

Written evidence submitted by Ms Jessica Kotarski (GRA0126)

Members of the committee,

In line with the guidance on giving evidence to the committee, I will introduce myself, address each of the terms of reference in turn, and then add some final comments.

Introduction:

My name is Jessica Kotarski, and I am transgender. I came out to myself in July 2018, to my family and friends immediately afterwards, and sought a referral from my doctor to a Gender Identity Clinic in August 2018. I am currently on the waiting list, over two years since referral, without having an appointment scheduled.

Because GIC waiting times were already known to be significant, I sought private care. I was privileged to be able to do so, as I had a reasonable amount of savings from previous jobs, although I was unemployed at the time. I received a diagnosis of Gender Dysphoria in September 2018 and in October 2018 started HRT and changed my name (with a deed poll and a statutory declaration).

Due to it only having been around two years since I came out, I have not yet sought a Gender Recognition Certificate. I have also not yet updated my passport, in part due to cost, as I have been unemployed for over a year and a half.

I also have diagnoses of autism spectrum disorder and mixed anxiety and depression, for which I take medication. This has been exacerbated by the hostile press environment regarding trans people, and the actions of the government relating to the GRA Reform Consultation.

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"?

On their own, the proposed change may make the process more straightforward, but still not nearly as much as the previous proposals, which (according to the Sunday Times) were approved by around 70% of respondents. Like the process arising from the original GRA2004, it is also possible that the process may become more onerous than necessary or intended.

- 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?

There should not be a fee. When updating a driving licence due to change of name and gender, there is no fee. If there is still a fee, it should not be more than is necessary.

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

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Ideally, yes. The process for acquiring a diagnosis of gender dysphoria is absurdly long for many, with NHS waiting times being measured in years, not months. The proposal to increase the number of NHS GICs will hopefully alleviate this somewhat.

There are also some who transition due to feeling gender euphoria in their acquired gender rather than dysphoria in their assigned gender. It would also make it easier for people who are non-binary, which under the current proposals would still not have legal recognition, a glaring problem with the proposals.

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

With the requirement for a statutory declaration, there does not seem to be a need for the “two year” requirement.

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

The statutory declaration process is easy, cheap, and creates legal consequences for anyone who might seek to abuse the process; as such it is a reasonable measure, and it makes sense for it to be retained.

- 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 do not believe that a spouse/partner should have this power over their significant other. If the transition of an individual creates irreconcilable differences within a relationship, the appropriate avenue is separation/divorce, not one partner having the power to deny the identity of the other.

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

I have no strong feelings on this point. The ages of 16 or 18 are frequently used as thresholds for maturity in decision making, and either may be considered appropriate.

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

The changes as proposed will likely have little impact at all. The retaining of the requirements of diagnosis and the “two year” rule, combined with judgement of a panel, will continue most of the parts of the current arrangement that needed reform. The original proposition was much better and more in line with other countries such as Ireland.

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

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The Government were wrong to dismiss the proposals from the 2018 consultation, which should be enacted.

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

The Scottish Government's proposed bill is more in line with the 2018 proposals. It may not be perfect but is much more in line with the needs of the community than the UK Government's proposals.

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?

This is obvious: the process takes a long time to even begin ("two year" rule); it is expensive (transgender people are more likely to live in poverty, and have problems with employment); and it requires the individual to convince a panel they will never meet of the legitimacy of their claim, which may be denied, costing the individual a great deal of time, money, and emotional investment. The benefits acquired from the acquisition of a GRC are also limited in everyday life, as a correct driving licence and/or passport are sufficient for most needs.

- 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.

To my knowledge, there are no challenges between the two Acts.

- 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?

There is no perfect position on this point, as some people will be upset in any case. The current situation has the benefit of working for the most part, whereas some suggestions from people opposed to transgender people accessing public facilities matching their gender are completely unenforceable.

With the increasingly hostile environment in the media, many trans people feel uncomfortable using the facilities to which they are entitled due to fear of assault from hostile individuals (ask a transgender person "when was the last time you went swimming?"). This hostility is also not limited to trans people, as even cis people who are deemed to "look transgender" are sometimes harassed or challenged on their right to access facilities.

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

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I am not sufficiently informed on this to have a strong opinion, but I believe it is mostly adequate. I am concerned that the protections in the EA2010 are under attack from ministers, such as the Rt. Hon. Robert Jenrick MP launching a review into the use of gender-neutral toilets.

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

There are concerns about the potential for trans women in particular being turned away from women's refuges, but as far as I am aware this is more due to the hostile media environment than because of actual refusal of support.

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

Yes. Currently, non-binary genders are not legally recognised, putting non-binary individuals in the uncomfortable position of being constantly misgendered by their own identification documents such as their passports. Given also that over time legislation for various factors such as the age of pension entitlement or the right to marry are no longer tied to sex/gender, there seems to be no legitimate reason to deny non-binary people legal recognition of their gender.

Final thoughts:

The current government's behaviour in relation to transgender rights has been nothing less than disgraceful. Ministers have seemed to use press leaks to float ideas to see how they might be received (such as suggestions to row back protections in EA2010 in the Sunday Times); they have pandered to hatred and bigotry; and they have ignored the result of a consultation because they didn't like the result, insinuating that the results were skewed by "Trans Rights Activists", a term wielded to imply that advocating for trans rights is inappropriate. The trans community appears to have been the subject of a campaign of exhaustion, constantly threatening our rights in the hope that we will run out of energy and stop fighting back.

The government has a duty to all the people of the United Kingdom; although we are a tiny minority, that includes us. Instead the government is bowing to the pressures of a years-long campaign of hatred against us from the media, in direct dereliction of that duty. This level of deliberate culture-war scapegoating is beneath a British Government, or at least, it should be.

Yours faithfully,

Jessica Kotarski

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