

Written evidence submitted by Nic Turner (GRA0107)

Women's and Equalities Committee GRA Reform Enquiry – Nic Turner Submission

Dear committee members,

My name is Nic Turner, I'm the national lead of a LGBTI+ staff support network (with over 5,000 members) in a public sector organisation and I'm a happily married lesbian. I am submitting evidence to this enquiry as an individual, for several reasons;

1. I believe that it is important that the Government handling of the GRA consultation and reform needs to be scrutinised. It took far too long and lacks clarity on how decisions were reached.
2. The delays around the consultation created a vacuum which allowed large scale campaigns of misinformation and fearmongering to stoke a "culture war" and led to LGBTI+ peoples existence and lives been treated as a "debate" which has had a dehumanising and deeply damaging effect on the LGBTI+ community.
3. Numerous pieces of evidence which already exist from the; previous Women's & Equalities inquiry into Transgender issues, National LGBTI+ survey, Government LGBT action plan and GRA consultations in both Scotland and England & Wales – which sought to directly consult with the LGBTI+ community about issues and needs appear to have been ignored.
4. I have grave concerns that unless there is enough scrutiny and appropriate action, the damaging effects on all within the LGBTI+ community will worsen.
5. There are several groups claiming to speak on behalf of all females and lesbians, who certainly do not speak for me and I have my own voice.
6. I have followed LGBTI+ issues & legislation for several years, submitted to all the GRA consultations & LGBTI+ survey and have a more in-depth knowledge than most people about LGBTI+ issues, inclusion and various points you are likely to see raised in this enquiry. So, I feel that my evidence could be helpful to this enquiry.

I will start by answering the questions you've posed regarding the GRA reform proposals, before moving onto the questions about wider transgender equality and current legislation, where I will outline my concerns in more detail.

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"?

The Government's proposed changes of moving the process to an online one, reducing the £140 application fee to a nominal amount and opening 3 new gender clinics, does not meet its aim of making the process kinder or more straightforward. It instead represents a standstill; the 3 new clinics were announced a year earlier and are in no way enough to address the significant waiting lists for clinics. Reducing the application fee is the bare minimum that could have been done and does nothing to address the bureaucracy that currently presents a variety of issues to applicants, neither does moving the process online – all it does is retains the same system just on a different medium.

- 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 for obtaining a Gender Recognition Certificate should be removed, there are a range of costs and financial burdens on applicants. As GIRES (<https://www.gires.org.uk/obtaining->

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[your-gender-recognition-certificate/](#)) details applicants must provide a range of documentation with their application, all of which come at a cost, these are:

Documentation	Cost
2 x detailed medical reports about their gender identity. Approx. £50 each	£100
Statutory Declaration/Deed Poll confirming name change	£5
Copy of Birth Certificate	£9.25
Driving licence or passport	£43 or £85.50
If married/in civil partnership, copy of marriage/partnership certificate	£9.25
If married/in civil partnership, statutory declaration of consent from spouse	£5
Special delivery for sending items to panel	£10
Total	£167.25 - £224

The current application fee combined with the documentation costs means a person applying for a Gender Recognition Certificate faces having to find £307.25 - £364 just to apply to a panel of strangers they never meet who decide whether they are “trans enough” for recognition from documents received.

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

Yes it should. In the Scottish GRA consultation 60% of respondents agreed that it should be removed to de-medicalise the process and overcome problems presented by long waiting lists for Gender Identity Clinics. In the English consultation 64.1% stated it should be removed, with 80.31% agreeing that medical reports should be removed from the process.

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

Yes, it should be removed. The Scottish consultation highlighted that it expected people to meet expectations gender stereotypes and the existing system reinforced this. In the English consultation 78.6% respondents favoured removal as it is difficult for young people to obtain 2 years-worth of documentation, such as utility bills and is a degrading & humiliating length that people must go to prove they are themselves.

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

Both consultations were in favour of retaining statutory declaration, 50% (Scotland) & 83.5% (England). I agree with the need for statutory declaration, it is a legal document and self-id gender recognition legislation in other countries (e.g. Ireland) use it. It is a safeguard as fraudulently obtaining one is an offence.

- 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 provision in the Act desperately needs reforming, it gives a trans persons autonomy to their spouse – this hands complete power to abusive (even if estranged) to further harm a trans partner through preventing their legal recognition. Within both consultations many respondents reported wanting to see the need for spousal consent removed – Scotland (70%), England (84.9%). The fact this hasn't been addressed by the

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Government's response and continues to provide abusers power over their spouses is inhumane and disgraceful.

A report by LGBTory, highlighted that, in a survey conducted by the international transgender and intersex group T-Vox, 28.57% of transsexual respondents stated their spouse has made getting a divorce difficult. Almost 44 percent of respondents to the survey reported their spouse having actively attempted to prevent their partners transition. https://www.lgbtconservatives.org.uk/sites/www.lgbtconservatives.org.uk/files/report_to_the_consultation_on_the_spousal_veto.pdf A direct quote from this report is *"Providing spouses with a veto over their transitioning partner's legal gender does nothing to 'protect' the non-transitioning spouse. The spouse has no say over the medical process that usually leads up to gaining a gender recognition certificate and they have two years from the start of the transition process to the time when a transsexual person is eligible to apply for a GRC in order to determine whether they want the marriage to continue or not. The inclusion of the spousal veto in the Marriage (Same Sex Couples) Act has provided another weapon for the arsenal of malicious spouses, without any benefit or protection to transgender people and non-vindictive spouses. It is unjust, it is unwarranted, and it should be removed."*

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

Yes, it should, in the Scottish consultation 61% agreed lowered to enable 16-17-year olds to apply. At 16 people can; change their name by deed poll, obtain a national insurance number, apply for a passport & driving licence, it makes no sense to prevent them from being able to apply for a GRC which would bring all their legal identification documentation in line.

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

They won't, the only thing that the proposed changes will do is reduce the application fee. No other systemic barriers to applying for a GRC have been addressed. In general, the proposed changes are a cruel blow to trans people who have been subject to widespread discrimination and have been under attack for 2 years, if anything it will have a further damaging impact as trans-hostile groups have seen this as a victory, which has encouraged them to continue with their actions.

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

The proposals completely overlooked intersex individuals, the creation of a third sex/gender category should have been included to remove a binary system which forces parents into registering an intersex child at birth as either male or female. Other countries which recognise a third category include; Australia, Chile, New Zealand, Uruguay, Bangladesh, India, Nepal, Pakistan, Austria, Germany & Portugal.

In addition the outlawing non-consensual "normalising" surgery on intersex infants, which has been classed as torture by the United Nations: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf should have been included, this has been outlawed in several countries including; Malta, Chile & India. The Maltese Gender Identity, Gender Expression and Sex

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Characteristics Act 2015 is progressive legislation, that I feel we should aspire to:

https://tgeu.org/wp-content/uploads/2015/04/Malta_GIGESC_trans_law_2015.pdf

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

The Scottish Government's proposals are far more suitable than the English proposals, they remove the need for medical reports and application to a panel, reduce the 2-year limit of living in acquired gender to 3 months and utilise statutory declaration. However, a far better alternative to both is the Irish Gender Recognition Act which has been in operation since 2015: <http://www.irishstatutebook.ie/eli/2015/act/25/enacted/en/html>

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?

As the previous Women & Equalities enquiry into Transgender issues, National LGBT+ Survey and GRA consultations have highlighted there are numerous barriers people face in relation to applying for GRCs - these include; costs, the need for detailed highly personal medical reports, significant waiting lists to access GIC's which can delay obtaining evidence required, years' worth of evidence which needs to be provided and spousal consent to overcome. It is a lengthy dehumanising process for people to participate in and be judged on whether or not a panel who never meet the applicant them to be "trans enough" – when the end result of a GRC is been able to change a marker on a persons birth certificate to align it with all of their other identification documents, there are far more deterrents than incentives for people to put themselves through that process.

- 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.

The Gender Recognition Act only provided protections to those who obtained a GRC, what the Equality Act did was extend these protections to people from the point of declaring their intent to transition. I am unaware of challenges in how the pieces of legislation interact with each other. However more unified language and terminology is needed across both pieces of legislation as language and terminology since they developed have evolved meaning both pieces of legislation are using outdated terms.

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

As noted in my above answer, language and terminology in both acts is outdated and neither acknowledge the existence of Intersex or Non-Binary people. Reforms are needed to include these within legislation and ensure their rights are supported. This needs to be done by offering alternatives to binary structures, rather than forcing someone to adhere to these, e.g. registering babies as male or female within 14 days of birth and raising them in accordance with gender stereotypes, or solely providing single-sex facilities. Giving legal recognition to Non-Binary identities are supported by those who responded to both the Scottish (62%) and English (64.7%) GRA consultations.

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For the final part of this section, I have re-arranged the order of questions and will outline my concerns first to provide context for my answers.

I am concerned about the inclusion of questions about the Equality Act provisions, because the GRA consultation was solely regarding the GRA, but the delays in the announcement of a consultation and start of the consultation process created a vacuum where numerous Trans hostile groups formed – Woman’s Place UK & Fair Play for Women (2017), Transgender Trend (2018), Safe Schools Alliance, Fair Cop & LGB Alliance (2019) all formed with stated intentions to oppose Trans inclusion (as outlined on their websites), but have attempted to present themselves as representing women, children and LGB people to gain legitimacy. These groups have been responsible for widespread campaigns of misinformation falsely representing GRA reform to attack Trans people’s rights which already existed under the Equality Act.

Their campaigns of misinformation have been aided and abetted by media outlets which have recycled 1980’s homophobic headlines about Lesbians been a danger to women and debates about banning them from Women’s sports and facilities, just replacing the word lesbian for transgender. The onslaught of negative media reporting over the past 2 years has been relentless and increasingly hostile, which has recently started to extend to the wider LGBTI+ community, which has been seen with the recent BBC restrictions on staff attending Pride and Telegraph publishing articles targeting Public Sector Organisations participating in the Stonewall Diversity Champions Programme – this programme is vital for removing barriers to participation and discrimination within employment for LGBTI+ people like myself by ensuring that policies are inclusive (e.g. family leave).

Even more concerningly, these groups appear to have the support of Conservative politicians, with Jackie Doyle-Price and Baroness Emma Nicolson regularly engaging with them on social media and Robert Jenrick who has recently announced this following review into toilet provision containing numerous transphobic dog-whistles and targeting gender-neutral facilities:

<https://www.gov.uk/government/news/government-review-to-boost-the-provision-of-toilets-for-women-and-men>

The most concerning connections these groups have are with the Equalities Minister Liz Truss. On twitter she doesn’t follow any LGBT+ organisations other than LGBTory but follows:

- Maya Forstater – A ‘gender critical’ individual who’s views on Trans people have been deemed unworthy of respect in democratic society by the judiciary
<https://www.gov.uk/employment-tribunal-decisions/maya-forstater-v-cgd-europe-and-others-2200909-2019>
- Transgender Trend – An organisation which were removed from a crowdfunding platform for attempting to obtain funding to produce misleading schools packs regarding Trans children
<https://www.independent.co.uk/news/uk/transgender-trend-crowdfunder-school-children-young-people-resource-pack-suspended-a8379556.html>
- LGB Alliance – An organisation who have been warned by the Advertising Standards Authority for producing misleading adverts about Scottish GRA Reform
<https://pinksaltire.com/2020/03/06/alliance-mask-slips-as-they-turn-to-scare-tactics-in-gra-debate/>

The influence of these organisations over Liz Truss was demonstrated in May this year when a GEO funded Equaliteach Free to be LGBT+ inclusion schools pack was released, within hours of it’s release Maya Forstater released a tweet tagging in Woman’s Place UK, Transgender Trend, LGB Alliance and Liz Truss complaining about it. Liz Truss responded to them denying it was

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supported by the GEO, which was followed by a later tweet from the GEO denouncing the pack, which led to Equaliteach been told to remove the logo and having to release the following statement & links to the funding announcement to defend their reputation:

<https://equaliteach.co.uk/equaliteach-statement-on-geo-and-free-to-be/>

Furthermore, given that Woman's Place UK released a statement on 24/04/2020 following the deeply troubling statement from Liz Truss on 22/04/2020 which indicated a potential rollback in Trans rights, citing several meetings they'd had with the GEO

(https://womansplaceuk.org/2020/04/24/wpuk-response-liz-truss-statement-women-equalities/amp/?_twitter_imp=twitter_impression=true)

The relationships the Equalities Minister has with these organisations and influence they've had on decision making to ignore wider consultation results need scrutinising by this committee and addressing.

- 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 the Equality Act regarding single sex provisions and exemptions are clear and useable for service providers and users, 60.2% of respondents in the English GRA consultation noted that GRA reform would have no impact on these. Fair Play for Women and Woman's Place UK are more than aware of the exemptions and have produced guidance encouraging services to use the exemptions to exclude trans women from services, which have put them at odds with Women's services who have been operating inclusive services under the Equality Act provisions for several years. There is no reform or further guidance required, the act is clear, and services have been using it for years, much to the dismay of trans-hostile groups who want to remove services discretion to provide services as they see fit. See below links.

https://fairplayforwomen.com/equality-act-2010_womens-rights/

<https://womansplaceuk.org/2019/11/21/single-sex-exemptions-the-general-election/>

<https://sourcenews.scot/what-you-need-to-know-scotlands-womens-sector-speaks-out-on-gender-recognition-for-trans-people/>

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

The issues Trans people have in accessing support services are known to the committee as a result of the previous enquiry and national LGBT survey. Many mainstream providers do not have adequate support structures in place for LGBTI+ people and as a result gaps are filled by LGBTI+ charities and Trans organisations which rely on donations and volunteers to provide specialist services. Accessing these has become far more difficult and this has been exacerbated by the actions of the Trans hostile groups named who over the past 2 years have relentlessly targeted services supporting Trans people. They have co-ordinated online attacks against Mermaids and other charities including; NSPCC, Edinburgh Rape Crisis Centre, Women's Aid, Sands UK and Jo's Cervical Cancer Trust, as well as organisations taking inclusive steps such a gender-neutral toilets (Liverpool Women's Hospital) and using inclusive language (Tampax). Launched legal actions against the Tavistock clinic, LGBT+ inclusive schools' guidance, CPS LGBT+ hate crime guidance. Written to employers named in the Stonewall Top 100 (such as mine) telling them to withdraw from LGBTI+ inclusive

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workplace schemes – without speaking to LGBTI+ employee network groups in those organisations. Even more troubling is how these groups and media contacts managed to another crisis for Trans healthcare by targeting a negative media towards a private trans healthcare service, which led to a pharmacy been suspended overnight from issuing prescriptions for hormone treatment to patients

<https://www.pinknews.co.uk/2020/10/08/gendergp-trans-healthcare-medication-transphobia-media-nhs-clear-chemist/>

It is already difficult for Trans people to access appropriate support services, which are limited and relentlessly under attack. Where mainstream services are taking steps to offer this support, they are receiving a significant backlash in the form of targeted abuse and legal actions. It's a horrendous situation that has developed as a result of the handling of the GRA consultation by government.

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

The Equality Act offers much needed protections to all minority groups, however the handling of the GRA consultation and transphobia which has been able to thrive in the UK over the past 2 years demonstrates that the protections aren't adequate – the year on year above average increase in hate crimes based on sexual orientation & trans status evidences this. Online Trans hostile pressure groups have been able to influence serving government ministers into ignoring the results of direct consultation with LGBTI+ communities, denouncing work undertaken as part of the Government LGBT action plan and threaten the rollback of Trans rights, along with attempts been made at this by ministers, which the Home & Communities toilet provision review demonstrates. Public broadcasters (the BBC) have regularly platformed Trans hostile speakers, removed Trans organisations from support lists, amended LGBTI+ content with commentary from Trans hostile groups claiming impartiality and issued notices to staff telling them they can't attend pride events which breaches their Human Rights. In addition, public bodies such as the General Pharmaceutical Council have enacted actions without due care that have directly harmed Trans people. Reforms are needed that specifically outlaw; the spreading of misleading information by media outlets, immediate actions been taken without due regard by public bodies, ignorance of direct community consultations by government and transparency in to government ministers associations & meetings regarding equalities issues.

I sincerely hope that this enquiry holds the Government to account regarding it's handling of the GRA consultation, decision-making regarding this and damage that has been caused to the LGBTI+ community as a result in terms of impact on mental health and safety. Furthermore, I hope that it addresses the Government's rejection of numerous consultation results and commitments outlined in its own Government LGBT action plan. Otherwise I fear that the actions we have seen so far will further escalate due to emboldening those seeking to repeal of LGBT rights, protections and inclusion in the UK. As a LGBTI+ person, I do not want this to happen as it will have a devastating effect on friends, family, colleagues and community, not just on our ability to live freely as ourselves, but also further detriment to our health (both mental & physical) and safety.

Yours sincerely,

Nic Turner

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