

Written evidence submitted by METRO (GRA1226)

Women and Equalities Committee parliamentary inquiry evidence: **Gender Recognition Act consultation**

Prepared by

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Submitted

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Abbreviations

GI	Gender identity
GIC	Gender Identity Clinic
GRA	Gender Recognition Act
GRC	Gender Recognition Certificate

Context

METRO Charity has a long track record in serving diverse communities both in terms of sexual orientation and gender identity, as well as other protected characteristics formerly as the Greenwich Lesbian and Gay Centre in the mid-1980s. In 2008 the charity revised its constitution to include ‘any person experiencing any issues relating to gender, diversity, sexuality and identity, further articulating a specification for transgender support in 2015.

Our current services which are used by people identifying as non-binary and transgender – among other gender identities – include counselling for young people and adults, youth groups across south-east London with a trans-specific group METRO Transcend, a new one-to-one support service for young trans people, a mental health drop in group, a hate crime service, HIV prevention and sexual health support.

Like many national organisations working directly with service users who are trans or who identify as non-binary, gender queer or other diverse gender identities, we are deeply dissatisfied with the Government’s response to the in-depth 2018 consultation to which we contributed on reform of the Gender Recognition Act and believe that amendment of this legislation is needed. We echo the calls of our allies in organisations such as Mermaids and Stonewall.

We have published articles recently on our website regarding the GRA:

Call for Prime Minister to intervene on GRA reform

<https://metrocharity.org.uk/news/2020/jun/16/call-for-prime-minister-to-intervene-on-gra-reform>

(16 June 2020)

METRO welcomes reforms to GRA but concerned still falls short

<https://metrocharity.org.uk/news/2020/sep/22/metro-welcomes-reforms-to-gra-but-concerned-still-falls-short> (22 September 2020)



Approach

Contributors

METRO held a recorded virtual meeting on Teams inviting staff, volunteers, and service users to openly share and contribute their views on the questions in the inquiry. This encompassed those with lived experience who identify as non-binary, trans, gender queer and other diverse gender identities, as well as METRO staff who are working on relevant areas of service delivery and who have policy expertise in this arena, a number of whom also identify as non-binary or trans.

The meeting was chaired by our Chief Executive Officer Dr Greg Ussher who is a nationally-recognised sexual orientation and gender identity (SOGI) expert.

Participants

METRO staff/volunteers

Mark Delacour (he/him): Director of External Affairs

Nicholas Duchenne (they/them): volunteer, LGBTQ+ Mental Health Drop In group

Richard Eason (he/him): COVID-19 Response and Link Manager

Saxon Hailes (they/them): Hate Crime Officer, Greenwich and Lewisham

Emma Jones (she/her): Head of Insight

Catriona Scott (she/her): Community Support Officer - LGBTQ+ Mental Health Drop-In

Alex Thomas (they/them): LGBTQ+ Youth Worker

Dr Greg Ussher (he/him): Chief Executive Officer (CHAIR)

METRO service users

Satori-Jaxx Blu (he/him): LGBTQ+ Mental Health Drop In service user

Alexandria Hassett (she/her): LGBTQ+ Mental Health Drop In service user

Other contributions

Taz Edwards-White, Alliance Manager, METRO: email contribution

Young person aged 16, member of a METRO LGBTQ+ youth group – semi-structured interview



Summary points on the Inquiry's Terms of Reference

- METRO advocates self-identification of gender identity rather than a medicalised model requiring gender dysphoria diagnosis
- People aged 16-18 should be eligible to apply a Gender Recognition Certificate (GRC)
- GRC application process should be less bureaucratic and needs to include people who are digitally excluded
- Waiting times for GIC appointments are upwards of two years and the impact of people living in legal limbo is having a disproportionate impact on mental health – proposed GIC increase is insufficient
- Non-binary identities and other diverse gender identities are not included in the Gender Recognition Act - this is simply out of step with society and not fit for purpose
- Primary and secondary schools need widespread training on gender identity issues to support young people appropriately and to reduce negative mental health outcomes for young people who may identify as trans, non-binary, or other diverse gender identities
- The two-year prescribed period for living within one's gender identity is arbitrary and the 'rules' for how to do this are unclear
- Non-binary, gender queer and other non-mainstream gender identities should be recognised in all public documentation and legal processes

Question responses and evidence

METRO's assembled respondents chose to focus on the questions that are most pertinent to our services that relate to gender identity, including not exclusively: youth groups, one-to-one support for young trans people and LGBTQ+ counselling for young people and adults.¹

The Government's response to the GRA consultation

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

We thought the concept of kindness was highly subjective for an aim relating to this key piece of human rights legislation. In terms of the Government's proposals on the GRC application process, our contributors were concerned about the emphasis on the GRC itself:

¹ We did not have significant representation from our HIV or sexual health services from a diverse gender identity perspective.



Applying for a GRC anyway is generally not the most important part of people's transition at the moment, as it stands because it's at the end of the process, normally. You can't get one if you're non-binary so it's not kind or easy on us.

Additional GICs are welcomed by METRO but we do not think that this quantity will meet the demand and sufficiently reduce the waiting times of two or four years that our contributors have personally experienced, and their peers awaiting appointments.

This crisis has been hugely exacerbated by the COVID-19 pandemic and given our mental health support services to non-binary and trans people we are very concerned about the issues such as suicidal ideation that our service users are experiencing, both young people and adults.² Those questioning or realising their gender identities need appropriate counselling support to mitigate the time spent in limbo in the current, imperfect, legal gender recognition system. Organisations such as METRO providing these services are under-resourced to meet the demand for both young people and adults requiring this specialist support, further increased because of the COVID-19 pandemic.

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?

Many of METRO's service users are on low incomes and/or social welfare benefits, and this applies to many of our service users who are experiencing gender identity issues – the significance of income inequalities experienced by these individuals is an issue that is under-recognised. As one contributor illustrates, it is not just the fee for the GRC if that were a 'nominal amount' but the associated costs embedded in the medicalised model of transgender identity legal recognition:

As a trans woman I've been through the process and it is just so expensive even for the unemployed because you still have to pay the gender clinic for proof and you have to pay your GP for proof which last time I checked works out about £100...

There are additional costs beyond medical diagnosis and GRC application, such as changing gender identity on official documents, including passports, adding to the overall cost of transitioning.

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

METRO advocates that gender identity should not be a medical or pathologized process, and that self-identification would be a more equal and appropriate model for establishing a range of gender identities legally.

We note the inadequate level of training and specialist knowledge in primary care for serving people approaching their GPs with gender identity issues and potential gender dysphoria diagnoses for referrals to GICs and to apply for a GRC.

² Suicide Rates of trans kids is a national scandal, says charity Mermaids (10/09/201) <https://www.pinknews.co.uk/2019/09/10/world-suicide-prevention-day-mermaids-trans-kids-gender-recognition-act/> (accessed 25/11/2020).



Overall, our consultation on this Inquiry reflected that the societal and culture shift has outpaced both the statute books and the proposed changes to the GRC process/expansion of GICs offer in reflecting the lived experiences and needs of the people we serve, our staff and our volunteers. Quite simply that diagnosing 'gender dysphoria' as a medical process is outmoded.

These contributions reflect diverse perspectives on the experiences of transgender and non-binary people, and those defining in other diverse gender identities whom we serve:

It's just shocking that it's a mental health diagnosis, just like homosexuality [historically] was an identity issue that we were pathologizing.

It's very difficult for people who are early in their transition; they're the ones that have the hardest transition because they are the least likely to pass.

...there's not even a diagnosis for non-binary people so you are either 'trans enough' or you're not which puts a lot of pressure on you to feel that you are trans enough and that you will pass their test at the GIC.

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

No: We view the two-year timeframe as an arbitrary period that is also complicated emotionally in terms of transitioning with the various time periods associated with: internal or private 'coming out', and then the stages of public coming out: to family, friends, health professionals, at work, educational institutions etc.

We noted issues such as the particular vulnerability of young people and those who may have lost their support networks due to transphobic issues and not being accepted hence being made very vulnerable to prove they have lived for two years in gender identity limbo.

In our contributors' own words:

In terms of living for two years ...it pushes people towards that medicalisation process, and I don't think necessarily that's right for everyone. If we didn't have the two-year thing, it might remove some of the stress.

... people don't realise how gruelling the whole process is, that there's a wait and then another wait ... and so from the idea to the implementation, there are simple ideas, but the implementation is complex.

Your family might have rejected you, and your friends, you might be living in the middle of nowhere where there aren't any support groups and you're like, well, this is why the trans suicide rate is through the roof.



Should the age limit at which people can apply for a GRC be lowered?

METRO's experience of serving young people through LGBTQ+ counselling and our eight LGBTQ+ youth groups in south-east London has established a need from our service users for their trans or non-binary identities to be recognised in schools and other key settings in order to provide the services and support they should be entitled to, for example to reduce their vulnerability to bullying and other discrimination. As one of our LGBTQ+ youth worker explains:

From my work with young people, schools don't always know what they're doing. One of my young people was told their name couldn't be changed on the register. Having things like a GRC at 16 would really help cut out all this bureaucracy, misinformation and some things that are either down to organisations' or schools' individual judgment and compassion ... It can be a bit of a minefield to understand what you're obligated to do, and if you've got those certificates it could be a lot easier.

A parent of a young person identifying as non-binary added:

...not being able to have any recognition has resulted in them being bullied and targeted in school, and this very real-life impact which is just harrowing, and we really need to open that up to support young people.

Our consulting group also noted that the availability of a self-identifying type of GRC for under 18s would provide legal recognition for how they self-identify, while it should not exclude the potential for amendment to that certification at a later date in the event that their gender self-identification changes.

A separate consultation with a 16-year-old LGBTQ+ youth group member provided further insight:

It is us this is affecting so we should be able to apply. It could probably stop less deaths from happening in the LGBT community in the future. It would benefit me, and I know a lot of people are struggling with their mental health because they can't do anything about it yet. You can get married at 16 but not under the right gender.

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

Moving the whole procedure online discounts the needs of people who are digitally excluded, an issue that METRO has been dealing with in services such as our LGBTQ+ Mental Health Drop-In, at which over 50% of the people are unable to participate in the online offer due to a combination of factors contributing to their digital exclusion, including low incomes, digital illiteracy and lack of internet access – such issues that have been exacerbated by the pandemic, when people might have previously been able to access a library, are not only the consequence of the COVID-19 pandemic but have been exposed because of it.



The nominal amount for the GRC does not account for the additional costs of changing one's gender identity nor potential private medical costs for those who are unable to access NHS care in an acceptable timeframe.

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

- Inclusion of non-binary and other diverse gender identities
- Revision to the emphasis on non-expert primary care professionals diagnosing gender dysphoria and gatekeeping GIC referrals
- Fee for GRC should not be seen in isolation from other costs associated with statutory documentation relating to transitioning
- Lowering the age of GRC application to 16, including without parental consent
- Marriage equality protection for those identifying as non-binary or other diverse gender identities
- Consideration of the impact of intersectional issues and inequalities alongside gender identity, including ethnicity, sexuality, disability, and other protected characteristics

Wider issues concerning transgender equality and current legislation

Does the Equality Act adequately protect trans people?

We do not advocate reform of the Equality Act in the context of GRA reform or the TOR of this Inquiry.

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

Our service user could not access domestic violence refuges because of their gender identity:

I've spent most of my life in the closet; I'm 31 now. I finally hit breaking point a couple of years ago. I tried to come out; I started off transitioning to non-binary because it felt psychologically easier and safer. It wasn't. I was nearly killed. I still haven't been able to get access to GIC, or many trans services. And we wouldn't still be here if it wasn't for METRO.

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

The GRA does not make any provision for protecting the rights to gender identity recognition and equality of access to services for those identifying as non-binary, gender queer or other diverse gender identities. As one of our staff members who identifies as non-binary points out:

There's not even an option on a passport to tick a non-binary option. For a lot of people, a GRC is not applicable.

Furthermore, there are issues of marriage equality for people identifying as non-binary who cannot obtain a GRC to recognise their identity:

Without a GRC, I would have to get married as a woman and I don't know if I want to. I'd like to get married. I mean, I'm single - no plans! - but if I had the opportunity, I'm for



marriage but I don't want to be registered as a woman when I get married. Do we really have marriage equality if I'm sitting here saying that?

METRO also notes the progress of some countries as exemplars in progressing the legal recognition of non-binary gender identities, such as Germany, and endorses these legal developments that would better protect rights, provide equality of access to services and reduce negative mental health impact among other outcomes.³

Recommendations

Services and Support

METRO provides direct services to people identifying as trans, non-binary, and other self-identifying diverse gender identities, however we are aware of the limits of the current targeted statutory and third sector services' provision through areas that require additional resourcing and focused development to appropriately support the diverse health and wellbeing needs of individuals and communities holistically.

The following service areas are either in need of further support and resources, are either non-existent or not widespread:

- Gender identity counselling for all young people up to 25, with particular provision for under 14s (at METRO, this age group has not received remote counselling during the COVID-19 pandemic for safeguarding reasons)
- Support groups for parents identifying as trans and/or other non-mainstream gender identities need funding and support across communities in England
- Support for parents of non-binary and trans young people is needed to help them advocate for their children and enable them to celebrate being parents of trans, non-binary, and children expressing other diverse gender identities
- More trans-specific mental health support needs to be made available in communities that can be accessed in a timely way given current waiting times for GIC appointments
- Training for the public and private sector on gender identity awareness and issues: METRO is a leader in this field however funding is needed to ensure this training is widespread

³ Non-binary Gender Registration Models in Europe. Report on third gender marker or no gender marker options. Lena Holzer (September 2018), pages 26-28: https://www.ilga-europe.org/sites/default/files/non-binary_gender_registration_models_in_europe_0.pdf (accessed 23/11/2020).

Transgender Laws in Transition: European Courts on Non-Binary Gender Recognition. (Tuur Desloovere, 11/08/2019) Oxford Human Rights Hub: <https://ohrh.law.ox.ac.uk/transgender-laws-in-transition-european-courts-on-non-binary-gender-recognition/> (accessed 23/11/2020).



Culture and Society

There was an overwhelming sense in METRO's consultation on this Inquiry that there is a need for a cultural and societal shift that promotes, systemically, a wider recognition of diverse gender identities in all public institutions to combat misinformation and reduce the potential for discrimination and inequality for those who want to determine their own gender identities.

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