

Written evidence submitted by Ms A Oliver [GRA1356]

The Government's response to the GRA consultation

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

1.1 I recommend that the GRA is repealed and replaced with another mechanism that allows transgender people to live in their acquired gender, without changing their legal sex status.

1.2 This is because changing legal sex is a substantial step with far-reaching implications. The potential benefits to the individual of changing their legal sex needs to be weighed up against the negative impacts for society.

1.3 One impact is that sex-based data is inaccurate, because it contains both people of the sex class and people with the acquired legal sex. Sex and transgender status are unable to be separated out when the data is analysed. This makes it impossible, for example, to accurately plan maternity services, or identify that a drug has different effects in men and women. Some laboratory tests have different normal ranges in men and women; legal sex may lead to abnormal results not being identified.

1.4 Secondly there is an impact on the sex class into which the individual is transitioning, who are asked to accept transgender individuals into their spaces as one of their own. I enjoy running and I like to compare my results to those of other females. Transwomen have physiological advantages over women and these are not erased by hormone therapy. I want to be able to compare my results to the others of my sex class, not to individuals who have gone through a male puberty and have a physiological advantage. See World Rugby Transgender Workshop report for evidence <https://playerwelfare.worldrugby.org/gender>

1.5 If the GRC process is to be retained, the number of individuals who go through it needs to be limited to those for whom the legal transition is supported by an evidence base. There needs to be gatekeeping, and if retained, I agree that a diagnosis of gender dysphoria should be necessary to obtain a GRC.

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

2.1 Because of the wide implications for society of permitting someone to change their legal sex I agree with the need for a time limit before a GRC can be acquired. Living in acquired gender for two years is a mechanism which limits the number of people who can acquire a GRC. The time limit may dissuade individuals whose motives for obtaining a GRC are nefarious.

2.2 However I understand that in practice this means using a name and having a utility bill in the other sex. This does not seem to prove very much, other than patience.

3 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?

3.1 I strongly support retaining the spousal consent provision. For example, if someone enters into a heterosexual marriage, it is not fair to them for the marriage to be converted into a homosexual marriage without their consent. This allows one person to substantially alter the basis of the marriage. The opportunity to be able to annul the marriage is particularly important for those for whom divorce is difficult for cultural reasons. Some transitioning partners have exercised abusive behaviour; removal of the spousal consent provision would make their spouses even more

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vulnerable. <https://uncommongroundmedia.com/domestic-abuse-related-to-late-transitioning-partners-part-i-coercive-control/>

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

4.1 No, I support increasing the age at which people can apply for a GRC.

4.2 The human brain does not mature until well into the 20s. Adolescence is a time of enormous change when teenagers experiment with different ways of living and take risks without thought of the consequences. Transition has serious lifelong implications, which may be regretted in later life, especially if there are hormonal or surgical interventions. There are an increasing number of detransitioners who express regret at decisions taken at a younger age (<https://www.detransadv.com/resources>).

4.3 For all individuals who express discomfort with their sex, and especially teenagers and young adults, I recommend moving away from the 'affirmation model' to a more holistic approach that looks at potentially contributing factors like autism, trauma, sexual abuse etc, and increased mental health service provision to address co-morbidities before there is any consideration of applying for a Gender Recognition Certificate.

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

5.1 Repealing the GRA, and replacing it with a simpler mechanism that allows people to dress, live, etc as they want, and to use facilities that are provided for transgender people (a third space) or to continue using the facilities of their birth sex. Data is collected according to birth sex, and transgender status. All single sex-based spaces (prisons, refuges, rape crisis centres, sports, awards, all women shortlists etc) remain single sex.

5.2 Research into the optimal management of transgender people, particularly their mental health. Collection and publication of follow up data post-transition.

5.3 A mechanism for a GRC to be reversed when an individual wishes to do so, or when the behaviour that results from an individual's acquisition of a GRC brings harm to the sex class that they have transitioned to, for example, sexual assault or other criminal activities occurring in single-sex space or through other exploitation of a legal sex status.

6 Wider issues concerning transgender equality and current legislation:

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.

6.1 Yes. Sex is clearly defined in the Equality Act. The GRA includes a provision that it is possible to change legal sex. However across both acts it is not clear when people should be considered on the basis of their biological sex, and when on the basis of their legal sex. This lack of clarity is being used by lobbying organisations to argue that all people with a GRC should be able to access all spaces and opportunities open to those of their legal sex, and to apply further pressure that this also apply to self-identified gender. There need to be clear definitions of biological sex, legal sex, and gender, and clear guidance as to when each of these applies.

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7 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?

7.1 No, there is widespread misunderstanding and misinterpretation of the provisions in the Equality Act for the provision of single-sex and separate-sex spaces and facilities, which has largely been to the detriment of girls and women.

November 2020