

## Written evidence submitted by Ms Kate Saunders (GRA0082)

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

For some maybe. But it ignores the situation on tens of thousands of trans people who have no desire to transition or to live lives sanctioned by the state. A trans identity – or any gender identity – should be accepted by society and protected by the state. It is education and legislation we need, not pieces of paper

*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?*

Trans people should not have to pay GPs for blood or endocrine tests, nor for psychiatric evaluations of the extent of their gender dysphoria or incongruence. Nor should they be denied medication to help them cope with this dysphoria (HRT) and have to buy it online and self-medicate at great cost.

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

Not necessarily. But the state should certainly widen the definition to include less severe conditions or those of gender-fluid or intersex people and give them the same protections as transsexuals or those with a (new) acquired gender.

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

Before being offered GRS? No. But to be accepted as transgender and given protections in law should not be limited only to those living a full-time 'trans' life. The definition of transgender should be loosened and widened and should provide rights (e.g. regarding public services, access to HRT etc) and protections.

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

I have no problem with the declaration as one way of asserting a transgender identity. But there should be other ways to claim that identity. And BTW, the declaration is exclusive, it relates only to those claiming a new (binary) gender identity – "I intend to live my life as a woman" but does nothing for the majority of trans people in the UK

*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?*

Yes, it needs abolishing. I think that two people should be able to themselves define their relationship. In some cases this will mean divorce, in others conversion of their marriage into a same sex marriage or civil partnership but it should be their choice. They should be able to make a simple declaration together. If they can't agree, the marriage should be automatically annulled.

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

Yes, to 15 or 16.

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

For transsexuals, it will be marginally beneficial only. The three new GICs have not cut waiting lists at all for instance. And having a GRC does not prevent you being abused, denied service or the subject of hate crime. For transpeople more generally, the changes will have no impact whatsoever.

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

It should recognise transgender and intersex as a third gender. It should allow people to identify as trans and allow state documents e.g. passports to show this gender identity. The concept of transgender and the protections in law offered to transgender people needs to be widened. The government has started from the wrong place: it starts with wanting to protect women and is trying to shoe-horn transsexuals into this protection but wholly ignores the plight of the 70% of the trans community who are not transsexuals and who either do not want to or cannot live full time as women (or for transmen, as men). Reform the Equalities Act, adopt a wider definition of transgender and extend anti-discrimination law to that class of people

### **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?*

A GRC is only relevant to transsexuals, people wishing to live full time in their acquired agenda but is wholly irrelevant to the majority of trans people. A GRC may be a milestone on the path leading to GRS but GRS is largely irrelevant to most trans people (though may be more important for trans men). We need to stop trying to cobble together a definition for 'woman' (and attaching rights to that definition) and come up with a definition of transgender that outlaws discrimination and hostile behaviour and acts towards transgender people

*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.*

Yes, I think they certainly need to be reformed but I am more interested in getting the Equalities Act right in a way that protects transgender people than in a GRA that is relevant only to a small proportion of trans people and excludes or ignores the rest

*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 have no problem with there being single sex spaces and facilities but there also need to be safe spaces for trans people. As a transwoman, I do not feel at all safe using a man's toilets or changing rooms. Is it right for trans women to be abused, insulted, threatened or spat at when forced to use male toilets even when presenting as a woman? How hard could it be to provide either all unisex facilities or men's, women's and gender-neutral facilities?

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

Absolutely not. Imagine if a BME person were required to carry around a certificate of 'blackness' to be protected from discrimination. It puts all kinds of hurdles and requirements in place to prove one's gender identity and in doing so excludes very large numbers of trans people from any kind of legal protection. 'Trans' needs to be a protected characteristic, not

just (trans) woman.

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

Low levels of or inaccessible psychiatric or psycho-sexual counselling. Often refused HRT by GPs. No relationship counselling to speak of though a person adopting a new gender identity can be traumatic and disturbing to partners, friends and family members.

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

I think accept the idea of 'Gender X' and reform the Equalities Act and any other legislation to outlaw discrimination towards Gender X people and extend hate crime protection to Gender X people

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