

## **Written evidence submitted by Hannah Catterall (GRA0028)**

My name is Hannah Catterall and work in the arts and culture sector in Cumbria. I am an intersectional feminist. Where feminism is the advocacy for women's rights on the grounds of achieving equality between the genders, 'intersectional feminism' is a framework that identifies and acknowledges how people's overlapping identities—such as race, ethnicity, gender, sexual orientation, ability, physical appearance and class—affect the way in which they experience oppression and discrimination.

I work for a charitable organisation that encourages people to be creative using the Romantic era as inspiration. We spend the majority of our time working with marginalised groups such as people from low-income backgrounds, people with disabilities, people with mental health concerns, and LGBTQIA+ people. In addition, as part of the Creative Case for Diversity we work to ensure that our programming is inclusive, sensitive and led in part by people from these backgrounds, as we work to create a safe space and make the voices of marginalised people heard. People who are not cisgender white middle-class men have been historically excluded from the arts and culture sector, and from museums as a whole, and a driving part of our work is to correct this injustice and do our part to reform the sector to reflect and celebrate the lived experiences of *everyone*.

In both my personal and professional lives I work to advocate for those whose voices need to be heard. I am responding to this call for evidence in both capacities: as a feminist, and as a charity worker. I have divided my response into two sections based on the areas outlined in the call for evidence.

### **The Government's response to the GRA consultation:**

There are a number of issues with the Government's proposed changes. There should be no fee for obtaining a Gender Recognition Certificate, as it disadvantages some of the poorest and most marginalised people in the UK. There should be no diagnosis of gender dysphoria required, as we should seek to de-medicalise trans identity. All that should be required is a self-declaration that a person identifies as a particular gender.

It should not be required for individuals to have lived in their 'acquired gender' for two years. This creates a number of barriers – for example, what if it was not safe for a person to do so? What if they identify with more than one gender, or none? This approach also risks diving into gender essentialism – e.g. girls like pink and dresses, boys like blue and trucks. What does living as 'acquired gender' mean? If a trans woman has short hair, wears trousers and is a mechanic, does that then invalidate "living in a female way"? Behaviours and preferences should not be pigeonholed this way. If a person knows their own mind and gender, and is comfortable with their gender expression (in whatever form it takes) then that is enough.

I disagree with the requirement for the statutory declaration. I cannot think of any changes to suggest that would make it more palatable. The questions are unnecessary, and the statement on the form that it is to "ensure that you meet the criteria for the grant of a Gender Recognition Certificate" is offensive. No criteria should be required; this should be a matter of self-declaration. Additionally the spousal consent provision in the Act needs to be entirely

removed. A married trans person should not have to seek permission from their spouse so that their gender can be legally recognised. No permission should be required; the person seeking recognition is a legal adult. To be able to block this process is a form of abuse. The age limit at which people can apply for a Gender Recognition Certificate should be lowered to at least 16. In the event that the application age cannot be lowered below 16, special provisions should be made so that younger teens and children identifying with a different gender than that they were assigned at birth can be legally recognised as their ‘acquired gender’ in the interim.

The impact that the Government’s proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally, is either negative or much the same as the previous state of things. People will be forced to provide evidence that they are living in a certain way, to pay a fee for the right to be recognised as who they are, and to jump through humiliating legal hoops – when all they should have to do is say “this is me” and be given the recognition that they ask for.

The Government’s proposals should have been based around the right to self-determination, and included the intention to de-medicalise the process. The proposals should also have included the extension of legal recognition to non-binary people and under-18s.

The Scottish Government’s proposed Bill does not offer a more suitable alternative to reforming the Gender Recognition Act 2004. It still includes the requirement to live in a person’s ‘acquired gender’ for a period of time, an additional requirement of a 3 month “reflection period”, and does not extend recognition to non-binary people.

For this to be a meaningful reform, the following requirements should be removed: the requirement for a diagnosis of gender dysphoria, the requirement for a medical report detailing all treatment, the requirement for individuals to provide evidence of having lived in their ‘acquired gender’ for a period of time, the requirement that a married trans person must obtain consent from their spouse before successfully getting legal gender recognition.

### **Wider issues concerning transgender equality and current legislation:**

The number of people applying for GRCs is so low compared to the number of people identifying as transgender because a) the fees are prohibitive b) the trans person cannot meet the exclusionary requirements c) the trans person is non-binary or identifies in another way that the GRCs do not take into account d) the trans person is under the age of 18.

Additionally there could be other issues, such as fear that the spouse would not give consent or knowing that the spouse will not give consent.

In response to the question about possible challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact: the Equality Act 2010 is not being consulted on and will not change as a result of a consultation on the Gender Recognition Act, so I cannot see why this question is required. I would say that it is important to take an intersectional approach, as people frequently have more than one protected characteristic and experience marginalisation to different degrees depending on their individual circumstances. The question of language and terminology is not a simple one, and the inclusion of this question

(and intent behind it) in this consultation is unclear. It would, however, be useful to clearly include non-binary people within the Equality Act and the various provisions. I would generally respond to this point by answering the following question, which is regarding the provision of single-sex and separate-sex spaces:

Firstly, organisations and services are already making pro-active steps to ensure that trans people are included. There is false dichotomy between protection of vulnerable women and provision of service inclusive of trans women. Many services are already inclusive of trans women; trans women are also vulnerable women. There is no need to create a demarcation between trans women and cis women; the only additional steps that service providers would need to take is to ensure that additional training is given to ensure that the needs of trans people are met to the same standard as cis people. The most important thing, in my opinion, is that trans people are not excluded from single-gender spaces on the basis of sex assigned at birth, and are able to use the spaces that correspond with their gender, or in the case of people who are non-binary, have multiple or no genders, the spaces in which they are most comfortable.

Many services are already inclusive of trans people with or without a Gender Recognition Certificate. “Whilst the exceptions in the Equality Act 2010 allow for trans women to be excluded from services where there is a legitimate and reasonable excuse, service providers say that their use of these is minimal, and that their robust safeguarding and vetting processes alone are sufficient.” (Gendered Intelligence, pp. 17-18:

**<http://cdn0.genderedintelligence.co.uk/2019/01/22/17-17-56-Our%20ResponseJan.pdf>**

Trans people are protected under the Equality Act because they are recognised as having a “protected characteristic”. The protected characteristic “gender reassignment” refers to the social process of transition, and does not require the supervision of a doctor: this is generally positive. However, it does not provide adequate protection for non-binary or genderqueer people because of the way that gender reassignment is defined by law. Necessary reforms to the Equality Act would include ensuring protection for non-binary and genderqueer people equal to protections for trans people. Reforms would also include additional guidance to ensure that trans people can access “single-sex” and “separate-sex” services where needed, as the current Act effectively permits service providers to deny access on a case-by-case basis – a person should be treated according to their gender identity and not turned away, and additional resources and training should be made available to support trans service users. The Equality Act needs to be reformed in a number of ways, beginning with these issues and extending to the outdated language used.

As I have written above, trans people can experience difficulty accessing support services, including health and social care services, domestic violence and sexual violence services, as the current Act permits service providers to deny access on a case-by-case basis. This should not be the case; either services must be trans inclusive, or in very special cases where services are especially for the use of trans people, these specialist services must be available and easily accessible. Service providers should be trained and given sufficient resources to provide the same level of care and support to trans people as to cis people.

Legal reforms are needed to better support the rights of gender-fluid and non-binary people. Firstly, the GRA as it stands makes no provision for the recognition of any gender other than male or female. Trans organisations and non-binary people should be consulted as to which additional genders should be included in addition to male and female. Substantive changes would have to be made to current gendered laws, public-service provision, and administrative details such as IT systems which only recognise two genders. These changes would need to be careful and considered, in consultation with non-binary people; in many respects changes are already needed as many of these gendered laws and services discriminate between different genders. Aside from these considerations, if the GRA was reformed to remove the requirement for a diagnosis of gender dysphoria, the requirement for a medical report detailing all treatment and the requirement for individuals to provide evidence of having lived in their 'acquired gender' for a period of time, non-binary and gender-fluid people (and trans people generally) would be better supported.

### **Conclusion**

There is no way for me to fully outline the changes required to the GRA and the Equality Act here; I am not a lawyer or legal scholar and I do not work for an organisation such as Stonewall or Gendered Intelligence, who I am sure will give lengthy and well-thought-out responses. I am writing here as an intersectional feminist and charity worker who places equality and empathy at the centre of my life and work.

It is wrong to make people jump through hoops to prove their truth. It is wrong for service providers to refuse aid, for trans people to be excluded from sports, for anti-trans organisations' voices to be given prominence whilst marginalised people are silenced and pushed to the side.

Giving trans and non-binary people the rights, recognition and consideration that they are entitled to does not impact the lives of cisgender people in anyway. It is simply one more step toward working toward peace and equality for all, and ensuring that everyone is protected and respected by the law. The most pressing issues are: the right to self-declaration for trans and non-binary people; the importance of non-binary inclusion; inclusion for trans young people; the removal of fees; and the removal of spousal veto.

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