be removed if you prefer since the finding overall is a lack of evidence.

13. On page 7, I think the material on "athletic advantage in competition" should be removed as it's not answering the question on single sex spaces. I would argue that

sports competitions could be considered a space, but given that this section is limited and out-of-step with the rest I agree it's fine to remove it.

14. On page 8, I think the material on “enabling ‘predatory’ cisgender men to access women-only spaces and services” is helpful subject to the points above on the term “cisgender” and references to Stonewall which might mislead about their policy position.

15. On page 8/9 and “public opinion”, I think this is generally useful. I am not sure on including the Northern Ireland material, although I see it is recent.

16. In summary, I think some of this literature review needs to be removed as it's not directly answering the question and some of the academic quotes are more policy views than evidence. I wonder if one way to proceed would be **not** to publish the literature review but, instead, adjust the EQIA to include points which do provide evidence (and to acknowledge that in some areas there is a lack of evidence). **Happy to do so.**

17. Grateful for views and happy to discuss. I am putting the revised bundle up to CabSec first thing tomorrow.

[Redacted]

From: [Redacted]@gov.scot
Sent: 05 December 2019 17:04
To: [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Henderson G (Gavin) <Gavin.Henderson@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: RE: Gender Recognition Reform (Scotland) Bill; draft EQIA
Importance: High

[Redacted]

Further to my email below, I have now amended the “sex” material in the draft EQIA (above, in ERDM and word). Pages 22 to 24 refer.

I have deleted the reference to the literature review, and some of the supporting material.

Grateful for comments. I plan to put this up tomorrow first thing.

[Redacted]

From: [Redacted]
Sent: 05 December 2019 17:19

To: [Redacted]

Cc: [Redacted]; [Redacted]; [Redacted]; Henderson G (Gavin); [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]

Subject: RE: Gender Recognition Reform (Scotland) Bill; draft EQIA

Hi [Redacted],

I can't open the eRDM file but you could also add the following references:

Point 9:

Gottschalk, L., 2009. Transgendering women's space: A feminist analysis of perspectives from Australian women's services. *Women's Studies International Forum*, 32(3): 167-178.

Point 10:

White, C. & Jenkins, D., 2017. College students' acceptance of trans women and trans men in gendered spaces: The role of physical appearance. *Journal of Gay & Lesbian Social Services*, 29(1): 41-67.

McKay, T., Lindquist, C. & Misra, S., 2019. Understanding (and Acting On) 20 Years of Research on Violence and LGBTQ + Communities. *Trauma, Violence & Abuse*, 20(5): 665-678.

Should the last paragraph be **point 11**? This could cite Dunne 2017 and Eckes 2017 again.

Thank you,

[Redacted]

From: [Redacted]

Sent: 05 December 2019 17:20

To: [Redacted]

Cc: [Redacted]; [Redacted]; [Redacted]; Henderson G (Gavin); [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]

Subject: RE: Gender Recognition Reform (Scotland) Bill; draft EQIA

Attachments: GRA EQIA Literature Search_Impacts for non-trans women.docx

[Redacted]

Hi. Many thanks. I have only two minor comments on this version:

- At the bottom of page 4, "characterisation" is mis-spelt.
- At the bottom of page 4/top of page 5, it might perhaps be better to explain "grey literature" in a foot-note.

If you are content, I'll put the revised version of the draft EQIA up to CabSec tomorrow, along with the literature review, and say we have incorporated key points from that into the EQIA and do not now intend to publish the literature review.

[Redacted]

Exchange 4

From: [Redacted]@gov.scot
Sent: 10 December 2019 09:32
To: [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: Trans people and risks

https://research-information.bris.ac.uk/files/139271435/Bristol_Pure_Version_PD.pdf

[Redacted]

You were asking about the strength of the evidence base in relation to trans people and risks they don't present in relation to sexual assault etc.

I attach above research by Bristol University which [Redacted] in Analytical Services found. I think the conclusion is particularly helpful.

I am copying in [Redacted] for any further thoughts she may have. It is, of course, difficult to prove a negative and I think it fair to say that there is not a huge amount of research in this area.

[Redacted]

From: [Redacted]
Sent: 10 December 2019 13:32
To: [Redacted]; [Redacted]
Cc: [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]
Subject: RE: Trans people and risks

Hi [Redacted], [Redacted],

Yes, I would reiterate that there is not a great deal of evidence in this area, but the main point is that there does not appear to be any evidence that trans people are any more likely than non-trans people to perpetrate sexual assault or abuse. Specifically, there does not appear to be any evidence that trans women are more likely than non-trans women to sexually assault other women, or that there is any link between women-only spaces/services being inclusive of transgender women, and non-trans men falsely claiming a trans identity to access these spaces to commit sexual assault.

Thank you,
[Redacted]

Exchange 5

From: [Redacted]@gov.scot
Sent: 17 December 2019 10:58
To: [Redacted]@gov.scot; [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: RE: Gender Recognition Act - additional Qs

[Redacted]

I forgot to copy you in on some suggested answers we have come up with to [Redacted] most recent question, grateful for your views on the first question/answer re evidence.

ADDITIONAL Qs

Q. Is there any evidence of whether trans people are more likely to commit offences following a change of processes such as your proposing?

A.

We have found no evidence of this. And of course trans people already have existing legal rights and protections against discrimination in respect of their access to services and facilities whether or not they have legal gender recognition. Having gender recognition does not provide a potential offender with a defence. A crime is a crime, no matter who commits it.

[Background: The conclusion in this research https://research-information.bris.ac.uk/files/139271435/Bristol_Pure_Version_PD.pdf is that “There is no evidence – anecdotal or research-based – which supports the proposition that trans individuals are inherently violent”.]

Q. Why are you lowering the application minimum age to 16, when the rest of the UK its 18?

A In Scotland, at 16 young people have a number of rights including to marry or register a civil partnership, record a change of name officially in their birth record and vote in elections to the Scottish Parliament and Scottish local government.

Q. If the minimum application age in the rest of the UK is 18 aren't you worried people who are not from Scotland and under 18 will try and apply for recognition here?

A Only those who were born or adopted in Scotland, or who are ordinarily resident in Scotland are eligible to apply under our proposals. A Scottish gender recognition certificate can be revoked if obtained on a fraudulent basis.

Q. What are you doing to support young people under 16 who may be thinking about their gender?

A The consultation is focussed on the provisions of the draft Bill. The Scottish Government is not proposing to extend legal gender recognition to the under 16s. The Scottish Government is clear that we need to ensure that children and young people are able access the right support. We will seek views in due course on how best to support people under 16 who are uncertain about their gender identity. The Scottish Government's guidance on the inclusion of trans pupils in schools will be published in the New Year.

From: [Redacted]

Sent: 17 December 2019 11:19

To: [Redacted]; [Redacted]

Cc: [Redacted]; [Redacted]; [Redacted]

Subject: RE: Gender Recognition Act - additional Qs

Hi [Redacted],

I'm a bit confused about what the question is asking but it's correct that we haven't found any evidence indicating that trans people are more likely than non-trans people to commit offenses.

This was not something that I specifically conducted a review on, but nevertheless it is correct to say that we haven't identified any evidence.

Dunne's paper, which you reference, comes at it from the perspective of legal studies. It refers to other research which demonstrates a lack of evidence to support the claim of trans individuals' misconduct, but it might be preferable to reference a source such as the below, which was original research (an evidence review):

McKay, T., Lindquist, C. & Misra, S., 2019. Understanding (and Acting On) 20 Years of Research on Violence and LGBTQ+ Communities. *Trauma, Violence & Abuse*, 20(5): 665-678.

Note that both Dunne and McKay, Lindquist & Misra's research focuses specifically on perpetration of physical or sexual assault, and does not look at other offenses.

Thank you,
[Redacted]