

Written evidence submitted by Ms Cockcroft (GRA0089)

I am a private citizen, a working woman concerned about the erosion of my rights as enumerated in the Equality Act 2010. In the past few years I've been aware of an increase in the activities of people who claim to be acting in the interests of "trans people," a group overwhelmingly comprised of straight male cross-dressers who have no intention of taking hormones, having surgery, or even applying for a Gender Recognition Certificate, but demand to be treated as natal women nonetheless. I believe that the Government's proposals as stated in the 2020 response to the 2018 consultation are more than fair, addressing the needs of transsexuals to access services while protecting women's rights.

The response to the consultation has thrown up some questions, which I will answer from the point of view of a natal woman (not "cisgender." That word is a shibboleth test to "out" those of us who do not accept gender identity ideology without question) concerned for her privacy, dignity, and safety.

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

The Government said it would:

- *Place the whole procedure online*
- *Reduce the fee from £140 to a "nominal amount".*
- *Open at least three new gender clinics this year in order to reduce waiting lists.*

This is both kinder and more straightforward, per the transsexuals I've discussed it with. The existing procedure was already fairly simple, per Twitter user The Lonely Transsexual.¹

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?

Per The Lonely Transsexual, the fee is already waived for those on a low income. A sliding scale based on an individual's ability to pay would be appropriate.

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

Absolutely not. Transgender people, per Stonewall², is comprised of a range of identity groups *including cross-dressers*. The current push for Self-ID, i.e. wherein male people wishing to be recognised as members of the opposite sex on say-so alone, denies this fact. Indeed, to "get ahead of the law," many institutions such as prisons, shopping centres, sports clubs, and even schools have implemented policies that put the feelings and desires of male people above the dignity and safety of women and girls in breach of the Equalities Act 2010. In practice this means male people are permitted to enter changing rooms, toilets, and other facilities intended for women and girls. Convicted sex offenders are locked up with women³. Now Stonewall wants rugby clubs to accept male players who identify as women, the vast majority of whom are intact males⁴. Adding insult to injury, if anyone complains about the intrusion, they are instantly labelled transphobic bigots and treated as pariahs. This can and does have legal consequences.^{5,6}

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

Yes, as prisoners convicted of violent crimes are being issued GRCs, then housed in women's prisons. This should not be permitted as the vast majority do not have bottom surgery and therefore still present as men, particularly in communal intimate facilities, e.g. showers. "Living as a woman" should not mean "housed with women" in facilities such as prisons or shelters designated for women, even if the applicant has not committed a crime. "Living as a woman" should mean dressing as and otherwise presenting as a woman in social settings. It should not mean "carte blanche" access to women-only spaces for intact male people.

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

The statutory declaration is fine as it is.

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?

When a transgender person transitions, the spouse, who wed that person in a heterosexual or homosexual union now has to relate to that person as a member of the opposite sex. A woman in a heterosexual marriage will now find that she is obliged to take on the role of a lesbian partner, and in a civil union, would find herself the straight partner. The consent of the spouse should therefore be sought and a divorce granted. If the spouse needs time to get their affairs in order in order to exit the marriage or civil union, this should be permitted. No person should be legally bound to another in such circumstances and the marriage or union should not be treated as if it never existed. The spouse's rights should be upheld.

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

Not at all. People's brains don't stop developing until they're in their mid twenties and the number of detransitioners is rising due to hastily-arranged transitions. People need to take their time when making life-altering decisions. The recent case of Keira Bell demonstrates the need for young people to thoroughly explore their motivations for transitioning so that only those for whom it is actually right will do so.⁷

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

The process will become easier and cheaper. The new clinics will be able to assess and treat more patients, which will reduce waiting times. Many trans people, fed up with waiting for treatment, are getting hormones online, which can result in harms to their health. The increased availability of NHS treatment should make that less common.

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

An increase in the number and availability of mental healthcare clinics to assess and treat people with dysphoria so that they don't suffer while waiting for treatment.

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

No, it does not. First of all, one person would issue the certificate, not a panel, and secondly, the person wishing to obtain the certificate would only have to live in their acquired gender for six months. This effectively abolishes the gatekeeping process and makes it easy to abuse. The threat of prosecution for making false claims would be incredibly hard to enforce; how could anyone prove that a false application had been made when "a woman is anyone who says they are?"⁸

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

Very few "transgender" people are actually transsexual. It's easier to claim an identity than to legally transition into it. Bournemouth council has provided a snapshot⁹ of what this looks like in practice:

The number of gender reassignment surgeries carried yearly on the NHS has tripled since 2000, figures show. In 2000, 54 surgeries were carried out, compared with 143 in 2009, the Daily Telegraph reports. Since 2000, a total of 853 trans women and 12 trans men had state-funded surgery to change sex. However, the true number of transgender people is estimated to be far higher, as many do not wish to undergo painful or complex surgery, or are unable to access it. The average age for trans women to undergo surgery is 42 and only one NHS operation has been carried out on a person under 21 in the last nine years. Gender reassignment surgery costs around £10,000 on the NHS. It became a right on the NHS in 1999 but trans campaigners argue that trans people are still subject to a postcode lottery, as health trusts vary in what they deem to be essential treatment. Current prevalence may now be 20 in 100,000, i.e. 10,000 people, of whom 6,000 have undergone transition. 80% were assigned as boys at birth (now trans women) and 20% as girls (now trans men). However, there is good reason to anticipate that the gender balance may eventually become more equal. Adding these two groups together (235,000 + 59,000) gives an estimate of about 300,000 transgender people, defined as those who cross-dress. Their prevalence is 600 per 100,000 aged over 15. Out of that number, 56,000 might potentially be transsexual people (45,000 + 11,000). All who cross dress are at risk of bullying and hate crime, especially if they venture outside the home in clothing of the opposite gender.

The Gender Recognition Act was created to recognise the rights of *transsexuals*, i.e. people who undergo, or who wish to undergo a meaningful transition, which usually means taking hormones and having surgery to make their bodies resemble those of the opposite sex.

Transgender identities are a recent fad and are based on subjective feelings and ideas rather than on objective, observable realities.

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.

In the Gender Recognition Act, the words "sex" and "gender" are used interchangeably to mean the same thing. This can and does result in confusion, particularly in the area of sex-

based protections for women, which are under assault from campaigners desperate to erase them so that women-only spaces become mixed by default. Notice that this only applies to women-only spaces. Should women identify as men to “infiltrate” men-only spaces, the police will be called and they will be ejected. This “infiltration” only goes one way.¹⁰

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?

Further guidance is definitely needed when public institutions such as the police and the courts are “getting ahead of the law” in terms of denying women the protections we currently enjoy under the Equality Act 2010 and the Gender Recognition Act 2004, wherein it is acceptable to discriminate against male people claiming female identity in order to protect women¹¹. All civil and governmental bodies should be provided with guidance to remind them that women and girls have sex-based rights and protections under the law and that these should be upheld. Transgender people have needs for private spaces away from male people and provision should be made for them, but as a separate class of persons, not at the expense of women and girls.

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

Per the Office of National Statistics, transsexual people at various stages of transition are protected under the Equality Act 2010¹². Claimants of the ever-increasing number of gender identities can also claim protection under this since changing “other attributes of sex” includes changing the way they present. It should be made clear that such protections do not include entitlement to access spaces where women and girls might be vulnerable or in a state of undress; our sex-based protections must not be undermined by unquestioning acceptance of male people as women on say-so alone.

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

Trans people complain that they have to wait for a long time to access support services, often for years. Social care, domestic violence and sexual violence services are not available to them as trans people; they are usually sent to women’s facilities, where they are perceived as a threat by women who see them as male intruders even if their attitudes and behaviour is completely non-threatening. Such services are not necessarily able to meet their needs as trans people since they are set up to attend the needs of women. This has the effect of alienating trans people because they can’t relate to women’s experiences since they are male; e.g. transgender women will never menstruate, fear an unwanted pregnancy or require an abortion as a result of having been raped. They require services specific to their needs as trans people staffed with specialists in transgender people’s psychological needs¹³, as this interview with a trans man about menstruation reveals¹⁴:

‘It’s just kind of like, I know for me it’s something that like women can relate to and that’s like sometimes I don’t really want to talk about it or it’s just, like, frustrating to me when it’s put into like something that only happens with ciswomen and I don’t know sometimes I don’t

get I guess a lot of supportive resources for when you're a man and you're menstruating [...] like, on one hand menstruation is seen as very, you know, something that happens to cis women so I guess kind of an invalidation of what my identity, what I strive to be, but on the other hand if we try to raise more awareness that this isn't something that happens only to cis women, kind of breaking down that assumption and more "Hey this can happen to anyone," sort of deal.'

Lumping people with needs specific to their gender identity or physical sex together with people they can't relate to in order to fulfil a political imperative is cruel to all involved parties and denies each of them the care they require. Trans people need shelters and services of their own in order to meet their needs as trans people.

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

The rights of gender-fluid and non-binary people are best supported by treating them according to their sex-based needs. For example, a trans man who has not had bottom surgery and has retained their uterus will need menstrual products for as long as they continue to menstruate. Male toilets tend to lack facilities for disposal of menstrual products. Meanwhile, they may feel uncomfortable entering women's toilets because they present as male. The provision of gender-neutral toilets complete with sanitary waste disposal bins solves the problem; they don't have to cope with men wondering why they smell blood and they don't have to deal with women baulking at the presence of someone they perceive as male. Self-contained lockable gender-neutral changing rooms, etc., help to meet the need for dignity and privacy when undressed as phenotype variance can cause people to stare if they notice that the "woman" among them appears to have a penis. The provision of such facilities should be mandatory and set apart from disabled facilities.

The conclusion I have come to during my research into the subject is that it is impractical and unreasonable to treat transgender individuals according to their acquired gender in every case because of the physical realities of their sex. Socially, there is no reason not to do so if they present as their acquired gender. In cases where intimate facility use or intimate care is required, their needs for dignity, privacy, and understanding of trans issues will not be met by lumping male people with female people because that's how they identify. In cases such as sport, male puberty provides male people with an unfair advantage over natal women due to greater muscle mass and lung capacity, larger, denser bones, and larger stature. It is also unfair to them to expect them to use facilities for vulnerable women and girls, who would treat them with suspicion if they perceive them as male. They need their own gender-neutral spaces and these should be required by law in order to protect them and provide for their needs.

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Links:

¹<https://twitter.com/iamtranssexual/status/1307960038292586496>

²<https://www.stonewall.org.uk/what-does-trans-mean>

³<https://www.keep-prisons-single-sex.org.uk/other-men-womens-prisons>

⁴<https://www.stonewall.org.uk/about-us/news/stonewall-statement-world-rugbys-announcement-0>

⁵<https://www.cps.gov.uk/legal-guidance/homophobic-biphobic-and-transphobic-hate-crime-prosecution-guidance>

⁶https://www.mumsnet.com/Talk/womens_rights/3487853-Harry-the-owl-visited-by-police

⁷<https://www.bbc.co.uk/news/health-51676020>

⁸<https://www.thetimes.co.uk/article/politicians-are-betraying-women-in-the-rush-to-support-trans-rights-xzvpcf7m8>

⁹<https://www.bournemouth.gov.uk/councildemocratic/bournemouth-borough-council-historical-information/Statistics/Documents/JSNA/GenderReassignment.pdf>

¹⁰<https://www.standard.co.uk/news/uk/female-campaigners-selfidentify-as-men-to-infiltrate-male-only-pool-at-hampstead-heath-a3850556.html>

¹¹<https://www.legislation.gov.uk/ukpga/2010/15/schedule/22>

¹²<https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21>

¹³<https://periodaisle.com/blogs/all/6-transgender-women-talk-menstruation>

¹⁴<https://onlinelibrary.wiley.com/doi/full/10.1111/soin.12355>