

Written evidence submitted by Ms Desirae Markland (GRA0043)

The Government's response to the GRA consultation:

- **Will the Government's proposed changes meet its aim of making the process "kinder and more straight forward"?**
 - Not really. Putting the process online is a very minor step forward but the main problem has always been the need for diagnoses, treatment and extensive lived experience. It is certainly not kind to non-binary, gender-fluid or people under 18 as it doesn't recognise they even exist.
- **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?**
 - I don't see why it should cost more than getting a passport or even a driving license
- **Should the requirement for a diagnosis of gender dysphoria be removed?**
 - Yes. As memorably stated by Theresa May being trans is not a disease. The only reason we so often suffer gender dysphoria is because of the way society treats us. Diagnoses are currently based on self-declaration. Psychological assessments consist simply of different ways of asking 'are you trans?' with the person being asked responding in different ways 'yes'.
- **Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years?**
 - Yes. I would be perfectly happy to commit to a legally binding declaration with criminal penalties for misrepresentation and with a cooling off period of 3 months.
- **What is your view of the statutory declaration and should any changes have been made to it?**
 - See above.
- **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?**
 - The spousal consent should be removed. If, as a result of declaration of gender identity a spouse wishes to divorce then that should be made as simple as possible but declaration should not be determined by anyone other than the trans person.
- **Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?**

- Yes. 99% of trans adolescents are fixed in their gender identity by the time they start puberty. Being recognised as their true identity is a vital part of developing in a healthy way.
- **What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?**
- The proposed changes will have next to no impact on either as virtually nothing has changed.
- **What else should the Government have included in its proposals, if anything?**
- Removal of medical diagnosis
- Removal of requirement for treatment and lived experience
- Removal of spousal veto
- Recognition of non-binary people and gender-fluid people
- Ability to declare your true gender from the age of 16
- **Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004?**
- Yes, they are light years ahead of the rest of the UK and have done a far better job with fewer resources and included detailed impact assessments. Having said that, they are still only proposals.

Wider issues concerning transgender equality and current legislation:

- **Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?**
- It gives little benefit (other than official state recognition and also if you want to marry) in exchange for a lot of painful hassle. From a day to day perspective being able to change your driving license and passport is much more important which thankfully does not require a GRC.
- **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.**
- Everyone has different ideas of what 'sex' and 'gender' mean and to use them interchangeably can cause confusion. The only way trans people can be understood is in terms of gender identity. The use of the phrase 'gender re-assignment' is outdated, incomplete and should be replaced with gender identity or gender incongruence.
- **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?**

- I believe they are since they haven't caused any problems in the 10 years that the Act has been in place.
- **Does the Equality Act adequately protect trans people? If not, what reforms, if any, are needed**
- I believe it does although it is constantly under attack.
- **What issues do trans people have in accessing support services, including health and social care services, domestic violence and sexual violence services?**
- Trans people struggle every day just to survive. That struggle is exhausting and many trans people do not have the strength or the confidence to take on the extra battle of using the Equalities Act to defend themselves should any service providers discriminate against them. Having said that, I personally, have not suffered discrimination and from what I have read, the majority domestic violence and sexual violence service providers have done an admirable job in being very supportive.
- Access to healthcare is another matter entirely and could almost be described as functionally non-existent. I waited 3 years just to get a first appointment to a gender identity clinic. The frustrating thing is that it doesn't have to be that way and to change the way that trans healthcare is provided would even save money. It is not about providing more clinics (and the government's claim to have done this is disingenuous to say the least) but rather about how and by whom that service is provided. The majority of the care could be provided by GPs if they were given simple training and support. At the moment we are all funnelled through a tiny and very expensive tertiary care system.
- **Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how?**
- The first step would be to simply recognise that they exist.

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