

Submission to Women and Equalities Committee GRA Inquiry

I make this submission as a trans woman who holds a gender recognition certificate so am very well aware of what a complex, bureaucratic and impersonal process is involved.

I applauded the government's intention to reform the GRA. Simplifying and de-medicalising the process would send a powerful message of support to a trans community that often feels beleaguered, attacked, marginalised and pathologized. The results of the consultation undertaken by the government were overwhelmingly in favour of reform and in particular to remove the requirement to have two doctors to tell us what our gender is. I was deeply disappointed that the government apparently decided to appease a minority of people who deny the validity of trans identities and seem to believe that trans women are a danger to ciswomen despite the almost total lack of evidence to support this. They may have calculated that helping a small and stigmatised community would lose more votes than it would gain, irrespective of it clearly being the honourable, decent and proper thing to do. It was shameful.

I am glad that the select committee is continuing to pursue the issue but I see little hope of any good it will do, at least while the current government is in power. Many trans people will just feel a sense of weariness and will see this exercise as meaningless. I was particularly appalled that the government seemingly allowed disturbing rumours to circulate that they were actually going to repeal some of our existing rights set out in the 2010 Equality Act so that when the response to the consultation was at long last announced, the fact that we were not going to be made worse off was seen by some as a kind of success. These are the shameful tactics of the demagogue.

For what it is worth, I've given my responses to the call for evidence below.

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

No absolutely not. Transferring the process to an online basis will actually make it harder for many people who lack IT skills – there are a very large number of forms and pieces of evidence to submit

requiring access to and skill in using not just a computer but a scanner.

- 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 support the fee being reduced to a nominal sum. Other costs will vary according to circumstances and means.

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

Yes. You shouldn't need doctors to tell you what your gender is. This requirement supports the misunderstanding that being trans is a form of mental illness. Self-identification has worked well in countries where it has been implemented.

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

I favour reducing this to one year. That should provide enough time for individuals to be sure whether transitioning is right for them.

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

I support the retention of the statutory declaration. Transitioning is a very serious step which requires whole-hearted commitment to living in one's true gender for the rest of one's life. I think the penalties for breach of the commitment should be clearly spelled out.

- 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?

I have no particular views on this. Most married trans people do all they can to support their partner through the transition process. It is a difficult time for both parties and the needs of both should be recognised.

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

No.

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

What changes do you mean? If you mean the negligible tinkering to the process that the Government has set out, then in practical terms there will be very little impact. Probably as many people will be deterred by the complicated on-line process as are helped by the reduction of the fee. Symbolically, the impact is enormous. Trans people will feel even more stigmatised, with our identities only grudgingly accepted and subject to demeaning conditions. The bigots and transphobes will feel empowered and legitimised.

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

I was happy with the proposals if they had been implemented.

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

I am not well sighted on the SG's Bill but I understand that it goes some way to meeting the need of trans people for simplification and de-medicalisation.

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

There are no doubt many reasons, one of which must be the off-putting nature of the process. However, not all trans people see the need for a GRC and transition happily without one. Just as they do not require a doctor to tell them their gender, so they do not need a piece of paper to legitimise it. It was important to me to have a birth certificate with "girl" on it and I do believe many more trans people would seek a GRC if the procedure was less bureaucratic and humiliating.

- 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, this is not well understood even by some trans people. It is one of the reasons why the GRA needs reforming to make it consistent

with the EQA. Many trans people do not appreciate that the EQA is far more important in terms of the legal protection it gives.

- 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?

It seems to me that the EQA strikes a reasonable balance in providing for justifiable and proportionate exceptions but I'm not aware of much case law in this area to test how well the Act is working in practice.

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

I do not really have the knowledge to comment on this. As a post-op trans woman who has a GRC I feel sufficiently protected and unlikely to be challenged in my use of single-sex spaces. Other trans women might feel more vulnerable. In general I don't feel that access to e.g. public loos is (or should be) a major issue. It would be dreadful to be in a situation where people who don't conform to gender stereotypes (including masculine-looking cis women) could be challenged in their use of a single-sex loo.

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

I have no knowledge of this other than the well-known issue of interminable waiting lists at the GICs and the obstacle course you are then made to go through to be allowed treatment.

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

I really do not know if e.g. a GRC would be important to a non-binary person. I cannot respond on their behalf. However, I suspect many more people will identify as non-binary or gender-fluid than currently now do as trans so this is an important issue that our society needs to respond to. It probably needs a consultation exercise of its own. Certainly such people need the same protection against discrimination that trans people (in theory) have.