

Written evidence submitted by Dr Chris Ellis (GRA0136)

Submitter:

Dr Chris Ellis - Acting in Personal capacity

I am a trans woman who is currently on a waiting list for the NHS gender clinic in the Midlands. I am currently seeking private treatment for hormones owing to the extremely long waiting times in the West Midlands area.

Summary

- The changes are welcome, as any that improve the lot of trans people in England and Wales.
- The proposed changes fall short on many counts, especially as compared to European nations and also compared to new legislation being proposed in Scotland.
- Access to appropriate healthcare and specialises on the NHS is a significant block to many parts of the gender recognition process and improving access to it should be a priority but there are many functions that require a medical input that should not do so.
- The idea of treating trans people as distinct from their sex is dangerous and harmful not just to them but to other and is not justified by any evidence from countries that have not implemented such steps.

Questions 1 & 2:

1. The changes as proposed will make the process kinder and straightforward. I am a trans woman who has yet to apply for her GRC and am not likely to until the medical portion of my transition is further progressed. These changes seem to be a step in the right direction; although personally the old fee was not insurmountable, there are many trans people I have met for whom £140 would be a significant hurdle, especially given that transitioning already comes with significant costs (HRT, hair removal, new clothes, speech training etc.). All of these examples also have more practical use for living day to day as your gender. While I would believe that the cost should be removed entirely, I doubt that would be practical in reality.
2. In my opinion if the cost has to be retained, an appropriate cost would be around the £30-40 range placing it in the same area as other necessary government certification like a driving license. Being able to do it online should make it considerably less hassle to complete and will probably enable wider access to the text of it and easier help with the specifics of the form.

Question 3:

3. The process of seeking medical confirmation is one that is highly mentally difficult already. It is a case of having to prove something about yourself that you know very well to be true to somebody who may not be sympathetic or know you. It is something that badly affected my own mental health for quite some time with those concerns. Gender identity is a very personal thing and the need to prove it is a dehumanising prospect. It is well documented that people exist on a spectrum of gender identity and to have to satisfy a set of diagnostic criteria for what should be a personal choice is in my view a needless and discriminatory

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relic. This is in addition to the fact that actually finding an available gender specialist is very difficult and time consuming owing to the shortage and extremely long waiting lists.

Question 4:

4. The need to produce documentation that you have lived a particular way for years is a needless and difficult hurdle. There are a wide range of reasons why you may not be able to change your official documents at the beginning of your transition. Personally speaking, although I have been living as a woman within my own home and community for nearly a year, I have only just started the process of changing that official documentation. Attempting to justify over the phone that I am a woman regardless of what my voice sounds like is a significant mental jolt, let alone the prospective problems with having to produce a female passport when I still have masculine characteristics. Using documentation that is at odds with your presentation presents such a large safety issue, particularly in foreign travel, that many people are unable to alter their documents until they are many years into transitioning. Therefore, this requirement is actually significantly more burdensome than it may appear.

5. The idea of having to prove to someone that I'm serious about this via pieces of paper is ridiculous to me, the mental strain and obstacles that this process puts in the way are already such that it's not something that can be undertaken on a whim. Having to pass some kind of bureaucratic test to prove me worthy of being a woman is self-evidently ridiculous. Not to mention that many trans people will have highly disrupted lives, particularly young ones, and keeping track of a nebulous mass of paperwork over that time may prove impossible. The decisions of the committee are also very opaque, meaning that it is difficult for people to know which pieces of paper are vital to hold on to.

Question 5:

6. I have no issue with the concept of the statutory declaration form as it stands. (Except where it conflicts with other answers given, for example spousal veto on the married one).

Question 6:

7. Yes the spousal veto needs to be removed. While I appreciate its existence can serve to give appropriate grounds for divorce via the route of an interim GRC it places a degree of authority in the hands of the other spouse to recognise or enable someone to live as their chosen gender. A better route would be via the extension of a no fault divorce perhaps by other legislation.

Question 7:

8. I believe that you should be able to apply at any age for a certificate. I believe that under the age of 16 that should require parental/guardian consent or support. However, in the case of 16-18 year olds I believe that they should be able to apply on their own. Young trans people

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can potentially face an unmanageable home life and prejudice or even abuse from their parents and might be forced to leave their home (See various reports on youth LGBT+ homelessness). Sadly as acceptance of trans people is not yet at a stage where young people can assume support from their biological families and may never be, it's critical for these people to be able to apply to live as the gender that they are without having to deal with potentially very dangerous situations or having to live with the reality that their gender is held hostage by other people.

Question 8.

9. The changes will be welcome and will ease the lives of transgender people, as any positive changes will do. However, I do not believe that they go far enough. The previous consultation held by the government I believe gave a very clear message about what is suitable. I don't want to repeat what has been said at length about this in other media, as I am sure it is well known to the committee. I want to state my complete support for the ability of all trans people to self identify without the bureaucratic hurdles.
10. The Ministers statement brings up the restriction based on biological sex to single sex spaces. There is no evidence of permitting all women (inclusive of trans women) creating any increased risk in those spaces, countries like Norway, Denmark, the Republic of Ireland and Belgium who have self ID legislation have not reported any rise in abuse of women linked to those spaces. Furthermore, trying to police these spaces based on how someone is born would lead to trans women being in significant danger, especially if they are required to use male facilities. It also brings up the potential for discrimination against non-traditionally feminine women, intersex and those that otherwise do not fall into someone's idea of who looks "acceptably" female.

Question 9 & 10.

11. I believe that the government should have included the points I have brought up in previous answers that I will not restate here. Outside of those I believe that the government should include recognition to non-binary people, to abolish the opaque practice of gender panels entirely to decide for us how we can responsibly gender identify. There are many points that the Scottish government has produced superior legislation. A reduction in the need for the length of paper trail for someone living in their new gender to a more reasonable 6 months should help address some of the issues that I brought up. Personally I believe that there should be no such period, simply a stated legal declaration of what you intend however any shorter period is better.

Question 11

12. At a basic level the process of having to prove to someone that I am who I say I am is humiliating and dehumanising. Transitioning and living as a trans person is hard enough without this additional difficulty. That in combination with the price and bureaucratic hurdles is I think a major reason why it's not more widely done.

Question 12

13. I believe that the two acts do have some conflict in their intentions and language. If as in the 2010 act anyone who is proposing to undergo gender reassignment is to be protected and it

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is considered enough to obtain those protections (as it should be). Then why are the requirements for medical and administrative approval set out in the 2004 act so stringent?

Question 13 & 14

14. I do not believe that the provisions in the 2010 act are appropriate in their protections for trans people, as outlined in paragraph 10 in my answer to question 8. To expand on it it gives a grey area for people who are under informed to make decisions that can badly hurt trans people. As outlined there has been no evidence that formally recognising trans people as the gender that they identify as having a dangerous effect to cisgender people who use those same spaces.

Question 16.

15. I believe that the idea of having to specify yourself as being part of the gender binary is a very outmoded way of thinking. The idea that someone's gender or sexuality should be part of the consideration of how they live their life is something that has been comprehensively demolished throughout the last 100 years, starting with the women's rights and moving forward to LGBT rights as they are now. It should be the case that no gender is an acceptable way for anyone to choose to identify themselves in official documentation.

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