

## Written evidence submitted by Ms Amanda Hilton, DAC Beechcroft LLP (GRA0022)

I reply to the points raised below. As background I am a Transwoman who transitioned in January 2020. I have changed my name by deed poll and am starting treatment privately. I have received a determination of gender dysphoria and am now seeking medical intervention:

- Will the Government's proposed changes meet its aim of making the process "kinder and more straight forward"?

No. It is still an overly bureaucratic process with no transparency. Online will assist in speed in that documents can be uploaded instantly and tracked but aside from that the process is entirely unchanged. It is still reliant on an unknown committee deciding on a fundamental change.

In the event that the process remains similar, then simplification is well overdue. One diagnosis is all that is necessary (do you need 2 for plastic surgery or oncology treatment?) as otherwise it places it outside of normal medical diagnosis and a simple tick box approach to compliance resulting in an approval process much simplified (one officer to approve).

- Should a fee for obtaining a Gender Recognition Certificate be removed or retained? Are there other financial burdens on applicants that could be removed or retained?

In the world we live in there is a fee for everything. It should be proportionate to the cost and offset if on benefits.

As detailed above, if you aren't changing it simplify it. Make it akin to applying for a passport. You have the requisite proof? Then it's approved. It's a document based issue so no reason not to simplify it.

- Should the requirement for a diagnosis of gender dysphoria be removed?

Yes. The UN removed this as a mental illness so why are we still treating it like one. I have a diagnosis but had been living as the same for 6 months before I did. Name changed on all documents etc. Its an antiquated way. Protections already exist and self-identification is a prerequisite for 24 months plus before a GRC is issued anyway.

- Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years?

Reduce to 12 months. With GIC waits 3yrs+ then it fails to reflect reality anymore and even accounting for some improvement, it's a 5 year process unless you have your own funds.

- What is your view of the statutory declaration and should any changes have been made to it?

Shorten it. It should just be a legally binding declaration with evidence. Open up to who can verify it. Legal costs should be the last resort and I say that as a Lawyer who

can if I chose sign others. Again like a passport. Person of good standing in the community should be enough.

- Does the spousal consent provision in the Act need reforming? If so, how? If it needs reforming or removal, is anything else needed to protect any rights of the spouse or civil partner?

I have no experience of this having divorced before commencing my own process. However it seems if the spouse does not consent then the reality is the marriage (etc) will end as a result. Knowledge of the process should be the only pre-requisite. A requirement to inform (again a legally binding declaration). Anything other is an interference in persons relationships particularly with divorce heading to a non fault situation which puts this requirement somewhat defunct.

- Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?

Below 16 not allowed, 16 – 18 with parental consent or subject to an application to disallow the requirement to be considered by a family court judge. All options are then covered.

- What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?

The governments? None. It will make no difference at all and the take up will be unchanged. It is pure window dressing.

My proposals will reduce the bureaucracy but still maintaining the protections needed.

- What else should the Government have included in its proposals, if anything?

Self ID exists. It is indeed aa a requirement of the GRC to live as you are for 2 years. Any reduction in rights or protections is contrary to all human rights acts and conventions. All that is proposed is a vastly simplified system for confirmation (backed by legal enforcement) to enable people to confirm what they are already doing.

If you don't get a GRC people just still live transgender with all their ID changed etc. It seems bizarre that an administrative process doesn't reflect real life. I haven't had to produce my birth certificate as ID evidence since I left school. With a multitude of electronic ID's now available and other government endorsed documents (passport / driving license) already changed and counted as female (as opposed to birth male) in any aspect of my life then this is merely the last tick to a box. It makes no sense to make it more complicated than it needs to be.

- Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004?

Yes but I much prefer the Eire model for which there is 5 years of evidence which is available as proof that the fears are entirely unfounded.

- Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?

Not all wish to get it. If you are rejected as detailed above, it makes little difference to your real life. Additionally the difficulties in obtaining it. It is overly bureaucratic and not opaque. If I get refused I will be seeking a judicial review but I have the knowledge and wherewithal to do this but it is simply designed to put people off.

- Are there challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact? For example, in terms of the different language and terminology used across both pieces of legislation.

None. There has been no issue about interpretation. The latter is fundamentally a sound act and appropriate safeguards are built into the latter. Decimation if for a greater good can be allowed but should always be with sufficient caveats, evidence and risk based with a high threshold to justify it.

- Are the provisions in the Equality Act for the provision of single-sex and separate-sex spaces and facilities in some circumstances clear and useable for service providers and service users? If not, is reform or further guidance needed?

No it is clear. You need good and detailed reasons. Any reduction in access by transgender people (of which there is no empirical or peer approved evidence of risk) goes contrary to the requirement of the GRA to live as their acquired gender. There would be an inherent conflict between the two if there is no equality.

- Does the Equality Act adequately protect trans people? If not, what reforms, if any, are needed

Yes it does and no reforms are necessary. Enforcement and education is all that is required. If anyone

- What issues do trans people have in accessing support services, including health and social care services, domestic violence and sexual violence services?

There should be none if the equality act is properly enforced.

- Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how?

Society develops so the binary nature of gender is no longer applicable. Simple solution is to ask them. Stop listening to people with agendas and those with an axe to grind proposing what if's (without evidence to back up) . Consult those whose lives it affects,

I trust you will consider the above in due course

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