

Rt Hon Caroline Nokes MP
Chair, Women and Equalities
Committee
House of Commons
London
SW1A 0AA

By Email To:
womeqcom@parliament.uk

Friday 27 November 2020

Dear Caroline,

Reform of the Gender Recognition Act Inquiry

I am writing to you regarding the Women and Equalities Committee inquiry on reform of the Gender Recognition Act 2004 ('GRA'). Due to difficult decisions we have had to take to re-focus our work on the equality and human rights implications of the coronavirus pandemic, I am sorry that we are unable to provide a full written submission to the inquiry on this occasion. GRA reform is, of course, an important topic for the trans community and wider stakeholders, but given the UK Government's recent announcement that it will not be pursuing

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legislative reform at this stage, we have decided to focus resource on other pressing issues including our Race Programme and challenges in the social care sector.

Although we cannot provide a response, I am enclosing our submission to the Government's consultation on the GRA which sets out the Commission's views on many of the questions in the inquiry's terms of reference. We have, however, updated our position regarding spousal consent after careful consideration and having regard to the different regime currently operating in Scotland.

In our consultation response we said we supported the existing provisions regarding the need for the spouse or civil partner of a trans individual to give their consent before issue of a full Gender Recognition Certificate ('GRC'). In line with our overall approach of supporting the removal of unnecessary barriers for trans people while safeguarding their and others' rights, our view is that there is scope to amend the current position so as to provide for a full GRC to be issued in circumstances where a spouse or civil partner has not formally lodged an objection, within a specified time period, to the legal relationship continuing on issue of a full GRC.

We consider that removing the requirement for the spouse or civil partner's express consent would reduce the barriers to legal recognition facing some

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trans individuals whose husband, wife or civil partner does not wish to actively sanction their legal transition. We believe this approach strikes the correct balance between the trans person's rights and their spouse's rights in terms of Article 8 and Article 9 of the European Convention on Human Rights. We set out this amended position on [our website](#) in July 2020.

Yours sincerely,

Rebecca Hilsenrath

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