

Written evidence submitted by The Ozanne Foundation [GRA1052]

Women's and Select Committee – Gender Recognition Process

The Ozanne Foundation is an LGBTI charity which works with religious organisations around the world to eliminate discrimination based on sexuality or gender.

Will the Government's proposed changes meet its aim of making the process “kinder and more straightforward”?

In our view, the Government's response on reforming the Gender Recognition Act has been inadequate. Whilst some of the Government's proposed changes – such as committing to reduce the fee for a Gender Recognition Certificate – will be beneficial, the vast majority of changes do not nearly go far enough and fall far short of the commitments set out in the 2018 LGBT Action Plan, which was based on the needs of the LGBT community as highlighted by the national LGBT survey.

Should a fee for obtaining a Gender Recognition Certificate be removed or retained? Are there other financial burdens on applicants that should be removed or retained?

We think the fee should be removed in its entirety.

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

The removal of the requirement for a gender dysphoria diagnosis is vital. It lengthens the process and can be demeaning for trans people as it associates trans identities with mental illness. Self-determination of gender is a dignity all trans people should be afforded, as is the case in Ireland, Malta, Argentina and Norway. It is worth remembering that in 2018 the World Health Organisation themselves changed the way it categorises trans issues – from *mental disorders* to matters of *sexual health*. It is our belief that the requirement for a gender dysphoria diagnosis is unnecessary, archaic and hurtful.

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

Living in an acquired gender for any period of time should not be required as evidence. The “acquired gender” language is highly subjective. Self-determination of gender is the fairest and easiest way to deal with this.

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

The statutory declaration should be reformed, on the basis of self-determination of gender. It should be made as simple as possible and also acknowledge non-binary and other fluid identities.

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

This provision needs to be removed. It is often referred to as “the spousal veto” and can be really harmful for trans people, especially if they are suffering from domestic abuse or intimate partner violence.

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

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The age for gender recognition should be lowered to 16. Given that many young trans people know what their gender identity is at an early age, we think it important that trans people under 16 should also be able to access gender recognition.

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

Our view is that the proposed changes will have only a limited positive impact, because they failed to address most of the key problems with the process. Trans people face many challenges and inequalities. The Government is missing an opportunity to significantly help trans people.

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

Self-determination of gender for trans people – the gender dysphoria diagnosis should be removed.

Removal of the Gender Recognition Panel

Removal of the spousal veto

Removal/reduction of the two-year waiting time

Lowering of the age limit

Recognition of non-binary people

Recognition of intersex people

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

The Scottish proposals are in some ways more suitable; for example, they lower the age at which a Gender Recognition Certificate can be obtained. They are not an appropriate alternative or template though – it would be much better to look at countries like Ireland and Malta, which have incorporated self-determination of gender for trans people.

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

A key factor is the clear barriers trans people face in applying for a Gender Recognition Certificate.

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.

The Equality Act 2010 is broadly fit for purpose and should not be undermined. It is the Gender Recognition Act 2004 which needed updating.

However, the Equality Act's language does now look outdated. For example, it uses the term “gender reassignment” rather than “transition”. Another example is that it refers to “transsexual” people instead of trans and non-binary people.

The Gender Recognition Act talks about “acquired gender” – not a term trans people would use.

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Better language would be “confirmed gender”. Language should be updated and standardised across both pieces of legislation.

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?

The protections provided in the Equality Act function adequately for service providers and service users. Further reform and guidance is unnecessary as good practice has been firmly embedded by the Equality Act.

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

The Equality Act does not have explicit protections for non-binary people.

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

Trans people continue to face discrimination and many inequalities, across both the public and private sector. One of the areas that concerns us most is gender identity “conversion therapy”, which is often practiced by religious groups. The Government must ensure that in delivering on its promise to ban conversion therapy it affords equal protection to trans people as to lesbian, gay and bisexual people.

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

The Gender Recognition Act should recognise non-binary identities. Changes to identity documents and records to reflect non-binary identities would also be welcome.

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