

25 min read - 10 minutes action

Disclaimer: This letter discussed what I have learnt about the public bathroom culture war. It touches on the basics of sex and gender and touches on the trans and non binary experience, but as a cis person I have tried to keep it to cultural and historical facts. I may have slipped up somewhere in this letter. Please do call me in if I have. The Good Chat community is predominantly people from my community (cis women) and is a space I made to explore and learn about these issues publicly without taking up space elsewhere from others. This letter has also been sensitivity read by a brilliant trans writer, who was paid to do so.

This month's letter is timely – it's not one to leave sitting in your inbox for a month, because we're on a deadline here, not people! It, specifically, is a chance for non LGBTQIA+ to show up like we say we always want to.

Today we're going to talk about **the UK government's consultation on "Toilet provisions for men and women" and the call for evidence they've put out**. We'll discuss what these consultations are, how they work, what giving evidence looks like, and then we'll do it together. YAY. But before that, we'll discuss the supposed 'debate' around public restrooms and the demonisation of trans and non-binary people because it's central to how toilets are to be built in the future.

First up: the politics bit. A "consultation" is an evidence collection process that the Government uses to bring to light valuable information which they then use to design solutions (these could be laws, policies, industry guidance and more). The consultation we're going to take action on was originally announced in Oct 2020 but was extended and now **closes 26th of February**. It covers building provisions of public toilets in their current form ('men's and 'ladies').

The problem [LGBTQIA+ groups](#) have with this consultation is that although it says it considers protected characteristics ("*The government wants to ensure dignity and respect for all... the needs of all those with protected characteristics should be considered*"), it also doubles down on the concept of gendered toilet spaces, without opening up the dialogue to other solutions that could ensure privacy and safety for **all** genders and **gender expressions**.

"Over recent years there has also been a trend towards replacing female only facilities with gender neutral toilets.

The review aims to address this by considering the ratio of female toilets needed versus the number for men, given the need for women to always use cubicles. It would also take into account the needs of all members of the community, to ensure there is a fair provision of accessible and gender-neutral toilets.

The review will also look at signage, which should be clearer and use gender-specific language, to avoid confusion."

It's *quite* confusing. But, before we go any further into it, let's get some background. I want this letter to be a place where we all learn together but something that you can also send onto people who maybe aren't as far along the learning process as you, so I'll always take it back to basics to try and include *everyone*.

Some language housekeeping:

Sex and gender are very different things, though this is often *conveniently* forgotten by mainstream narratives. Here are helpful definitions from both [The World Health Organisation](#) and [Stonewall](#):

1. Gender: “... is largely *culturally determined* and is *assumed* from the sex assigned at birth.”

“... *socially constructed characteristics* such as *norms, roles, and relationships* of and between groups of women and men. *It varies from society to society and can be changed.*”

2. Sex: “Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions.”
“... *biological characteristics*. While these sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, they tend to differentiate humans as males and females.”

When we discuss gender, we are talking about a set of characteristics defined by society (a social construct) that we use to traditionally separate people into two sets: men and women. This is called the gender binary. But as long as there has been gender, there have been many more than two genders. We know this because [Sumerian and Akkadian texts from 4500 years ago document transgender priests](#). Iron age burials in Iran suggest a [recognised third gender besides “male” and “female” already 3,000 years ago](#). We know this because Ancient Greek history shows us Roman emperor [Elagabalus](#) identified as a woman. We know this because Indian and Thai Non-binary communities (known as [Hijras](#), a term that has often been co-opted into an insult) have existed since ancient times, have been documented for thousands of years and [there are currently half a million of them living in India](#). Trans and non-binary people are **not** new, more their history has been consistently erased globally. Gender is unique, wide-ranging, and completely depends on the individual. **Someone’s gender identity can be whatever they deem it to be, and what sits comfortably with them. They should be allowed to express their gender in any way they choose. ~~Someone’s gender can be feminine, masculine, both, or anywhere in-between.~~**

When we discuss sex, we’re talking about bodies and biology. But it’s also important to remember that many many people do not fit into the ‘binary’ (male or female) categories of sex either. There are lots of different ways that a person can be intersex (may have the biological attributes of both sexes or whose genitals do not fit with societal assumptions about what constitutes male or female.) It’s hard to put a number on how many people are intersex, but [Planned Parenthood](#) tentatively estimates that 1-2 in 100 people born in the U.S. are intersex and [stats in the UK say 358,105](#), but again, these stats are probably way lower than the reality. The important thing here though is that when it comes to genitals, no matter how you identify, **what your genitals are like is absolutely nobody’s business**. A privacy most cis people enjoy, but one some *conveniently* forget when discussing trans, **intersex** and gender non-conforming people. I give all the above information only to illustrate **the reality of the difference between complexity** of sex and gender. Really, all of this is to say that cis people (those whose gender aligns with what they were assigned at birth) **need to realise that gender and sex are complex and unique to each individual person**. If we don’t get that, it becomes incredibly hard to discuss anything past that point.

Representation of Trans and non-binary people in culture and ‘the bathroom debate’

The mainstream narratives we receive about gender non-conforming people through the press are – apart from [wildly misrepresentative and dehumanising](#) – often just factually wrong and confuse sex and gender continuously (which is why I did some language housekeeping). LGBTQ+ people have been [painted as dangerous and sexually abusive](#) throughout the history of mainstream media. It’s an oppressive technique [as old as time](#), and in recent years, public bathrooms have become a battleground **for a toxic culture war**, ~~debate battleground~~ with the ‘bathroom predator’ narrative about trans and non-binary people becoming a central go-to card for opposers, even

though [more US Senators have been arrested for public misconduct in bathrooms than trans and non-binary people](#), and trans people have been in and using public bathrooms... forever.

But who are cis women **actually** unsafe from?

We haven't seen ladies toilets become this huge notorious danger-zone for gendered based crime, since their creation in the late 19th century, but when there have been incidents, they've mostly been perpetrated by **cis men**, and have occurred in outdoor public restrooms like in parks/festivals. The majority of unisex bathrooms (in cafes/bars/clubs/ cinemas etc) aren't and haven't been dangerous, and let's be real, it's not because men aren't 'allowed in'. What's stopping an abuser if they want to abuse? Social etiquette? Psychology would say no. A 'ladies' sign on a door? That won't stop someone who clearly has little regard for consent/rules from abusing someone. Quite frankly, it's because they're probably not the best place for an abuser to operate in. History tells us they'll choose somewhere far more isolated with less witnesses and less surveillance to hurt someone.

Where there *have* been incidents in unisex bathrooms the offences are often forms of voyeurism, **again perpetrated by cis men**, which could be curbed by many different building methods and cultural solutions, but refusing trans and non binary people isn't a solution **because they're not the community perpetrating it**. So, yes I get it. **The fear of assault cis women feel is real. But that threat is not coming from LGBTQIA+ people**. There is [no concrete evidence that trans and non-binary people pose a significant threat to cis women in public restrooms](#). And more generally, there is no proof that they pose a significant threat anywhere. However, the handful of stories shared by mainstream media are disproportionately referenced as proof of a valid societal threat, when in fact they are incredibly rare. **In no other instance would the media use a handful of cis people's actions to justify denying our entire community of millions their daily rights**. But here, we do.

It's also important to note that trans and non-binary people can deeply relate to the fear cis women feel at the hands of abusive men. Trans and non-binary people are, categorically, one of the most oppressed communities in the world, especially gender non-conforming people who live at the intersections of race and disability too. If we're talking about power – which is an integral part of any discussion about abuse – trans and non-binary people do not have a monopoly on power politically, socially or economically in our society. They don't have it over cis women and they definitely don't have it over cis men. Existing as a trans or non-binary person can mean daily abuse from strangers, especially if your gender expression exists clearly outside of the binary. My friends who are trans and non-binary don't really feel safe in many public places. Cis people in groups can often mean fear for them, and we're not just talking cis men, here. Trans women receive a huge amount of abuse from cis women. Many cis women and 'feminist' groups believe the liberation of Trans women negates their rights. Which is, of course, untrue. Rights aren't like pie; some for someone else doesn't mean less for you. Solutions can be found for all. The facts and history tell us that gender non-conforming people are moving through the world at risk of interpersonal mental and physical abuse as well as systemic negligence and erasure *all the time*. [One in two transgender individuals are sexually abused or assaulted at some point in their lives. They are twice as likely to be victims of crime than cis people, and more than one in four \(27 per cent\) trans young people have attempted to commit suicide and nine in ten \(89 per cent\) have thought about it.](#) Medical professionals believe these mental health problems come from how society treats these communities, not the fact that they are trans or non-binary. In the words of Munroe Bergdorf: *"The best part about being trans is being trans. The worst part is other people."*

It's also important to recognise that this doesn't just impact trans people. This deep rooted fear that cis people have of trans people and gender non-conforming people in 'gendered spaces' impacts cis people who express their gender in androgynous or 'non-conforming ways', but still identify as cis. [This article from Jasmine Andersson from the I newspaper](#) talks to a lesbian woman who was intimidated and threatened whilst using a women's bathroom. Policing of womanhood and what transphobes perceive this to be, unfortunately impacts everyone and enforces this 'ideal' of

what women 'should be'. Therefore, indicating how anti-feminist their supposed 'feminist concern is'.

You can read more on this with [this](#) piece by Paris Lees, and [this](#) by Time Mag. [To find out more about why transphobia is so rife and rampant in the UK, here's an episode of The Owen Jones Show with Shon Faye and Freddie McConnell.](#)

Now that we understand who is perpetuating harm against women, and who isn't, it's clear to see that giving trans and non-binary people access to the facilities they feel safe and affirmed in will not lead to a sudden safety breach for cis women and that, in fact, trans people will need to be safeguarded in the process. But understandably, the issue of abusive cis men having access to bathrooms that marginalised genders use (trans and non-binary people as well as cis women) understandably remains a concern. That's why solutions need to take **all** of this into account and consider innovative facilities that protect all genders.

The Consultation Itself

Remember up top when I said the consultations priority is to keep public toilets specifically gendered? Well, this quotes confirms that: "*the review will look at signage, which should be clearer and use gender-specific language, to avoid confusion.* It also states there is a "*trend towards the removal of well-established male-only/female-only spaces when premises are built or refurbished, [that have] often been replaced with gender-neutral toilets*" and says "*This places women at a significant disadvantage*". Whether the Government like it or not, claiming women are unsafe in unisex toilets without evidence to back it up, **makes this consultation a dog-whistle to those who deny trans and non binary people access to the facilities they want to use** (they're already *on it* on [Mumsnet](#)). These groups are for sure going to give evidence as to why unisex toilets are unacceptable, and therefore, we as allies who love and care for LGBTQ+ people should be there to balance out the submissions and ask for a solution for **all**.

Many LGBTQIA+ groups agree that – seeing as this consultation is going to inform building provisions – the call for evidence could be an **opportunity for cis people to advocate for our LGBT family and take action alongside them**. That's why [Gendered Intelligence](#) suggests responding by highlighting why **universal purpose-built cubicles are a solution that keeps everyone safe**. A more inclusive, innovative and comprehensive look at toilet provisions for all genders is what we need. Plus, **Universal purpose-built cubicles for all genders would help solve some of the valid issues the consultation does discuss, such as the ratio of female toilet spaces needed, versus the number for men, provisions for older people, parents with children who need changing facilities and more**.

A simple action: evidence!

Consultations make **early analysis of an issue available for public scrutiny** and means more evidence can be collected. That is the point of them. So this consultation asking about building provisions for toilets is early stages and open for scrutiny. Future toilet provisions *have* to consider *all genders*, and make a commitment to provide facilities that are built to keep them all safe. While I'd encourage everyone who's ever used a public toilet to submit evidence, this call for evidence is labelled as 'technical', which anyone who works in building regulations, civil engineering, gender equality, human rights, The British Toilet Association... you get the picture (anyone who is remotely linked to policy and design of public spaces like this) will have their evidence taken more seriously.

How to give that goddamn evidence.

Step 1: [Read the consultation](#) (it only takes about 5 minutes!)

Step 2: Read [this post by GE](#)

Step 3: Draft an email using [this google document](#)

Step 4: send to: toilets@communities.gov.uk

Effective consultation should allow the Government to make informed decisions on policy, how to improve the delivery of public services, and to improve the accountability of public bodies, too. These calls for evidence are a direct way we can share our experiences and thoughts directly with the Government, before they've made changes and informed policy. Often, there may not be a direct way for marginalised communities to help shape policy, so we have to take these opportunities to make our representatives aware of the issues that are important to us.

Going and sending this email will probably take us about 10 minutes? Go do it now.

Then come back and read the next bit. GO GO GO.

... YAY WELL DONE. Look this post took about, what, 25 minutes to read? and the action took maybe 10? That's just over half an hour of your day and you've actively used it to show up and walk the walk. Small and consistent actions like this are how we train ourselves to get shit done. CONGRATS.

Had you given evidence before now? Did you even know it was a thing? Will you be more inclined to give it going forward? And how do you feel about the mainstream narratives around public restrooms? What else could we do to fight our trans and non-binary family's corner? Pop and suggestions below!

Thanks for joining me again this month. It's good to have you here.

Gina x