# Twitter Thread by Gina Davidson



**Gina Davidson**
@wornoutmumhack



## If an example was needed about how much sex and gender have been conflated in law and public policy it's the debate around @JohannLamont's amendment to the Forensic Services Medical Bill. /1 thread

The shift to gender (gender pay gap/gender based violence etc) seems to have occurred because we as a society have felt more comfortable with the g word because sex is about sexual intercourse rather than a biological class of people. /2

However gender is not specified in law, unlike sex, and depending on who you talk to, there are umpteen genders as it's about a performative identity rather than a biological certainty. How then if you are a rape victim can you ask for a medical examiner of a specific gender? /3

You can't. You can, however, ask for a medical examiner of the same sex as you. Putting this clarity in the Bill for traumatised people seems a no brainer. And has the added advantage of shining a light on the lack of female examiners and thereby forcing a response to that. /4

Without that NHS trusts don't have to address the issue. If gender is used and as self ID has become accepted - ahead of law - esp in the NHS, then hypothetically a woman who has been raped could be examined by a person who says their gender is "woman" but their sex is not. /5

Adding to the trauma. Or ensuring the victim does not take advantage of the new vital law this Bill introduces, or could even see them accused of transphobia. Of course there are possibly no trans forensic medical examiners rn, but who knows in the future? /6

There is also no need to use gender in this Bill rather than sex just because it has been used in another Bill (see similar discussions on this kind of thing re consolidating older law in new Hate Crime Bill) that is not a good enough reason. /7

We keep being told that lived experience is key in drafting public policy - women rape survivors have been clear having a female examiner is paramount. Legislate for sex and it forces the NHS (and unis) to ensure that the request of traumatised women can eventually be met.

This is my opinion as a woman who has managed to reach a grand old age without being sexually assaulted. My view is therefore not as important as the women who have. And they have been clear. MSPs faced with the debate on the Bill today should think of them. /ends