

Response to the call for evidence from the Women and Equalities Committee's inquiry into the Government's response to the GRA consultation.

From 14/11/2020, acting in a personal capacity. I am 51, living in England, and I am agender. I also accept nonbinary, trans, transgender, queer and genderfluid as descriptive adjectives of my gender. I am also not out. Please only publish this submission **anonymously**.

Question 1: Will the Government's proposed changes meet its aim of making the process "kinder and more straight forward"?

No.

The costs associated with transition, even on the NHS, are huge. This £140 is a tiny proportion.

Question 2: 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?

Removed.

The state has no business charging someone to correct an administrative mistake that the state made to start with.

Question 3: Should the requirement for a diagnosis of gender dysphoria be removed?

Yes.

Any form of gatekeeping is human rights abuse.

Question 4: Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years?

Yes.

Should be removed, as per Q3.

An alternative, equitable scheme, would be to put *everyone* into gender-limbo at age 18 and at age 20 have them submit evidence accumulated over those two years that they're qualified to live in their gender to an anonymous committee. How popular do you think that would be? Why should it be any different for transpeople?

Question 5: What is your view of the statutory declaration and should any changes have been made to it?

Written evidence by Anonymous [GRA0230]

A legal, statutory declaration makes sense, but the “until death” part is especially problematic for nonbinary people when they may need to transition now to a closer binary gender until nonbinary identities are implemented in the GRA, at which point a second, more accurate, transition would be needed.

Question 6: 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?

It should be removed completely.

I don't remember it as being “for better or worse, in sickness and in health, until death do us part, unless it turns out you're transgender”. I don't see how marriage vows don't cover this, but even if you do want to assume they don't then there should still be no spousal veto as this is simply a denial of human rights. The correct way to implement it would be to allow transition as a (blameless) reason for divorce.

Question 7: Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?

Yes.

Question 8: What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?

Negligible, in general. For me – none whatsoever. The government simply performed a minimal box-ticking exercise.

Question 9: What else should the Government have included in its proposals, if anything?

What was originally proposed by this committee for the GRA was a good start. But for nonbinary people being completely excluded from legal recognition is a denial of fundamental human rights. This is absolutely crucial for me.

Also, since the law has moved on this year, and there is now case law explicitly confirming that nonbinary people are protected from discrimination, reworking the GRA now without supporting nonbinary people would be in direct contravention of the Equalities Act 2010.

Bear in mind also that in this committee's original trans equality report, GRA reform was just one of many recommended actions, and it was not one of the most important recommendations either. The rest have simply been ignored. Sorting out timely trans health care was far more important – waiting times are insane. And reducing transphobia in society and particularly the press ... well, the government have done the exact opposite, encouraging transphobia, by the way they dragged out the GRA review and then did nothing.

Question 10: Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004?

Written evidence by Anonymous [GRA0230]

Yes. It's *more* suitable than the current proposals for England and Wales. It's still completely *unsuitable* for nonbinary people.

Question 11: Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?

It's difficult, demeaning and costly – not just in terms of money, but in mental health. How would you like to submit the validity of your entire identity to a faceless, hidden panel with no recourse to appeal?

Also, in the National LGBT Survey the number of nonbinary respondents outnumbered the transmen and transwomen combined. For us, the system is useless.

Question 12: 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-ish, but I think this is mostly a consequence of the exceptions in the EqA, not the GRA itself. Those exceptions need removing – what's the point of going to the effort of changing your legal sex if the law is then allowed to ignore that change, probably when you need it the most - but I suspect that's a bit out of scope here.

Question 13: 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?

No, A) they're not clear and, B) they're not fair. The exceptions are simply a denial of human rights. They are explicitly discriminatory and could only become fair if we go back to implementing the idea of a gender entrance exam for *everyone* aged 18 along the same lines as the GRA currently has. That idea may seem ridiculous, but it's no more ridiculous than the current exceptions appear to transpeople.

Question 14: Does the Equality Act adequately protect trans people? If not, what reforms, if any, are needed?

No. Remove the single sex exceptions to start with. Which other protected attributes have this half-hearted treatment?

As well as being outdated, the language of the whole act is very, very binary. Needlessly binary. Problematic for people on the gender, and sexuality, “spectra.”

The *real* problem though, is that it is not enforced. Anti-trans hate speech is everywhere, even in parliament and it is not only often tolerated, but invited and encouraged. Such actions should be prosecuted.

Question 15: What issues do trans people have in accessing support services, including health and social care services, domestic violence and sexual violence services?

Written evidence by Anonymous [GRA0230]

On the occasions I've needed it I've not tried for fear of rejection for being nonbinary. That would probably be even more damaging to me.

Question 16: Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how?

Yes.

Yes.

Yes!

Full legal recognition.

Explicit protection in the Equalities Act under sex as well as gender transition.

Please add intersex people in here too.

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