

**WHRC response to WESC GRA consultation
November 2020**

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

The proposed changes will make the current GRC process quicker but not 'kinder'. Obtaining a GRC allows people to pretend to themselves and to others that they have changed sex, which is impossible.

It would be kinder to inform patients of the difficulties of living as a stereotypical performance of the opposite sex, of the downsides and side-effects of hormone treatment and experimental surgery (including sterility and loss of sexual function) and ensure that they understand that humans can never change sex. Comprehensive psychological assessment should be provided to ensure the applicant understands the consequences.

35 clinicians have resigned from leading UK gender clinic, the Tavistock, over failures to provide acceptable psychological assessment and treatment to trans-identifying children.

"...very many vulnerable children have been very poorly treated and will be left with, potentially, a lifetime of damage here..."

<https://www.bbc.co.uk/news/health-51806962>

<https://www.telegraph.co.uk/news/2019/12/12/childrens-transgender-clinic-hit-35-resignations-three-years/>

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?

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

"If no diagnosis of gender dysphoria is required in order to change your sex on your birth certificate the government would be coding 'gender ideology' into British law. The law would say a man is a woman if he says he is; that 'gender identity' overrides biological sex." Transgender Trend

The concept of 'gender ideology' over-riding biological sex is already harming women, such as those sexually assaulted in prison by trans-identified male prisoners and those attacked on closed mental health wards that should be single-sex and have instead become single 'gender'.

Boundaries between the sexes in schools have already been severely eroded as 'gender identity' has taken hold, despite the documented epidemic of sex attacks on female pupils by male pupils. Removing the need for a diagnosis of dysphoria will make it even harder for schools to retain their single sex boundaries and keep girls safe.

<https://www.theguardian.com/lifeandstyle/2017/dec/12/are-we-ignoring-an-epidemic-of-sexual-violence-in-schools>

The British government must not encode gender ideology into law and tell the population that biological sex is irrelevant to their lives.

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

Yes. The government should define what it means to live 'in their acquired gender' otherwise the system will be abused. Prominent trans activist Freddy McConnell received IVF treatment and conceived her child shortly after obtaining a GRC that claimed she was 'living as a man'.

<https://www.theguardian.com/society/2020/nov/16/trans-man-loses-uk-legal-battle-to-register-as-his-childs-father>

"Ten days after he legally became a man, he accessed sperm from a donor and because he had decided to keep his womb, was in the position of being a pregnant man."

<https://www.dailymail.co.uk/news/article-8953783/Transgender-man-34-loses-legal-battle-named-father-childs-birth-certificate.html>

The two-year requirement should be retained to give a person time to monitor their symptoms. Applicants can assess how their mental health responds to their performance of sex-stereotypical behaviours and consider other ways of addressing body dysphoria.

<https://www.bbc.co.uk/news/health-50548473>

The question itself suggests that there is a government-mandated way to live as a man or as a woman, which is regressive and can only be based on outdated, harmful sexist stereotyping.

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

The current statutory declaration contains no mechanism for reversal and therefore makes no provision for the increasing number of people who wish to revert to their birth sex.

<https://news.sky.com/story/hundreds-of-young-trans-people-seeking-help-to-return-to-original-sex-11827740>

"I'm in communication with 19 and 20-year-olds who have had full gender reassignment surgery who wish they hadn't, and their dysphoria hasn't been relieved, they don't feel better for it..."

<https://quillette.com/2020/01/02/the-ranks-of-gender-detransitioners-are-growing-we-need-to-understand-why/>

"As Dr. James Cantor wrote in a peer-reviewed journal article published last month, there are few studies examining adult outcomes for children who present as transgender; and those few studies indicate that the majority of pre-pubescent children who present as transgender eventually drop their trans identity and desist to their natal sex."

Applicants must be allowed to change their minds if they feel they have made a mistake without being criminalised.

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?

Written evidence submitted by Women's Human Rights Campaign (GRA1235)

If one partner in a marriage wishes to obtain a GRC the other partner must continue to be allowed to exit the marriage, the terms of which have changed without their consent.

<https://makemorenoisemanc.wixsite.com/mysite/post/trans-widows-and-the-spousal-veto-a-modern-fable-of-male-entitlement>

"[Spousal consent] gives any woman who does not consent, the space to get the marriage annulled/dissolved before her husband legally changes sex and becomes her wife. It prevents her being in a same sex marriage that she didn't sign up to."

<https://uncommongroundmedia.com/spousal-exit-clause/>

"Why should history be rewritten to say that I married a woman? It would be legal conversion of my sexuality, and we're against that sort of thing now."

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

No. Young people suffer from body dysphoria for a number of reasons and must be allowed to reach adulthood before committing to this process. There is evidence that the brain does not stop developing until the age of 25.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2892678/>

"Longitudinal neuroimaging studies demonstrate that the adolescent brain continues to mature well into the 20s. This has prompted intense interest in linking neuromaturation to maturity of judgment."

<https://www.bbc.co.uk/news/magazine-24173194>

"New guidance for psychologists will acknowledge that adolescence now effectively runs up until the age of 25 for the purposes of treating young people."

Young people must be offered comprehensive assessment and access to psychological treatment to help resolve their body dysphoria. The vast majority of children who identify as 'trans' desist once puberty has finished.

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

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

The government must include definitions of terms to make the process clearer and less open to abuse. These include:

- *Woman – an adult human female of any age, which is a protected characteristic under CEDAW*
- *'Gender' – a performance of stereotypical behaviour of the opposite sex*
- *A scientific definition of what 'trans' and 'transgender' mean*

Comprehensive support for teenage mental health services, drugs rehabilitation and alternatives to harmful online 'support' groups.

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"Parents describe that the onset of gender dysphoria seemed to occur in the context of belonging to a peer group where one, multiple, or even all of the friends have become gender dysphoric and transgender-identified during the same timeframe. Parents also report that their children exhibited an increase in social media/internet use prior to disclosure of a transgender identity. Recently, clinicians have reported that post-puberty presentations of gender dysphoria in natal females that appear to be rapid in onset is a phenomenon that they are seeing more and more in their clinic."

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0202330>

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

"The Scottish Government's Equality Impact Analysis fails to understand the current law with regards to when a person has obtained a female legal status using a GRC. It has not identified nor has it analysed the impact of gender recognition reform on sex-based rights. There are many sex-based rights, which are negatively affected and in the case of equal pay, completely extinguished by suspending recognition of a person's biological sex." Impact of Gender Recognition Reform on Sex-Based Rights, Murray Blackburn Mackenzie, February 2020

<https://mbmpolicy.files.wordpress.com/2020/02/impact-of-gender-recognition-on-sex-based-rights.-r-bull-11-feb-2020.pdf>

Wider issues concerning transgender equality and current legislation

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

Many organisations, such as Stonewall, Mermaids and Gendered Intelligence, have given the impression that self-ID is already the law. Government organisations such as the EHRC, the judicial system, the prison service, the police and the NHS have also acted ahead of the law and changed their rules to accommodate self-identification of sex. 'Sex' is the protected characteristic under the Equality Act 2010, yet many organisations erroneously list 'gender identity, leading to the impression that anyone who declares they are the opposite sex must be treated as such under the law.

There is also evidence that 'transgender' status is growing among the young, particularly girls, who see it as a way to validate themselves and escape harmful sex stereotypes.

"The minute she announced she was trans, she received immediate valorization and made many 'friends'."

"No matter what other problems they have, the minute girls announce they are trans, "nearly every adult, even medical professionals, regard them with the awe owed a prophet, not the skepticism usually applied to a suffering teen." Shrier deduces, "Understood this way, trans is something you might want to become, even if you aren't suffering gender dysphoria."

<https://thepostmillennial.com/why-are-teenage-girls-afraid-to-be-women-a-new-book-explains-their-flight-from-biological-reality>

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0202330>

Are there challenges in the way the GRA 2004 and the Equality Act 2010 interact? For example in terms of the different language and terminology used across both pieces of legislation?

Yes. The term 'gender' has no basis in law and should be removed from all legislation. Terms used in the UK should follow those of CEDAW, to which the UK government is a signatory. Where the government has used 'gender' it should be replaced with 'sex'.

"In the scientific world, confusing gender and sex reifies—instead of correcting—inaccurate language and encourages others to do so by replication. In the human world, confusing gender and sex damages people who reject gender norms..."

Richie, C. Sex, not gender. A plea for accuracy. *Exp Mol Med* 51, 1 (2019).

<https://doi.org/10.1038/s12276-019-0341-0>

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

The Equality Act must define 'trans people'. If it is understood as people living as a performance of opposite sex stereotypical behaviours then they are already adequately protected under existing human rights law. The government must also define 'protect' – 'trans people' cannot be protected from people who refuse to believe that they are the opposite sex as this would mean imposing a system of belief on the UK population.

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

'Trans people' can access healthcare and support services in the same way as everyone else in the UK. A 'trans' teenager is currently taking the Tavistock to court over a year-long wait for referral to 'gender' services but although this seems like a long time, it is comparable with access to other services and better than many. Referrals for ADHD and autism diagnosis can take several years.

"The teenager has waited over a year for referral to the only NHS gender clinic for children and adolescents."

<https://www.bbc.co.uk/news/health-55015959>

There is no evidence that trans-identified people have trouble accessing non-trans-specific healthcare. Healthcare providers must be very clear that patients must be honest with them about their sex, not their gender identity, because failure to treat people according to their sex could be fatal. For example, if men receive a blood transfusion donated by a woman "...researchers discovered men under 50 were 1.5 times more likely to die in the three years following a transfusion if they received a red blood cell transfusion from a woman donor who had ever been pregnant."

<https://www.scientificamerican.com/article/blood-boundaries-should-transfusions-be-matched-by-sex/>

Another example is heart attacks, which present differently in men and women. If a trans-identified woman is suffering from female-specific symptoms healthcare providers must be able to treat her as a woman even if she presents with male sex stereotypes. Healthcare providers, especially those supplying surgeries and hormones to trans-identified patients must be required to make it absolutely clear that none of these treatments will change a patient's sex.

Written evidence submitted by Women's Human Rights Campaign (GRA1235)

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

No legal reforms are required because in the UK people can present in whatever way they like. The government should undertake research and education to halt the toxic relationship our society has with sex stereotypes and sex stereotypical behaviours.

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