

## Written evidence submitted by Miss D Capelin (GRA0085)

### My background

**I am writing as an individual. I am a trans women who transitioned & successfully applied for a GRC in 2010.**

“Will the Government’s proposed changes meet its aim of making the process “kinder and more straight forward”?”

Simply placing the current process online will not make the process any more straight-forward. This may in fact create more barriers for people with disabilities or those unable to access digital services for any reason.

To suggest we need “Kindness” is to suggest it is wrong to be trans. It is not wrong to be trans.

Please remove the requirement for intrusive (and expensive) medical reports, the requirement for an extensive paper trail of evidence & the outdated requirement of a diagnosis of “gender dysphoria”.

“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?”

The fee should be reduced to an admin fee similar to that for a name change or other statutory declaration.

Clinicians charge fees for the medical reports required. This can be in the order £100. Other evidence required may incur additional costs. This soon mounts up. Other costs are incurred in replacing Passports & Driving licenses if gender markers need changing at this stage, & having certificates for qualifications corrected was all costly.

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

Yes it should be removed. I note from WHO ICD-11 gender dysphoria / gender identity disorder and similar terms have been replaced by gender incongruence & moved from mental health to conditions related to sexual health in recognition that being trans is not a mental illness. So the current requirement for a psychiatric diagnoses is prehistoric and humiliating.

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

In my opinion it should be possible to obtain gender recognition at the start of transition when changing name & title & identity documents such as passports & driving licenses.

Not being able to do so meant I felt compelled to remain in a job where I experienced bullying & discrimination. I felt unable to leave as without a GRC I would be obliged to out my trans status during the application process, hence subjecting myself to prejudice &

discrimination in any application process.

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

I am happy that a statutory declaration with legal consequence & force remains part of the process to prevent frivolous & vexatious applications.

“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 requirement should be removed as this infantilises trans people. If a spouse is unhappy with their partner’s transition they can divorce (as mine did). Indeed a spouse being uncooperative over a trans person’s transition ought to be grounds for divorce. In the situation I was in, had my ex decided to be difficult & not issue a divorce it could have taken 5 years of separation before I would have been able to divorce.

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

Yes it should be lowered to 16, the age at which a person can consent to sex & medical treatment. This would save younger transitioners from later having to change ID documents, & college certificates etc.

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

The impact the current lack of reform will have is that trans people’s identities will continue to be belittled, invalidated & undermined both in the media and wider society.

Study after study has shown the positive impacts for trans people of having their identities respected, affirmed and having documentation that matches their identity. This improves mental health outcomes.

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

Approximately 50% of trans people are non-binary. i.e. they have a gender which is neither male nor female. The government currently ignores this people. The proposals should recognise non-binary identities.

The proposals should also work for intersex people who have also been ignored by the government.

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

The Scottish proposal was closer to what trans people asked for . However it ignored non-binary / intersex people & under 18s.

### **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?”

Not all trans people transition or want to. The GRA / GRC is only applicable to those who make a permanent transition.

However having been through the process I had massive reservations about being on a government held list (register) & I know others feel the same. The current process is dehumanising, complicated, a great deal of work for the applicant & there is no accountability of the GRC panel. The current process does not recognise non-binary people. So most trans people now boycott the current process.

There are also disadvantages if you have your records protected as checking your identity becomes more difficult. I have had challenges in registering to vote & hiring a car as these rely on checking HMRC/DWP records.

“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.”

My GRC states that I am my acquired gender ‘For all purposes’. The Equality act undermined this by allowing discrimination in single-sex spaces/services.

The language used is a mess. Sex & gender are used interchangeable while some who don’t want trans people to have human rights attach specific meanings to both words in order to exclude us.

The **Gender** Recognition Act allows a trans person to change the **sex** marker on their birth certificate.

Some times like transsexual have become obsolete / offensive to many.

“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?”

Anti-trans human rights campaigners have leveraged the exclusions to suggest that trans people should be excluded by their implicit rejection of trans people’s identities.

The provisions needs to change to prevent unjustifiable discrimination against trans people.

Blanket exclusion is never justifiably.

Most trans people do not have the money or want the exposure to make a legal challenge to such exclusion. i.e. I personally would boycott & go elsewhere.

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

No it does not. It puts the onus on trans people to challenge discrimination & most of us do not have the money or want the publicity. For example I was bullied & discriminated in the workplace but suffered for many years until I was able to find alternative employment.

The exemptions on sports are in some sports being abused to exclude trans people at grass roots level. I know a trans women who has been excluded from competing in bowls at grass roots level on the basis of the exclusions in Sports. A friend was prevented from entering the UK paragliding league for two years. Neither sport confer a competitive advantage or risk due to sex.

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

Simply being trans is often made the issue & there is a lack of understanding of our specific needs. For example my GP regularly tuts over my HRT dosage. Being trans my body doesn't make sufficient estrogen hence I need a dosage that would be on the high side & blood levels are always within the correct range.

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

Yes, non-binary identities need recognition via the Gender Recognition Act & via X (gender unspecified) passports. Approximately 50% of trans people are non-binary.

Other issues which this government ignored include the 3 year hate campaign waged by the press & TV media which continues. The failure to implement Leveson has given the press license to print deliberate lies and misinformation about minority groups which they have done with massive impact against trans people. The BBC has threatened employees. The government also ignores the myriad of hate groups campaigning against trans people's right to exist in the UK include WPUK, FPFW, LGB Alliance, Transgender Trend, Resisters, Christian Concern & so on.

Reported hate crime has risen by x4 in the last 5 years in the UK. I'm sure the media propaganda of the last few years and touring hate groups has contributed. The government seems not to care one jot. Anecdotally the general public seem to be more anti. I've been ignored (not served) in cafes etc recently which hadn't happened to me in years.

A simple process of self-declaration has been implemented in many countries with no evidence of abuse of the system. Meanwhile the government keeps telling us (despite all evidence to the contrary) that the UK is leading the world on trans rights.

Norway, Denmark, Malta, Portugal, Belgium, Ireland, Argentina, Colombia, Uruguay, Chile, Boliva, Pakistan, Taiwan, Costa Rica, Iceland, Bazil, France, Greece, Luxembourg