

Introduction

Established in 2010, Suffolk Rape Crisis (SRC) is the only independent specialist sexual violence organisation in Suffolk providing specialist services to women and girls (aged 14 and over) subjected to sexual violence and/or abuse at any time in their lives. SRC is a women only service, providing counselling, outreach, helpline and online support to women and girls across Suffolk.

SRC welcomes the opportunity to respond to this latest consultation on Gender Recognition Act (GRA) reform. As a women-only rape crisis centre, SRC is expertly positioned to respond to many of the issues that this consultation seeks to clarify. SRC strongly supports reforms to the GRA which will make the process 'kinder and more straightforward', however argue that the current proposals will not achieve this aim. Instead, we would urge the UK Government to implement the recommendations of the WESC from 2015.

Any changes to the GRA would have no impact on how we run our service or who is able to access it as the provision relating to single sex services fall within the Equality Act 2010. These changes will have absolutely no impact on the rights of cisgender people, but will send an important and powerful message of acceptance to trans communities.

November marks Trans Awareness Week, Transgender Day of Remembrance and the start of the 16 Days of Action Against Gender Based Violence. These dates act as reminders to us all of the work that still needs to be done to ensure that everyone can live equally and free from the threat of violence and abuse. SRC calls on the UK Government to make a clear stand, ensuring that transgender people are able to access legal recognition and vital services with dignity and free from discrimination.

Q1: Will the Government's proposed changes meet its aim of making the process "kinder and more straight forward"?

Suffolk Rape Crisis believes that the current proposals fall far short of the aim to make the process "kinder and more straightforward". The GEO's own consultation document acknowledged that the process is too 'bureaucratic, costly and intrusive' and so any changes to the GRA need to ensure that the process is less bureaucratic, opaque and medicalising. As a feminist organisation, empowerment and self-determination are key principles under which SRC works and we would urge the UK Government to ensure that these principles are embedded within any changes to the Act.

Even with the concerted effort of opponents to these reforms, a large majority of the 100,000 respondents to the 2018 GRA consultation called for reform to the Act, including removing the gender dysphoria diagnosis requirement (64.1%), the medical report requirement (80.3%), and the spousal consent requirement (84.9%). These recommendations made by the WESC in 2015 represent a more appropriate means of achieving a 'kinder and more straightforward' process to obtaining legal gender

recognition and so SRC would urge the UK Government to honour its earlier commitment to reform the GRA based on these recommendations.

Q2: 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?

Research has shown that the current cost of the GRA application process is a barrier for a significant number of trans people (National LGBT Survey, 2018). SRC welcomes the move to reduce the fee to a nominal amount, but would encourage the UK Government to remove the fee entirely and to set out a clear timeframe for doing so. In addition, SRC believes that medical reports should not be required as this represents an additional financial barrier.

Q3: Should the requirement for a diagnosis of gender dysphoria be removed?

SRC believes that GRA reform should remove the diagnosis of gender dysphoria requirement, as it stigmatises and medicalises trans people and reinforces the false belief that being trans is a mental illness. This is supported by 64% of respondents to the GRA consultation.

SRC believes that the requirement for a gender dysphoria diagnosis means applicants must navigate incredibly long waiting list for Gender Identity Clinics (18 months on average), or else incur high costs for private services. Removing the diagnosis requirement would both increase accessibility of legal gender recognition, and reduce pressure on GICs.

Q4: Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years?

Suffolk Rape Crisis calls on the UK Government to remove the requirement for individuals to have lived in their acquired gender for 2 years. This timeframe is arbitrary and does not acknowledge the day-to-day realities for trans people who are living within a culture of transphobia and inequality. Trans people are more likely to experience homelessness, precarious living arrangements and unemployment than the UK population as a whole. The bureaucracy involved in changing day to day documents means that often trans people's documents do not match their gender.

Many of the women accessing our services have had to flee abusive relationships, have had to move multiple times or have not had a permanent address due to the violence they have been subjected to. This makes it incredibly difficult for women seeking a GRC to provide evidence of having lived in their acquired gender for two years. This wait leaves women in a precarious position in terms of employment and when accessing services, often resulting in them having to 'out' themselves.

Q5: What is your view of the statutory declaration and should any changes have been made to it?

Suffolk Rape Crisis believes that the statutory declaration should be retained, as part of a straightforward system of self-declaration. However, the 'until death' clause is unnecessary. People seeking recognition have a clear understanding of the implications of their decision and fraudulent applications are illegal.

Q6: 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?

The current spousal consent provision in the Act is wholly inappropriate and SRC urges the UK Government to remove this from the GRA. It is wholly inappropriate for a spouse to be able to block someone from having their gender legally recognised. As a service working with women subject to domestic abuse we are all too familiar with the ways that partners or ex-partners may seek to control a woman. Research has shown that abusive partners of trans people use their gender identity as a way of controlling them (Roch et al, 2010), including preventing them from accessing medical and legal transition.

85% of respondents to the consultation did not agree with the current provisions and we call on the UK Government to remove these.

Q7: Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?

SRC believes that GRA reform should make legal gender recognition available to 16 and 17 year olds, in line with comparable rights and responsibilities such as entering the workforce, consenting to sex, and getting married.

Q8: What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?

These changes will make a huge difference to the everyday lives of trans people in the UK. We know that an overwhelmingly high proportion of trans people would like to obtain a GRC (National LGBT Survey, 2018), but the many obstacles and barriers they face within the current system prevents them from doing so. These changes will have absolutely no impact on the rights of cisgender people, but will send an important and powerful message of acceptance to trans communities.

Q9: What else should the Government have included in its proposals, if anything?

SRC believes that the UK Government should include non-binary identities within a reformed GRA, in line with the 65% of GRA consultation respondents who agreed with their inclusion.

Q10: Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004?

SRC supports the Scottish Government's proposed bill to de-medicalise and streamline the current GRA application process, and to replace it with a straightforward system of self-declaration, but we are concerned by the retention of an arbitrary waiting period and a lack of recognition for non-binary people and under-18s.

Wider issues concerning transgender equality and current legislation:

Q11: Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?

SRC believes that the number of applicants is so low because the process is opaque, intrusive, expensive, bureaucratic, and frequently demeaning.

The National LGBT Survey (2018) found that of the trans respondents who were aware of the process but did not have a GRC, the most frequently given reasons were not satisfying the requirements (44%), finding the process too bureaucratic (38%), and the process being too expensive (3%). Only 7% said they were not interested in getting a GRC.

Q12: 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.

Q13: 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?

Q14: Does the Equality Act adequately protect trans people? If not, what reforms, if any, are needed

Reform of the Equality Act is out of scope of GRA reform, and that GRA reform would not affect who can access single-sex services (including women-only services), as noted by the Equality and Human Rights Commission (EHRC).

Suffolk Rape Crisis is a feminist organisation and is one of the few remaining completely women only centres in England and Wales. Our service works on the basis of self-identification and within the principles of the Equality Act 2010. As a team we are committed to ensuring that all women are able to access specialist sexual violence support when and where they need it. As a service we are dedicated to providing a service that is diverse and meets the needs of all women.

Far from being a threat within our services, trans women have always been and will continue to be vital to our sector. Trans women access Rape Crisis centres as service users and are valued and valuable colleagues across the country. Our

services are better because of the contributions that trans women have made. At SRC there have never been any instances where our trans-inclusive policy has been queried or challenged by service users or where women within our service have been put at risk.

Any changes to the GRA would have no impact on how we run our service or who is able to access it as the provision relating to single sex services fall within the Equality Act 2010. We know that trans women are subject to high levels of violence and abuse, including sexual and domestic violence and that there are many barriers that prevent them from accessing specialist support. While we are loudly and proudly trans inclusive, we know that many trans women are reluctant to access services such as ours due to fear of receiving a transphobic response. SRC would be very concerned about any measures that increased the barriers for trans women accessing single-sex services.

SRC believes that the current statutory guidance on the Equality Act 2010 is already clear and usable for those organisations who seek to provide a non-discriminatory service.

Q15: What issues do trans people have in accessing support services, including health and social care services, domestic violence and sexual violence services?

SRC believes it is vital that the UK Government acts to bring down waiting times for appointments at Gender Identity Clinics so that trans people can receive timely and appropriate transition-related health care. The current waiting times are completely unacceptable, causing unnecessary stress and anxiety for people needing these services.

There are considerable barriers for trans people being able to access domestic and sexual abuse services across England and Wales, as has been highlighted in recent research (see for example, Galop, 2019; SafeLives, 2018). One of these is the lack of specialist LGBTQ services outside of major cities and we would urge the UK Government to ensure that future funding for domestic abuse and sexual violence support includes resources for these life-saving organisations.

We know that trans women are subject to high levels of violence and abuse, including sexual and domestic violence. Trans women are not a threat to cisgender women and accusations to the contrary are not based on evidence. Despite this we are aware that services such as ours are being used by a small minority who seek to curtail trans women's hard-fought rights and freedoms. These voices tend to be loud and well-funded, but they do not represent the view of the majority of specialist services such as ours around the country.

Q16: Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how?

Written evidence submitted by Suffolk Rape Crisis (SRC) [GRA0891]

SRC believes that non-binary people should have access to legal gender recognition under a reformed GRA, as well as the option of an 'X' gender marker on identity documents such as passports and driving licenses, in line with countries such as Nepal and Malta.

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