

Dear Women & Equalities Select Committee,

Many thanks for this opportunity to submit evidence to your inquiry. Below are my answers to the outline questions set out in the Call for Evidence on your official website.

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

There is nothing in the proposals, insofar as they have been published, that does anything much to achieve this. Major issues for me include the faceless nature of the process, the lack of any facility for challenging decisions, and the overall attitude of the gender recognition of the panel.

The latter, from experience of others who have sought gender recognition, is that this is increasingly adversarial, seeking to challenge claims, rather than work with the applicant to achieve an equitable outcome.

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?

Any proposal to reduce the expense of a process is to be welcomed. In practice, though, the major costs are created by other requirements, such as additional psych evaluations and further medical reports.

More broadly, the idea of requiring a fee before an individual may assert a simple fact of identity is deeply repugnant.

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

Yes. This is a life-changing decision and there is no evidence of any significant abuse of gender recognition processes in the growing number of other jurisdictions across the globe where such a diagnosis has been removed.

If government is not prepared to drop demands for a psych diagnosis, at very least, common sense ought to prevail, in respect of those who have undergone gender confirmation surgery.

The idea that individuals might undergo such an intervention but then fail to obtain a psych diagnosis is just perverse. (What are they fearful of? That I might seek to have certain bits sewn back on?)

Further, this was the position accepted by the panel in the early days of operating the GRA, as a means to catch up on an initial backlog of cases. So it is presumably permissible within existing law.

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

Yes. This is an artificial requirement, set up by medical professionals as a means to protect their backs from any chances of “regretter lawsuits”. It is not universally accepted, even within the medical profession: further, guidelines for treatment set a lower time limit (three months before HRT and one-year before surgical intervention).

The current requirement creates anomalies: individuals who have been living in role for many years but have moved home in the last two may find it difficult to satisfy (especially as organisations are increasingly moving away from providing paper records of transactions).

At the same time, with the massive growth in UK transphobia, living “in role” before they achieve a level of personal transition is increasingly risky for many individuals.

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

No strong views. Other than that this is added bureaucracy and reliance on a particular legalistic form. A few years back I amended significant details of personal property ownership using a device known as a Statement of Truth. This approach was one route advocated by the Land Registry.

In other words, government could perhaps think a bit harder about how it underpins evidence.

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?

Yes. Once upon a time, women required their husband’s permission to open a cheque account. The UK rightly abandoned that practice many decades ago. That leaves the spousal veto as the only instance where one party to a marriage may veto the conduct of the other.

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

Individuals may choose to have – or not have – children, join the army (and potentially kill people), have surgery, and move home aged under 18. What makes gender so special or magical in the hierarchy of decision-taking?

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

They do not help.

They leave people like myself (who am now thinking about obtaining a grc some years after transition) in a state of apprehension. The list of evidence required by the panel is geared towards demonstrating “change”. But I have been living as myself for so long that such evidence is now thin on the ground.

I must also obtain medical reports and psych evaluations from those involved in my transition, even though one individual has now retired and I am not sure how I would find the second.

And even if I got such reports, my concern, from speaking to others who have been through the process is: if I/they do not second guess the panel's exacting demands in respect of language used, I could submit a diagnosis in good faith and still see it rejected.

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

Recognition for non-binary individuals.

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

From what I do know of that proposal – lowering of age limits, recognition of non-binary people and streamlined process - yes.

I have also answered your questions about the wider issues relating to trans equality:

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

One very obvious reason was that the original GRA was created in response to a particular problem: trans people being unable to access equitable pensions or insurances due to the failure of those industries to recognise their transition.

With changes to the law, brought about in large part by the Equality Act, both those areas are far less problematic (though not entirely problem-free).

The Committee should be careful to distinguish “people identifying as transgender” from “people identified as transgender”. The latter category, as set out in evidence to previous sessions of this Committee, may be as many as 600,000 plus: and against this figure, the number of individuals granted a grc is less than 1%.

Bear in mind, though, that a very large proportion of trans people are not out and therefore it would make no sense for them to seek to amend their gender status (or indeed, make any use of facilities in their identified gender). At the same time, it is increasingly clear that non-binary individuals are a far larger proportion of the trans community than binary trans men or women.

A more sensible estimate of the numbers transitioning or transitioned would be c. 50-60,000, putting GRA take-up at c.8% - 10%: still low, but not as low as some have suggested.

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.

Not especially.

The legislative intent appears clear: but there is always scope for lawyers to nitpick when it comes to legislation. This is what has been happening with a series of targeted cases by anti-trans activists, exploiting austerity as a way to achieve maximum disruption for minimum legal output.

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?

See above. Almost all guidance is clear and useable, and has been so for some time. What has changed is a slew of targeted cases designed to exclude trans people from spaces where they would be safe or to create sufficient uncertainty that they are afraid to use such spaces.

In this respect, qv. recent work by GALOP revealing that over half of trans people are now too afraid to use public toilet facilities.

Beyond that, the Committee needs to get past the considerable misinformation peddled by the media. For instance, it is regularly asserted that:

- A prisoner *must* have a grc to move from one prison estate to another
- If they have a grc they will automatically be moved/prisons have no choice but to move them

Neither claim is true. Individuals *may* be moved if certain pre-conditions are met: and requests to be moved *may* be refused where the safety of other prisoners might thereby be put at risk.

In respect of women's refuges: trans women have been using these and working in them for decades. Submissions by organisations that run such refuges have consistently pointed to this not being an issue. Yet, it is subject to constant and misleading media inquisition.

The only confusion is that being sewn by those who would wish the public to be confused on these matters.

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

On the whole, yes. Non-binary and/or gender fluid identities should be included, as now appears to be the de facto legal position.

It would also help if government stopped being quite so nervous in defending it. For instance, I am very concerned that the Minister for Equalities appears to have shown

no interest in the string of court cases designed to chip away at support for trans children in schools.

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

This has always been patchy. In some areas (my own included), support from health professionals has been excellent. At least, it has been excellent with one exception, which is the way I was treated in my brief encounter with the official NHS GID service, where I was needlessly humiliated by a clinician and left briefly suicidal as a result of that individual's insensitive handling of my case.

There are significant issues now for people attempting to access NHS services relating to gender recognition. That is in part due to under-funding and massive waiting list. It is also in part due to UK health professionals attempting to treat trans healthcare as a sort of "closed shop".

They do not have the resources adequately to support trans people. But they are going to move heaven and earth to prevent those outside the official consensus from doing so. This is leading more and more trans people to self-medicate and to set up mutual support groups to work outside the NHS.

In addition, I am aware, from writing about trans issues for many years, that the UK is broadly good, tolerant. However, the incidence of discrimination and violence against trans people remains high and has become very much higher over the last few years. In addition, the absolute outpouring of hate from most UK media in that same period has created a climate where many trans people are now fearful to engage with public services they once used with confidence, for fear of backlash.

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

Yes.

As for how: I am not non-binary, so would not presume to speak over non-binary people on this issue.

Instead, maybe, how about parliament talking to non-binary individuals and organisations?

That covers off the official answers. I would like, though, to add a few comments of my own:

- The mishandling of the GRA has provided a golden opportunity for transphobes, in the media and in the wider political comity to attack trans people wholesale;
- That has created widespread fear leading to mental health issues (a report published by Brown University in November 2020 provides evidence of that view) and to many trans people now self-limiting in ways they did not before;

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- The absence of the Minister for Equalities in standing up for trans people – not to mention the strong impression given that the Minister doesn't really believe in trans people having rights – has been significant;
- The amends to the process set out by the Minister are little more than a sop: the barest minimum the Minister believes they can get away with;
- One bright spot in the Ministerial announcement was the suggestion that the process would be digitised. However, the lack of any engagement by government with the trans community on such a project suggests that far from being used as a means to improve matters, we are likely to see a cheap and cheerful “just scan your documents” approach;
- This would be a missed opportunity: and if applied too rigidly could well make the process even harder and more costly for those without easy access to IT resource;
- In the end, Prime Minister Theresa May proposed a simple administrative reform that could have improved matters for the UK trans community and brought the UK into line with a growing number of countries around the world;
- Through mishandling, this simple proposal has been converted into an all-out attack on trans people in the UK, with every aspect of trans life now being placed under the microscope by a bevy of hostile individuals with no real experience of transness;
- It has been a disaster for trans people. The very least that government could do now is to apologise;
- Even better, someone might remember that being trans is recognised as a valid category of being: as valid, when it comes to being protected from hatred and discrimination as any other protected category – and not the uninvited guest at the Equalities banquet.

And that, I think, is that.

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