

Written evidence submitted by Proud2Be [GRA0954]

Proud2Be is a trans-led social enterprise that supports LGBTQ+ (lesbian, gay, bisexual, trans and/or questioning+) people and their families, in South Devon and beyond, to lead empowered, fulfilled, and authentic lives.

Inspired by the mental health issues they faced as a result of the bullying, isolation and discrimination they experienced growing up as LGBTQ+ in a rural village, identical twins Max and Maya Price set up Proud2Be in 2011 by launching the Proud2Be campaign which now features videos and photos from various public figures and members of the public.

In a short time, Proud2Be has established itself as a well-respected social enterprise, facilitating various groups and events in South Devon including inclusive peer support groups, an annual pride event, weekly youth groups, 121 youth support, and a family support group.

Proud2Be delivers interactive workshops to students and awareness training to organisations and schools around the UK.

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

We believe that the minimal administrative changes to improve the process for legal gender recognition of trans people in England and Wales are not sufficient.

We do not think these proposals are adequate and we believe more could be done to reform the GRA to make it 'kinder and more straight forward'.

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?

We believe that the fee should be removed and costs for replacement of official documents such as birth certificates and passports should be significantly reduced.

We feel the current cost of applying for a Gender Recognition Certificate is too high, especially when factoring in the societal stigma and discrimination which often means trans people are excluded from employment.

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

A diagnosis of gender dysphoria positions being trans as a medical condition and therefore we believe this requirement should be removed.

Written evidence submitted by Proud2Be [GRA0954]

Trans people have been fighting stigma and discrimination globally, much of which can be traced back to a medical system that historically has pathologised trans identities as mental illness.

A simple administrative process based on self-determination does not need a medical diagnosis. This is in line with international best practice, for example in Ireland, Malta, Argentina, and Norway.

The ICD-11 (2018) published by the World Health Organisation (WHO) re-frames 'gender identity disorder' as 'gender incongruence' and moves the diagnostic codes from the chapter on mental disorders to one on sexual health.

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

We believe that evidence of living in an acquired gender for any period of time should not be required.

What constitutes evidence of living as any gender is culturally, socially, and historically specific. It is also subject to individual interpretation and preference.

According to the GEO GRA consultation, 78.6% were in favour of removing the requirement for individuals to provide evidence of having lived in their acquired gender for a period of time.

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

There are a number of problematic elements to the current declaration. We think that including a 'reformed' statutory declaration as part of a system of self-determination is a sensible approach, as long as it is the only requirement to obtain a Gender Recognition Certificate.

The process for statutory declaration is simple and straightforward and is used very commonly by people applying to change their legal name. The process is fully accessible and can be done by printing off a basic format from several locations online.

A simple statutory declaration system is widely recognised as best practice internationally, having been implemented in a number of countries.

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While it is important that individuals looking to change their legal gender intend their declaration to be permanent, we believe that the inclusion of an 'until death' clause is unnecessary.

A reformed Gender Recognition Act must recognise non-binary and fluid identities.

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?

We believe that spousal consent provisions, sometimes referred to as 'the spousal veto', must be removed.

The system must enable a trans person to obtain GRC without needing the permission of their spouse.

According to a Stonewall report - more than a quarter of trans people in a relationship have faced domestic abuse from a partner.

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

We believe that all trans people, regardless of their age, deserve respect and recognition. Legal recognition would ensure that no young person suffers because of the discrepancy between their legal and social identities.

We think that the age for gender recognition should be lowered to 16.

The RaRE Study research project 2010 – 2015 found that 48% of trans young people had made at least one suicide attempt in their lives compared to 26% of cisgender young people.

This is backed up by a survey we carried out last year with LGBT+ young people in Devon where:

- 74% of respondents told us that they regularly have panic attacks
- 84% of respondents told us that they have thought about harming themselves
- 79% of respondents told us that they have thought about killing themselves

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

Implementing less costly and bureaucratic processes does not go far enough in making a significant difference for trans people. Therefore, we think that these changes would not have a significant impact on trans people applying for a GRC.

More generally, trans people continue to face huge inequalities across all areas of life.

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

We would say that the GRA needs to be reformed in the following ways:

- the £140 fee to be removed or reduced.
- the requirement of a diagnosis of gender dysphoria to be removed.
- The Gender Recognition Panel to be removed.
- the spousal veto to be removed.
- the two-year waiting time to be removed.
- the statutory declaration to be removed (unless it is the only requirement).
- the age limit to be lowered; legal recognition for non-binary people to be introduced.

We also wish to highlight the many barriers in accessing the GRC process faced by many trans people e.g. with poor literacy, disabled, and asylum seekers.

We believe, Intersex people also should appropriately recognised and included in the reformed Act, offering a pathway specific to them and their needs.

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

The Scottish Government's proposed Bill overall appears more favourable than the English and Welsh proposed Bill, as it intends to reduce the requirement of 'living in your acquired gender' for 2 years, lower the age a person can obtain a GRC from 18 to 16 years old, and abolish the current requirements for medical evidence to be submitted to a Gender Recognition Panel.

[Wider issues concerning transgender equality and current legislation:](#)

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

Obtaining a GRC is difficult, costly, time consuming and intrusive. The National LGBT Survey revealed why so few trans people have a GRC.

2: 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.

There should not be any challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact as to have the protected characteristic of gender reassignment, and therefore to be protected under the Equality Act, trans people do not have to have a Gender Recognition Certificate.

There is a significant amount of misinformation around the way that the GRA interacts with the Equality Act and the Government must do more to clarify with public services and the government that the Equality Act and the GRA do not interact.

3: 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?

We believe, guidance should make it clearer that as a default, single-sex and separate-sex spaces must be inclusive of anyone identifying in line with the gender/ genders they are provided for.

Trans people can and have been using the toilets that match their gender for years without issue. The current media-generated debate that has gained traction since the government consultation on the Gender Recognition Act Reform in 2017, is misleading and is also having a negative effect on many cis people whose appearance doesn't fit the stereotypes of male or female who are increasingly being challenged for simply going into a public toilet.

Trans and/or gender non-conforming people often face threats to their safety when accessing gender-specific toilets. 10% of trans people report being denied entry, assaulted or harassed in gender specific toilets.

A Proud2Be Youth Member said: "I've made a point of not consuming fluids to avoid public loos".

This has led to high rates of urinary tract infections in trans and non-binary people because of feeling unsafe to use public toilets, and so not going when they need to.

'Refuges exist to support vulnerable women leaving unsafe situations. 41 per cent of trans people have experienced a hate crime in the past year.

There are many refuges that already support trans women escaping abuse and it works fine – in fact the majority of domestic violence services in Scotland have been for nearly 10 years (you can read a statement from Scottish women’s organisations here). We must trust that the people running these services know what they are doing. They are the experts at supporting women in these services, after all.

Trans people can and have been using the toilets that match their gender for years without issue. This is another media-generated ‘debate’, and it’s actually having a negative effect on many cis people too; people whose appearance doesn’t fit the stereotypes of male or female are increasingly being challenged for simply going into a public loo.

Having facilities that everyone can use – toilets and changing rooms with private space – is really sensible and many businesses and institutions have been taking that approach without incident for a long time now.’ – Stonewall Report

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

The Equality Act protects all trans people regardless of whether they have taken steps such as obtaining a GRC, having medical interventions or legally changing their name.

Non-binary people should be also protected against discrimination based on their non-binary or fluid identity.

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

Trans people face a multitude of barriers and issues when accessing or trying to access support services.

More needs to be done across the public sector, private sector and VCSE sector to ensure that trans people can access services that are free from discrimination and that meet their needs.

‘In many ways, trans people in the UK face huge levels of abuse and inequality right now. Two in five trans people have had a hate crime committed against them in the last year, and two in five trans young people have attempted suicide. One in eight trans people have been physically attacked by colleagues or customers at work’ – Stonewall Report

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

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As the UK Government's LGBT Report shows, over half (52%) of trans people are non-binary, compared to trans women (26%) and trans men (22%). It seems only right and fair that any reform to the GRA would be centred on the largest population who may need access to legal gender recognition and change. There needs to be a process which is fit and proper for non-binary people to have their identities legally recognised across all arenas where it is recorded, including birth certificates.

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