

Submission to Ministry of Housing, Communities & Local Government on Toilet provision for men and women.

From: Women's Human Rights Campaign (WHRC) UK

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Who we are:

The Women's Human Rights Campaign is an international organisation based in the UK. It was set up in early 2019 to promote the Declaration on Women's Sex-Based Rights, <https://www.womensdeclaration.com> which reaffirms women's hard-won human rights, as defined by CEDAW, and argues that these rights are undermined or overturned by the admission of men who consider that they have a feminine gender identity to the category of women. The WHRC has been signed by 313 Organisations, in 124 countries and 15,172 individuals and rising.

Introduction

The Declaration argues that including men with a feminine gender identity in the category women threatens women's human rights. Women's human rights in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1979 are based on sex. Discrimination against women is defined in Article 1 of CEDAW as any 'distinction, exclusion or restriction made on the basis of sex'. The UN understands sex to be 'the physical and biological characteristics that distinguish males and females' (Gender Equality Glossary, UN Women). Gender is defined by UN agencies as sex stereotypes, i.e., 'the roles, behaviours, activities, and attributes that a given society at a given time considers appropriate for men and women. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes' (Gender Equality Glossary, UN Women). In recent decades a confusion has been created as to the meaning of sex and gender. The adoption of sex stereotypes by a person of the sex to which they are not usually attributed has, come to be seen as an innate condition which entitles a person to be counted as a member of the opposite sex. This has resulted in the introduction into law of the category 'gender' in a way which is profoundly troubling for women's equality. Men who claim a feminine 'gender identity' are being enabled to access opportunities, services, spaces and protections set aside for women. These rights are abrogated by the admission of men and constitutes a form of discrimination against women, and endangers women's fundamental rights to safety, dignity and equality.

Executive summary

The WHRC submission focus is that Toilet provision must be based on the category of sex with the definition of 'man' and 'women' consistent with the Equality Act 2010 (212(1) "woman" means a female of any age.)

We reject the term 'gender-neutral' applied to toilets, it is euphemism for mixed-sex toilet. This is therefore a retrograde step if it replaces or reduces single-sex provision, and this matters more to women.

Language, signage and design considerations must use the term 'sex' to distinguish between female and males, ensuring the biological, physical & social functions performed by females is catered for in any design process.

Sex-specific toilets

These are a cultural norm worldwide, providing privacy and dignity for both sexes. This is true in the developed world just as much as in those developing countries where such provision is still not universally available. The UN is still campaigning for such provision because it knows how critical they are to the safety of women and women's ability to operate in the public sphere. There is no recorded history of demands by women to reduce or abolish single-sex provision. The UK government needs to question where this demand to review single sex provision has come from, if not from women. And note that women, and women's organisations have in the main been against any move to make toilets mixed-sex, and remove single sex provision.

In the UK the history of public toilet provision for women is well known. The UK has in fact the proud claim to have provided probably the first public 'water closets' for women in the world, Fleet Street, London in the 1850s. Although it took many years before provision for women reached anything like that for men.ⁱ Prof Clara Greed has researched toilet provision for women in the UK for many years arguing that

'Typically, women are only provided with half as many facilities as men, resulting in queues for the "Ladies", and Gender Neutral Toilet provision based on relabelling rather than redesigned or additional provision can, in fact, *increase* competition for access to cubicles by women.'ⁱⁱ

Differences based on sex

What men and women do in toilets is different. Women's needs are well-documented, starting with the greater level of undressing, which takes more time and requires a cubicle for privacy, and including menstruation, the risk of assault by males, and the rise of spy cameras. On any given day, around 3 million women and girls in the UK are menstruating, requiring more time, sanitary disposal bins, and the opportunity to wash their hands in privacy.

Where men's toilets have been relabelled as gender-neutral as in some London theatres, concert halls and galleries women must walk past men using urinals to reach private cubicles. This is embarrassing for most men and for women. On the other hand, men can easily access toilets that were previously only for women. This doubles the availability for toilet facilities for men, and reduces the amount of availability for women, since they now have to compete with men for access to spaces that were previously women only.

Women often take children into toilets to clean them up using the water and soap provided, Women, particularly in social events, frequently use them as a place of guaranteed privacy from unwanted attentions or unsociable behaviour of men. They are one of the few-women only public spaces where women can be, without the presence of men.

The government must acknowledge the long history of public toilets as places used by men to find and engage in sexual activity. The UK Sexual Offences Act 2003 S.71 was created specifically to deal with the culture of male sexual activity in public toilets. We have no indication that male behaviour has changed – simply that this kind of sexual activity has become almost 'decriminalised' and is unlikely in 2021 to produce a criminal prosecution. This is a reason why you find fathers standing with their daughters outside a women's toilet

looking for a friendly woman to take their daughter in because they do not want her to experience what they might see in a male toilet. It is also why you find women taking their sons with them to a female toilet rather than allowing them to go alone into a male public toilet.

There is also a continuous stream of legal cases that demonstrate that men want access to women's toilets for sexual gratification, voyeurism, secret filming and sexual assaults. Some recent cases in the UK are linked below (1).

Men also abuse women in other spaces where women are in a state of undress. In 2018 the Independent reported in that nearly 90% of complaints of voyeurism sexual assault and harassment were about mixed sex changing area of swimming pools yet looked at mixed sex changing areas made up less than half of all changing areas at that time (2).

Those who are rightly concerned about this and the effect it has on women are worried that such abuse will be even harder to control if the law allows any man (whether self-defining as female or not) to enter spaces where women are vulnerable or in a state of undress. Taking away single sex toilet provision and forcing women to use mixed sex toilets will lead to women and children being approached for sexual services inside toilets. The potential is increased for women and children to be threatened or assaulted in what will be 'hidden' spaces, where men who want to carry out such these activities will be allowed to enter but not be observed.

(1)

<https://www.lancashiretelegraph.co.uk/news/18575106.jailed-blackburn-man-cant-stay-away-female-toilets-a-danger-women/> accessed 14.09 2020

<https://www.dailypost.co.uk/news/north-wales-news/man-who-hid-toilet-cubicle-16293674>

<https://www.cambs.police.uk/news-and-appeals/Cambridge-voyeurism-sexual-assault-Richard-Pulido>

https://media.btp.police.uk/r/15828/man_who_spied_on_women_at_a_train_station_toilet

(2)

^[1] <https://www.independent.co.uk/life-style/women/sexual-assault-unisex-changing-rooms-sunday-times-women-risk-a8519086.html>

ⁱ Lezlie Lowe 2018 No Place to Go. How public toilets fail private needs. Coach House Books Toronto.

ⁱⁱ Clara Greed 2019 Join the queue: including women's toilet needs in public space' Sociological Review Volume 67 Issue 4