

## **Written evidence submitted by Mrs Maura Maxwell (GRA0035)**

My name is Maura Maxwell. I am submitting this evidence in a personal capacity because I am concerned that reform of the Gender Recognition Act poses a serious threat to the rights of women as a sex-based class. In response to the questions raised in the Government's response to the GRA consultation I would like to present the following evidence:

### **1. Should the process of obtaining a GRC should be kinder, easier or cheaper?**

No. Minutes from the Gender Recognition Panel User Group, obtained through a FoI request (<https://drive.google.com/file/d/16AtT2wC2mjhA5HpXqI6AJ6w49QcwzujK/view>), and statistics published by the Courts and Tribunals Service, show that:

- 75% of applications for a GRA receive a decision within 20 weeks, and many within 6-11 weeks.
- Over 90% of applications are successful.
- Overall, the process costs between £100 and £560, including medical reports. (By comparison, it costs £129 to obtain a driving license, £157.50 for a TV license, and the administrative cost of applying to become a British citizen is £1,300).
- In **over 12 years** of User Group meetings in which trans advocacy organisations and clinicians spoke freely with panel members and administrators over several years, they did not describe the process as demeaning, intrusive or distressing once.

*This analysis does not support the case that the gender recognition process is too expensive, too long, demeaning, intrusive, distressing and stressful.*

### **2. Should the requirement for a diagnosis of gender dysphoria be removed and should individuals be required to have lived in their acquired gender for at least two years?**

No. Making it easier for individuals to change their gender in law would have profound implications for the safeguarding of children, women and vulnerable adults.

This is not because transgender people as such represent a safeguarding threat. It is because empirical evidence shows that the overwhelming majority of sex offenders are male, and that persistent sex offenders are often skilled manipulators who go to great lengths to gain access to those they wish to abuse.

One way they can do this is by claiming to identify as women, either to gain access to single-sex spaces or to take up roles which are normally reserved to women for safeguarding reasons.

### **Removing the requirement for a diagnosis of gender dysphoria would remove all assessment and gatekeeping mechanisms from the reassignment process.**

In their submissions to the [parliamentary inquiry into transgender equality](#) both the British Association of Gender Identity Specialists and the British Psychological Society stated that some male sex offenders claim to identify as women as a means of making it easier to commit sexual offences against women and children. The British Psychological Society warned of the need to be “extremely cautious of setting law and policy such that some of the most dangerous people in society have greater latitude”.

Ministry of Justice figures suggest there are [60 sex offenders](#) among an estimated 125 known transgender offenders in the prison estate in England and Wales. Of these 60, 29 have convictions for sexual offences relating to children. These figures do not include the number of transgender prisoners who have not made the authorities aware of their gender status.

### **3. Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?**

The term ‘transgender’ has expanded hugely since the 2004 Gender Recognition Act. Stonewall’s own definition describes it as “anybody whose innate sense of their own gender does not correlate to the culturally determined expressions associated with their sex at birth, whether or not they intend to make permanent physical changes”.

The proposals upon which the government is consulting therefore envisage that a GRC, and thereby the protected characteristic of sex, should be granted through statutory declaration to a vastly wider group than was contemplated by the original legislation, including to those who are not transsexual.

We are no longer talking about the 300 or so GRCs that have been issued each year since the 2004 GRA. While there is currently no official data on the number of transgender people in the UK, estimates put the figure at between 200,000 and 500,000. According to Stonewall, the best estimate at the moment is that around 1 per cent of the population might identify as trans, including people who identify as non-binary. That would mean about 600,000 people.

### **4. Are there challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact?**

There is a clear conflict of interest between the rights of women and transgender people under the current legislation.

The operation of the Equality Act and the GRA are interdependent, and the effectiveness of the exemptions will in practice depend on the clarity with which any reforms to the GRA distinguish between biological sex and gender.

There is a distinction between biological and state-recognised sex. Biological sex is unaffected by possession of a GRC. The assertion that ‘all trans women are women’ is neither legally accurate nor biologically correct nor logical. It is a fundamental human right that a private female citizen, when confronted by a demand to share intimate services or spaces made by an individual whom she perceives as a male, is able to assert her right to withhold consent and not be victimised for doing so.

### **5. Does the Equality Act adequately protect trans people?**

Yes. Under the Act, both sex and gender reassignment are protected characteristics, affording trans people the same protection as every other UK citizen.