

**IN THE EMPLOYMENT TRIBUNAL  
EDINBURGH**

**B E T W E E N :**



**SANDIE PEGGIE**

**Claimant**

**and**

**FIFE HEALTH BOARD (1)  
DR ELIZABETH UPTON (2)**

**Respondent  
s**

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**WITNESS STATEMENT OF MAYA FORSTATER**

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I, Maya Forstater, Chief Executive Officer of Sex Matters, 63/66 Hatton Garden, Fifth Floor Suite 23, London, EC1N 8LE will say as follows:

1. I make this statement in support of Sandie Peggie's complaint raised in the Edinburgh employment tribunal against Fife Health Board and Dr Upton under the Equality Act 2010 (case number 4104864/2024). The facts stated within this statement are within my own knowledge and belief save where otherwise stated.
2. This witness statement was prepared by me, with assistance from Sandie Peggie's solicitor and counsel.

**THE WORK OF SEX MATTERS**

3. Sex Matters is a human rights charity (number 1207701). I am the Chief Executive Officer. I am responsible for overseeing and implementing Sex Matters' programme of activities, acting as the organisation's primary spokesperson, and establishing and maintaining relationships with various organisations and officials in the interests of Sex Matters' work in pursuit of our charitable objects and strategy as agreed by the board of trustees of the charity.
4. Sex Matters was founded in October 2020 and became a registered charity in April 2023. We campaign for clarity on sex in law and policy in the UK, in order to protect everyone's human rights.

5. I co-founded Sex Matters while I was a claimant in the case of *Forstater v CGDE*, where so-called “gender critical” beliefs (that sex is real, binary, immutable and important) were found to be “worthy of respect in a democratic society”.
6. Sex Matters supports the universal human rights of everyone, including those people who identify as transgender. Where rights and interests come into conflict, we seek to propose practical solutions which respect everyone’s human rights and to be clear about the trade-offs between different interests.
7. As part of our work, Sex Matters: undertakes and commissions research and analysis; collects case studies, publishes reports and communicates findings to the public and policy makers; meets with organisations, officials, MPs, peers and Ministers; responds to public consultations; advises and encourages members of the public to understand and use their rights and to engage with local and national government and public and private service providers, and engages with international organisations in relation to relevant human rights issues in the UK.
8. It is a conventional scientific fact that sex (male/female, man/woman in humans) refers to reproductive role - that is whether someone has the type of body that is usually able at maturity to produce small gametes (male) or the type that is usually able to produce large gametes (female). In humans these cells are called sperms and eggs.<sup>1</sup> [895-904] Sex is readily perceptible by other people and is generally hard to disguise.

## KEY FACTS ABOUT THE TWO SEXES

9. While my “gender critical” belief includes value judgments (i.e. that it is important to be able to talk about sex in order to take action against the discrimination, violence and oppression that affect women and girls), underlying this is a recognition of basic facts about biology and about men and women. Like most other people, I have been aware of the following facts for the whole of my adult life, and in most cases for much of my childhood as well. In my current role, and in the campaigning work I carried out immediately before my current employment, I have acquired a more detailed knowledge of the facts relevant to that campaign.
10. I am certain of the following facts:
  - a) Human beings cannot change sex.
  - b) Sex is in general readily perceptible and is salient to other people.
  - c) Undressing in the presence of a member of the opposite sex can be experienced as embarrassing, alarming, degrading or humiliating.

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<sup>1</sup> Dr Emma Hilton and Colin Wright “*Two Sexes*” in Sullivan, A. and Todd, S. (eds.) *Sex and Gender: A Contemporary Reader*, Routledge (2023)

- d) Provisions to maintain relevant spaces and interactions as “same-sex” in order to protect dignity, privacy and safety are particularly important to women because:
  - i) women in general feel (and have enforced against them) taboos about physical modesty more powerfully than men.
  - ii) women are in general more fearful of men than men are of women, for good reason;
  - iii) women are in general at substantially greater risk of sexual assault and violence at the hands of men than men are of sexual assault and violence at the hands of women;
  - iv) men are statistically much more likely to be guilty of crimes of violence, sexual assault, indecent exposure, and voyeurism than women;
  - v) unless rules about single-sex spaces are clearly stated and enforced it leaves women open to risk of sexual harassment and assault, and makes these spaces feel unsafe.

11. Human beings cannot change sex. None of the above is necessarily changed if a woman finds herself exposed to a man who, has “transitioned” in the sense that he dresses or seeks otherwise to present himself in a feminine style, has changed his name or paperwork, nor if he has had surgical or other medical treatment to make him look and/or sound more like a woman in some respects.
12. A man who transitions and who has a gender recognition certificate (GRC) is not materially different to a man without a GRC (and to be eligible for a GRC, he is not required to be physically or visibly different in any way to a man who has not transitioned at all, only to have changed paperwork over two years and gained a diagnosis of gender dysphoria).
13. The statements in the preceding paragraph could be taken simply as self-explanatory and a matter of common-sense. That there are two sexes, sex is immutable, men as a class are a risk to women, and neither words or a piece of paper changes any of these positions; these statements used to be uncontroversial.
14. Most parts of public life are mixed-sex and none of this precludes treating individuals who are gender-non conforming, suffering from gender dysphoria, or who have changed their name or had surgery etc.. professionally and politely. It is simply a statement of facts that they have not in fact changed sex.
15. Currently people are often bullied and hounded at work for making these simple straightforward observations. Since I came into the public eye because of my employment tribunal case, and since co-founding Sex Matters I have been contacted by hundreds of women and men who have faced such bullying. They often face vilification as “TERFs” (trans exclusionary radical feminists). On the internet, in the workplace and in schools, universities, hospitals and other services, women labelled as “TERFs” are often sent sexual and violent threats, and are subject to vexatious complaints. They may be pressured to recant and apologise. If they refuse, they may be reported to their employer and often

to the police<sup>2</sup>. [849-856] There have now been almost a dozen successful employment tribunal claims following discrimination towards people because of their gender critical belief, and several more settlements; details of these claims are exhibited as attachments to my statement at **MF1/1**. But many people continue to be hounded and bullied at work and those attending events and meetings to discuss this as a policy issue face intimidation, misogynistic and sexualised threats and even physical violence.<sup>3</sup> [791-816] Because of this, common knowledge and curiosity have retreated, with fear and unworkable, abusive policies taking their place.

16. I expand below on the reasons why the facts I state at paragraph 10 are true.

**Alarm, distress & humiliation caused by opposite-sex intimate contact & exposure**

17. It is well established that people often prefer and need privacy from members of the opposite sex when changing, washing, undressing, sleeping and using the toilet, and that many people prefer to be intimately examined by healthcare and security professionals of the same sex.
18. This is a key reason for the existence of provisions for single-sex spaces (such as toilets, changing rooms, showers, dormitories) and services and for rules and laws to ensure that people are searched and can ask to be treated by carers and healthcare professionals of the same sex. Single sex strip searches within the police, as set out in the Police and Criminal Evidence Act 1984 is one of these measures. Single sex searches are particularly important since people are being detained and searched without choice or consent.
19. As part of my work at Sex Matters I have spoken to researchers, facilities managers (including publicans and gym staff) and designers about single sex spaces. Single sex facilities provided for bodily privacy are often designed with features to provide additional reassurance of privacy and to deter opportunistic voyeurism, exposure or sexual harassment, which is a known risk. For example there may be two doors at the entrance to a toilet block or changing room or a door followed by a corner turn which blocks the eyeline. Cubicles are sited within an enclosing room, and without a direct line of sight from the external door into a cubicle. Mixed sex facilities tend to have more robust cubicles (or fully enclosed rooms with brick wall dividers instead of partitions and without gaps. All of these measures create physical distance and barriers between members of the opposite sex while they are undressing. Signage is very clear and easy to read to avoid “accidental on purpose” or “plausible deniable” reasons for men to be in women’s changing rooms, toilets and showers. In public places such as shopping centres and theatres architects will place women’s toilets at the end of a corridor, beyond the men’s toilets, so there is no reason for a man to loiter at the entrance to the ladies. Any windows on the enclosing area around changing and toilet facilities are glazed with frosted glass. Where opposite-sex cleaning staff are on

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<sup>2</sup> Sex Matters, ‘Submission to GANHRI: Threats, reprisals and intimidation against the EHRC and those who stand up for sex-based rights in Britain’ (2024) <https://sex-matters.org/wp-content/uploads/2024/01/Sex-Matters-submission-to-GANHRI-re-EHRC.pdf>

<sup>3</sup> Sex Matters, ‘Intimidation, threats and violence by trans-rights activists’ (2024) <https://sex-matters.org/about-us/what-we-are-up-against/intimidation-threats-and-violence-by-trans-rights-activists/>

duty a sign will be put up. All of these measures reflect the particular need not only to be safe and private in public sanitation facilities, but to feel safe and private.

20. However these measures also create a citadel which some men wish to breach. “Women’s changing rooms” is a popular porn category including “hidden camera” videos. “Upskirting” has been a specific offence in Scotland since 2010 and in England and Wales since 2019.

### **Dignity, privacy & safety provided by single sex spaces, and importance for women**

21. While both men and women tend to prefer single-sex privacy when using the toilet, washing and undressing, it is particularly important for women. This is recognised by British Standard BS 6465-4:2010 on public toilets which states:

*“Separate facilities for men and for women should be provided in preference to unisex facilities, wherever possible. ... Many men and women seek privacy, and many women and children feel safer when using single-sex facilities.”<sup>4</sup>*

22. International organisations such as UNICEF, WaterAid, Amnesty International and Plan International emphasise the need for secure private sex segregated toilet facilities particularly for women's inclusion around the world:

*Privacy and safety considerations are vital to make sure that using the toilets does not increase the risk of violence against women and girls, or make users feel vulnerable in any way. Perception is important; if users think a facility is unsafe, it will put them off and force them to use potentially less hygienic alternatives.<sup>5</sup> [307-309]*

23. Women in general feel (and have enforced against them) taboos about physical modesty more powerfully than men. In 2022 Sex Matters published the results of a call to evidence which had 7,062 responses about why people value single-sex services. The respondents set out in detail the practical, emotional and safety reasons why single-sex services matter to them.<sup>6</sup> [509-522] Nine out of 10 of the respondents were women.
24. Most of the responses relate to everyday single sex services like toilets, changing rooms and showers. They underline how important bodily privacy is even in these everyday situations. More than 3,000 people wrote detailed comments on this one question. Here are a small selection:

*“Without being able to change, shower and use the toilet away from the opposite sex it would stop me wanting to exercise, go out and try new things. ‘Female, Scotland, 45–54*

*“I’m a woman in my late twenties. I am exhausted already by constant unwanted sexual harassment and advances by males in all and any public spaces. Being able to walk into a space page 18 July 2022 and know there will only be other women in there, I can breathe out and get on with what I need to do – be it to have a shower, change my clothes or do my female business – in peace and privacy.” Female, England, 25–34*

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<sup>4</sup> British Standards Institute, ‘Sanitary installations. Code of practice for the provision of public toilets’ (2010) BS 6465-4:2010

<sup>5</sup> WaterAid/UNICEF, ‘Female-friendly public and community toilets: a guide for planners and decision makers’ (2018) <https://washmatters.wateraid.org/publications/female-friendly-public-and-community-toilets-a-guide-for-planners-and-decision-makers>

<sup>6</sup> Sex Matters, ‘Why Single Sex Services Matter: Privacy, Dignity, Safety and Choice’ (2022) <https://sex-matters.org/wp-content/uploads/2022/07/Single-sex-services-full-report.pdf>

*"It's difficult to explain because it seems like such a basic request – to be able to expect privacy, safety, dignity when one is in the vulnerable position of changing, showering, using the toilet." Female, England, 35–44*

*"Changing, showering and using the toilet are things that happen in private. Most people don't want to do any of those things in front of anyone, even people we know, let alone an unknown member of the opposite sex." Female, England, 35–44*

*"I feel comfortable undressing in front of other women but uncomfortable doing so in front of men. "Female, England, 65 and over*

*"Men and women should have their own spaces to shower and change. This is as equally important to men as it is to women. A bit of privacy from the opposite sex is not a lot to ask for." Female, England, 35–44*

*"It is degrading and unsafe to expect women and girls to share spaces, where they are in a state of undress, with men. However those men identify, they are still men." Female, Scotland, 45–54*

25. Some people mentioned particular cultural and religious taboos have their obvious roots in the very real threat that men hold for women, as well as cultural expectations of propriety and honour.

*"As a religious person, my beliefs are protected. My faith requires that I would NOT undress in front of males. Including men who say they are women." Muslim, Female, England, 35–44*

*"My Christian faith teaches me that my modesty is important and that nakedness is something revealed to only very few people. I feel uncomfortable being forced into situations of intimacy with strangers of the opposite sex." Christian, Female, England, 45–54*

*"I am Jewish and I do not expose myself to any other male except my husband." Jewish, Female, England, 35–4*

26. Women are in general more fearful of men than men are of women. This is not only because men generally are physically stronger and more powerful, but because men are more prone to violence, crime and sociosexual behaviour (a personality trait that describes how willing someone is to have sex without commitment).
27. Nearly half of the women who responded to our survey on why they valued single-sex spaces said they had experienced sexual assault in their lifetime.

*"Men are different from women. Only men can rape." Female, England, 45–54*

*"I was sexually assaulted, from age 11 to 15, by a close family friend. I am still fearful of unknown men." Female, England, 65 and over*

*"I was raped by a male who regarded himself as gender fluid and who liked to wear woman's clothes. " Female, England, 55–64*

*"Like most women I have experienced flashing, unwanted touching and on one occasion an unprovoked punch in the face from a stranger (male). I feel it is important that when I need a male free area, I should get one." Female, England, 55–64*

*"My experiences are relatively mild compared to some women, as they mainly involved indecent exposure when I was a child and young woman. The first time it happened I was only 7, a man asked me for directions to a road I'd never heard of then exposed his penis. I felt manipulated and frightened and ran home as fast as I could. I learned a lot that day and have valued safe spaces ever since." Female, England, 45–54*

28. Professor Jo Phoenix summarises that 200 years of criminological and other social scientific evidence attests to the fact that the single greatest predictor of offending is sex.<sup>7</sup> [794-801] Statistics from the Ministry of Justice show that men commit approximately 85% of crimes. Men commit 82% of convictions for violence against the person crimes and 98% of sexual crimes.<sup>8</sup> [917-925] In 2021 the total number of male defendants in child sexual abuse cases was 7,111 compared to 106 female defendants<sup>9</sup>. [642]
29. Paraphilic, broadly understood as atypical sexual desires (including to non-consensual involvement of others, the suffering or humiliation of others and attraction to prepubescent children) are also much more common in men.<sup>10</sup> Crimes of exposure and voyeurism are overwhelmingly carried out by men against women and girls. They are exciting for the men who commit them and frightening for women because they breach boundaries of what is deemed safe and acceptable.
30. While men are at greater overall risk of being victims of crime overall, women are at much greater risk of violence and sexual violence at the hands of men than men are of violence and sexual violence at the hands of women. Crimes including stalking, harassment, sexual assault, domestic violence and controlling and coercive behaviour affect one in 12 women in England and Wales<sup>11</sup>. [740-741] The Office for National Statistics report that 22.9% (1 in 4) of women have experienced sexual assault (compared to 4.7% of men (1 in 18).<sup>12</sup> [399-400] The most common crimes are unwanted sexual touching and indecent exposure.
31. While recognising that not all men mean them harm, women cannot identify which men are dangerous.

### Transition does not change sex

32. As set out at paragraph 19 above, transition is a personal process which may involve a change of name and some aspects of appearance. Some people take hormones and a few have surgery. None of this changes a person sex.
33. There is no reason to think that transitioning (which does not necessarily involve hormones or surgery) would switch someone from demonstrating male typical behaviour patterns and risks to female typical patterns, or stop males from prompting fear and discomfort in females if they breach normal boundaries of propriety and dignity.

<sup>7</sup> Phoenix, J, “Sex, Gender, Gender Identity and Sexualities in Criminology” in Sullivan, A. and Todd, S. (eds.) Sex and Gender: A Contemporary Reader, Routledge (2023)

<sup>8</sup> Ministry of Justice. ‘Criminal Justice Statistics – year ending 2021’ as quoted in Jo Phoenix, ‘Women, Men & Criminal Justice’ The Philosophers Magazine (2023) <https://philosophersmag.com/women-men-and-criminal-justice/>

<sup>9</sup> Kairika Karsna and Paige Bromley, ‘Child Sexual Abuse in 2021/22: Trends in the Official Data’ Centre of Expertise on Child Sexual Abuse (2023) <https://www.csacentre.org.uk/app/uploads/2023/09/Child-sexual-abuse-in-2021-22-Trends-in-official-data.pdf>

<sup>10</sup> Konrad N, Welke J, Opitz-Welke A, ‘Paraphilic’ Curr Opin Psychiatry. (2015) 28(6) 440-4. doi: 10.1097/YCO.0000000000000202. PMID: 26382165.

<sup>11</sup> <https://cdn.prgloo.com/media/034ed60aa6564c1fbdcfb03fd8e6a210.pdf>

<sup>12</sup> Office for National Statistics, ‘Crime Survey for England and Wales -Year ending march 2020’ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/natureofsexualassaultbyrapeorpenetrationenglandandwales/yearendingmarch2020>

34. Research shows that even those who undertake a medicalised transition tend to retain patterns of behaviour and risk typical of their sex. A study undertaken at the Karolinska Institute in Sweden<sup>13</sup> followed a population of individuals who had undergone medical, surgical and legal sex reassignment between 1973 and 2003 (324 in total) and compared them to a matched control group of their birth sex. It compared the likelihood of a person having one or more criminal convictions and convictions for violent crime. The study found that “male-to-female” transitioners retained male patterns of offending for criminality, including violent crime. They were over 6 times more likely to be convicted of an offence than female comparators and 18 times more likely to be convicted of a violent offence. The group had no statistically significant differences from other males, either for convictions in general or for violent offending<sup>14</sup>. [76-77]

35. Data from the Ministry of Justice similarly shows that in the UK in 2020 there were 129 male-born prisoners identifying as transgender (not counting any with GRCs, who were not included in the data). Of these, 76 had at least one conviction of a sexual offence. This includes 36 convictions for rape and 10 for attempted rape.<sup>15</sup> [418-420] These are clearly male type crimes.

36. An association between genital and gender dysphoria and sexual homicide has also been observed in academic literature.<sup>16</sup> [49] This is a male type crime.

37. This is not to say that all men who identify as women are criminals or sex offenders, in the same way that not all men are criminals or sex offenders. But there is certainly no reason to think they are *less* likely to be than other men are, or that they exhibit female patterns of offending and risk.

### **Autogynephilia and sexual fetish**

38. Any policy of allowing “transwomen” into women’s spaces should be evaluated against the background of an understanding that “transwomen” are males, that there is no reason to think that they pose less of a risk than other males, or that they won’t prompt the same feelings of fear, lack of privacy and of humiliation amongst many women as any other males. It is also important to consider the fact that the class of men seeking to be treated as women includes a significant cohort of men manifesting a specific paraphilia or sexual fetish. I should emphasise that I do not know Dr Upton, and have no knowledge of what explains his self-identification as female, and I do not speculate on that subject. My evidence is not about Dr Upton, but about the wider context against which policies about whether males are allowed into women’s changing rooms should be judged.

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<sup>13</sup> Cecilia Dhejne, Paul Lichtenstein, Marcus Boman, Anna L. V. Johansson, Niklas Långström, Mikael Landén, ‘Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden’ PLOS One (2011) 6(2): e16885 <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

<sup>14</sup> Dhejne *et al.*, 2011

<sup>15</sup> Fair Play for Women, ‘Transgender Women exhibit a male-type pattern criminality: Implications for legislators and policy-makers’ (2020) <https://fairplayforwomen.com/transgender-male-criminality-sex-offences/>

<sup>16</sup> Meloy, JR ‘The Nature and Dynamics of Sexual Homicide: an integrative review’. *Aggression and Violent Behavior*, (2000), 5(1), 1-22.

39. The information I set out below draws from a forthcoming report by Sex Matters on autogynephilia and safeguarding, based on a review of academic literature and primary sources.
40. What is commonly called “trans” is not a single phenomenon, amongst males or females. Researchers since the 1970s have observed patterns of erotic cross-dressing, childhood gender-atypicality and sexual orientation in males. They have consistently found two different groups of men who want to “live as women”. One group consists of gay men who were notably effeminate as children and typically cross-dressed publicly at a young age. They do not report sexual arousal at wearing women’s clothing. The other group consists of heterosexual men who were considered typically masculine as boys. They find wearing women’s clothes or the idea of being a woman, having a woman’s body or being treated as a woman, sexually arousing.
41. In 1989, Canadian sexologist Dr Ray Blanchard coined the term “autogynephiles” for this group and went on to undertake several studies using his typology<sup>17</sup>. [1-8] Autogynephilia means “love of oneself as a woman”. Blanchard has said that:

*in the Western Hemisphere and English-speaking Commonwealth countries, the overwhelming majority of adult natal males presenting with gender dysphoria are of the autogynephilic type<sup>18</sup>. [450-455]*

42. An autogynephilic man experiences sexual arousal at the thought of himself as a woman. He may pursue this arousal through cross-dressing, sexual fantasy or role play, or the consumption of pornography.
43. The trans lobby group Press for Change wrote in 2007:

*Transvestite people (TV's) enjoy wearing the clothing of the 'opposite' sex for short periods of time. They are generally men who started cross dressing as they entered puberty. Their sense of female identification can range from being very strong and indeed, their 'real' selves, to being only half of their identity – they may identify for example as 'bi-gendered'. As they get older, some may decide that they are in fact transsexual and will proceed to living permanently in their new gender role, choosing to take opposite sex hormone therapies and may even choose to have gender reassignment (sex change) surgeries. Others are happy to continue 'dressing' part-time for the rest of their lives<sup>19</sup>. [69]*

44. The overlap between part time transvestites and full-time transexuals and the role of sexual fetish was explicitly recognised in the 2005 Guidance from the Association of Chief Police Officers:

*Cross-dressers/transvestites through to post-operative transgender covers a huge spectrum of individuals, each of whom have their own individual needs. Not every male or female that dresses as the opposite gender (transvestite) do so because they wish to permanently be defined in the opposite gender (e.g. transgender). Some do it as a fetish or for sexual gratification, some are simply driven by an unexplained urge to dress as a woman and are considered to be transvestites, but will have no desire to change their gender. Transvestites can be happily married individuals who have no desire to*

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<sup>17</sup> Blanchard, Ray ‘The concept of autogynephilia and the typology of male gender dysphoria’, The Journal of Nervous and Mental Disease, (1989) 177(10), 616-623.

<sup>18</sup> Blanchard quoted in Hayton, D, ‘My Autogynephilia Story’ (2022) Available at: debbiehayton.com/2022/05/16/my-autogynephilia-story

<sup>19</sup> Stephen Whittle, Lewis Turner and Maryam Al-Alami, ‘Engendered Penalties: Transgender and Transsexual People’s Experiences of Inequality and Discrimination.’ Press for Change (2007) <http://www.pfc.org.uk/pdf/EngenderedPenalties.pdf>

*remain in the opposite gender but have a personal need to cross-dress, whether it be for comfort or just to express their feelings.*

*The majority of known transvestites and cross-dressers are heterosexual men and they are often married with families. Although some individuals may be bisexual they rarely define themselves as gay<sup>20</sup>. [65]*

45. Paraphilias tend to occur together. Blanchard found that 90 percent of men with anatomic autogynephilia (autogynephilia focused on possessing female body parts) reported co-occurring transvestism, and 55 percent reported a fetishistic attraction to specific items of clothing<sup>21</sup>. [18-20] Others have noted that transvestism tends to co-occur with other fetishes, including sexual masochism, bondage and discipline, latex clothing fetish, forced feminisation, gynandromorphophilia (attraction to feminised men), paedophilia, autonepiophilia (paraphilic infantilism or adult baby syndrome), exhibitionism and voyeurism<sup>22</sup>. [33-37]
46. A life-history of furtively masturbating into women's underwear (often first stolen from mother or sister) is common. Anne Lawrence's book of first person accounts from autogynephiles includes many such examples. <sup>23</sup> [87-109]
47. Some clinicians have observed that an element of sexualised shame or humiliation fantasy may underlie a trans-identifying man's behaviour around seeking to present "as a woman" while clearly male. Psychiatrist Dr Az Hakeem notes a range of mixed emotions between sexual arousal and frustration, including:
  - a) sexual arousal from fantasy of themselves as the opposite sex;
  - b) sexual arousal from the idea of themselves in their biological sex cross-dressing;
  - c) excitement from being perceived by others as being the opposite sex;
  - d) masochistic excitement from not passing while cross-dressing in public; and
  - e) excitement from the feeling of risk and not knowing if others will notice<sup>24</sup>. [643-647]
48. Studies have found a correlation between having a paraphilia and experiencing arousal at the thought of sexually coercive behaviour (including deliberate deception to achieve sexual contact, forcing contact, taking advantage of an incapacitated individual and forcible rape). A study in Finland published in 2016 found that nearly one in five men indicated that the idea of performing a sexually coercive act was arousing. Autogynephiles were even more likely (one in four) than other men to find

<sup>20</sup> APCO, 'The Gender Recognition Act 2004 Guidance for Police Officers and Staff' (2005)

<sup>21</sup> Blanchard, R. 'Clinical observations and systematic studies of autogynephilia' Journal of Sex & Marital Therapy, (1991) 17 , 235-251.

<sup>22</sup> Abel, G. G., & Osborn, C. 'The paraphilias. The extent and nature of sexually deviant and criminal behavior.' The Psychiatric Clinics of North America (1992) 15 , 675-687.

<sup>23</sup> Lawrence, A(2013), [Men Trapped in Mens Bodies. Narratives of Autogynephilic Transsexualism](#). Springer. Also see Anupama M, Gangadhar KH, Shetty VB, Dip PB. 'Transvestism as a Symptom: A Case Series' Indian J Psychol Med. 2016 Jan-Feb;38(1):78-80. doi: 10.4103/0253-7176.175131. PMID: 27011411; PMCID: PMC4782454 Summers, S(2022) What a Load of Pants <https://thecritic.co.uk/what-a-load-of-pants>

<sup>24</sup> Az Hakeem, DETRANS: When transition is not the solution (2023) 19-22.

the thought of performing a sexually coercive act to be sexually arousing. The rate for women was one in 25. Autogynephilic men were also more interested in voyeurism than other men, expressing interest about twice as often<sup>25</sup>. [129-130]

49. “Wardrobe malfunctions” and too-short skirts and dresses exposing underwear, buttocks or genitals are a common feature of personal photography shared by cross-dressers in public groups.<sup>26</sup> [943-950]
50. An organisation that allows cross-dressing and trans-identifying males into a previously “female only” space is no longer providing a female only space for washing and undressing, but a space in which women may find themselves undressed, unexpectedly and unwantedly with male strangers, colleagues or classmates, who may well include those motivated by a sexual fetish.

**Statement of truth:**

I understand that the purpose of this witness statement is to set out matters of fact of which I have personal knowledge. This witness statement does set out only my personal knowledge and recollection, in my own words.

I have not been asked or encouraged by anyone to include in this statement anything that is not, to the best of my ability and recollection, my own account, in my own words, of events I witnessed or matters of which I have personal knowledge.

I understand that I can be cross examined on the contents of this statement and that, if the hearing is in public, my witness statement will be available for inspection by members of the public at the hearing, unless the tribunal orders otherwise.

I believe that the facts stated in this witness statement are true. I understand that at the Employment Tribunal hearing I will be required to swear or affirm, by taking the oath or affirmation, that the evidence I have given in this statement is the truth, the whole truth and nothing but the truth and that the law relating to perjury applies to Employment Tribunal proceedings.

Signed:		
	(MAYA FORSTATER)	
Dated:	30 <sup>th</sup> January 2025	

<sup>25</sup> Baur E, Forsman M, Santtila P, Johansson A, Sandnabba K, Långström N. 'Paraphilic Sexual Interests and Sexually Coercive Behavior: A Population-Based Twin Study'. *Arch Sex Behav.* (2016) 45(5) 1163-72. doi: 10.1007/s10508-015-0674-2. Epub 2016 Jan 11. PMID: 26754158.

<sup>26</sup> See for example [https://www.flickr.com/groups/transsexual\\_cafe/pool/with/54198512474](https://www.flickr.com/groups/transsexual_cafe/pool/with/54198512474) <https://www.flickr.com/groups/sexy-tgurls-of-flickr/pool/with/54184165277>

I hereby certify that:

1. I am the professional representative within the meaning of paragraph 5(6) the Practice Direction in connection with the use of witness statements in Employment Tribunal cases to be heard in Scotland.
2. I am satisfied that the purpose and proper content of witness statements, as set out in the Practice Direction, and the terms and effect of the witness confirmation required by paragraph 29, have been discussed with and explained to Maya Forstater
3. I believe this witness statement complies with the provisions of the Practice Direction and that it has been prepared taking into account the Presidential Guidance in connection with the preparation and use of witness statements.

Signed:	<i>Margaret Gribbon</i>	
	MARGARET GRIBBON	
Dated:	30 <sup>th</sup> January 2025	