

Written evidence submitted by Abigail Maxwell (GRA0069)

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

The initial announcement of the consultation was made in Summer 2017. The controversy aroused has unleashed a wave of campaigning against trans rights, encouraged by The Times- when it reports stories to make trans people look bad more than once a week, I question its criteria of newsworthiness. And now the government are barely changing the system, after the Sunday Times' front page story claiming a "government source" for the quote "And you're not going to be able to march in and find a hippie quack doctor who is willing to say you're a woman." The delay, followed by a failure to act on the consultation, seems more like deliberate cruelty. An anti-trans campaigning group worked hard to get people to respond to the consultation, and yet still the overwhelming majority were for trans rights.

I had to change Quaker meeting in 2019, to one further away, after a member of my meeting began campaigning against trans rights and no-one else objected. There is a small, obsessed minority desperate to withdraw trans women's rights in women's spaces. One makes most of the posts on my constituency Labour party women's forum to be about withdrawing trans rights.

The government's delay, and paltry changes, has encouraged haters. I have suffered vile abuse on line and in the street, called a "paedophile", had a death threat, called a "fucking poof", told I am "bullying women", which is a threat to me: if I am a "bully", then people feel justified in taking "defensive" violent action against me. The government should have published the consultation within six months, and acted on it within six months of it closing.

After such a delay, only robust action for trans rights will discourage haters and bullies.

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 got my GRC in January 2006. I paid £100 for a specialist psychiatrist's letter for my GRC application. The other letter I had disclosed details of my history, which I did not want to send to the panel. I also paid for a GP letter. A solicitor colleague heard my affirmation, so I did not pay for the statutory declaration, and I am able to find the text and apply it to me. I also affirmed a statutory declaration to change my name with the same solicitor. There should be no fee greater than that for a duplicate birth certificate, and the procedure for getting one should be no more complex.

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

Yes. The ICD will not classify gender dysphoria as a medical condition from January 2022. The Yogyakarta principles say that there should be no condition for recognition of taking treatment that may affect fertility. I should no more need a diagnosis than anyone should need a psychiatrist to certify they are gay before a same sex marriage. We know who we are.

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

Yes. The GRC is most necessary in the weeks immediately after transition. It should be available slightly before the transition to expression in the acquired gender.

I saw my GP about transition in November 2000. I had spent years agonising about it. Transition was the most important thing in the world for me, but completely terrifying. I thought I would lose my job- not that I would be sacked for transitioning, but that my employer would find some other excuse to dismiss me. I met hostility and disbelief- my vicar said to me, “You mean you want to look like *that*- all the time?” So I left his church. I had hundreds of hours of electrolysis, up to four hours a week.

I was rejected. After my mother died, my father remarried, and his new wife refused to allow me in the house when she was there. A cross-dressing friend told me of someone he knew who had reverted, and painted transition as a mid-life crisis gone wrong.

The acceptance of my Quaker meeting gave me courage to transition. A GRC at the time would have been additional encouragement, recognition that the culture, symbolised by the law, supported me.

I transitioned in April 2002 at work, having spent most weekends expressing myself female. Going into work on Monday presenting male was miserable.

I got a passport shortly after, sex/sexe F, but the official at the passport office requested details of any treatment. I understand that the current rule then was that the medical certificate should only say that I intended to express female life long, and not ask for details of treatment. This was an intrusion on my privacy.

The bank official I spoke to refused to change the name on my account without a passport, and the same evidence as necessary to open a new account. He had failed to check the bank’s policy. A GRC then would have let me change all my details easily without fuss. When I got it four years later, I wanted it because it was there- a formal legal declaration that I was female- but I have shown it to no-one. The passport and driving licence, and bank cards in my name, showed that I am female, socially at least.

There should be no delay. We agonise about transition. It is not something anyone does on a whim. When we do it we are certain.

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?

If one partner wants gender recognition and the other objects, the relationship is over. Either could reasonably seek divorce under the “unreasonable behaviour” provision simply because of that objection. Meanwhile, no-one should have the power to prevent gender recognition.

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?

See above. With a passport and driving licence in my new name a GRC is expensive and useless.

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?

The provisions in schedule 3 allowing trans women to be excluded from women's space should be repealed. They give the impression that my presence there is on sufferance. If anyone, cis or trans, behaves in an inappropriate way, they can be excluded from women's spaces, and that is sufficient.

I have faced hostility in swimming pool changing rooms though perfectly entitled to be there. I have ceased swimming because of it.

In the Red Tent at a festival a woman behind me started shouting loudly about "single-sex spaces", clearly meaning "No Trans Women!"

At another camp the main organiser of the women's space objected to me being there, which convulsed the camp, most supporting my presence. I had stayed away from the women's space because I did not want to make it all about me, but it became all about me anyway.

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

There should be a government agency actively investigating and sanctioning discrimination. It is simply too difficult, too stressful and too expensive to make a claim to the court or tribunal. When I suffer discrimination I want to hide away.

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

Prejudiced people loudly objecting: see above. Possibly, prejudiced service providers.

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

Gender should be a protected characteristic in the Equality Act. That would mean that discrimination based on gender stereotypes or gendered expectations would be unlawful. People could be more freely and clearly non-binary, which would be the biggest blow to sexism possible. No-one fits gender stereotypes completely.

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

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

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

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

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

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.

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