

IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER

Case No. CA20210013

Courtroom No. 5

PO Box 9300
Leicester
LE1 8DJ

Monday, 12th September 2022

before

TRIBUNAL JUDGE GRIFFIN
& TRIBUNAL JUDGE NEVILLE

MERMAIDS

- v -

CHARITY COMMISSION
& LGB ALLIANCE

MR M GIBBON KC and MR T LOVEDAY appeared on behalf of the APPELLANT
MR I STEELE appeared on behalf of the FIRST RESPONDENT
MS K MONAGHAN KC and MS A REINDORF appeared on behalf of the SECOND
RESPONDENT

WHOLE HEARING

UNOFFICIAL TRANSCRIPT AGREED AS ACCURATE BY THE PARTIES

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1 [Audio starts mid-sentence].

2 JUDGE GRIFFIN: ...circulating it more broadly.

3 JUDGE NEVILLE: So, the parties do not have any concerns about that, no.

4 JUDGE GRIFFIN: Thank you, well, I think we are happy with that. Thank you very much.

5 **Discussion *sotto voce*.**

6 JUDGE GRIFFIN: We are connected to the wrong room. I need to have a word. We are
7 going to rise for a couple of minutes.

8 JUDGE NEVILLE: Yes.

9 **Court rises.**

10 **Court resumes.**

11 JUDGE GRIFFIN: If everybody can hear me? This is, I think, the right microphone. It
12 certainly is the one that is illuminated. Or, does that appear to be amplifying me in
13 the room? No? Okay? I am now addressing everybody that is watching this tribunal
14 hearing remotely. I would like you to listen carefully to what I have to say. Watching
15 this hearing comes with a number of obligations. You have already, thank you, dealt
16 with the matter of identifying yourselves to the tribunal so that we know who
17 everybody is and the tribunal thanks you for your cooperation with that. It is
18 important that while you watch the hearing, you keep your cameras off and your
19 microphones on mute. It is important that we listen respectfully, without interruption
20 to anybody who is speaking in the tribunal.

21 That is one of the conditions of admittance to the CVP room. If anybody seeks to
22 interrupt these proceedings, I will pause the proceedings and I will deal with that
23 matter immediately. We will not be using the chat box function; if you can see that,
24 unless you have a technical problem. Any breach or disruptive behaviour, I repeat,
25 may result in the person concerned being excluded from this hearing. There will be
26 no recording of these proceedings except the official recording which is being made
27 via the link. Any person who makes an audio recording, video recording or still
28 screenshot by computer, phone or any other device may find themselves subject to
29 criminal or contempt proceedings.

30 I know that that sounds quite harsh and quite strong but those are the conditions that
31 we have imposed following guidance from the Lord Chief Justice, who is the top
32 Judge in this country. Thank you for listening to me and we will continue with the
33 hearing now.

34 MS MONAGHAN: Madam, without interrupting any further the proceedings, may I just
35 raise two things very quickly so, the tribunal knows where we are with uploading the

1 documents. We've decided and so everybody else knows, that we will only update
2 – sorry, upload the exhibits in relation to a particular witness once they've adopted
3 their witness statement. So, they will be in chunks. It may be Mermaids decide not
4 to call a witness. There will be an issue about that but we don't anticipate any of that
5 and it's probably the most ordered way to do it.

6 Secondly, just so the tribunal knows, Ms Reindorf is going to take the first witness,
7 Mr Roberts, and to remind the tribunal, if I may, that which Mr Gibbon said on
8 Friday, namely the fact that a matter isn't challenged does not mean one or other
9 party accept that. It will just be too cumbersome and disproportionate to [inaudible]
10 the witness statement and similarly, the fact that a question is asked does not mean
11 the parties think that is necessarily relevant to the tribunal's ultimate determination
12 [inaudible] are challenged.

13 JUDGE GRIFFIN: Thank you.

14 MS MONAGHAN: With that-

15 JUDGE GRIFFIN: Yes, that is very helpful. Thank you very much. Mr Gibbon, I know
16 that on Friday, there was some issues about Mr Nicholson's attendance. I suspect
17 that he may have been very busy over the weekend and continues to be busy with his
18 official duties. Are we expecting to see him today?

19 MR GIBBON: Madam, you've anticipated the matter I was going to raise. He can, as things
20 currently stand, be available from 2.30 today and we've seen no reason, at the
21 moment, why that shouldn't happen. We believe he will be also available tomorrow
22 morning but, for the reasons you have given, his timetable is not entirely in hands at
23 the moment.

24 JUDGE GRIFFIN: That is understood and, please, just keep us updated as to when we might
25 expect to hear from him.

26 MR GIBBON: Madam, yes, and to build on what my learned friend said, yes, on both her
27 points; those points are agreed.

28 JUDGE GRIFFIN: Thank you. Thank you. There is nothing else from the tribunal so,
29 Mr Gibbon, would you like to call your first witness?

30 MR GIBBON: Yes, I call Mr Roberts.

31

32 WITNESS EVIDENCE OF MR PAUL ROBERTS

33 Examination-in-Chief by MR GIBBON KC

34 Q. Good morning, Mr Roberts. You have a stowaway in front of you, containing a
35 number of Lever Arch files. Within that, there should be one which is labelled

1 volume one.

2 A. Yes, I believe – it doesn't say volume two, so-

3 Q. Hopefully, it is the right one. If you turn to divider 22 in that bundle, now, is that a

4 statement with your name on the front?

5 A. No, it's not.

6 JUDGE GRIFFIN: It might be divider 21.

7 A. Ah. Ah, yes, divider 21.

8 Q. 21. Our copy is double-sided; the first page of that statement is the previous tab so;

9 you might find it there. The first page.

10 A. Yes.

11 Q. Now, do you see there a statement with your name on it?

12 A. I do.

13 Q. And, if you go through to the end of that statement, which I think is page 122-

14 A. Yes.

15 Q. And is that your name?

16 A. Yes, it is.

17 Q. And, is that your signature?

18 A. It is.

19 Q. Now, before I ask you whether you are prepared to adopt this evidence for these

20 proceedings, is there anything about this document which you would like to correct?

21 A. No.

22 Q. Or, otherwise, change?

23 A. Well, no, I think there is one word.

24 Q. A message got through to me that there was one word which you wanted to correct-

25 A. One word to correct – to add in. So, on page 102-

26 Q. Yes?

27 A. Number 10 – the last line, there is, for example, so, "An organisation focusing on

28 gay men but would not exclude transmen", I wanted to add in "trans gay men" – add

29 the word "gay".

30 Q. So, at the penultimate word of that paragraph. And are there any other changes you

31 would like to make to that statement?

32 A. There aren't.

33 Q. Madam, I propose my witness be asked to adopt the evidence. We haven't spoken

34 about whether evidence is to be sworn or affirmed. We are in the tribunal's hands-

35 JUDGE GRIFFIN: It is not usual in this tribunal to swear our witnesses. I think everybody

1 understands that we expect witnesses to tell us the truth but it is not usual to swear
2 witnesses. It can happen if there is an application. I can see Ms Monaghan's reaction
3 to that. I mean, if you wish to make an application, we will hear it.

4 MS MONAGHAN: I've just had a brief conversation with Mr Loveday but not with
5 Mr Gibbon, to be fair, and we had anticipated witnesses would be sworn or required
6 to take the oath or the affirmation but, madam, it's a matter for you. Given the
7 seriousness of these proceedings, we thought it would be wise but it is a matter for
8 you.

9 MR GIBBON: It's in the tribunal's hands.

10 JUDGE GRIFFIN: Mr Steele, do you have any observations?

11 MR STEELE: No, I don't.

12 **Discussion sotto voce.**

13 JUDGE GRIFFIN: We do not see any need to swear the witnesses. We understand they are
14 all professional people and they will tell us the truth to the best of their ability. It is
15 important Mr Roberts, and I will tell this to any other witness, that if you simply do
16 not remember, that you tell us; that you do not guess the answer to the question and
17 that, at all times, you tell us the truth to the best of your knowledge and ability.

18 MR GIBBON: So, Mr Roberts, can I ask you formally to adopt the evidence that you have
19 given in writing, subject to that change?

20 A. Yes. Yes.

21 MR GIBBON: Madam.

22 JUDGE GRIFFIN: Are we worried about the microphones, Ms Reindorf?

23 MS REINDORF: I am a little, madam, because I do not see a light on Mr Roberts's
24 microphone so I'm assuming that that's not the one that goes to CVP.

25 **Discussion sotto voce.**

26 JUDGE GRIFFIN: The microphones are doing a good job of picking up our voices. We
27 managed to listen to part of the recording on Friday, just to check that. However, it
28 is important, given the strange architecture in this room that we all keep our voices
29 up and Mr Roberts, that is probably most important for you, because you will not be
30 used to this sort of situation and there are people at the far side of the room who will
31 need to hear what you say as well as the people on the link and Ms Reindorf, it would
32 be easy to have a quietly spoken conversation between the two of you, I am sure, but
33 it is important that everybody hears what you say. Ms Reindorf?

34 MS REINDORF: Thank you, madam. I don't know if there are going to be any
35 supplementary questions or if that is something that you do in this tribunal?

1 MR GIBBON: No.

2 MS REINDORF: No? Very good. Thank you.

3 Cross-Examination by MS REINDORF

4 Q. Mr Roberts, yes, you may well feel that I am shouting at you but it is as the Judge
5 explained to do with making sure that everybody can hear me. Can you have, in
6 front of you, your witness statement, please?

7 A. Yes.

8 Q. You are going to need to keep that out because we are going to go back and forth in
9 it. I'd like you to look, first, at paragraph five of this statement.

10 A. Yes, I'm there.

11 Q. In that paragraph, the last sentence, or the last numbered point, you say that you are
12 going to be dealing in your statement with the extent to which the LGB Alliance's
13 activities are at odds with its stated objects?

14 A. That is correct.

15 Q. Yes, other than in this paragraph, you don't mention again, do you, in your statement
16 the objects themselves?

17 A. Not to the best of my recollection.

18 Q. Thank you. If you could find, please, in the main bundle – what I want you to find
19 is page 936 in volume two. Now, I understand volume two has been divided up and
20 I don't have the list of – 2.1.

21 JUDGE GRIFFIN: 936?

22 MS REINDORF: That's right, madam, yes.

23 JUDGE GRIFFIN: Whilst we are looking for that, can I thank whoever it was who has
24 helpfully sorted out the bundle for us? It is making it much easier to navigate around
25 them.

26 MR GIBBON: What number?

27 JUDGE GRIFFIN: 936.

28 MR GIBBON: Thank you.

29 Q. Right, so, this is the objects as they were set out in the application made by
30 LGB Alliance for charity status. Have you read them?

31 A. I have seen them before, yes. I was just re-reading them.

32 Q. Okay. Can we take it, from the fact that you don't mention them elsewhere in your
33 witness statement, that you don't object to what they actually say?

34 A. I don't object to the words that are on the paper.

35 Q. Right, your objection is about how they have been put into practice?

1 A. Yes, that is correct.

2 Q. You wouldn't have a problem if the objects were delivered in a way that is consistent
3 with your values and beliefs?

4 A. Can you say that question again, please?

5 Q. You wouldn't have a problem with these objects if they were delivered in a way that
6 was consistent with your own values and beliefs?

7 A. Yes.

8 Q. Your position – and tell me if I've got this right – is that LGB Alliance has an agenda
9 that is not reflected in these written objects?

10 A. Yes, that's correct.

11 Q. To put it in plain terms; the agenda that you think they have is a transphobic one?

12 A. Yes, that's correct.

13 Q. Now, could you turn to paragraph 27 of your witness statement, please?

14 A. Yes.

15 Q. You say here, "It seems to me that LGB Alliance knew from the outset that it would
16 have a better chance of achieving mainstream credibility and, in particular, charitable
17 registration, if it tried to frame its activities in positive terms as pro-LGB rather than
18 admitting openly that it exists to campaign against trans rights"? Yes?

19 A. Yes, that's correct.

20 Q. So, you accept that they describe themselves in a way that seems reasonable?

21 A. Yes, to an extent.

22 Q. But you believe that they have deliberately set out to deceive the
23 Charity Commission about the true nature of their activities?

24 A. Yes, that is correct.

25 Q. Paragraph 45 of your witness statement, please. Here, you say, "LGB Alliance is
26 now careful to craft its messaging so that it seems respectable, innocuous and pro-
27 LGB."

28 A. Yes, that is correct.

29 Q. So, is it that you think they are conveying hidden messages in their communications
30 – their messaging?

31 A. Yes, but also some quite explicit messages in that messaging.

32 Q. Well, we are talking about the messaging that you say they are careful to craft in a
33 respectable, innocuous, and pro-LGB fashion – you think that contains hidden
34 messages, do you?

35 A. Yes.

1 Q. Right, if we you could go, please, to page nine of bundle two, which will be in 2.1.
2 The decision of the Charity Commission when it awarded charitable registration to
3 LGB Alliance. Have you read it?

4 A. I have but not for some time.

5 Q. Okay. At paragraph 35, they say that they looked at whether or not LGB Alliance's
6 purpose inevitably involved the denigration of the rights of transgender people and
7 they considered that it did not. At the end of the paragraph, in the last four or five
8 lines, they say, "LGB Alliance's website states that its values include that of respect,"
9 and then, they quote from the website, "We engage with others respectfully. We
10 discuss, propose, and oppose ideas. We do not attack individuals. Disagreement
11 does not equal hate. We do not condone, endorse, or encourage any abusive or
12 discriminative behaviour towards any group or individual." It must follow, Mr
13 Roberts, from the evidence that you've given, that you think that that statement is a
14 sham?

15 A. I certainly disagree with what's written in paragraph 35.

16 Q. Have you read the witness statements given in these proceedings by the
17 LGB Alliance's witnesses?

18 A. Yes. Yes, I have.

19 Q. Okay. If you can find the witness statement for Bev Jackson and I'm afraid that I'm
20 not completely sure – I can tell you what page number it is in bundle one, which
21 would be this one – the one with the witness statements, page 162 in there. Tab 24.
22 If you turn to paragraph five of that statement. Page 165.

23 A. Yes.

24 Q. Ms Jackson says this – three lines down, she "was proud to have been a founding
25 member of the UK Gay Liberation Front at the LSE." She was spokesperson for
26 them at their first march in 1970; do you accept that?

27 A. That's what is written here.

28 Q. Yes, and Kate Harris, in her witness statement, which starts at page 216 of the bundle
29 – I think it's the next tab – at paragraph eight of her statement and thereafter, she
30 talks about her history of lesbian activism, which goes back to 1974 – do you accept
31 that?

32 A. That's what I see written here, yes.

33 Q. So, between them, 100 years of activism in progressive causes, yes?

34 A. It's 100 years of activism, yes.

35 Q. But it's your view, for some reason, that they're prejudiced against trans people, in

1 particular, is that right?

2 A. Yes, I believe that's true.

3 Q. You believe that they are so transphobic that they've set up an organisation as a front

4 for no other reason than to take rights away from trans people, is that accurate?

5 A. I believe that's a core reason for the organisation having been set up.

6 Q. You know, don't you, that they are bombarded on a daily basis on social media with

7 accusations that they are a hate group?

8 A. They are accused of being a hate group, correct.

9 Q. Page 1476 of volume two, which is in 2.2-

10 A. Could you repeat that?

11 Q. 1476-

12 A. Sorry, I didn't bring my reading glasses up.

13 JUDGE GRIFFIN: Oh, if you would like to get them or ask somebody to bring them across

14 for you.

15 A. So sorry.

16 JUDGE GRIFFIN: Do not worry.

17 **Pause.**

18 JUDGE GRIFFIN: Is that better?

19 A. Yes.

20 Q. Right, so, this is a tweet posted by Jo Maugham on Twitter in November 2020; the

21 one at the top, in which he describes LGB Alliance as a "dark money funded, astro-

22 turfed hate group", yes?

23 A. That's what's written here, yes.

24 Q. And he has 400,000 followers on Twitter, doesn't he?

25 A. I couldn't confirm or deny that one, I'm afraid.

26 Q. No, and underneath that, at the bottom of the page, is a tweet from Owen Jones, who

27 has, I'm sure you will agree, a million followers on Twitter, saying, "The

28 LGB Alliance is a hate group, set up purely to agitate against the rights and dignity

29 of trans people and to drive them from the LGBTQ movement," yes?

30 A. That's what I can see here, yes.

31 Q. And you may not know how many followers these people have on Twitter but you

32 know they are influential people, don't you?

33 A. Yes, I would agree.

34 Q. And at page 1478, which is two pages on, we see a tweet from John Nicholson, a

35 Member of Parliament, describing them as "sinister" – don't we?

1 A. Yes, I can see that.

2 Q. So, looking at this sort of evidence, you maintain that the founders of LGB Alliance

3 put themselves through all of this abuse because they have an irrational phobia of

4 trans people?

5 A. I would reiterate that they are – I believe that they are transphobic.

6 Q. Well, the question was, you think they put themselves through all of this because of

7 that irrational phobia?

8 A. I can't speak for them.

9 Q. In paragraph 17 of your witness statement-

10 A. Yes-

11 Q. - you talk about people – it's about two-thirds of the way down – you talk about

12 people who have tried to disguise that they have a disgust towards trans people?

13 A. That is correct.

14 Q. Is that what you think most relates to the founders of LGB Alliance?

15 A. I am just going to re-read my paragraph to make sure that-

16 **Pause.**

17 JUDGE GRIFFIN: Sorry, Ms Reindorf, could you remind me of the paragraph number you

18 are looking at?

19 MS REINDORF: Yes, it's paragraph 17.

20 A. Could you repeat the question?

21 Q. You talk about people who have a disgust towards trans people and who try to

22 disguise it. Is that disgust what you think motivates the founders of LGB Alliance?

23 A. Yes, I think in part it is.

24 Q. Are you willing, Mr Roberts, to entertain at all the idea that they might be acting in

25 good faith?

26 JUDGE NEVILLE: Sorry, I did not catch that – they might be actually?

27 MS REINDORF: They might be acting in good faith.

28 JUDGE NEVILLE: Acting in good faith. Thank you. You are competing with the air

29 conditioning, I am afraid.

30 MS REINDORF: So sorry.

31 JUDGE NEVILLE: It is loud.

32 A. I'm sure I don't speak for them but I'm sure that they believe they are acting in good

33 faith but I think the reality is that it's transphobic.

34 Q. Well, the evidence that you've given is that they have deliberately sought to deceive

35 the Charity Commission into thinking that they are not transphobic. You have given

1 evidence that their actions are deliberate. But it must follow, mustn't it, that you
2 think that they knowingly are acting in bad faith?

3 A. Then, yes. Yes, I do.

4 Q. Right, you do think they are acting in bad faith and the question that I put to you a
5 moment ago is, are you willing to entertain at all the idea that they might actually be
6 acting in good faith?

7 A. Sorry, I-

8 Q. Are you willing to consider – have you got an open mind to the idea that they might
9 actually be acting in good faith?

10 A. I think that the motivating factor is to remove the rights of really marginalised people.

11 Q. So, shall we take that as a no? You are not willing to entertain the idea that they
12 might be acting in good faith?

13 A. Yes. You could take that.

14 Q. Are you willing to reflect – I'll say it again – are you willing to reflect, at all, on the
15 idea that the reason the language they use seems reasonable is because what they
16 think actually is reasonable?

17 A. I would disagree from everything that we've seen.

18 Q. Paragraph one of your witness statement, please. You tell us there that you've started
19 working in the LGBT sector in 2003.

20 A. That's correct.

21 Q. And then, at paragraph six, you tell us that that was when Consortium – the
22 organisation of which you are now head, took on trans rights advocacy in addition to
23 advocating for LGB rights.

24 A. That's correct.

25 Q. You say, in paragraph six, that it was common at that time for organisations in this
26 sector to focus only on LGB?

27 A. Yes.

28 Q. Now, that was the position in Stonewall, wasn't it, until 2015; that they only dealt
29 with LGB-

30 A. Yes, correct-

31 Q. - so, only about seven years ago that they took on trans rights?

32 A. Yes, but they've always – they still advocated for LGB trans people. So, that's the
33 clear distinction.

34 Q. Well – all right – Stonewall is the biggest player in the LGB rights sector in the UK
35 and has been since the 1980s, isn't it?

1 A. It is, yes.

2 Q. Yes. At page 1403, which is in tab 3.2[?] – this is part of an interview with Ruth
3 Hunt, who was chief executive of Stonewall in 2015. Have you seen this?

4 A. No, I have not.

5 Q. Okay, well, let's see if you can help us take a point that I'm going to put to you. At
6 the bottom – the second to last entry on the page, Ruth Hunt is asked – this is just
7 after she'd left Stonewall, she's asked, "What is the achievement that you are most
8 proud of?" Right at the bottom of the page, the final line, she says, "My personal
9 pride rests in introducing and bringing in properly into the fold trans people's
10 experiences into that movement."

11 A. Well, I can read here, yes.

12 Q. Yes, and then, a line down, she says, "I would argue an assimilationist approach to
13 gay rights," etc. She talks about that in the context of the trans rights addition and
14 then, she says, in the last three lines, "And, I think we always knew that that would
15 be controversial; that it would be difficult; that people would lose by that, yes, and I
16 think we collectively thought and the staff were profoundly clear about this so, that
17 was a price worth paying." So, were you aware, at that time, given that you'd been
18 working at Consortium for some 12 years by then, that it was known that people –
19 not everybody in the LGB community – would agree with the direction of travel,
20 advocating for trans rights?

21 A. I certainly can't answer for Stonewall-

22 Q. No, I'm asking about your position. Are you aware that it was a widely understood
23 fact that not everybody agreed with adding the "T" to the LGB?

24 A. I would say there was a minority of people didn't want to see the "T" added.

25 Q. So, there were people who didn't agree?

26 A. Correct.

27 Q. And it seems, from what we've seen, doesn't it, from Ruth Hunt, that Stonewall was
28 willing to jettison those people?

29 A. Sorry, can you say that again? I'm finding it difficult to-

30 Q. Yes, it seems clear from what we've seen Ruth Hunt saying, that Stonewall was
31 willing to jettison those people from the movement? The people who didn't agree
32 with adding trans rights?

33 A. I'm not sure that's the phrasing I would use but it appears that that's the position that
34 Stonewall felt it needed to take.

35 Q. Paragraph 11 of your witness statement-

1 A. Yes.

2 Q. - you say that Consortium sees the fights for trans equality and for LGB equality as
3 being inextricably linked?

4 A. I do, indeed.

5 Q. And you also say that LGB and trans have always been stronger together; that's at
6 the end of the paragraph.

7 A. Absolutely.

8 Q. We know, don't we, from the evidence we've just looked at that that hasn't always
9 been thought to be the case; it's only quite latterly that trans was added to LGB?

10 A. I would disagree with that. I think whilst LGB, in years gone by, was a particular
11 focus, there was a lack of visibility and knowledge and understanding of trans issues
12 that we didn't have then that we have now and so, as a community, we continue to
13 progress and be more inclusive. Trans people have always been inherently part of
14 our community.

15 Q. Well, the opposition that there was in the past to adding trans rights to LGB rights
16 was, essentially, based, wasn't it, on the fact that LGB are sexual orientations and
17 trans is about personal identity. So, they're not the same type of thing, are they?

18 A. I would agree they are different issues but I believe they are inextricably linked
19 together.

20 Q. It follows, I think, from what you've said in paragraph 11 of your witness statement,
21 that you don't think that there is any conflict at all between advocating for trans rights
22 and advocating for LGB rights.

23 A. I personally don't think there's any reason for the division but I see that there is some
24 cases.

25 Q. Well, maybe we can explore that as we go along but for you, you regard it as a purely
26 positive development in the main?

27 A. Absolutely.

28 Q. And you expect all of your members – all the members of Consortium to also regard
29 it in that way?

30 A. We, through our values and principles, expect all of our members to take an inclusive
31 not an exclusive approach.

32 Q. Well, you say an inclusive and not an exclusive approach but what you are not
33 inclusive of is people who think that the trans rights activism should not have been
34 added to the LGB activism. You are exclusive of those people, aren't you?

35 A. We are exclusive of those who don't believe there are trans LGB people. And that

1 don't take that inclusive approach to our communities.

2 Q. Well, it's either a yes or a no. I will the question to you again; you are not inclusive,
3 are you, of the people who don't think that the trans rights activism shouldn't be
4 added to the LGB activism?

5 A. Yes, that is correct.

6 Q. Now, at paragraph 10 of your statement, you refer to your member values and
7 principles.

8 A. Yes.

9 Q. You say that you expect members to be inclusive; you have just mentioned that – and
10 the example that you give at the end, is that an organisation focusing on gay men
11 must include trans gay men if it expects to be part of Consortium?

12 A. Correct.

13 Q. And what that means is, that again, members of an organisation focusing – or an
14 organisation which focuses on gay men must also include people born female who
15 identify as men and are attracted only to men, is that right?

16 A. Yes, who are legally recognised as men.

17 Q. Well, is legal recognition a prerequisite?

18 A. No but it's – if a transman identifies as gay then, they should be able to access a gay
19 men's support service.

20 Q. Well, you've just said "and are legally recognised" so, that would imply that, again,
21 a men's organisation could restrict itself to trans gay men if they have a gender
22 recognition certificate – is that what you are saying?

23 A. No, it is not.

24 Q. Well, what is the meaning of "legally recognised" in the answer that you gave?

25 A. I'm not a legal expert so-

26 Q. Okay, nonetheless you mentioned it so, I'm asking you what you meant by it?

27 A. That – my understanding of the Equality Act is that, as soon as somebody states their
28 intentions to undergo gender reassignment, whether that his medical or not medical,
29 they would be legally recognised. So, for a transman, as a man.

30 Q. That's your understanding of the Equality Act?

31 A. That's my understanding, yes.

32 Q. But you're not – do you have any legal expertise?

33 A. I do not, no.

34 Q. Well, I'm not going to go through the detailed legislation with you but I will say this
35 to you; we will be suggesting to the – submitting to the tribunal that you are wrong

1 about that and I will put to you what we will say is the correct position. A transman
2 who does not have a gender recognition certificate for the purposes of the Equality
3 Act remains a woman. Are you in a position to say whether or not you agree with
4 that?

5 A. I would disagree with you.

6 Q. So, when you say – just thinking back to the example that we’re looking at, at the
7 bottom of paragraph 10 of your witness statement, about a trans gay man being
8 included in a gay men’s organisation, when you say somebody who identifies as a
9 man, that covers, doesn’t it, quite a wide range of people and it’s not about whether
10 or not a person has gone through any medical transition, is it?

11 A. No, that's correct.

12 Q. And it’s right, isn’t it, that many trans people don’t go through any kind of medical
13 transition at all?

14 A. Yes, that is correct, for many reasons.

15 Q. Yes, and others take some medical stance like taking hormones but they don’t have
16 any surgery?

17 A. Yes.

18 Q. And we’ve just discussed that it’s not about whether the person has a gender
19 recognition certificate either because the vast majority of people don’t, who are trans,
20 do they?

21 A. That's correct.

22 Q. So, what it is about is self-identification?

23 A. Yes.

24 Q. If somebody says they are a man then, they are a man?

25 A. Yes.

26 Q. Regardless of their physical body or their legal status?

27 A. Yes.

28 Q. And you’re – because your belief is that transmen are men?

29 A. That's correct.

30 Q. By that, you don’t mean transmen should be treated as men; what you mean is, they
31 are literally men? Yes?

32 A. I’m saying that trans men are men and should be treated as men-

33 Q. Yes, but you don’t-

34 A. - as are trans women are women and should be treated as women.

35 Q. Fine, but you don’t only mean they should be treated as men; you mean they are

1 literally men and, therefore, they should be treated as men, don't you?

2 A. I'm not sure that's what I'm saying. I'm saying that trans men are men and should

3 be recognised as men. So, treated as men.

4 Q. Right, recognised as men. So, they are literally men?

5 A. I – I-

6 Q. Well, it follows, doesn't it, from what you said, they are literally men?

7 A. There would be differences but they should – but my understanding of the law is that

8 a transman is a man and should be treated as a man.

9 Q. Well, what do you mean there are differences? There are differences between

10 transmen and men?

11 A. So, a transman might have ovaries and, therefore, there would be some services that

12 a transman would need that a transwoman wouldn't need and vice-versa.

13 Q. Right-

14 A. But I would still consider that they – my interpretation – my understanding of the

15 Equality Act is that they are a man.

16 Q. But you keep coming back to the Equality Act that you've accepted that you don't

17 have legal expertise in that but let's talk about it not in a legal context but in just

18 every day treatment context. Your view doesn't now seem to be that a transman is

19 literally a man because you say there's a difference between transmen and men?

20 A. I believe that transmen are men and should be treated as men.

21 Q. Right. And they are men even though there isn't any objective difference between

22 them and women? Is that right?

23 A. Can you say that again?

24 Q. Transmen are men, even though there isn't any objective difference between them

25 and women?

26 A. I would disagree.

27 Q. Well, on what basis?

28 A. That – so, I believe in self-identification so, if a transman is a man, then, they are

29 living as a man and are recognised as a man.

30 Q. Self-identification is a subjective state, isn't it? That's what you think about who

31 you are?

32 A. Yes.

33 Q. So, it's not objective, is it?

34 A. Yes.

35 Q. So, there isn't any objective difference between a self-identifying transman who has

1 taken no medical steps or has got a gender recognition certificate and a woman?

2 A. I – I don't believe that it's as simple as that binary notion.

3 Q. On your view, the only difference between people who are literally men – and people

4 who are literally women – is their own subjective view of themselves, isn't it?

5 A. You keep using the word “literally”-

6 Q. Actually? I mean, actually – people who are men? The only difference between men

7 and women is the subjective view that people have of themselves, in your view?

8 A. I believe that transmen are men and should be treated as a man and that is my

9 understanding of what the Equality Act says.

10 Q. I'm going to use the words “male body” to refer to the bodies of people who are born

11 male and the phrase “female body” to refer to those born female in the next questions.

12 We've seen that in order to be a member of Consortium, an organisation has to accept

13 that a person with a female body could be a gay man – do you accept that?

14 A. Yes.

15 Q. And you believe, don't you, that it is transphobic to say otherwise?

16 A. Yes. If the person identifies as a man or identifies as a woman then, they should be

17 treated-

18 Q. That's not what I put to you. What I put to you is this; an organisation has to accept

19 that a person with a female body can be a gay man. You believe, don't you, that it

20 is transphobic to contradict that?

21 A. I believe that LGBT services should be inclusive of trans people.

22 Q. I'm going to put the question to you again, Mr Roberts. An organisation has to accept

23 that a person with a female body can be a gay man and, in your view, it is transphobic

24 to say otherwise? Yes?

25 A. If somebody is being denied access to a service that they should be able to access

26 then, yes.

27 Q. Do you think it's transphobic to say a person with a female body cannot be a gay

28 man?

29 A. Can you say that again?

30 Q. Do you think it's transphobic to say that a person with a female body cannot be a gay

31 man?

32 A. Yes.

33 Q. Right.

34 JUDGE NEVILLE: Just pause, I think.

35 **Discussion sotto voce.**

1 JUDGE GRIFFIN: Just a matter arising with the nature of the connection. We are not
2 proposing to break again at the moment because we do not know how long the
3 proposed process will take; it might be something we can deal with in a short break
4 at a convenient moment or over the luncheon adjournment a bit later. Thank you.
5 Thank you, Ms Reindorf.

6 Q. So, I asked you a moment ago, Mr Roberts – well, you agreed that you believe it’s
7 transphobic to say that a person with a female body can’t be a gay man. You believe,
8 also, that a person with a female body, who is attracted only to men, can be a straight
9 man – a heterosexual man?

10 A. Yes.

11 Q. And it’s transphobic to say otherwise?

12 A. Yes.

13 Q. And, finally, you believe that it is transphobic to say that gay men do not have sex
14 with people who have female bodies?

15 A. Can you say that again?

16 Q. You believe that it is transphobic to say that gay men do not have sex with people
17 with female bodies?

18 A. I wouldn't say that any one person has to have sex with any other one person; that’s
19 not-

20 Q. That’s not what I’ve put to you, Mr Roberts. I put it to you as a statement of general
21 application. If somebody says, “Gay men do not have sex with people with female
22 bodies,” in your view, that is a transphobic statement?

23 A. I would say that’s a statement that often happens-

24 Q. Is it transphobic in your view or not?

25 A. It depends on individual people. Individual people will make their own decisions on
26 sexual activity.

27 Q. I’m not talking about individual people’s sexual activity, Mr Roberts. I’m talking
28 about a statement of general application which is, gay men do not have sex with
29 people who have female bodies – that is what defines them as gay men. Do you
30 believe that that is a transphobic statement?

31 A. I’m saying that I don’t – I think that puts it in a very binary way which I don’t agree
32 with.

33 Q. Right. You understand, I’m sure, Mr Roberts, that many people – I would venture
34 to say most people – would say that gay men – would say that any person with a
35 female body who is attracted only to men is a heterosexual woman. You understand

1 that many people, at least, take that view, don't you?

2 A. People will take different views to who they are attracted to.

3 Q. I'm not talking about people's individual attraction, Mr Roberts. I'm talking about

4 a general proposition. Most people think that people with female bodies, who are

5 attracted only to men, are straight women, don't they?

6 JUDGE NEVILLE: I am sorry, Ms Reindorf. You first said "most" and then, you said

7 "many" and now you have said "most" again-

8 MS REINDORF: Sorry, I've said "most" again. Okay, "many" – I'll go back to "many."

9 Many people think that-

10 JUDGE NEVILLE: But they mean different things.

11 MS REINDORF: Okay, many – many people think that that is a straight woman. Someone

12 who has a female body who is attracted only to men?

13 A. There will be some people who believe that, yes.

14 Q. Right, but you believe that that is bigotry?

15 A. I believe that we don't live in such a binary world and it's – it's very complicated.

16 Q. Do you think it's bigotry to take that view?

17 A. I – I – I think we are talking about individual preferences there and I would never

18 expect any individual to be entering into sexual activity or other activity with an

19 individual they wouldn't want to.

20 Q. The views that I've put to you that people with female bodies who are attracted only

21 to men, are straight women, so, that view; that is a view which is inconsistent, isn't

22 it, with the values and principles of your organisation – Consortium?

23 A. We believe that if a man identifies as a transman, they should be able to access a gay

24 or bisexual men's services and vice-versa for women.

25 Q. The view that a woman – a person with a female body who is attracted only to men

26 is necessarily a heterosexual woman; that is inconsistent, isn't it, with the values of

27 your organisation?

28 A. Can you say that again, please?

29 Q. The view that a person with a female body, who is attracted only to men, is a straight

30 woman; that view is inconsistent with the values of your organisation, isn't it?

31 A. That is, yes.

32 Q. Right. Can you turn, please – can I just ask, madam, whether you intend to take a

33 mid-morning break and, if so, at what point? Because I will structure myself

34 accordingly?

35 JUDGE GRIFFIN: I do not know how much you have got in the next part that you are

1 moving to?

2 MS REINDORF: Quite a bit.

3 JUDGE GRIFFIN: Shall we take 10 minutes now?

4 MS REINDORF: Yes, that would be helpful.

5 JUDGE GRIFFIN: All right, we will come back at – well, let us 11.40 on that clock and that

6 will give the tribunal time to work out what is going on with the equipment. Thank

7 you very much.

8 **Court rises.**

9 **Court resumes.**

10 JUDGE GRIFFIN: All right, thank you for your patience, everybody. We have decided that

11 we will leave the link as it is for today. There have not been any issues. We are

12 going to speak to the other end of the link over the short adjournment and see whether

13 it can be put as it should be but for the meantime, we will carry on.

14 MS REINDORF: Thanks, madam.

15 WITNESS EVIDENCE OF MR PAUL ROBERTS (CONT'D.)

16 Cross-Examination by MS REINDORF (Cont'd.)

17 Q. So, Mr Roberts, I'd like you, please, to go to paragraph 29(b) of your witness

18 statement, which is on page 108 in bundle one. You talk here about the phrase "same

19 sex attraction" and you say, don't you, that it's a term that has fallen out of currency

20 until LGB Alliance started to use it and you describe it as older language, yes?

21 A. Yes.

22 Q. It's the language, isn't it, that organisations like Consortium and Stonewall used to

23 use to describe LGB sexual orientations?

24 A. I think there's always been a mix of use of both sex and gender language.

25 Q. The rights of people who experience same sex attraction was what Stonewall and

26 Consortium advocated for until they added trans rights into the mix, isn't it?

27 A. The original purpose was focus on sexual orientation but that would have included

28 trans people who are also LGB.

29 Q. And used the phrase "same sex attraction" – that was something that was in currency

30 until recently. I think that follows from the witness statement?

31 A. That would have been language we would have used.

32 Q. You say, in this paragraph, that the phrase "same sex attraction" was never meant to

33 be exclusionary.

34 A. Correct.

35 Q. It is, by its nature, exclusionary, isn't it, because it excludes sexual partners of the

1 opposite sex?

2 A. I disagree that it was intended ever to be exclusionary.

3 Q. Well, the term itself identifies attraction only to people of the same sex and not people

4 of the other sex unless you are talking about bisexuals. Excludes – it is about same

5 sex attraction, excluding opposite sex attraction, isn't it?

6 A. The difficulty with that is that it's prescribing that there's this binary notion of sex

7 and gender which I disagree with.

8 Q. You no longer advocate, do you, for the rights of people who have same sex attraction

9 to live free and open lives?

10 A. We absolutely advocate for LGB people as much as we do for trans people.

11 Q. You condemn the sort of advocacy that uses words – the phrase “same sex attraction”

12 as bigotry, don't you?

13 A. I repeat that we advocate for LGB people as much as we do trans people.

14 Q. What you advocate now – what you advocate for now is the rights of people who are

15 attracted to others of the same gender; that's the phrasing that's now used, isn't it?

16 A. We are advocating for all LGBT people, yes.

17 Q. Well, let's have a look at page 1364 in bundle 2.2, please.

18 A. Sorry, I missed the number?

19 Q. 1364. This is a list of LGBTQ+ terms taken from Stonewall's website. Presumably

20 you endorse this glossary?

21 A. I have seen this glossary.

22 Q. Okay. At page 1367, it defines homosexual – can you see that there?

23 A. I can see that, yes.

24 Q. And it says, “This might be considered a more medical term used to describe

25 someone who has a romantic and/or sexual orientation towards someone of the same

26 gender.”

27 A. That's correct; that's what's here.

28 Q. Now, we're going to have to understand what is meant by that. According to

29 Stonewall, on page 1366, the page before, we have a definition of gender there – do

30 you see that?

31 A. I do, yes.

32 Q. It says, “It's often expressed in terms of masculinity and femininity, gender is largely

33 culturally determined and is assumed from the sex assigned at birth.”

34 A. I can see that, yes.

35 Q. Do you agree with that?

1 A. Yes.

2 Q. So, gender is to do with masculinity and femininity, and I suppose everything in
3 between; that's not binary, is it?

4 A. Yes.

5 Q. And if it's culturally determined or largely culturally determined and assumed from
6 a person's sex then, that must mean that it's not innate; do you agree with that?

7 A. I don't believe that it's as binary as it's likely to be made out; that sex and gender are
8 inextricably linked.

9 Q. I'm not sure that I understood the answer but I don't think it was an answer to my
10 question. The question is this; if it's culturally determined – largely culturally
11 determined - then, that would indicate that it is not innate to an individual; do you
12 agree with that?

13 A. Yes.

14 Q. So, for instance, masculinity is not inherent in being male; a man could be feminine
15 in his behaviour or his interests or how he presents himself, couldn't he?

16 A. Yes.

17 Q. And a woman could be masculine?

18 A. Yes.

19 Q. And that is a very familiar phenomenon amongst gay people, in particular, isn't it?

20 A. I think every individual is different.

21 Q. Yes, every individual is different but it is very familiar amongst gay people to come
22 across people who are gender non-conforming; men who are quite feminine,
23 traditionally, and women who are traditionally quite masculine. We could probably
24 all agree with that, couldn't we?

25 A. I think to an extent that's stereotyping our communities-

26 Q. Right, but nonetheless, it's true?

27 A. To an extent.

28 Q. But everyone is different. You have said everyone is different and I think we can
29 agree on that but on this definition – looking back at the definition – which we agreed
30 was everything in between masculinity and femininity, it would be hard, wouldn't it,
31 to find any two people who have the same gender, given that everybody is different?

32 A. I'm not – can you say that again?

33 Q. Well, we agree – look at the definition. It says it's about masculinity and femininity,
34 culturally determined. We agreed that it was everything in between. You suggested
35 that everybody was different, which I agreed with. I said, in that light, it would be

1 hard to find any two people who have the same gender, if everybody is different?

2 A. I'm not sure I would agree with you.

3 Q. I want to look at the Stonewall definition of homosexuality that we've already looked

4 at – that we've already looked at – which is over the page, together with the definition

5 of gender, on that page. So, you might want to remind yourself of the homosexuality

6 definition over the page.

7 A. Yes.

8 Q. Okay? Which was same gender attraction and then, we've looked at the definition

9 of gender. The message seems to be, doesn't it, that being gay – homosexual – is

10 about being sexually attracted to people who are in the same place on the culturally

11 determined masculinity/femininity spectrum as you?

12 A. No, I disagree.

13 Q. Well, that's what the two definitions, taken together, say, isn't it? They say – let's

14 take ourselves back through – homosexuality is attraction to someone of the same

15 gender; and gender is a culturally determined thing on the spectrum between

16 masculinity and femininity.

17 A. Sorry, what's-

18 Q. So, the question is that that must mean that being gay is about being sexually attracted

19 to somebody who is at the same place on that spectrum as you are?

20 A. I would disagree.

21 Q. Regardless of their biological sex.

22 A. I disagree with you.

23 Q. Well, perhaps, you could propose an alternative interpretation of those two

24 definitions and how they work together?

25 A. I don't believe we live in such a binary way and that sex and gender are inextricably

26 linked and as we've agreed that everybody is different, everybody would be in a

27 different place. That doesn't mean that two people who are at different places can't

28 be attracted to each other.

29 Q. Well, I never suggested that they couldn't. I'm looking at the definition of

30 homosexuality which quite clearly says it is an attraction to somebody of the same

31 gender. Now, you agreed that everybody's gender is different because it's a

32 spectrum.

33 A. Yes.

34 Q. It's not about binary anything. Can you propose an alternative interpretation of the

35 definition that we have in this document?

1 A. I'm not sure that it's my place to come up with definitions.

2 Q. All right, now, you can see, can't you, having looked at these definitions that being

3 attracted to people who fall into a particular masculinity or femininity category is a

4 completely different thing than being attracted to people who are of one or other

5 biological sex? It's not just a question of terminology, is it?

6 A. Again, I don't believe that we live in such a clear-cut binary world.

7 Q. Is it different being attracted to people of the same gender and being attracted to

8 people of the same sex or one or other sex? Those are two completely different

9 things, aren't they?

10 A. It depends on individual – on individual people.

11 Q. We are not talking about individual people, Mr Roberts. We are talking about the

12 principle and the definitions of gay, lesbian, bi, straight, and so on. I am going to put

13 it one last time; being attracted to people of the same gender is a different thing –

14 qualitatively different thing to being attracted to people of the same sex, isn't it?

15 A. I would disagree with you because I don't believe we live in such a clear-cut binary

16 way.

17 Q. I'm sure you'll accept that there are lesbian couples where one partner is butch and

18 the other is femme; that's quite common, isn't it?

19 A. I disagree with you that that's quite common. I think that's stereotyping again-

20 **[Reaction from observers].**

21 JUDGE GRIFFIN: All right, thank you.

22 Q. On the definition that we see here, that would be a straight couple, wouldn't it?

23 Because, one, they have different genders; one has a masculine gender and one has

24 a feminine gender?

25 A. I would disagree with you.

26 Q. Can you accept that people might see that proposition as really very homophobic?

27 A. No.

28 Q. Can you accept that for them, it destroys the meaning of being a lesbian?

29 A. No, I disagree.

30 Q. But you do understand, don't you, that there is a body of opinion within the LGB

31 community that is insulted by that proposition?

32 A. I don't-

33 Q. The people that we talked about before, that objected to trans being added to LGB?

34 A. I understand there is a minority who have a difference of opinion.

35 Q. They feel, don't they, as though they have been abandoned by the mainstream LGB

1 sector?

2 A. I disagree that they feel abandoned-

3 Q. No, I'm not asking you to agree or disagree with them; I'm asking you to

4 acknowledge that they exist and that they have those feelings. Let's look at an

5 example; page 1428, bundle 2.2.

6 JUDGE NEVILLE: Sorry, can I have that page number again?

7 MS REINDORF: 1428-

8 JUDGE NEVILLE: Thank you.

9 MS REINDORF: 2.2, sir. This is a document which begins on page 1423 and it's an article

10 in the Mail Online by Josephine Bartosch – the Mail on Sunday – at 1.28, we see in

11 the second paragraph – it's about Stonewall and Ruth Hunt and it says that Ruth Hunt

12 was succeeded by Nancy Kelley last year but Ruth has since become a vociferous

13 champion of transgender rights prompting some, including two of the charity's

14 founders, broadcasters Simon Fanshaw and Matthew Harris, to accuse Stonewall of

15 abandoning the interests of lesbians, gay men and bisexual people.

16 A. I can see that written there.

17 Q. Yes, your inclusiveness, as I put to you earlier, does not extend to people who believe

18 these things, does it? You believe that it is insulting to define LGB sexualities as

19 same gender attraction?

20 A. I believe if somebody is trying to deny the human rights of a transman or a

21 transwoman, that is transphobic-

22 Q. Which human rights is it you are referring to, Mr Roberts?

23 A. I'm – I'm not a legal expert but-

24 Q. Well-

25 A. - it's about treating people as a human being.

26 Q. - okay, you brought up human rights and you brought up denying human rights; in

27 the context of the question I asked you about Mr Fanshaw and Mr Harris, are you

28 suggesting that they are people who seek to deny the human rights of trans people?

29 A. I can't speak for them.

30 Q. No, I'm not asking you to speak for them. I'm asking you to speak for yourself and

31 to substantiate what you have said.

32 A. Could you ask the question again, please?

33 Q. You mentioned that people deny human rights to trans people; is that an accusation

34 that you are making against Simon Fanshawe and Matthew Parris?

35 A. I'm not making any accusations to any individual-

1 Q. And you are not willing to tell us what human rights it is that you feel are being
2 denied?

3 A. I'm not a legal expert so, I don't think it's right for me to go into it.

4 Q. The truth is, isn't it, that you and the 525 organisations in your network positively
5 exclude people who wish to define LGB as same sex attraction?

6 A. My organisation and my entire membership are just as supportive of LGB issues as
7 we are T and I think it's-

8 Q. That's not what I put to you, Mr Roberts. I'll put it again. You exclude, don't you,
9 people who wish to define LGB as same sex attraction?

10 A. I – we have a – a membership value and principles and those organisations who will
11 look to exclude transwomen from women's organisations and transmen from men's
12 organisations – that would – that would cross the line for us as an organisation.

13 Q. So, that is a yes?

14 A. Yes.

15 Q. Let's have a look at page 1425, please. Part of the same article that we were looking
16 at a moment ago. In the third paragraph from the bottom, it says that Nancy Kelley,
17 in an interview, wrote to the BBC – we are going to look at this in more detail later
18 so, we don't need to understand the context just now – to denounce an article and at
19 the very bottom, she said that, "The cotton ceiling issue, which is about lesbians
20 being persuaded to have sex with transwomen was analogous to issues like sexual
21 racism," yes?

22 A. That's what's written here.

23 Q. And, over the page, it says, "And although" – at the top – "And although she
24 acknowledged that, in sexual relationships, consent is paramount and we all want
25 who we want, she added that structural oppression can influence who we want." So,
26 she seems there, doesn't she, to be suggesting that people's sexual orientation is
27 caused or can be caused by structural oppression. Is that your reading?

28 A. That's what written here. I wouldn't want to claim that I could speak for
29 Nancy Kelley.

30 Q. But do you agree with it?

31 A. Yes.

32 Q. You agree with that? So, you understand, don't you, Mr Roberts, that there are
33 people in the LGB community – if that is what it can be called – who might welcome
34 an organisation which continues to advocate for them and provide services for them
35 as same sex attracted people?

1 A. We wouldn't ever try to restrict what an organisation can do but-

2 Q. I'm sorry, you are not answering the question; do you understand that there are

3 people in the community who welcome or would welcome an organisation

4 advocating for them on the basis that they are same sex attracted rather than saying

5 gender attracted?

6 A. I recognise that there are a minority of people of that view.

7 Q. Well, whether a minority or not, you accept that there are people-

8 A. Yes-

9 Q. - who would welcome an organisation doing that for them?

10 A. We – just like we would accept that anybody – there are plenty of organisations doing

11 just LGB work but it's inclusive of trans people.

12 Q. That's not what I put to you. I put to you about an organisation which will advocate

13 for them as same sex attracted people?

14 A. I – I would agree that – then, yes, that there – we know there is an organisation that-

15 Q. No-

16 A. - that exists like that.

17 Q. And that is the LGB Alliance, isn't it?

18 A. Yes.

19 Q. And they say quite openly, don't they, that that is what they do; they advocate for

20 people that are same sex attracted people? You have it in your witness statement –

21 it's pretty clear – paragraph 21. It's on 105 of bundle one.

22 A. Yes.

23 Q. So, paragraph 21, you talk about their mission statement which they have on their

24 websites at the beginning and the first item on that was that they would stand up for

25 the rights of same sex attracted people, yes?

26 A. Yes.

27 Q. And then, at (d), that they would uphold the definition of homosexuality as sexual

28 orientation towards people of the same sex?

29 A. Yes.

30 Q. Now, just going back to the objects, at page 936, in bundle 2.1, you see there, "The

31 objects of the company are – 3.1 – to promote equality and diversity for the public

32 benefit, in particular by" – and then, their first particularised object is, "the

33 elimination of discrimination on the grounds of sexual orientation". Do you see that?

34 A. Yes, I can see that.

35 Q. It's very specifically their object, isn't it? To advocate for people whose sexual

1 orientation is attraction towards people of the same sex or both sexes?

2 A. That's what's being claimed, yes.

3 Q. I mean that object that we've looked at is quite broadly stated. There are a number

4 of ways it could be put into effect, aren't there?

5 A. Yes.

6 Q. So, one of those ways could consist of campaigning against the idea that

7 homosexuality is same gender attraction on the basis that that is a homophobic idea?

8 A. I disagree with you.

9 Q. You understand, don't you, that that is what LGB Alliance argues?

10 A. Yes.

11 Q. That the idea of saying same gender attraction is the definition of LGB sexual

12 orientations is homophobic?

13 A. I understand that's what they say, yes.

14 Q. They don't hide that argument, do they? Well, they put it at item one of their

15 manifesto – it's not hidden, is it?

16 A. Yes.

17 Q. So, object 2.1.1 is not a lie, is it?

18 A. I – I – I think the distinction between what's on the page and then, what's actually

19 delivered as work-

20 Q. We're not talking about what's delivered as work at the moment. We are talking

21 about what their aims are and what I'm suggesting to you is that object 2.1.1 – is not

22 concealing a sinister agenda; their mission is to advocate for people on the grounds

23 of sexual orientation and it is to do so in the context of identifying LGB as same sex

24 attraction; they don't lie about that. They state it quite openly, don't they?

25 A. I think the words here and the reality don't add up.

26 Q. They are, are they not, advocating for people on the basis of same sex attraction; it's

27 not about trying to exclude trans people, is it? It's about re-establishing that LGB

28 people are those who experience same sex attraction?

29 A. I disagree.

30 Q. Well, it's nothing to do with preventing trans people from living their lives in peace

31 and dignity, is it?

32 A. I believe – I disagree – I believe that's how it translates.

33 Q. Let's have a look at the campaigns. You refer, in paragraph 38, on page 117 of

34 bundle one, to the campaigns. And you talk about the campaigns that are on their

35 website – sorry, it's paragraphs 37 to 38.

1 A. Yes.

2 Q. Now, you see, in the witness statements so, presumably you understand that they are
3 doing other things but we are not going to have time to go through those. We are
4 going to focus on the ones that you complain about here. You say, in paragraph 40,
5 on page 119, that all of these campaigns that you've set out above are concerned with
6 promoting gender critical views and pushing back on the development of trans
7 inclusive policies and practices.

8 A. That's correct.

9 Q. And that they are not to do with supporting lesbian, gay and bisexual people?

10 A. Yes.

11 Q. And what I'm going to suggest to you, Mr Roberts, is that these campaigns are not
12 mindless attacks on trans people; they reflect the gender critical position that gender
13 ideology undermines the rights of LGB people, and that is why LGB Alliance is
14 pursuing them – so, let's have a look at them. We'll only have time to look at two
15 of them. We'll start with the one at page 117 that you refer to – the End Conversion
16 Therapy campaign.

17 A. Yes.

18 Q. Paragraph 38(a). Now, you indicate here in your witness statement that you
19 understand, at least, part of LGB Alliance's position on the proposed conversion
20 therapy legislation insofar as you understand that they say that gender affirming
21 healthcare can, itself, amount to gay conversion therapy, yes?

22 A. I understand that's what they're saying, yes.

23 Q. They think that they can be what's known as "Transing The Gay Away."

24 A. Yes, I understand that's what they say.

25 Q. Can you turn to page 1981 in bundle 2.2, please?

26 JUDGE GRIFFIN: Sorry, could you give me that page reference again?

27 MS REINDORF: 1981.

28 JUDGE NEVILLE: Thank you very much.

29 Q. Now, this is LGB Alliance's response to the government's consultation on banning
30 conversion therapy and what they say in the first big paragraph on this page is that
31 they consider that the greatest risk to young LGB people today to be the promotion
32 of the notion that children who have gender dysphoria can change their sex and
33 should begin to do so before they are fully adult and they say that they think it's a
34 tragic irony that the government's proposals could lead to thousands of children –
35 most of whom would have gone on to become LGB – having their puberty blocked

1 by experimental drugs and pushed into lifelong medical treatment. That would
2 promote and not stop gay conversion therapy. So, that's their position. You
3 understand that to be their position?

4 A. I understand that to be their position.

5 Q. But your position is that you disagree that this is something that happens – transing
6 gay away?

7 A. Yes, I do.

8 Q. You think, in fact, don't you, that it is transphobic to suggest that it does?

9 A. I definitely disagree with what they're saying.

10 Q. Right, do you think it's transphobic for them to say that it's a concern that it's
11 happening?

12 A. I think there are elements of transphobia in there, yes.

13 Q. Okay. Let's have a look at page 3866 in bundle 2.4, please.

14 JUDGE NEVILLE: Sorry, was that 2866?

15 MS REINDORF: 3866 – 2.4 – just give me a minute.

16 Q. Now, this is part of the website, the Gender Identity Development Service, which is
17 often called GIDS, at the Tavistock and Portman NHS Trust. As I'm sure you know,
18 Mr Roberts, is currently the only specialist gender clinic for children and young
19 people in England?

20 A. Yes.

21 Q. Although, as you know, its closure has recently been announced, hasn't it?

22 A. Yes.

23 Q. So, what this website says, under the heading "Sexuality" – but in the page above,
24 actually – "Sexuality of Young People coming to GIDS" – it says, at the top of page
25 3866, that in 2015 – so, it's a while ago but these are the most recent statistics, "Of
26 you young people seen in our service who were assigned male at birth" – so, that's
27 male-bodied children on whom they have data – "around 30% were attracted to
28 males; 30% to females and 30% to both". So, that is, essentially, 30% gay boys and
29 30% bisexual boys and then, for – in the next paragraph, young people assigned
30 female at birth – that's girls – over half were attracted to females and a quarter to
31 males; just under 20% to both males and females. So, that's over 70% not straight
32 as per their biological sex, agreed?

33 A. Using your definitions.

34 Q. Yes. And then, in – sorry – in the paragraph below, there are a couple of links and
35 then, after that, it says that, "The statistics that are possible to get indicate that 83%

1 of 18- to 24-year-olds identify as heterosexual and 10% as gay or lesbian, in the
2 general population”.

3 A. That’s what I can see here, yes.

4 Q. So, we can agree, can’t we, that a disproportionate number of LGB people were being
5 referred to the service as at the time that these statistics were taken?

6 A. I’m not an expert in these statistics-

7 Q. Well, it’s fairly obvious, isn’t it, that if, in general, you have 83% of heterosexual
8 people in the community and yet, of the people being referred to GIDS, it’s only 30%
9 of boys and less than 30% of girls – that’s a difference – quite a marked difference,
10 isn’t it?

11 A. I just want to be really careful on how we are both defining trans people here.

12 Q. Well, I’m talking about people according to their biological sex, as per this
13 document. People assigned male at birth, it says, 30% were attracted to males and
14 30% to both males and females. So, there are 60% not heterosexual and then, the
15 girls – people assigned female at birth – over 50% were attracted to girls-

16 A. That’s what’s written here.

17 Q. Yes, that’s what’s written there but the figures don’t compare, do they, with the
18 general population? There is a very marked difference, isn’t there?

19 A. From what the statistics say, yes; the data – yes.

20 Q. Yes. If you could go to page 94 in bundle 2.1, please.

21 A. Which page did you say?

22 Q. 94. This is part of a prepared document which is – sorry, just bear with me; I’ll find
23 the top of it – it’s the LGB Alliance document relating to the schools crisis which
24 starts on page 84. Page 94, it is said – bear with me – at the bottom – the last
25 paragraph, “In the last 10 years, there has been a 4,400% increase in the number of
26 girls being referred to gender identity development services – GIDS – at the
27 Tavistock and Portman clinic. Three times as many girls as boys are now going to
28 GIDS.” Do you accept those figures?

29 A. That’s what’s written here.

30 Q. Yes, but do you recognise those figures? Do you have any reason not to accept them?

31 A. Again, I just want to be really careful on how we are defining trans people in here
32 so-

33 Q. Well, we are talking about children as they are identified at birth.

34 A. But how does that person identify?

35 Q. That’s not what I’m asking about; I’m saying there has been a 4,400% increase in

1 the number of girls – that’s children observed female at birth – being referred to
2 GIDS and that there are three times as many children – so, female at birth – being
3 referred to GIDS as people observed male at birth.

4 A. I’m not an expert in this data-

5 Q. No. If you don’t – well, that’s fine. If you don’t have a reason to accept or not accept
6 them then, you can say you don’t know – that’s up to you.

7 A. Then, I don’t know.

8 Q. Okay, but if they are right, those figures, there does, doesn’t there, seem to be an
9 extraordinary sudden rise in same sex attracted girls identifying as male and seeking
10 a medical pathway?

11 A. I – I – I don’t know.

12 Q. Now, gender affirming care has a number of aspects, doesn’t it? Let’s go through
13 them. A teenager who is given – I’m talking about medical care here – a teenager
14 who is given puberty blockers, essentially, doesn’t go through their puberty along
15 with their peers whilst they are taking that medication, agreed?

16 A. Yes.

17 Q. And their body, in that time, remains pre-pubertal?

18 A. I’m not an expert but from my understanding, yes.

19 Q. Well, their genitals don’t develop – I think we all know that.

20 A. Yes.

21 Q. Yes? And then, if they go onto hormonal treatment once they have reached 18 or
22 once they’re past 18, they start to develop some of the secondary sex characteristics
23 of the opposite biological sex so, breast development, permanent hair growth,
24 permanent voice-deepening – that sort of thing – yes?

25 A. Yes, so, my – I’m not an expert-

26 Q. No, I’m not suggesting you are a medical expert but you are an LGBT rights
27 campaigner so, I’m just putting the basic facts of this to you. If they go on to surgery
28 after hormone treatment, that they may be having a mastectomy, a hysterectomy,
29 removal of the penis and testicles – agreed?

30 A. Yes.

31 Q. And those are obviously irreversible treatments, aren’t they?

32 A. Yes.

33 Q. Which cause, ultimately, sterilisation? Don’t they?

34 A. I – again – I’m not a medical expert.

35 Q. Well, if you have your penis and testicles removed-

1 A. Then, yes.

2 Q. Yes. And they can result in loss of sexual function, can't they?

3 A. I-

4 Q. As far as you know?

5 A. As far as I know.

6 Q. So, you would agree, no doubt-

7 JUDGE GRIFFIN: Sorry, could the clerk please mute everybody? Thank you very much.

8 Sorry about the interruption, Ms Reindorf.

9 Q. You will agree, no doubt, Mr Roberts, that if transing the gay away is something that

10 actually does happen, then it is properly a matter of very great concern to an

11 organisation which promotes LGB rights? If it happens?

12 A. I disagree that transing the gay away does happen.

13 Q. I'm asking you to imagine that it does. If it does then, it is properly something that

14 an LGB organisation should be concerned about, isn't it?

15 A. It's not a belief that I hold.

16 Q. Right, but you can't imagine a world in which it might happen?

17 A. I suppose I could imagine but one, it's not my lived reality.

18 Q. Well, I'm not suggesting that it is but we know that in Iran, gay men are offered the

19 opportunity of transition or death, don't we?

20 A. In some cases, yes.

21 Q. Well, that is transing the gay away, isn't it?

22 A. I – I-

23 Q. Well, it is, isn't it? Quite clearly?

24 A. Using your – yes, your words. I – I – transing the gay away are not words that I

25 would use.

26 Q. Right, the situation in Iran where gay men are offered the choice of transition or death

27 is something which should be a matter of very great concern to LGB organisations,

28 isn't it?

29 A. I think anybody being coerced and forced into changing themselves – that's

30 something we should all be concerned about.

31 Q. But you're not concerned about it as a matter specifically of LGB rights? You want

32 to widen it out to a more broad proposition, is that right?

33 A. I believe it's something that we should all be concerned with. Anybody who is-

34 Q. As a matter of LGB rights, transing the gay away as per, for instance, Iran, is a matter

35 of great concern, as a matter of LGB rights, isn't it?

1 A. I think it's a matter for everybody. Everybody would be concerned with anybody
2 being forced into a situation against their will.

3 Q. We have seen that the proportion of girls – biological female children going to GIDS
4 – who are lesbian is vastly disproportionate to the general population so, ultimately,
5 what transing the gay away would mean, if it's happening at GIDS is the possible
6 sterilisation and loss of sexual function of a disproportionate number of lesbian
7 children or children who are likely to become lesbian, isn't that right?

8 A. I would disagree with you because they're not – I don't believe that that is-

9 Q. Okay, well, let's have a look at – well, I'm moving onto a separate part of this subject
10 matter so, I don't know if you want me to do that-

11 JUDGE GRIFFIN: Are we going to finish before – we are not going to finish, then, before
12 1.00?

13 MS REINDORF: No. No.

14 JUDGE GRIFFIN: All right, so, shall we rise now? We will rise now and we will come
15 back, sharp, at 2.00, please.

16 MS REINDORF: Madam, I think it's possible that I may be – I mean, I am halfway through,
17 essentially.

18 JUDGE GRIFFIN: All right.

19 MS REINDORF: Well, just under halfway through.

20 JUDGE GRIFFIN: Well, if you would be kind enough to talk to Mr Gibbon and Mr Loveday
21 about witnesses. I should warn you, Mr Roberts, that it is important that you do not
22 talk to anyone about your evidence over this break.

23 A. Absolutely.

24 JUDGE GRIFFIN: Thank you.

25 **Court rises.**

26 **Court resumes.**

27 JUDGE GRIFFIN: Ms Reindorf, if you could find a convenient moment, we will have a
28 short break mid-afternoon. I would like to go on to 4.30, if we can. I would certainly
29 like to see if we can finish this witness's evidence today, if we can.

30 MS REINDORF: Certainly. Thank you, madam. Shall I continue?

31 JUDGE GRIFFIN: Please.

32 MS REINDORF: Thank you.

33 WITNESS EVIDENCE OF MR PAUL ROBERTS (CONT'D.)

34 Cross-Examination by MS REINDORF (Cont'd.)

35 Q. Mr Roberts, could you please turn to page 1536 in bundle 2.2?

1 A. Yes.

2 Q. You will remember that, before lunch, we were talking about the idea of transing
3 away the gay?

4 A. Yes.

5 Q. This is an article published in The Times in April 2019 about GIDS – the
6 Gender Identity Development Service and you will see, at the bottom of the page, in
7 the second paragraph, it talks about the sudden rise in thousands of young females
8 reporting a sudden gender crisis for the first time and then, over the page, it explains
9 that the article – in the first paragraph at the end – it explains that the article is about
10 five former clinicians at GIDS who had spoken out about what was going on there
11 and they’re all people who have resigned, it says in the second paragraph. Have you
12 seen this article before?

13 A. Likely, but not for a very long time.

14 Q. Okay, well, I’m just going to take you to a couple of bits of it. You will see in the
15 third page 1537, that it talks about these five resigned clinicians saying that there
16 were very vulnerable children who have experienced mental health difficulties, abuse
17 and family trauma who they were dealing with and then, in the next paragraph –
18 which is under the sort of space – it says, “The clinicians have warned that complex
19 histories and adolescent confusion over possible homosexuality are being ignored”,
20 yes?

21 A. I can see that, yes.

22 Q. Okay and then, also on that page – sorry, it’s on the next page, at the top, it says, “So
23 many potentially gay children were being sent down the pathway to change gender.
24 Two of the clinicians said there was a dark joke amongst the staff that there would
25 be no gay people left.” It goes on, “‘It feels like conversion therapy for gay children,’
26 one male clinician said. ‘I frequently had cases where people started identifying as
27 trans, after months of horrendous bullying for being gay’”, the told The Times. Yes?
28 And that goes on for the whole page, along the same lines. Feel free to read it, if you
29 want to take some time to do that.

30 A. That’s okay.

31 Q. Okay. Then, at page 1531 in the same bundle, this is a transcript of a Newsnight
32 segment about GIDS during 2020 – did you see that segment?

33 A. I did not, no.

34 Q. Right, well, they say, at the end – or, it’s about halfway down the first paragraph, it
35 says, “We have seen well over 100 pages of transcripts of interviews conducted with

1 staff as part of the review”, and that was an internal review that was taking place into
2 the service. They say that in those 100 pages at page 1533, I think it is – bear with
3 me – no, sorry, you will just have to bear with me while I find the page – I have failed
4 to put the whole reference in – I’m terribly sorry, madam, but my software has
5 crashed-

6 JUDGE GRIFFIN: Ah-

7 MS REINDORF: So, I am just going to have to start it up again and see where we get to.

8 **Discussion sotto voce.**

9 JUDGE GRIFFIN: No, no, it is fine.

10 **Pause.**

11 MS REINDORF: Sorry about this.

12 JUDGE GRIFFIN: No, that is fine.

13 **Discussion sotto voce.**

14 MS REINDORF: I am going to have to reboot this software but I may come back to this
15 particular point because we haven’t got it highlighted. There were – in this segment
16 on Newsnight, Mr Roberts – oh, here it is – page 1532 – about halfway down the
17 page, there’s a timestamp, 04.35 – do you see that?

18 A. Yes.

19 Q. And it says that, amongst those hundred pages of transcript that was seen,
20 homophobia in families is mentioned in all of the transcripts that Newsnight have
21 seen. “Staff say that while there was some discussion in the service about this, they
22 didn’t feel that the issue was properly addressed. They have spoken to a number of
23 staff on the record and the transcripts are backed up by these former clinicians who
24 had left GIDS last year – their words are being voiced by an actor and that’s what
25 did on the show.” So, in all of those transcripts there was talk of homophobia in the
26 family, yes? Do you accept that as evidence?

27 A. I haven’t seen it but, yes, that appears to be what it’s saying here.

28 Q. Okay. And if you turn, please, to page 1767, which is in bundle 2.2 as well, this is a
29 CQC report for the GIDS service in January 2021; were you aware that they had been
30 rated inadequate?

31 A. Yes.

32 Q. You knew about that, and at 1796, there’s an interview with Dr David Bell. Are you
33 familiar with who he is?

34 A. Yes.

35 Q. So, he is also a former clinician but from the adult services part of the Tavistock,

1 yes?

2 A. Yes.

3 Q. And he conducted a review internally of the service, yes?

4 A. Mm-hmm.

5 Q. If we go to 1798, we see that that started with about one-third of members of staff

6 approaching him and because I haven't got my highlighted bit, there's some

7 difficulty turning it up. I'm going to try to open up again, madam, and see where we

8 get to with that because, otherwise, it's going to be very slow going.

9 JUDGE NEVILLE: The figure of a third is mentioned at the top of 1798, if that is where

10 you are trying to go.

11 MS REINDORF: Thank you, sir. Thank you. I am back in, thank you. Okay. So, at the

12 top of 1798, he came to write his report because a third of the clinicians came to him

13 with their concerns, do you recall that being reported?

14 A. No. Basically, this service is not entirely my area of expertise.

15 Q. No, on page 1799, under the picture, it says, "Amongst these concerns were the fact

16 that children attending GIDS often seemed to be rehearsed and sometimes did not

17 share their parents' sense of urgency" and then, further down that paragraph, it says,

18 "Some were recommended for treatment after just two appointments and seen only

19 infrequently thereafter". Then, in the next line, "Clinicians had spoken of

20 homophobia in the unit." Do you remember all of that being reported at the time?

21 A. As much as I can recollect, yes.

22 Q. Now, he wrote a report in 2019, as we've discussed and, at page 1830, which is also

23 in bundle 2.2 – this is part of the judgment of the Employment Tribunal in the Sonia

24 Appleby case; do you recall that?

25 A. Vaguely, yes.

26 Q. Okay, well, Sonia Appleby, I'm sure you'll take it from me was the safeguarding

27 lead at the Tavistock who brought a whistleblowing claim against them and she had

28 been involved with Dr David Bell's report and you see here, at paragraph 50 of the

29 judgment in her case, a reference to the report entitled "Serious Concerns Regarding

30 the Gender Identity Service" and it says, in the last four lines, "There were serious

31 ethical concerns and inadequacy of consent and systemic homophobia, meaning

32 homophobia was not being identified in children and families and led to gay and

33 lesbian staff being subject to persecution". Do you see that?

34 A. I can see that, yes.

35 Q. But you don't recall knowing about that at the time?

1 A. My area of expertise is community development rather than services – specific areas
2 of our sector.

3 Q. Page 1867, please. The same bundle. This is the Cass Review; I think you wrote
4 your witness statement before this was published-

5 A. Yes.

6 Q. - but you are aware of it, presumably?

7 A. Yes.

8 Q. Okay, so, this was – this was an interim report – Dr Hilary Cass’s investigation into
9 Gender Identity Services-

10 A. Yes.

11 Q. - and we’re still waiting the final report but she published this interim report in
12 February of this year.

13 A. Yes.

14 Q. Have you read it?

15 A. Only in – in brief.

16 Q. Okay. You would agree with me, perhaps, that it is a devastating critique of the
17 service?

18 A. Without having read it, I wouldn't want to say.

19 Q. I mean, we know that the service has been closed down, don’t we, as a direct result
20 of this report?

21 A. We know the service has been closed down.

22 Q. And page 1883, at paragraph 1.14 – the top left – it says, “Primary and secondary
23 care staff have told us that they feel under pressure to adopt an unquestioning
24 affirmative approach and that this is at odds with the standard process of clinical
25 assessment and diagnosis that they have been trained to undertake in all other clinical
26 encounters”.

27 A. I can see that, yes.

28 JUDGE NEVILLE: Sorry, which page was that?

29 MS REINDORF: It’s 1883.

30 JUDGE NEVILLE: 1883, sorry.

31 MS REINDORF: Paragraph 1.14.

32 JUDGE NEVILLE: I have got it; thank you.

33 Q. And then, a couple of paragraphs down, another significant issue – this is 1.16 –
34 “Another significant issue raised with us is one of diagnostic over-shadowing. Many
35 of the children and young people presenting have complex needs but once they are

1 identified as having gender-related distress, other important healthcare issues that
2 would normally be managed by local services can sometimes be overlooked.” Did
3 you read that at the time?

4 A. Like I said, I have skim-read this report.

5 Q. I mean, it goes on, in a similar vein and the, at 1913, if you could go to that – it says,
6 “Other Issues” on the top left-hand side; paragraph 4.14 it says, “There were several
7 issues raised with the review panel which are not explored further in this interim
8 report but they have taken note of them and they will be considered during the
9 lifetime of the review”, and they include, in the second bullet point, “The complex
10 interaction between sexuality and gender identity and societal responses to both, for
11 example, we have heard from young lesbians who felt pressured to identify as
12 transgender males and conversely, transgender males who felt pressure to come out
13 as gay rather than transgender. We have also heard from adults who identified as
14 transgender through childhood and then, reverted to their birth-registered gender in
15 between years.” Yes?

16 A. Yes, I can see that.

17 Q. Do you remember reading that at the time?

18 A. As I’ve said, having skim-read this report because this isn’t my area of expertise.

19 Q. Well, it’s a bookmark, there, isn’t it, that what’s yet to come is a full consideration
20 of the issues relating to LGB identities and gender affirming care, as it’s called, yes?

21 A. Say that again, sorry?

22 Q. It’s a bookmark. They’ve placed a bookmark that they are going to come back to the
23 issue of sexual orientation and-

24 A. That’s how this could be read, yes.

25 Q. And, also, issues relating to de-transition; that’s what’s referred to at the end, isn’t
26 it?

27 A. That’s how that could be read, yes.

28 Q. Okay. And in relation to de-transition, at 1885 – if you could go to that, please –
29 they say, at paragraph 1.26, on the left, “Internationally, as well as nationally, longer
30 term follow-up data on children and young people who have been seen by Gender
31 Identity Services is limited, including for those who have received physical
32 interventions who were transferred to adult services and/or accessed private services
33 or who desisted, experienced regret or de-transitioned”, yes?

34 A. Yes.

35 Q. Now, I don't know if you are familiar with the difference between desistance and de-

1 transition?

2 A. A little bit.

3 Q. Okay, well, as I understand it – you can tell me if you understand it differently;

4 desistance is when somebody who hasn't had any sort of medical intervention

5 decides not to continue to identify as trans and detransition is where somebody who

6 has had some medical intervention decides to no longer identify as trans?

7 A. Yes.

8 Q. And, regret is obviously [what it says on the tin]?

9 A. Yes.

10 Q. So, the truth appears to be, if Dr Cass is right, that the numbers of regretters, desisters

11 and de-transitioners is simply not known, you would agree with that?

12 A. Without being an expert in this, yes, it appears to be there would be some cases, yes.

13 Q. But putting all of what we have looked at together, it looks, doesn't it, as if we have

14 no idea how many young people are likely to emerge in their adulthood from

15 irreversible trans-affirming healthcare, realising that they are, in fact, LGB and not

16 trans?

17 A. I would disagree. I think this is a really complex area and one where young people

18 are being given the space to work through their own identity issues.

19 Q. Well, that's not what Hilary Cass says. She's been investigating this service for a

20 very considerable time, hasn't she?

21 A. I think, as I see it, in the service; not every young people is going to be accessing

22 GIDS.

23 Q. Well, we've already agreed that it's the only gender identity development service in

24 England-

25 A. It is and I hope that is something-

26 Q. - on the NHS.

27 A. - and I think that is part of the problem that we have; that we have limited services

28 for young trans people as we do with adult trans people.

29 Q. Right, well, you've just said that you disagree with me when I put to you that we have

30 no idea how many gay and lesbian de-transitioners there might be in the future. Do

31 you have any basis – do you have any evidence that we do know how many there

32 would be?

33 A. No. I don't.

34 Q. So, you don't disagree with me?

35 A. I don't have any evidence but I would disagree with you. Yes, that – but – there's a

1 – a lack of – of data around a lot of this and, actually, a lot of the data we see can be
2 quite one-sided.

3 Q. Right, if you go to 1884, please, on the right – “Existing Evidence Base” – what
4 Dr Hilary Cass says is, “Evidence on the appropriate management of young people
5 with gender incongruence and dysphoria is inconclusive both nationally and
6 internationally”-

7 A. Yes-

8 Q. - and then, on the next page, at 1.25, she says, “There has not been routine and
9 consistent basic collection within GIDS, which means it is not possible to accurately
10 track the outcomes and pathways that children and young people take through the
11 service,” but you disagree with Dr Hillary Cass, do you, on that?

12 A. I’m not saying I disagree with Dr Hillary Cass because I’m not an expert in this field
13 but as a community specialist and seeing young trans people flourish and trans adults
14 flourish, I’m seeing a lived reality of people living happy, healthy lives.

15 Q. I mean, the Cass report paints a very concerning picture, doesn’t it?

16 A. It’s raising some concerns, yes, of this specific service.

17 Q. And the question I want to put to you about that, Mr Roberts, is, as an LGBT
18 organisation, why are you not worried about it?

19 A. If there are concerns within the service then, absolutely, they do need to be addressed
20 but if we – again, as a community specialist, I see many, many young trans people,
21 adult trans people-

22 Q. Sorry, can you speak up a bit?

23 A. Sorry; I see many young trans people and many trans adults living happy, healthy
24 lives and this wouldn't reflect their own experiences.

25 Q. Right, so, because of the people that you know, you’re not curious about a potentially
26 woeful standard of healthcare which is being given to LGB and T young people?

27 A. Of course, we all want the best standards of healthcare we can possibly get and we
28 know this system is not perfect and that we need to see a change in the system which
29 is beginning to happen in adult services and I hope will come and continue to improve
30 across all people, whether they are young people or older people.

31 Q. What you say in your witness statement about this – if you could please go to
32 paragraph 38(a) which is on page 117 of bundle one – we’ve looked at this briefly –
33 if you go to the fourth line, it says, “LGB Alliance appears to take the view that there
34 is a concerted effort by doctors and trans inclusive organisations to erase the identity
35 of gay or lesbian children by reclassifying them as trans”. And you say, “In essence,

1 this is simply a campaign to deny gender affirming healthcare to young people who
2 may be in great distress.” So, you dismiss out of hand the idea that there may be
3 young LGB children being misdiagnosed, don’t you?

4 A. No, I disagree. I’m not saying every service is perfect but again, on what I see every
5 day, working with hundreds of LGBT organisations of all different sorts, I see a
6 reality of young trans people receiving excellent services; I see trans adults receiving
7 excellent services and living healthy, happy lives. So, I’m not saying that this report
8 is wrong. What I am just saying is that this is about this one service which I
9 understand is the only service and that we are hoping that – as with all healthcare, all
10 services will continue to improve and get better.

11 Q. Over the page, you say, “This suggestion is completely and dangerously detached
12 from reality. Consortium works with over 50 trans-led organisations throughout the
13 trans network and have links to many more. My colleagues and I have never
14 encountered an LGBT+ organisation or an individual working within one, expressing
15 views even close to this”, and you’ve been referring there to a tweet posted by Allison
16 Bailey, who talks about transgenderism having been considered a solution to
17 homosexuality by men within the trans movement but having seen the evidence
18 which I’ve taken you to, evidence given by people who worked within GIDS, you
19 must accept now, mustn’t you, even if you didn’t read it at the time, that there is
20 some evidence of that?

21 A. Yes, but my own experience is of community organisations supporting young trans
22 people, adult trans people and I – I stand by what I’ve said in my statement.

23 Q. And you may not be concerned about the evidence that we’ve looked at but the fact
24 is that LGB Alliance have concerns which are evidence-based, don’t they? Just
25 referring to even just what we’ve looked at?

26 A. I – I – I agree, they are saying that it happens, yes.

27 Q. No, that are evidence-based?

28 A. I – I would say that this is saying that there’s things that need to be looked into or –
29 we – we have already said that there’s a lack of numbers.

30 Q. Their concerns about transing the gay away are evidence-based, aren’t they?

31 A. I would disagree with you.

32 Q. You don’t think that what we’ve looked at amounts to evidence of that?

33 A. I don’t think it does in its entirety, no.

34 Q. Even though one of them was a clinician working withing GIDS saying, “We are
35 transing the gay away”?

1 A. I can only go from my experience. As I say, with my expertise, working with 550
2 organisations, that that is absolutely not the experiences that we see, we hear; that we
3 talk about every day.

4 Q. And what LGB Alliance are concerned with is not persecuting trans people but
5 protecting LGB young people, isn't it?

6 A. I – I disagree with you.

7 Q. They're not perpetrating a conspiracy theory, as you've suggested in paragraph 30
8 of your witness statement, are they?

9 A. I would disagree with you.

10 Q. Their advocacy on this is entirely consistent with their objects of advocating for LGB
11 people, isn't it?

12 A. I would disagree with you.

13 Q. Paragraph 39(a) – we're going to move on and it's page 117 of your witness
14 statement. We're moving on to the schools campaign which – sorry, it's not 38(a) –
15 it's over the page – 39(a) on page 119. This is the other example of an LGB Alliance
16 campaign that we are going to look at. We are not going to be able to look at all the
17 others that you have listed because we won't have time. Here, you complain about
18 the schools campaign which you described as being opposed to trans inclusive
19 education?

20 A. Yes.

21 Q. Okay, if you could go, please, to page 987 in bundle 2.1? Do you have that, madam?

22 JUDGE GRIFFIN: I do, yes, thank you.

23 Q. This is the LGB Alliance's literature on the schools campaign. Over on page 2988-

24 A. Can you say that again, please?

25 Q. 2988.

26 A. 2988?

27 Q. Sorry, I mean 988 – it's bundle two, 988, yes? We see, in the second paragraph, their
28 concern is set out as follows, "Outside groups write these kits for schools" – so,
29 talking about relationship and health education – relationship and sex education kits
30 – "They are sometimes described as specialist groups but they are not specialist at
31 all, they are gender identity campaigners. That is, they spread their belief that
32 everyone has a gender identity which may be different from their biological sex,"
33 yes?

34 A. I can see that, yes.

35 Q. And they think that they are essentially teaching children that they might be born in

1 the wrong body, don't they?

2 A. That – I – I – I can't see that written here but I understand that's what you're saying.

3 Q. Yes. At page 999, is where they say that they have concerns about the wrong body

4 narrative. "The implication of this teaching is that a child who likes dressing up or

5 prefers the toys or activities traditionally associated with the opposite sex, they start

6 to wonder whether they have been born in the wrong body," yes?

7 A. I can see that there.

8 Q. Okay, so, what I want to do is, just have a look at the messages that your members

9 or types of organisations that are members of your organisation give to children and

10 young people about sex and gender and what it means to be trans. We are going to

11 go back, first of all, to the Stonewall glossary at page 1366 in bundle 2.2. We've

12 seen already that Stonewall defines gender by reference to masculinity and

13 femininity and they say it is culturally determined, yes?

14 A. Yes.

15 Q. So, what that means is, it's assumed at birth that a baby boy is going to be masculine,

16 according to the standards of society; the society in which he lives.

17 A. Yes.

18 Q. Yes? And, of course, being sexually attracted to women is an essential part of

19 traditional masculinity in our culture, isn't it?

20 A. Yes.

21 Q. So, being same sex attracted is inherently a gender non-conforming characteristic,

22 isn't it?

23 A. Say that again?

24 Q. Being same sex attracted is inherently a gender non-conforming characteristic?

25 A. Um-

26 Q. Being gay – if you are a boy, being gay is not considered to be a masculine thing to

27 be?

28 A. That would be obvious – there is a way of looking at-

29 Q. Yes, that is what I am putting to you, the stereotype. On page 1366, we also see a

30 definition of gender identity and this says, "A person's innate sense of their own

31 gender, whether male, female or something else – see non-binary below – which may

32 or may not correspond to the sex assigned at birth", all right? And you agree with

33 that definition?

34 A. Yes.

35 Q. Yes?

1 A. Yes.

2 Q. I mean, I have to tell you, I do struggle to understand it; it says, gender identity is an

3 innate sense of gender but the definition of gender is different to the one that we saw

4 three entries above. We saw, three entries above that gender was about masculinity

5 and femininity but here, it seems to be about being male or female or something else,

6 doesn't it?

7 A. I think we have to remember; this is Stonewall's glossary.

8 Q. I know, but you have just said you agree.

9 A. Yes, but, as I've said before that, I think to put everything in such binary ways, we

10 are complex human beings and are – the issues of sex and gender, they are complex

11 and aren't particularly binary and I know there will be nuances of these definitions

12 used by other organisations.

13 Q. Right, but this isn't binary, is it? It's gender, whether male, female, or something

14 else and gender identity, we've agreed – the gender definition, we agree, is about a

15 spectrum of gender. So, if we could just focus on the definition itself; it says, "It's

16 an innate sense of our own gender, whether male, female or something else." It

17 doesn't seem to be about an innate sense of their own gender as defined above.

18 There's a confusion, isn't there? Do you agree?

19 A. I – I – I struggle – I'm sorry – my – my brain is having to-

20 Q. No, I understand; it's a long haul.

21 A. I mean – I-

22 Q. Let me put it this way; it doesn't say that gender is culturally determined and to do

23 with femininity and masculinity, does it? It talks instead about the male, female, and

24 something else. A male and female are biological sex words, aren't they? Not gender

25 words?

26 A. I – again – I think that sex and gender are things that may be used interchangeably

27 and they aren't so easily separated out as I believe is trying to be said here.

28 Q. It also says, doesn't it, that gender identity is innate. It says it's an innate sense of

29 their own gender but we agreed earlier that gender, as defined above, as being

30 culturally determined, it's not innate. Agreed?

31 A. I – I – this is a – a – a really complex area and a person will identify themselves in a

32 way that they will want to identify themselves and there will be a crossover between

33 their sexual orientation and their gender identity and this is why this is such a – I

34 believe it's not as binary as can be made out.

35 Q. What we are talking about, Mr Roberts, is young people – children – accessing

1 materials to help them understand whether to go onto a medical pathway which may
2 result in their sterility and the removal of their genitals, aren't we?

3 A. I – I would disagree with that. I – I don't believe that's what the materials that are
4 being used by LGBT+ organisations is trying to do at all. It's trying to provide
5 supportive information to young people struggling with their identity; whether that
6 be their sexual orientation, gender identity, gender expression and providing that in
7 an affirmative way so that young person can explore their own identity.

8 Q. So, you don't think that a young person struggling with their identity and struggling
9 with homophobic bullying might go on to Stonewall, to a website and think, "Well,
10 what do these words mean?" and try to understand it from – that's not something you
11 think is likely to happen?

12 A. I think this is a complex area and young people need the support which is why we
13 have so many youth-focused organisations in our sector as one of the strongest areas
14 in the LGBT+ sector with thousands of young LGB and T people receiving
15 phenomenal service from those organisations and being able to talk about their sexual
16 orientation or their gender identity – both is part of what every single one of those
17 organisations does.

18 Q. Right, shall we get back to the definitions here? Gender identity seems to be an
19 innate sense of something which is culturally determined. Have I got that right? It's
20 an innate sense of gender and gender is not innate?

21 A. Somebody's gender identity will be something that they will be of their own – yes,
22 how they feel about themselves.

23 Q. Well, perhaps you will agree with me that the most sense that can be made of it is
24 that gender identity is about whether you instinctively relate to the gender norms for
25 your sex?

26 A. Say that again?

27 Q. Gender identity is about whether you instinctively relate to the gender norms for your
28 sex?

29 A. Not necessarily. I think your gender identity will be something you have with your
30 own identity-

31 Q. No. I'm not asking you what you think; I'm asking you what these words mean on
32 the page?

33 A. I – I – I'm afraid, these are – this is Stonewall's glossary and like I say, there will be
34 nuances of languages. It – it – it looks like this is being taken as this is the dictionary.

35 Q. Right, but Mr Roberts, I asked you, do you endorse this document earlier on and you

1 said yes. I asked you carefully when you agreed with the definitions and you agreed
2 that you did, didn't you?

3 A. I did but there'll be nuances of language which other organisations will use or imply
4 the same things.

5 Q. Well, let's look at one of them; page 991 in bundle 2.1.

6 JUDGE NEVILLE: Sorry, Ms Reindorf, before we go to this-

7 MS REINDORF: 991-

8 JUDGE NEVILLE: - before we leave this document-

9 MS REINDORF: Sir?

10 JUDGE NEVILLE: I have made a note that this glossary is being supplied to schools, is that
11 wrong? Because then you said that people might go on the website?

12 MS REINDORF: Oh, I'm not sure about that; I'd have to-

13 JUDGE NEVILLE: Right, sorry, you were not positively suggesting that?

14 MS REINDORF: I don't think I said that it was being supplied to schools, no.

15 JUDGE NEVILLE: That is fine. I will just correct that.

16 JUDGE GRIFFIN: Is everything all right?

17 MR GIBBON: Sorry, I just-

18 MS REINDORF: It always happens, madam.

19 JUDGE GRIFFIN: Do not worry; just take a moment and make sure you have caught it all.

20 **Pause.**

21 JUDGE GRIFFIN: And we are turning to exhibit page 991, yes?

22 MS REINDORF: That's correct, madam. This is the genderbread person. I don't know if
23 you are familiar with it, are you?

24 A. Yes.

25 Q. You are so, this is, you will agree, I am sure, a resource which is very commonly
26 used as a teaching aid in schools?

27 A. Definitely a resource that's been used, yes.

28 Q. And it says quite a number of things but on gender identity – I don't know; it's
29 probably not very clear on your version there but on gender identity, in the box at the
30 top right-hand corner, it says, "Gender identity is how you, in your head, define your
31 gender according to how much you align or don't align with what you understand to
32 be the options for gender," yes?

33 A. Mm-hmm – yes.

34 Q. And it shows a sliding scale-

35 JUDGE NEVILLE: Our copies are not really legible I am afraid.

1 MS REINDORF: No, I'm sorry; I had to download it-

2 JUDGE NEVILLE: I just tried zooming in on the digital bundle-

3 MS REINDORF: Yes-

4 JUDGE NEVILLE: But I suppose if you are telling us what it says, we can make a note.

5 MS REINDORF: Well, I mean, certainly we can provide you with a more legible version

6 of it. I've got one that I downloaded off the Internet.

7 JUDGE GRIFFIN: If you are going to rely on the wording, I think we will need the exact

8 wording for our notes, thank you.

9 MS REINDORF: Sure, but I think we can all see that it has a sliding scale of a woman and

10 that's a man-

11 JUDGE GRIFFIN: Yes.

12 MS REINDORF: Yes, thank you. So, this is something that children are meant to

13 understand, isn't it?

14 A. I – I think this is a tool to help people understand.

15 Q. So, the children or whoever it is that's using this resource is meant to take from this

16 that your gender identity is how you define yourself as against what you think the

17 options for gender are along a scale of woman and that's a man?

18 A. As I said, I think it's a resource that's used to help – you know, young people and

19 other people understand – and both professionals as well as young people as well.

20 Q. On the previous page, there's a sub-heading "In Wales" – this document, by the way,

21 is part of the LGB Alliance's schools information – the document that we looked at,

22 at the beginning and they refer here on page 990 – do you have that? It looks as if

23 you, perhaps, don't – does that say 990?

24 A. There's no number. It's – I'm assuming it's 990.

25 Q. Have you got a page that says "Wales" and then, "Groups providing resources to

26 schools" – yes, you have.

27 A. Yes.

28 Q. So, they refer here to a teaching method that's used in Wales. It says, "The Minister

29 for Education endorses a controversial curriculum called 'The Agenda'. One of its

30 most famous sections discusses the "mixed muffin gender berry challenge" which is

31 part of the Rotifer Project. It is used to teach young people that they could be a

32 different gender if they don't conform to stereotypes represented by pink and blue

33 berries. Is that something you are familiar with?

34 A. It's not, no.

35 Q. But you've no reason to think it doesn't happen?

1 A. I – I can see that it’s written here so, I’m assuming it exists.

2 Q. So, that’s the sort of schools material which is used in these gender identity
3 resources-

4 A. Without actually having seen this one, I – I – I – I’m assuming from what I’m reading
5 that it’s been used.

6 Q. Just going back to the Stonewall definitions, 1369 in bundle 2.2 – do you see at the
7 bottom here that there’s a definition of trans? It says, “It’s an umbrella term to
8 describe people whose gender is not the same as or does not sit comfortably with the
9 sex they were assigned at birth” – yes?

10 A. Yes, I can see that.

11 Q. Do you agree with that?

12 A. Yes.

13 Q. Okay, so, looking at that, together with what we’ve looked at, it seems to fit together
14 as, if you don’t instinctively relate to the gender norms for your sex then, you are
15 trans, doesn’t it?

16 A. I – I don’t think it’s as clear cut as that because that’s trying to make it something
17 that one thing or another. I think it is complementary[?] and it’s about giving young
18 people in this context the – the tools to be able to explore their identity without saying
19 they are one thing or another.

20 Q. I mean, using the definitions and the materials that we’ve looked at, it’s impossible
21 to see the difference between being gender non-conforming and being trans, isn’t it?

22 A. I think that’s very clearly trying to put labels on young people when we’re precisely
23 not trying to do that. It’s about giving people – young people and adults – exploring
24 their identity to explore their own identity and identify how they want to identify.

25 Q. Are you willing to entertain the idea that, perhaps, you are not succeeding in that?

26 A. I – I would disagree. It’s something we’re trying – it sounds like it’s a competition.
27 That’s not what I think it is. This is about individuals and how they believe what
28 their identity is and us being able to accept that.

29 Q. I mean, we’ve talked about how being LGBT is, by definition, being gender non-
30 confirming and it’s right, also, isn’t it, that many LGBT people are non-conforming –
31 gender non-conforming in other ways?

32 A. There will be some. LGBT people are like everybody else in society. We will cover
33 every breadth of society and – and – so, everybody will be different.

34 Q. All right, well, we’ve been over that but what I’m going to put to you is that it is
35 hardly surprising, is it, that young people seeking medical intervention at GIDS are

1 disproportionately LGB, given that they are being given the impression that being
2 gender non-conforming means you are trans?

3 A. I disagree. I think it's far too simplified an argument and this is a really complex
4 area and it's about giving young people that space to explore their identity and to
5 accept that young people are exploring their identity in a safe way.

6 Q. These children are not being told that it's okay to be a gender non-conforming
7 person; that it's okay to be gay, are they?

8 A. I – I – I disagree. I – there will be plenty of young people who are exploring their
9 identity who will grow up to be LGB just as there are some who will grow up to be
10 trans in any form of the spectrum. I think it's – it's-

11 Q. And what is happening is that, once a young person has identified themselves as
12 trans, they are being simply affirmed as trans?

13 A. I think that's taking the definition of affirmative care in the wrong way. That's about
14 just giving young people the space to explore their identity without saying that you
15 must go one way or the other.

16 Q. Well, we looked at the Cass report earlier, didn't we, at page 3767; I don't think I
17 need to take you back to it, at paragraph 1.14 where former clinicians said that they
18 felt under pressure to adopt an unquestioning affirmative approach in contrast to what
19 they understand to be proper standards of care.

20 A. I – I was obviously not privy to what those people were saying earlier but if that's
21 their experience then, that will be their experience but I refer back to the experience
22 I have in a community context, of working with so many young trans people and
23 trans adults; that doesn't correlate with the experiences and the happy, healthy lives
24 that they are leading as trans people.

25 Q. If there is an unquestioning affirmative approach as children who have been led to
26 believe that their gender non-conformity means they are trans, that is, quite literally,
27 telling them that they may have been born in the wrong body, isn't it?

28 A. Well, that's how I put it but that's-

29 Q. Well, look, whether or not you agree, it is a legitimate matter for LGB Alliance to
30 concern themselves with, isn't it, given the evidence that we have seen?

31 A. I disagree that what the objects – the charity says it is doing is what it is actually
32 doing and are one in the same thing. I don't think they are.

33 Q. We have identified – you have said in your witness statement that one of the things
34 they are doing is this schools campaign, which is challenging the sort of material that
35 we've looked at and what I'm putting to you is, it is legitimate for them to be doing

1 that, yes? Because they are concerned that LGB children are being taught that they
2 were born in the wrong body?

3 A. I disagree. I think young people are being given access to information that young
4 people – I think years ago, would never have been able to have access to and I –
5 again, I go back to the materials that are out there that are affirmative in that it's
6 about providing space for a young people to explore their own identity without
7 determining, "You will be LGB or you will be trans or you will be somewhere in a
8 spectrum"-

9 Q. And, as a result, we have a 4,000%+ increase of girls who are 70% not heterosexual
10 presenting for a medical pathway as trans, haven't we?

11 A. I would disagree because it's not necessarily a medical pathway that every trans
12 person is going to go through.

13 Q. This campaign – the schools campaign – is specifically about LGB young people,
14 isn't it? It's not about persecuting trans young people; it's about protecting LGB-

15 A. I disagree.

16 Q. It's completely consistent with the objects and aims of the LGB Alliance?

17 A. I would disagree. I believe it's about preventing young trans people being able to
18 explore their identity as young trans people.

19 Q. And you are not curious, in any way, about the extraordinary rise of referrals of
20 young lesbians to gender identity services?

21 A. My experience in that community capacity is that I see so many young trans people
22 being given that space to explore their own identity; not being told it must be X, Y
23 or Z and growing up to be happy, healthy human beings.

24 Q. Right, let's move on. I want to go to paragraph 14 of your witness statement, please.
25 On page 103 of bundle one. You are – you complain here that LGB Alliance are and
26 have always been exclusively concerned with two things; so, paragraph 14 and one
27 of those in paragraph 14(a) is promoting anti-trans, gender critical beliefs.

28 A. yes.

29 Q. That is your phrase "anti-trans, gender critical"?

30 A. Yes.

31 Q. You are aware, no doubt, of the decision of the Employment Appeal Tribunal in the
32 *Maya Forstater* case?

33 A. Yes, a little, yes.

34 Q. Well, it's at page 1569 in bundle 2.2.

35 JUDGE GRIFFIN: Are you going to take us to any part of that?

1 MS REINDORF: Just the headnote. So, you see, on that – on page 1569, that the decision
2 was and I’m sure you know this that gender critical beliefs were protected under the
3 Equality Act and what’s said at the bottom of the page is this, “The claimant’s gender
4 critical beliefs, which were widely shared and which did not seek to destroy the rights
5 of trans persons clearly did not fall into that category”. The category being beliefs
6 which are akin to Nazism or totalitarianism, yes? So, they decided the gender critical
7 views are widely shared and do not seek to destroy the rights of trans persons, yes?

8 A. I – yes, but I think there’s a difference between holding a belief and then further those
9 beliefs in practice.

10 Q. Right, well, we’ll deal with that but, first of all, I just want to be clear; despite
11 knowing about the outcome of *Maya Forstater’s* case, you are completely
12 comfortable characterising gender critical beliefs as anti-trans in your witness
13 statement?

14 A. I think the way-

15 Q. Beliefs – you said gender critical beliefs are anti-trans. That’s what you said.

16 **Pause.**

17 A. Can you say that again?

18 Q. Your witness statement – 14(a) “Anti-trans, gender critical beliefs” – I’ve said to
19 you, despite the outcome in the *Forstater* case, you are quite comfortable, are you,
20 with that characterisation?

21 A. I absolutely believe what I’ve put in my statement, yes.

22 Q. Right. I think – let’s look at paragraph 29(d) of your witness statement, which is at
23 page 110. It’s a bit difficult in your witness statement the way paragraphs are set out
24 but (d) in the middle of that page, I believe is 29(d).

25 A. Mm-hmm.

26 Q. I think this paragraph contains your summary of what you think gender critical
27 beliefs amount to; have I got that right?

28 A. Just let me read it.

29 Q. Yes, sure.

30 **Pause.**

31 A. Yes.

32 Q. That’s right, is it?

33 A. Yes.

34 Q. Yes, okay, let’s have a look at what you’ve said here. So, you say that you think that,
35 “Gender critical beliefs include that trans people’s rights are wholly separate from

1 and inevitably clash with women's and LGB people's rights," yes? You think that's
2 what gender critical people believe?

3 A. That – I – I've said that LGB Alliance argue that-

4 Q. Well, I've just asked you to confirm that this paragraph – sub-paragraph is what you
5 think gender critical beliefs are and you said yes so, I was proceeding on that basis.
6 Is that not the case?

7 A. Based on what I've written here, that is what I believe.

8 Q. Right, so, you think that gender critical people believe that trans people's rights are
9 wholly separate from and inevitably clash with women's and LGB people's rights?
10 Yes?

11 A. Yes.

12 Q. And that transwomen should not benefit from legal protections for women?

13 A. Yes.

14 Q. You think that gender critical people believe that. Okay. Now, I'm just going to
15 deal with this briefly; we've done some of it already but you will understand and you
16 will agree, I'm sure, that in our society, there are some facilities and services which
17 are provided on a single sex basis?

18 A. There are single sex services, yes.

19 Q. Yes, and one broad category is where women – those sorts of services and facilities,
20 where women might be at risk of male violence because they are in a vulnerable
21 situation, like changing rooms, hospital wards, prisons and so on.

22 A. There are certain services, yes, which will support women.

23 Q. No, it's not about services which support women. Single sex services which are
24 single sex because they are places where women are vulnerable to male violence –
25 would be vulnerable to male violence-

26 A. Yes, I mean, I would agree – yes, certainly, they exist.

27 Q. Yes, now, you talk about the Equality Act in this part of your witness statement and
28 we've already dealt with some of it but you, no doubt, understand that single sex
29 provision in these limited sorts of circumstances is permitted under the Equality Act?

30 A. Where there is a little-

31 Q. Where it is justified?

32 A. Yes.

33 Q. Yes. Okay. It's not everything in life; it's just the places and situations where it
34 matters whether you are male or female, isn't it? Or, whether you are a man or a
35 woman?

1 A. I think there are single sex organisations who are delivering services for – in an
2 inclusive way. As I've said earlier, it's my interpretation of the Equality Act that a
3 transwoman is a woman.

4 Q. Well, Mr Roberts, let's try it a different way. We agree that the Equality Act allows
5 there to be single sex services where it is justified?

6 A. Yes, where there is-

7 Q. The justification needs to be that it matters in those situations whether the service
8 user is male or female?

9 A. Yes, yes, I would agree that the Equality Act provides for those limited exceptions.

10 Q. And the reasons – the reasons it matters in some situations whether somebody is a
11 man or a woman include, don't they, the physical differences between men and
12 women in the sense that women are generally not as strong as men?

13 A. I think it would depend on the individual's experience and what they've experienced
14 and-

15 Q. No, we're not talking about individuals. We're talking about men and women. Men
16 are generally stronger than women, aren't they?

17 A. I – I – I – I'm not an expert on that.

18 **[Laughter from observers].**

19 Q. Right, the reasons it matters also include men's propensity to violently and sexually
20 attack women, yes?

21 A. I think that's classifying men all in one category.

22 Q. Well, it most certainly is not. Men commit, don't they, the vast amount of physical
23 and sexual violence against women. Not all men but mainly men, isn't it?

24 A. I honestly don't know the statistics on that.

25 Q. Now, what I'm putting to you is that, those are the reasons – the differential in
26 physical power and male propensity to violence and sexual violence are the reasons
27 why, as a society, we've set aside places and activities where women can have a right
28 to privacy, dignity, and safety away from men; would you agree with that or
29 disagree?

30 A. I would absolutely want everybody in whatever they're accessing or wherever they
31 are to feel safe.

32 Q. That's not what I put to you, Mr Roberts.

33 A. Um-

34 Q. As a society, we've set aside some places for women so that they can have privacy,
35 dignity, and safety away from men, haven't we?

1 A. There are women's spaces, yes.

2 Q. And those rights are nothing to do with gender at all, are they?

3 A. If a transwoman is a woman, then, they are recognised, as far as I'm aware, in the

4 eyes of the law, as a woman so, would be able to access those services.

5 Q. Let me put it to you this way; we don't set aside places for feminine people to be safe

6 from masculine people, do we? Because that wouldn't make any sense.

7 **Pause.**

8 Q. Because there aren't differences – the physical size and strength and propensity to

9 violence between feminine people and masculine people, are there?

10 A. Trans people – well, transwomen are recognised as women-

11 Q. I'm not asking you – I'm not asking you about transwomen at the moment. I'm

12 talking to you about single sex provision and trying to establish your understanding

13 of what it's for. So, please try to focus on the question that's put to you rather than

14 the question you think is coming. There aren't differences of physical size and

15 strength and propensity to violence between feminine people and masculine people,

16 are there?

17 A. Can you say that again?

18 Q. Okay. Feminine people don't generally – you can't say that feminine people and

19 masculine people are different as in respect of their physical size and propensity to

20 physical violence?

21 A. I think that there is the potential that there could be differences. They – you – there

22 are weaker people and they could be weaker men; they could be weaker women.

23 Q. Right, so, you basically don't accept that as a group, men tend to be physically

24 stronger than women or, as a group, they tend to be responsible for physical and

25 sexual violence?

26 A. I – I-

27 Q. And when I say tend, I mean overwhelmingly.

28 A. Like I say, I don't know – I – I – I don't have the data, I'm afraid so, I wouldn't-

29 Q. The rights – what I'm putting to you is that the rights relating to single sex spaces

30 are sex based. They are for situations in which sex matters, aren't they?

31 A. There are spaces where there are single sex spaces, absolutely.

32 Q. They separate people with male bodies from people with female bodies, don't they?

33 That's the point of them.

34 A. I – I struggle to answer that question without thinking in the context of which I'm sat

35 here in terms of transwomen and transmen.

1 Q. But that's not what I'm asking you about. So, if you just focus on the question that
2 I'm putting to you. Okay? I'll put another one. We exclude all male bodies, because
3 there is no way of distinguishing between the vast majority of people with male
4 bodies who are non-violent and the small minority who are violent and predatory;
5 that's why we exclude all male bodies, isn't it?

6 A. I – I – I would disagree with you because I don't think that's the reality of what
7 inclusive services are doing.

8 Q. Paragraph 18 of your witness statement on page 104 of bundle one. You say in the
9 middle there, "In reality, transwomen are already, under the Equality Act, allowed to
10 use women's spaces such as toilets with or without a GRC," and we've already been
11 over this and I've said to you that we are going to say that you are wrong about the
12 law on that but you've expanded on it elsewhere in your statement, at paragraph 29(a)
13 on page 107. In the second half, you say, "The provision of the Equality Act which
14 allow transwomen, with or without GRC to access women's spaces and services
15 without discrimination unless justified." You say that again, yes?

16 A. Yes.

17 Q. And I've already put to you that we will be saying that a transwoman who doesn't
18 have a GRC is under the Equality Act a man but you don't agree with that?

19 A. I – I – I ultimately disagree with you on that.

20 Q. About what the Equality Act says?

21 A. Yes.

22 Q. Well, let's say you're right and a transwoman without a GRC does have the right to
23 use women's single sex spaces, that would mean, wouldn't it, that some people with
24 male bodies are admitted into a place that has been set aside for people with female
25 bodies?

26 A. I – I – I – I don't think it's as clear cut as that.

27 Q. You don't think it's as clear cut as that?

28 A. No, because that's assuming that a trans person hasn't undergone any gender
29 reassignment or anything-

30 Q. Well, look-

31 A. - and their recognition in law as-

32 Q. No, it's not about law; it's not about law. It's about their body. Are you suggesting
33 that a person going through surgery becomes – stops having a – let's say a
34 transwoman who has gone through surgery doesn't have a male body anymore; is
35 that what you are saying?

1 A. They will have transitioned so-

2 Q. Yes, but they have still got a male body.

3 A. - the transwoman will become a woman. They will have gone from being a man to

4 being a woman and recognised as such.

5 Q. What, in science?

6 A. I – I’m not a scientist.

7 Q. No, indeed. Let’s say the person had – I mean, just for the sake of argument because

8 I don’t think we can go down the rabbit hole of whether a person can change sex or

9 not but let’s say it’s a person without a GRC who has not had any surgery; just to

10 keep things clear. That person going into a women’s single sex space means that a

11 male body is in a place that’s been set aside for female bodies, that’s right, isn’t it?

12 A. In your – your wording, then, yes.

13 Q. And then it’s no longer a single sex space, is it?

14 A. If – if a person has a GRC, they will be recognised as being a woman.

15 Q. We’re talking about people without.

16 A. Oh, I apologise; I thought you were saying-

17 Q. No, without?

18 A. Again, it comes down to – I’d – I’m not a legal expert but my own interpretation and

19 practical working of the Equality Act that any person who decides to undergo gender

20 reassignment, they don’t have to have undergone anything-

21 Q. I think you may be-

22 A. - will be able to access-

23 Q. - getting confused. I think you may be getting confused. We are not talking about

24 the Equality Act or people who have had surgery. Our hypothetical person is a

25 transwoman who has had no surgery and doesn’t have a GRC. Yes? Going into a

26 women’s single sex service, as a male body going into a place that’s been set aside

27 for female bodies. Do you agree with that or not?

28 A. In what you’re saying; I understand what you’re saying, yes.

29 Q. Right, and objecting to that – objecting to transwomen using women’s single sex

30 spaces isn’t about painting trans people as dangerous and predatory as you suggest

31 in your witness statement at paragraph 16, is it? It’s about men. It’s about male

32 bodies, isn’t it?

33 A. I would disagree that it’s that clear cut and I think, through those women’s single sex

34 services who have really inclusive practice, there’s really good evidence of showing

35 how you can maintain that balance because if somebody is vulnerable and in a

1 vulnerable situation, then, you wouldn't want to put them in any worse a situation-

2 Q. What balance is it you are talking about?

3 A. That – that – that depends on individuals; I'm not-

4 Q. You keep coming back to individuals but what we're talking about here is how

5 society is organised, okay? And what I'm asking you is, what do you mean when

6 you say that there is a balance that can be struck in relation to transwomen using

7 women's single sex spaces and services?

8 A. I think it involves having honest discussions – that – we know that there are

9 transwomen accessing women's services very successfully that aren't threatening

10 other women using those services and that we should be using those as really good

11 examples in practice.

12 Q. Well, we could have men accessing women's services who aren't threatening. Many

13 – the vast majority of men wouldn't be, would they?

14 A. I think services who are dealing with vulnerable people are incredibly good at being

15 able to handle very complex situations-

16 Q. But we're talking about all services. All services, toilets, changing room in the gym,

17 and so on. Not necessarily a rape crisis centre.

18 A. But you – the law states that any person stating their intention to undergo gender

19 reassignment is protected under the law, then they should rightly be able to use those

20 services-

21 Q. That's your position?

22 A. That's what I believe, yes.

23 Q. Now-

24 JUDGE GRIFFIN: Ms Reindorf, it is 10 past three.

25 MS REINDORF: Yes.

26 JUDGE GRIFFIN: It is rather hot in here.

27 MS REINDORF: It is very hot, yes. I'm starting to lose my-

28 JUDGE GRIFFIN: I think it might be a good time for a break.

29 MS REINDORF: Yes.

30 JUDGE GRIFFIN: I do not know whether it is possible to prop the door open at all? Is that

31 – so that we can actually renew the oxygen and we will come back at 25 past.

32 MS REINDORF: Thank you.

33 **Court rises.**

34 **Court resumes.**

35 JUDGE GRIFFIN: Thank you very much. Good afternoon, Mr Mulla[?]. Is there a

1 problem? Oh, he is gone.

2 MR MULLA: Sorry, Judge. Just looking through the list, okay. I will be gone.

3 JUDGE GRIFFIN: All right, no problem at all. So, hopefully, people managed to stretch
4 their legs. Mr Roberts, I hope you managed to, perhaps, get up and walk around a
5 little bit? Thank you. Ms Reindorf?

6 MS REINDORF: Thank you, madam.

7 WITNESS EVIDENCE OF MR PAUL ROBERTS (CONT'D.)

8 Cross-Examination by MS REINDORF (Cont'd.)

9 Q. Mr Roberts, we are going to move onto paragraph 29(c) of your witness statement at
10 page 110 in bundle one. So, it's at the top; it's paragraph 29(c) – so, it's the second
11 main bit on page 110. It starts on 24 August. Do you see that? You complain here
12 about a tweet that was posted by, I think, possibly Beverly Jackson or somebody
13 from LGB Alliance which says that lesbians were being kicked off dating apps for
14 saying that they are only interested in biological women, yes?

15 A. Yes.

16 Q. Okay. Now, we're just going to explore this a bit. Do you remember, earlier on, we
17 discussed the competing definitions of homosexuality as same gender or same sex
18 attraction?

19 A. Yes, I do.

20 Q. Okay. If it's your view that homosexuality is same sex attraction then, a dating site
21 that includes people with male bodies is not a lesbian dating site, is it?

22 A. I – I-

23 Q. You would accept – I know it's not your view but-

24 A. I disagree; it depends on complex definitions. Your terminology of a female body
25 and a male body-

26 Q. Oh, I see, well, we'll go back. If you have a view that there are two sexes, male and
27 female, and that homosexuality is attraction to the same sex out of those two, then a
28 dating site that includes people with male bodies is not a lesbian dating site, is it?

29 A. I would disagree.

30 Q. Why?

31 A. Because a transwoman who is attracted to other women would still be a lesbian.

32 Q. Right, well, I'm not sure that you've quite grasped the hypothetical that I put to you
33 but let's plough on. If, as a lesbian, on a dating app – a lesbian dating app, you are
34 told by the people who are running the site that you cannot specify that you want
35 only to meet people of the same sex – meaning women with female bodies – then,

1 that is a dating site which is denying you a service because of your sexual orientation,
2 isn't it?

3 A. I – I – I don't – these services not being lesbian-ruled.

4 Q. I mean, you have complained about the tweet that we have looked at in paragraph six
5 on the top of page 110(vi) so, that's what we're exploring. So, I'm hoping you're
6 able to answer some questions about it. I'll put it this way. If you go on a lesbian
7 dating site and you are told that you can't specify that you only want to meet women
8 who have female bodies then, you are being denied a service because of your sexual
9 orientation, aren't you? If you believe that only women with female bodies can be
10 lesbians?

11 A. I believe that that service is taking a decision on how I would interpret the
12 Equality Act and access to services.

13 Q. Now, in – we're going back to the Stonewall glossary, you will be delighted to know
14 – page 1370 in bundle 2.2; at the top of the page is the continuation of the definition
15 of trans that we saw the beginning of on the previous page and it says here, "Trans
16 people may describe themselves using one or more of a wide variety of terms" –
17 sorry, I know the air is so, so awful in here. It's really got to my chest as well – "a
18 wide variety of terms including but not limited to transgender, transsexual, gender
19 queer, gender fluid, non-binary, gender variant, crossdresser, genderless, agender,
20 non-gender, third gender, bi gender, transman, transwoman, transmasculine,
21 transfeminine and neutrois." So, that's a long list – non-exhaustive. Is it your view
22 that a lesbian could reasonably be kicked off a dating site – a lesbian dating site for
23 asserting that she rules out male crossdressers, who we see on that list?

24 A. I – I'm saying that if a service is open to women and, therefore, a transwoman is
25 identifying as a lesbian, then they can access that service but I would – as I said in
26 my statement, never expect any one individual to be forced into any situation where
27 they are having to have sexual contact with somebody they wouldn't want to.

28 Q. I'm afraid, I think, you are a step behind. We saw on this definition that trans
29 includes crossdressers. So, for a lesbian to say she doesn't want to meet male
30 crossdressers is that, to your mind, a reasonable reason to kick her off a lesbian dating
31 site?

32 A. I might change how I would do this glossary. Again, this isn't my glossary. This
33 isn't the definitive LGBT glossary. This is one-

34 Q. Right, can you understand that a lesbian might experience it as offensive to be told
35 by a lesbian dating site that she cannot exclude people with male bodies?

1 A. Again, I think it has – I have to say, I go back to the – if that site is saying that women
2 – lesbian women can access that service and a transwoman identifies as a lesbian
3 then, they can rightfully access that service and it would be for those individuals
4 accessing that service to determine who they would and would not meet.

5 Q. Right, so, I'll say it again. If a lesbian determines that who she will not meet is a
6 male person with a male body, that is not a good reason to kick her off a site, is it?

7 A. That's for that individual to decide that's what they don't wish to do.

8 Q. Right, so, it's not a good reason to kick her off the site, is it?

9 A. I go back – if it's a service for lesbian women, then if a transwoman identifies as a
10 lesbian, then, that transwoman should be able to use that service.

11 Q. Right-

12 A. Because they identify as a lesbian.

13 Q. Right. You are not focusing on the question, Mr Roberts. We are talking about
14 reasons for kicking people off the dating site. The woman – a lesbian woman is
15 kicked off a dating site for asserting that she is only interested in people with female
16 bodies; is that, in your view, acceptable?

17 A. I – if – it's not a – I have to say, I go back to my answer again because it's not as
18 easy as the question you're asking because if the service terms of that app are saying
19 that it's for lesbian women and a transwoman who identifies as a lesbian wishes to
20 access that service, they should rightfully be able to access that service.

21 Q. We are not talking about whether transwomen can access it. We are talking about
22 whether lesbians can assert their own boundaries and boundaries which are same sex
23 based and I think I'm understanding you to say no, they can't, or have I got that
24 wrong?

25 A. I am saying that if somebody identifies as a lesbian they will be able to access that
26 service.

27 Q. But not if she wants to say that she is same sex attracted and doesn't want to meet
28 people with penises?

29 A. That's entirely up to individuals on who they will and won't meet and I – the dating
30 apps are used to having a conversation with people prior to meeting.

31 Q. It's quite clear, isn't it, Mr Roberts, that a situation like this sort of thing raises a
32 conflict between the inclusiveness that you advocate for and the rights of LGB people
33 not to suffer discrimination because of their sexual orientation?

34 A. I disagree.

35 Q. And there are no organisations within your consortium who will recognise that

1 conflict, are there, because they all sign up to the same world view as you?

2 A. Our members would agree that transwomen are women and transmen are men and
3 should be able to access those respective services.

4 Q. Those LGB people who don't have the same world view as you are entitled to an
5 organisation which will represent them in this conflict scenario – represent their
6 interests in relation to these sorts of conflicts.

7 A. I disagree this is an issue of sexual orientation though. This is about trans exclusion.
8 Exclusionary activity.

9 Q. No, we are talking about lesbians being excluded from lesbian dating sites. You are
10 talking about trans people being excluded.

11 A. I believe I've laid out that if a transwoman identifies as a lesbian, which they are able
12 to do and are accessing that service they are rightful users of that service and it would
13 be for the two individuals involved in that dating app to be able to determine whether
14 they are compatible and would want to meet or not.

15 Q. This point, (vi) on page 110 is part of a wider complaint that starts on the previous
16 page or two pages before, I think. Bear with me. No, it is the page before. Yes, at
17 the top of the page before (c), which is about your wider – your wider complaint is
18 about LGB Alliance's concerns that lesbians are being coerced into sex with
19 transwomen, isn't it?

20 A. Yes.

21 Q. The context in which you complain about that tweet and you say that this is an
22 invented problem. You say in the third line, "LGB Alliance frequently argues against
23 an invented mass demand for transwomen to be universally accepted as sexual
24 partners," yes?

25 A. Yes.

26 Q. Okay. Page 2052 in the bundle – 2.2 – there is a lot of twos in there.

27 A. Could you say the number again?

28 Q. 2052. No, it's bundle 2.3, I'm sorry.

29 JUDGE GRIFFIN: In a minute, I know what will happen is, if I take another out, the whole
30 thing will collapse.

31 **Pause.**

32 JUDGE GRIFFIN: 2052?

33 MS REINDORF: That's right, madam, yes.

34 JUDGE GRIFFIN: I am there, thank you.

35 Q. Thank you. This is an article that was published on the BBC website in October

1 2021 – do you remember this?

2 A. Yes.

3 Q. Okay. You don't mention this article in your witness statement where you say that

4 there is an invented mass demand for transwomen to be universally accepted as

5 sexual partners by lesbians, do you?

6 A. I do not.

7 Q. In this article, it says in the introductory section, just under the photograph, "Is a

8 lesbian transphobic if she does not want to have sex with transwomen? Some

9 lesbians say they are increasingly being pressured and coerced into accepting

10 transwomen as partners and then, shunned or even threatened for speaking out.

11 Several have spoken to the BBC along with transwomen who are concerned about

12 the issue too." Yes?

13 A. I see that, yes.

14 Q. I'm sure you must have read it at the time, did you?

15 A. Yes, I would have done.

16 Q. Okay, just go to 2059. This is part of the article – it sets out some tweets that have

17 been published by various people in the field. I'm not going to go through the article

18 in detail because we haven't got time and, also, it's summarised in the section that

19 we have just looked at but here's a tweet by Veronica Ivy, who is a famous

20 transwoman cyclist – athlete – isn't she?

21 A. Yes.

22 Q. I think Rachel McKinnon was another name that she went by and here what Dr Ivy

23 says is that it's transphobic to have a what's called "genital preference," doesn't she?

24 At the bottom?

25 A. Yes, I can see that at the bottom, yes.

26 Q. Yes? 2062 is – bear with me-

27 **Pause.**

28 Q. Just a moment, please. Yes, oh, it's at the top. Okay, at the top of 2062 – I was on

29 2064 – it talks about Stonewall-

30 A. What page?

31 Q. 2062.

32 A. Ah, yes.

33 Q. Yes, it says, as part of the article, "Stonewall is the largest LGBT organisation in the

34 UK and Europe. I asked the charity about these issues but it was unable to provide

35 anyone for interview. However, in a statement, the chief executive, Nancy Kelley,

1 likened not wanting to date trans people to not wanting to date people of colour, fat
2 people or disabled people.” Yes?

3 A. That’s what’s written here, yes.

4 Q. And she went on, “Sexuality is personal and something which is unique to each of
5 us. There is no right way to be a lesbian and only we can know who we are attracted
6 to,” and she goes on to say, “Nobody should ever be pressured into dating or date
7 anyone they are not attracted but if you find that when dating, you are writing off
8 entire groups of people, like people of colour, fat people, disabled people or trans
9 people, then, it is worth considering how societal prejudices may have shaped your
10 attractions,” yes?

11 A. Yes, I can see that.

12 Q. So, she is comparing, quite clearly, there, being a lesbian, i.e., same sex attracted
13 woman, with being racist, disablist or fatist, isn’t she?

14 A. That’s – I can see what you’re saying, yes.

15 Q. 2064, towards the bottom, there’s a line about halfway down and under that, it talks
16 about the term “cotton ceiling”. It says, “The term cotton ceiling is sometimes used
17 when discussing these issues but it’s controversial.” It then explains that it extends
18 from the glass ceiling metaphor about women not being able to climb the career
19 ladder because they’re faced with a glass ceiling and at the end of that paragraph, it
20 says, “Breaking the cotton ceiling means being able to have sex with a woman for a
21 transwoman.” Cotton referring to underwear – to a lesbian’s underwear, yes?

22 A. Yes.

23 Q. You are familiar with that concept?

24 A. Yes.

25 Q. Yes? Notoriously, as I’m sure you will know, the term – there was a workshop called
26 “Overcoming the Cotton Ceiling – Breaking down Sexual Barriers for Queer
27 Transwomen” which is referred to under the picture.

28 A. Yes, I can see that.

29 Q. Yes? The organisers, it is noted here, said that – in the paragraph that’s just before
30 the long line across the middle of the page that the workshop was never intended to
31 advocate or promote overcoming any individual woman’s objections to sexual
32 activity. Instead, she said the workshop explored the ways in which ideologies of
33 transphobia and transmisogyny impacts sexual desire.

34 A. Yes, I can see that.

35 Q. I mean, whichever way you cut it, this is about how to get lesbians to have sex with

1 male bodied people, isn't it?

2 A. I would disagree with that.

3 Q. Page 2065. Do you see there is a photograph there of Riley Dennis? It's 2066, with

4 the words "trans, black, fat, disabled" written across it, yes?

5 A. Yes.

6 Q. Yes. So, that was a YouTube video; Riley Dennis was quite an influential or, is quite

7 an influential YouTuber, are you familiar with Riley Dennis's work?

8 A. Not particularly, no.

9 Q. And it explains here that Riley Dennis did a short video and under the picture of

10 Riley Dennis, the second paragraph under, she said, "I want to talk about the idea

11 that there are a number of people there who say they are not attracted to trans people

12 and I think that is transphobic but if at any time you are making a broad generalised

13 statement about a group of people, that's typically not coming from a good place."

14 Yes?

15 A. I see that, yes.

16 Q. Okay, so, what Riley Dennis is saying is that excluding a group of people from your

17 sexuality is bigoted – it seems to be; is that not right?

18 A. I – I can see that-

19 Q. So, for instance, excluding men, by that definition, would be bigoted, wouldn't it?

20 A. From exactly what's written here, yes.

21 Q. Do you agree with it?

22 A. I – I – I believe individuals have choices and no person should ever be coerced into

23 having sexual activity or other activity with an individual they wouldn't want to.

24 That's – I can't see that anybody would ever disagree with that but when it comes to

25 services, transwomen and transmen should rightly be able to access services and not

26 expect to be discriminated against in that respect.

27 Q. At the top of that page, it describes Dr Ivy – just going back to her for a moment –

28 as having said, "I think the main concern that people have in regards to dating a trans

29 person is that they won't have the genitals that they expect because we associate

30 penises with men and vaginas with women. Some people think that they could never

31 date a transman with a vagina or a transwoman with a penis but I think that people

32 are more than their genitals. I think you can feel an attraction to someone without

33 knowing what's between their legs." So, she says you're reducing people just to their

34 genitals if you exclude people from your dating pool on that basis. Do you agree

35 with that?

1 A. I can see that's written there, yes.

2 Q. But do you agree with it?

3 A. I agree that people will be attracted to who they're attracted to and that will differ for

4 every single person.

5 Q. So, is it that - you don't agree that it's transphobic to have what's called a genital

6 preference?

7 A. I think everybody will have their own levels of attraction to different people and that

8 will – that will – there will be a whole entire spectrum of that.

9 Q. I'd like you to focus on the question. Do you think – I'll put it in an easier way,

10 hopefully, to answer; do you think it is transphobic to have a genital preference?

11 A. I think people will be attracted to who they are attracted to and if somebody is

12 attracted to somebody with the same genitals then, that's absolutely fine and if

13 they're not – if they're attracted to somebody who identifies in a different way then

14 that's equally fine and it will depend on individual-

15 Q. Right, it's not about the individual times when somebody is attracted to another

16 individual person; it's about people drawing boundaries around their sexual

17 orientation or around their sexuality. Do you think it's transphobic to say, "I will not

18 have sex with people with penises"?

19 A. I think that's somewhat over-simplifying things.

20 Q. Well, there are a lot of lesbians, aren't there, who would not regard that as a

21 simplification but more as a statement of fact?

22 A. Again, no person should be forced or coerced into having sexual activity with

23 someone they wouldn't want to-

24 Q. Right-

25 A. - but if a cisgender lesbian didn't wish to have sexual relations with a trans lesbian

26 woman then that – you know, there would be no expectation on either side for that

27 to happen.

28 Q. I am not talking about individual incidents of sexual attraction, Mr Roberts, if that

29 assists you. What I am talking about is an individual person drawing a boundary

30 around their sexuality. So, a lesbian saying, "I do not have sex with people with

31 penises." Do you think that is transphobic or not?

32 A. I think it's absolutely fine for a person to have that view because that's their own

33 individual way of identifying their attraction.

34 Q. But you can see, can't you, that there are people who do think that that's transphobic,

35 because we've looked at a couple of examples now.

1 A. I can see that, yes.

2 Q. And one of those people appears to be Nancy Kelley.

3 A. I'm not Nancy Kelley so, I cannot speak for Nancy Kelley.

4 Q. Right. Let's have a look at what she said about the cotton ceiling which we looked
5 at briefly earlier, so, I just want to put it into context. It's at 1425 in 2.2. Now, we
6 looked at this earlier but now we know the background, which is the BBC article
7 about the cotton ceiling was being written – Nancy Kelley had been contacted for
8 comment on it and this is another article about it which says that she wrote to the
9 producer before saying that it was not – that it was transphobic or likely to be
10 transphobic and she said – in about the middle, I think, of the page, you can see the
11 process is sometimes referred to as the cotton ceiling-

12 A. Yes-

13 Q. Yes? And then, in the third paragraph from the end, it says, "Yet, now it has emerged
14 that months before the article appeared, Stonewall's chief executive, Nancy Kelley,
15 wrote to the editorial director of BBC News to denounce Lowbridge's work" –
16 Lowbridge is the author – "in an apparent attempt to get the piece stopped. In her
17 email, Kelley suggested that the BBC article would end up being transphobic because
18 it represented transwomen as sexual predators, which is the central anti-trans
19 argument."

20 And then, she said, "She further complained that the highly toxic cotton ceiling issue
21 was analogous to issues like sexual racism." So, you can see that that's the context
22 for the fuller phrase, sexual racism, that we looked at earlier and we've also seen,
23 over the page, that she said that, "Sometimes structural oppression can influence who
24 we want." So, it looks, doesn't it, as though, coming from the very top of the LGBT
25 activism tree, Nancy Kelley, there is an endorsement there of the idea that it is wrong
26 and bad for lesbians to reject sex with people with penises but there is something for
27 them to unlearn; that's right, isn't it?

28 A. Again, I'm not Nancy Kelley and I can't-

29 Q. I'm asking for your interpretation of what she said.

30 A. I think we also have to be super careful of the media outlets where certain articles
31 are being written from and the media environment within which we are in when it
32 comes to trans issues.

33 Q. Are you suggesting that it isn't true? That she didn't say these things?

34 A. I – I – I – I am not suggesting that at all but I'm just saying that I'm not Nancy Kelley
35 and I can't speak for Nancy Kelley on what she is writing.

1 Q. But your interpretation is what I'm asking for; not for you to speak for her. It looks,
2 doesn't it, as though she is endorsing the idea that lesbians need to unlearn their
3 sexual boundaries?

4 A. I would disagree. I'm not entirely sure that is what she's saying. I think – you know,
5 I go back to it's up to individuals to decide who they would and would not want to
6 have sexual contact with and no one person should ever be coerced or forced into
7 having sex with somebody else and I'm not speaking for Nancy but I'm sure that
8 would be a view that Nancy would hold.

9 Q. I mean, if that is what she is saying, that is a homophobic idea, isn't it?

10 A. I disagree.

11 Q. You don't think that it's homophobic to say to women – lesbians – that they should
12 unlearn their sexual orientation? You don't think that's homophobic?

13 A. I don't believe that – I don't believe that's what being said.

14 Q. No, but if it was, that would be homophobic, wouldn't it? Surely, you can agree with
15 that?

16 A. Again, it's – if we go back to individual choice who they wish to have sexual
17 encounters with. That is an entirely an individual choice.

18 Q. I mean, it's like, isn't it, in the old days, when lesbians used to be told that they just
19 hadn't met the right man yet and other less savoury suggestions? That's what it's
20 like, isn't it?

21 A. I disagree.

22 Q. As an LGBT organisation, Consortium, you should be worrying, shouldn't you, that
23 there is evidence of lesbians being put under pressure to drop their sexual
24 boundaries?

25 A. I – anybody who is coerced or forced into having sex with somebody else-

26 Q. No, no, you are not answering my question, Mr Roberts. I'll put it again. You should
27 be worried that there is evidence of lesbians being put under pressure to drop their
28 sexual boundaries, isn't that right?

29 A. I think anybody would be worried if that-

30 Q. Yes, but you're not.

31 A. I – I have – in what sense?

32 Q. But you're not even curious about it, are you? You've dismissed it in your witness
33 statement, out of hand, as utterly false at paragraph 29(c). We can go to it.

34 A. Certainly.

35 Q. It's on page 110 – please do.

1 A. Yes. But, again, I think we have to be careful where the – these – the media articles
2 are coming from and the angles that they are taking and, again, no one person - any
3 person that I know of in our sector is saying that any other person should be coerced
4 or forced into having any sexual activity with any other person who they don't wish
5 to.

6 Q. But I have taken you to evidence that lesbians are being told that having a genital
7 preference is transphobic. And that individual lesbians are being coerced into having
8 sex with transwomen. That's in the article. There's even a rape in there.

9 A. I – again, this is an article that is written by a journalist from a media outlet that, you
10 know, we just have to be careful of who is writing this material.

11 Q. Right, so, you dismiss it out of hand because it's written by the BBC? Is that what –
12 have I understood that correctly?

13 A. I'm not saying it should be dismissed out of hand just because it's the BBC but I
14 think this is – this is taking information from some people and my experience across
15 our membership of organisations working with women; this would not correlate with
16 the experiences that they're telling us.

17 Q. Well, perhaps, that's because the only organisations that you allow into your
18 Consortium are those that agree with you already – do you think that might be right?

19 A. I disagree.

20 Q. Somebody has to stand up for these lesbians who are being told that they have a
21 genital preference that they need to unlearn and it might as well be the LGB Alliance,
22 mightn't it – if it's not going to be any of your 525 members?

23 A. I disagree because I think it's always from a – the framing of being transphobic rather
24 than pro LGB.

25 Q. Right, but it isn't, is it? It's about lesbians being coerced to drop their sexual
26 boundaries. The fact that it's by transwomen and that it's backed up by the sort of
27 ideology that you subscribe to is not the primary issue; the primary issue is that
28 lesbians are being subjected to homophobic abuse, isn't it?

29 A. I disagree.

30 Q. It's not hate or bigotry against trans people.

31 A. I disagree with you.

32 Q. Okay. Let's go back to paragraph 28(d) – this is also page 110 of bundle one. We're
33 coming back to the point you made about trans people not benefitting from legal
34 protections for LGB people – trans LGB people not benefitting from protections for
35 LGB people and who think that LGB Alliance believe that trans LGB people

1 shouldn't have the same protections as LGB people, yes?

2 A. Yes.

3 Q. Okay. I'm not sure you've given any examples of that. I may be wrong but you can

4 tell me if you have given any examples of that?

5 A. I, obviously, couldn't tell you what was in here right now.

6 Q. Right. I understand; it's been a long day but it takes us back, doesn't it, to the

7 discussion that we had earlier, talking about people who identify – who define

8 homosexuality as same sex orientation? If you don't think that a person with a female

9 body can be a gay man, it must follow that you don't think that people with female

10 bodies should benefit from whatever legal protections are given to gay men, mustn't

11 it? It's rational?

12 A. Say that again.

13 Q. Okay. If you don't think that a person with a female body can be a gay man, yes?

14 Have you got that bit?

15 A. Yes.

16 Q. Then, it must follow that you don't think that people with female bodies can have the

17 legal protections that are given to gay men?

18 A. That's not how I-

19 Q. I know it's not what you believe; what I am putting to you is that it's a rational

20 position?

21 A. I don't think that fits with what reality is.

22 Q. So, you don't think it's a rational position?

23 A. I don't think that fits with what the situation and state of play is in our country.

24 Q. So, you do or you don't think it's rational?

25 A. I don't think it's rational.

26 Q. But the reason why you don't think it's rational is because you are working on the

27 basis of a definition of homosexuality which is same gender attraction, isn't it? So,

28 you will have different views about the scope of the legal rights that ensue from being

29 homosexual?

30 A. The trans people – a transwoman who identifies as a woman will be protected under

31 the law as a woman-

32 Q. Right, well, we've been through that and there's no point in us going through the

33 Equality Act together, is there, and trying to bottom it out, because you are not legally

34 qualified, are you?

35 A. I'm not legally qualified, no.

1 Q. No, what I'm putting to you really is this, Mr Roberts; you are entitled to your view
2 on this but so is LGB Alliance, isn't it?

3 A. I – I genuinely believe that LGB Alliance is taking an anti-trans approach and I can't
4 think of other charities who take an exclusionary approach versus an inclusionary
5 approach. I – my – my experience of charitable work is that it's about inclusion and
6 progression rather than regression and removal.

7 Q. Do you think it's possible that the reason you can't think of any other charities that
8 say what LGB Alliance says is because the full weight of the LGBT activist lobby
9 comes down on anybody who tries to express gender critical views and they are
10 kicked out or not allowed into Consortium; they have legal actions brought against
11 them to try to remove their charitable status and so on and are bombarded, on a daily
12 basis, with accusations of hate from people in positions of public life? Do you think
13 it's possible that that is why you don't hear this argument being made?

14 A. I disagree and conversely, I know of very many LGBT organisations who are
15 attacked on a daily basis for having that inclusionary rather than exclusionary
16 approach.

17 Q. You – what I'm putting to you, really, is just as simple as this; you can have your
18 view that someone who appears to be a heterosexual woman is actually a gay man
19 and should have gay men's legal protections and LGB Alliance and its supporters
20 can have their view that it's a necessary condition of being a gay man that you are a
21 man; that's not unreasonable, is it?

22 A. I fundamentally believe that that is a transphobic view of the world and it's denying
23 trans people the right to live as themselves and be their true self.

24 Q. Madam, I'm going to cut out a bit because we've come to, basically, the end of the
25 day; I'm just going to conclude briefly and then, I'll be done with this witness.
26 Mr Roberts, the truth is that you find LGB Alliance objectionable because they
27 promote gender critical views, isn't it?

28 A. I – I disagree with LGB Alliance because I believe that they focus on transphobic
29 activity rather than pro-LGB activity.

30 Q. So, you think that gender critical views are by definition inherently transphobic,
31 don't you?

32 A. I think they are transphobic.

33 Q. Yes, anybody – you think anybody with gender critical views should not – you don't
34 think anybody with gender critical views should be running a charity in the LGBT
35 sector, do you?

1 A. I think the charitable sector is about inclusionary approaches rather than exclusionary
2 approaches-

3 Q. Right, I will ask the question again.

4 A. - and people's human rights.

5 Q. You don't think, do you, that anybody who has gender critical views should be
6 running a charity in the LGBT sector?

7 A. I think where they are focused on the removal of rights of individual people then, no.

8 Q. Individual people?

9 A. So, where you have an organisation that's primary activity appears to be preventing
10 trans people from living safe lives in their identity that we have to stand up against
11 that.

12 Q. All right, well, gender critical views, you think, do that? You think that's what
13 gender critical views result in? Stopping trans people from living safe lives, isn't it?

14 A. Yes.

15 Q. Yes, so, you think that anybody with gender critical views should not be running a
16 charity?

17 A. I believe that any charity that exists to try and prevent trans people from living their
18 lives safely absolutely shouldn't be in existence.

19 Q. Despite the fact that the Employment Appeal Tribunal found that gender critical
20 views do not attack trans persons' rights?

21 A. I – I – I'm not – as we've established, I'm not a legal expert but my understanding is
22 that the holding of those beliefs is protected but being able to – in acting on those
23 beliefs is not necessarily so, especially if it's infringing on somebody else's rights.

24 Q. Right, so, it's a matter of balance, isn't it?

25 A. If where a trans person is being denied to live their life as the person that they are
26 then, there's a serious problem there.

27 Q. I'm just going to wrap up with one last point. The truth is that what you have
28 surrounded yourself with in Consortium is an echo chamber, isn't it? You have no
29 diversity at all-

30 A. I – I absolutely disagree that we are in an echo chamber. We are a sector that is
31 incredibly diverse, incredibly intersectional; is really progressive; seen as a sector
32 that works well together with others and I'm incredibly proud to be the chief exec of
33 one of those organisations.

34 Q. Those are my questions, thank you.

35 JUDGE GRIFFIN: Thank you very much. Mr Roberts, just bear with us a moment, I am

1 going to see, first of all, whether there are any questions on behalf of the
2 Charity Commission and whether there is any re-examination and how long that
3 might take. Mr Steele? Mr Gibbon, will you have any re-examination?

4 MR GIBBON: I just have one question.

5 Re-Examination by MR GIBBON KC

6 Q. It's in relation to an assumption that was put in a question to you that I wanted to see
7 if you were able to assist with further information. It was said, and I haven't got a
8 note of the precise words that the GIDS service has been closed down. Can you
9 explain a little more from your knowledge about what exactly is happening?

10 A. I really can't; that's beyond my area of expertise, I'm afraid. Sorry.

11 MS REINDORF: Sorry, I wasn't intending to suggest that there wasn't going to be any
12 gender identity services but that clinic is being closed down. I'm not suggesting –
13 I'm sorry if it was misleading.

14 A. To my understanding, there's a review of services for gender services and it's
15 fundamentally it's we need to take a different approach to gender affirming care and
16 that's what the services are looking at.

17 Q. Madam, I have a press release from July which makes clear what's happening. It's
18 a factual point, really, rather than cross-examination or re-examination.

19 JUDGE GRIFFIN: I am sure it is fine.

20 MR GIBBON: I can hand it up and to my friends and I think before I give it to Mr Roberts,
21 I don't think there's anything in terms of questioning that arises out of it but-

22 JUDGE GRIFFIN: But who is the press release from?

23 MR GIBBON: It's from NHS England.

24 JUDGE GRIFFIN: Right. Perhaps, you could share it across your bench first and then, hand
25 it up to us, if that is agreed; otherwise, we will hear from Ms Monaghan or
26 Ms Reindorf.

27 **Discussion *sotto voce*.**

28 **Pause.**

29 JUDGE GRIFFIN: So, is everybody happy that we read this? Yes, Mr Steele. Yes,
30 Ms Monaghan – thank you.

31 MR GIBBON: So, madam, just to direct you to the most relevant bit; following on from the
32 Cass review, certain activities are taking place and if you look at page three, there's
33 a heading, "Establishing Early Services" and it's just reading from there to the next
34 heading.

35 **Pause.**

1 MS REINDORF: I'm so sorry, I missed that. What-

2 **Discussion *sotto voce*.**

3 **Pause.**

4 MR GIBBON: Madam, the concern is, as you can see, was the inadvertent impression might

5 have been given that GIDS was simply being closed down but, in fact, the true

6 position – I don't think this is contentious between counsel, is as described and I don't

7 believe Mr Roberts, from what he has said is able to answer any further than you've

8 seen in writing so, I don't propose to ask him any questions arising out of that.

9 JUDGE GRIFFIN: Thank you very much. So, does that mean Mr Roberts is-

10 MR GIBBON: If I may just check – as far as we are concerned, Mr Roberts can be released.

11 JUDGE GRIFFIN: Any objection to my releasing this witness? Mr Roberts, thank you very

12 much for coming and for the afternoon and the heat in this courtroom. We are very

13 grateful so, you are free to go now and, obviously, you are at liberty to come back to

14 observe the remainder of the proceedings, if you like to; whether that be in person or

15 remotely. If you would like to join us remotely, you will have to comply with the

16 processes that you are asked of by the clerks. Thank you very much.

17 A. Thank you.

18 **Witness Mr Paul Roberts released.**

19 JUDGE GRIFFIN: Is that a convenient moment for today? Can I just check, then,

20 tomorrow, Mr Nicholson do we think?

21 MS MONAGHAN: Mr Nicholson, I think, yes. I am anticipating will be the first witness.

22 **Discussion *sotto voce*.**

23 MR GIBBON: I understand there is no timing difficulty either.

24 JUDGE GRIFFIN: And he will be appearing in person, rather than remotely?

25 MR GIBBON: He will be in person as far as I'm aware, yes.

26 JUDGE GRIFFIN: And will it be only Mr Nicholson tomorrow?

27 MS MONAGHAN: No, no, and then, it will be Miss Bell-

28 JUDGE GRIFFIN: Right, so, we think we will finish in the time and she will be here as

29 well?

30 MR STEELE: Yes.

31 MR GIBBON: She is in the room, I believe.

32 JUDGE GRIFFIN: All right, thank you.

33 MS MONAGHAN: So, I anticipate we will be an hour and a half or considerably less than

34 [inaudible].

35 JUDGE GRIFFIN: Absolutely.

1 MS MONAGHAN: But certainly, there will be no difficulty tomorrow, hopefully.

2 JUDGE GRIFFIN: Thank you, it is just that I needed to warn the clerks if there was going
3 to be any witnesses joining remotely so that they could put that in place but it seems
4 that that is not going to be necessary so, hopefully, Mr Mulla has heard that and so,
5 he will be reassured that we do not need to put anymore processes in place. He
6 disappeared there momentarily – Mr Mulla, you heard your name quite rightly; I was
7 just exploring whether any witnesses would be joining us by CVP tomorrow but it
8 would appear that they are all coming in person so, I would be very grateful if you
9 and the team can simply deal with the observers as you have done today?

10 MR MULLA: All right, Judge. Thank you very much.

11 JUDGE GRIFFIN: And thank you for your help today at that end; we are very grateful. So,
12 thank you everybody. We will sit again at 10.00 tomorrow morning.

13 **Court rises.**

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