

**Written evidence submitted by Paul Couch for Reform of the Gender Recognition Act Inquiry**

I am a 20-year-old member of the LGBT+ community. As a trans ally, I would like to submit my feelings to this inquiry on the following topics:

- Opinion on the results of the Consultation
- Current Issues with the Gender Recognition Act
- The Gender Recognition Act and the Equality Act
- My Recommendations for Future Legislation

**Opinion on the results of the Consultation**

1. I would like to begin by voicing my huge disappointment in the outcome of the public consultation. The proposed changes will barely change the process of obtaining a Gender Recognition Certificate. While the movement of the service online will probably simplify things slightly, I feel like it misses the mark of addressing the actually complex and unnecessary parts of the process - (obtaining medical approval, spouse agreement etc.). Furthermore, the actual reduced cost of the new process has not yet been released by the government. To spend 2 years after the closing of the consultation, only to come back with the moving of the process online and making it cheaper by an unknown amount is frankly an embarrassment and the government should not have taken so long to respond.
2. I believe the proposed changes to the application process for obtaining a GRC will have very little effect on the overall ease of applying for a GRC and will not really increase the number of people seeking to obtain one as the amount of, personally, unnecessary requirements are the same. I was expecting a reconsideration of the requirements and a change to the process to focus more on self-identification (self-ID) of the applicant's gender, as opposed to continuing to unnecessarily medicalise the process.
3. The announcement of three new gender clinics was one that I have mixed feelings over. While I hope these will operate to help reduce waiting lists, I also would like to see more gender clinics opened to treat under 18s. Currently, the Tavistock Clinic's Gender Identity Development Service is the only one of its kind, and has been the subject of much debate due to internal handling of cases. I however still strongly believe that under 18's who are trans or at least questioning their gender need access to some kind healthcare support to explore their options. Opening more gender clinics for under 18's would reduce the strain on the Tavistock Clinic, which would hope lead to better handling of every child patient and would reduce the harm done by rouge employees. I would like to also mention these rouge employees do not reflect the already very strict guidelines in place to protect both trans teens who may benefit from puberty blockers as well as cisgender teens who are struggling with gender due to other reasons who should not transition but still require clinical help to deal with their gender issues.

**Current Issues with the Gender Recognition Act**

4. The financial burden of the current process is too much and has definitely been a barrier to obtaining a GRC. I am glad that this is something that has been identified as a problem and will be changed, although the new amount should have been decided prior to responding to the consultation considering that this was discussed for over 2 years. I believe that the application process should be free; however, I do see why this might not be possible due to the number of people currently involved in a panel approving a GRC application. However, this is also something that I disagree with in the current process, and if changes in the panel to support a self-ID system is made then further reductions in the application cost should be made.

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5. The requirement for a diagnosis of gender dysphoria should be removed. This change was supported by a majority of the responses in the public consultation and the government has been called upon by the British Medical Association to make a change to system of self-ID. While some groups have argued that this requirement stops frivolous applications with potentially predatory purposes, a point I will address in paragraph 11, I believe that this is not an issue due to the other requirements of the application process. Furthermore, dysphoria is not a universal experience to being transgender - especially for non-binary trans people - and so this requirement is excluding non-binary trans people who may feel more aligned to the opposite gender from that assigned at birth and wish to obtain a GRC.
6. The majority of respondents to the consultation were also in favour of not needing to provide evidence of living as their 'acquired gender' for a period of time. The term 'acquired gender' is frankly confusing, as gender is an inherent quality and not something 'acquired'. The 2-year specified period is also confusing as there appears to be no reason why 2 years has been chosen as that limit, as well as the fact that the length of time someone has been out as trans doesn't dictate 'how trans they are'. Someone who is applying after 6 months is just as valid as someone who has been out for 2 years and shouldn't be disqualified from the process. In a system of self-ID, I assume that the length of time someone has been out would be addressed in a testimony or an alternative form of statement, and it will be up to the discretion of the panel to decide if the application is fake or not. However, I would hope that no extensive time period would factor into their final decision but would be considered case-by-case in combination with other parts of the testimony. The proposed Scottish Bill has a period of 3 months as the minimum requirement which I feel is extensive enough in combination with other parts of a testimonial to be used as a guideline for approving a GRC application.
7. I can see the value of the statutory declaration, although I feel like it should be treated similarly to my feelings above on the time period; it should be addressed in a testimony of self-ID and taken in combination with other parts of the testimony. Furthermore, this part needs to be more inclusive of non-binary genderfluid individuals whose gender identity may change over time, but who are 'genderfluid' until death.
8. The agreement from a spouse should be removed entirely and not replaced in any form in a new application process. Currently, the only time I can see a spouse not agreeing with the process is if they do not agree with the applicant/their partner being transgender - and if this is the case then the applicant's relationship is abusive and controlling and this step is just a roadblock to their transition if they're in the process of becoming legally separated. I just feel like this step is unnecessary and doesn't provide any form of check if someone is trans and entitled to a GRC or not but is just a time-consuming hoop to jump through.
9. I think that the number of applications for a GRC being low compared to the number of people who are transgender can be attributed for a combination of a variety of factors. First, the current limit to male or female excludes any non-binary transgender people from applying who do not identify with either label - this makes going through the long and expensive process of obtaining a GRC a waste of time if they don't particularly feel comfortable with the label opposite to the gender assigned at birth. Furthermore, a GRC is not essential to much of the process of transitioning, such as medical surgeries and changing the sex on a passport - if the few things that require a GRC aren't important to a trans person's social transition journey then they aren't going to apply for a GRC. I am

not saying more things should require a GRC, I am merely pointing out why the applications are not as high as the number of transgender citizens in the UK.

### **The Gender Recognition Act and the Equality Act**

10. In terms of the Gender Recognition Act 2004 and the Equality Act 2010, not being inclusive of non-binary trans people is common to both. Although recently the wording of the Equality Act protecting 'gender reassignment' was interpreted to include non-binary identities in the case against Jaguar Land Rover, this was 10 years after the Equality Act was passed. 10 years of uncertainty if non-binary trans people were protected from discrimination. Although now the precedent has been set for their protection, this should be used to inform any future changes to the Gender Recognition Act and what genders are available to select on governmental documents such as census data or a non-binary marker on passports and driving licenses.
11. In regard to trans people and single-sex spaces, especially trans-women in women-only spaces, this is an area where a lot of toxic debate has been occurring the media over the recent years. As I understand it, the Equality Act currently leaves the choice to the individual service provider whether to accept trans-women in the space or not, but that there is a general tone of accepting trans people in spaces that align with their gender as opposed to their birth sex. I hope that this continues to be enshrined in any future legislation. As I briefly touched upon in paragraph 5, there is currently a general narrative in society that the inclusion of trans women in single-sex spaces enables predatory cisgender men to enter women-only spaces under the pretence of being trans. It has even been suggested that a change to a self-ID based GRC application process would make this easier for predatory cisgender men. However, the idea that trans-women should be excluded from women's' spaces due to the potential threat of predatory men is transphobic and harmful - especially when trans women are affected by many of the same problems cis-women face and require the services provided by women-only spaces just as much as cis-women.

### **Recommendations**

12. I hope that future amendments to both the Equality Act and the Gender Recognition Act will lay out clearly how single-sex spaces should allow for the screening of handling of any predatory cis-gendered individuals seeking to exploit the system - which will happen with or without the inclusion of trans individuals. I would also like that it should be made publicly clear that a GRC is not a free pass for predatory cisgender people, and examples of the systems already in place to ensure these spaces are not abused. Finally, I would also hope that it is also made clear by the government that the rights of trans people are not threatened and that they are welcome in single-sex spaces that align with their gender, and not excluded based on their biological sex. Public discourse will continue to threaten the rights of trans people and criticise their inclusion, but I above all hope that the government stands by its trans citizens and their rights as opposed to caving in to threats and demands of transphobic hate.
13. The Bill proposed by the Scottish Government definitely reflects an application process I feel is as rigorous as needed to ensure no fake applicants while reducing the stress and amount of evidence needed to be collected and sent off by trans people just seeking a GRC. Their Bill is more centred around self-ID of a trans person's gender, a move to which I think would make the application process for a GRC kinder and simpler to trans people whilst still being enough of a vetting process to handle fake applications from

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cisgender individuals seeking to exploit what they say as a loophole in the system. I would hope that this inquiry reflects the view of the majority of consultation responses which favoured a move to reform the Gender Recognition Act to be more focused on self-ID, which have been ignored by the government in favour of minor changes which failed to address the real issues that trans people face in obtaining a GRC.

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