

Written evidence submitted by Disability Action Group, University of Bath [GRA0953]

Response to the GRA consultation from Disability Action Group, University of Bath Diversity and Support group.

We are the Disability Action Group (DAG) at the University of Bath. Our membership includes a wide range of people, including the trans community, who we will work to support in any means we can.

The trans community are known for higher rates of depression and anxiety, often relating to dysphoria. The last few years have been a particularly harsh time as their identities and rights have been placed in the public eye by the initial GRA consultation in 2018. Since then, anti-trans rhetoric has been commonplace in the media and politics, with little pushback or condemnation from the government. This has negatively impacted the mental health of the community and had real impacts on our students, one trans member of Bath University taking her life this year.

For DAG is a matter of protecting the rights of our members and solidarity with other intersecting communities.

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

While the move online will make it less bureaucratic, this does not make it accessible to all. Trans individuals have high rates of homelessness and many will not be able to safely access a computer (especially for prolonged amounts of time necessary for the level of detail the GRC forms require). Vulnerable trans people may also not be able to pay the fees necessary, even if reduced to nominal. As well as this, the creation of new gender clinics do nothing to immediately help the 13,500 waiting patients who will likely not receive the help they need for years.

Should a fee for obtaining a Gender Recognition Certificate be removed or retained?

The fee should be removed entirely. Trans people already have many medical, legal, and travel (to the few UK GICs) costs to attend to.

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

Yes. It can take years to receive a diagnosis, especially with current wait times. This also takes on a cis-centred and pathologizing view of the trans experience, as something to be diagnosed. As well as this trans individuals can struggle to access GICs for a diagnosis in the first place, often due to transphobic doctors or other social barriers (e.g. money for travel, unsafe home environments, access requirements etc).

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

Yes, it should be removed entirely. This often requires proof such as bills or bank statements that some trans people will find difficult to attain. This can be due to banks not accepting name change certificates, or unsafe environments in which to transition. Furthermore, there are many ways to be trans, and there is not a clear measurable tool for identity.

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

There is a significant financial cost to hiring an official to witness your statutory declaration oath. As mentioned above there is also no 'right' way to be male or female, and this is especially hard for non-binary people since they are not given any options. As well as this, statutory declarations can be used against trans people through legal action, again problematic for non-binary people or those with complex and changing gender identities.

Does the spousal consent provision in the Act need reforming?

Yes, this is deeply outdated and would be unacceptable if applied to different groups. It leaves trans people in potentially dangerous environments and with their gender recognition in someone else's hands.

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

These will have very little positive impact on the day to day lives of trans people across the UK. The GRC process itself will remain long, arduous, medicalising, and costly. It will continue to be degrading and traumatising for people to go through: having your identity judged by a panel of strangers who can reject it, along with a difficult appeal process. Ability to access healthcare and GICs will not be improved for years to come, and non-binary people will still not be recognised in any legal sense.

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

We support the following:

- Self-ID rather than using a medical diagnosis model
- Abolition of all fees related to GRCs
- Abolition of spousal consent
- Removal or severe reduction of 'time living in acquired gender' formal proof
- Legal recognition of non-binary people

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

Yes, to an extent. The move of responsibility to registrar general rather than a panel, no medical evidence required, and reduced living as acquired gender proof are all beneficial changes. However, it could still be improved through inclusion of non-binary people (there is currently a work group as oppose to faster legal recognition). Scotland's proposal also doesn't mention spousal consent, as they had already removed it in 2014.

While imperfect, Scotland's proposed changes do offer a better GRC system for all.

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