

Written evidence submitted by Marlowe Mitchell [GRA1359]

I'm a student (they/he pronouns) nearing the end of my third year bachelor's degree, who's working as a volunteer at LondonFriends and in projects that focus on trans, nb, genderfluid, and genderqueer lives and histories.

My experience with my identity has been one of joy when in my community and anger, frustration, and sadness at the way I, my friends, and people like me have been treated by the media, the government, and any complete stranger who feels like having a right to an opinion means they're an expert or have anything interesting to contribute.

So far I have been waiting one and a half years for confirmation that I've even been put on the waiting list for the GIC (and this is in London). The waiting time and the lack of knowing what is happening is the norm. I have friends who have waited for close to three years now for their first consultation.

The concerns we have for the future of trans, non-binary, and genderqueer rights feel removed from where the government's current focus is, and so while I and they do have strong opinions on the GRA consultation, we mainly feel like the government is dragging its feet with or outright ignoring the actual issues that the community is saying over and over again need to be looked at.

I am submitting this evidence, because I believe that a lot of the evidence submitted by trans, non-binary, and genderqueer people and organisations will say similar things and that these are the voices the government needs to be listening to right now.

The Government's response to the GRA consultation:

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

Not by enough to make it worthwhile.

The GRA consultation was introduced as what felt like a good faith consultation wanting to hear what trans and non-binary people had to say about their own rights, but ended being long, drawn out, and placing far too much attention on things it didn't affect (such as rights to access single sex spaces and transition in minors). This indicates that the government does not in fact wish to listen to trans people on even relatively simple matters, which the GRA consultation was meant to be.

The wait for an answer from the government, the continued uncertainty of the government's position on trans rights, and the focus placed on trans rights and lives caused far more harm than the eventual response helped.

•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?

It should be removed. When transitioning there are so many costs in relation to surgery, hormones, name and gender-changes on legal documents, etc. that the GRC ends up being a cost too many and be considered an acceptable loss, while trying to organise and pay for everything else.

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

Yes. Gender dysphoria as a requirement for being trans is an outdated concept that has been disproved and as such is as demeaning a requirement as when trans people had to prove they were "heterosexual" in order to be allowed surgeries. A trans person *can* experience gender

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dysphoria or euphoria (the experience of being able to live in your correct gender in some form or other), but it is nobody else's business and certainly has nothing to do with validity of gender.

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

Yes. There is no way of objectively judging if someone has "authentically" lived a gender. In the end this reform is more about showing goodwill towards the trans community. Policing our identities is the opposite of that.

It causes another barrier against which the emotional cost – as with the financial cost above – is too much for the GRC itself to be worth it, when up against so many other problems in society and transition work to do.

It's also – as so much of this is – exclusionary of non-binary and genderfluid people.

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

It ought to have a section directly pertaining to trans, non-binary, and genderfluid people that indicates clearly what our rights are.

It's also currently unclear why the GRC differs from the statutory declaration, other than to make the process of being legally recognised as your gender consist of more hoops to jump through. Streamlining legal recognition ought to be the end-goal.

•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?

If a spouse or civil partner isn't in agreement with their partner transitioning, that's their problem. It's a personal matter to be sorted between the two parties, not something that should have any bearing on the transitioning person's right to be recognised as who they are.

If an agreement cannot be reached between the two parties, there aren't any rights lost on the non-transitioning partner's side.

Making this a matter of "spousal consent" hearkens back to the curtailing of women's rights in having to ask her "husband's permission" and is just as outdated and bigoted.

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

Yes. The GRC isn't surgery. It isn't anything that is permanent upon a person's body. It's the government showing respect for an identity. Lowering the age to allow someone to be recognised as their gender – easily, without catches or demands – is an important step forwards in respecting trans rights. It would also allow people to apply for Universities and enter adulthood recognised as their gender.

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

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The current proposed changes are degrading and tokenistic, with no meaningful impact on transgender and non-binary peoples lives. If the government was serious about making any meaningful change, all of the following would be done: removing spousal consent, removing requirement of “living as your gender” for 2 years, removing requirements of dysphoria, making it inclusive of non-binary and genderfluid people, and streamlining the process.

1. If this were done, trans and non-binary people might actually care about the GRC – currently it’s an arduous process that doesn’t clearly afford any meaningful rights and is a distraction from the actual process of long-term physical and social transition (this can include top and/or bottom surgery, hormones, changing name and gender on passports, at the bank, driving licence, etc.)

2. It would also symbolically show that the government listens to the trans and non-binary community – the GRC is in the end a very small thing in comparison to other concerns and needs that the trans and non-binary community has. Making it such a big deal has been an often humiliating, degrading, drawn out two-year event that has allowed the media and anti-trans bigots to use the empty space in place of the government’s answers to spout vile and inaccurate information.

3. The time taken to issue an answer took the space from being able to address *more important needs*, such as, but not limited to: waiting lists for the GIC, the lack of training for NHS professionals and the discrimination in healthcare settings, the inability to be listed as your correct gender on your child’s birth certificate, violence and harassment in public, lack of education for schools, high rates of homelessness, self-harm, and suicide, higher rates of domestic abuse than cisgender people, the high costs of transitioning, discrimination and bigotry at the workplace, violence, misgendering, and other bigotry within the criminal justice system, lack of political influence meaning we have no voice, and being used as a punching bag in the media and online by whatever “celebrity” wants some easy attention, etc.

So what is more important than the government’s focus on the GRA is putting forward a far more encompassing approach *quickly* and with clarity on their process, opposite of what was done during the consultation, before moving onto more important issues that the transgender community faces.

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

An acknowledgement of other genders beyond the binary. An acknowledgement that the government’s failure to change the ability to access the GRC has harmed the community, and an acknowledgement that it will do *more* and not end its commitment with these amendments – and then acting upon these acknowledgements, following the advice of trans, non-binary, and genderfluid people.

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

The Scottish Government’s proposed Bill is a step in the right direction.

It still has a requirement of “living” as ones gender for three months, and a three month “waiting period,” both of which should be removed.

Both proposals need to face the fact that the GRC in and of itself may be outdated and what is needed is more progressive support for trans, non-binary, genderqueer, and genderfluid people to be legally recognised on a much wider scale.

Wider issues concerning transgender equality and current legislation:

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

As stated above, the GRC is considered an acceptable loss in the grand scale of what trans, nb, and genderfluid people go through and need to do in order to be recognised long-term as who we are.

Also, the process to get it is demeaning. The spousal consent, proof of dysphoria, proof of “living as trans,” etc. are not owed to the cisgender populace and assume that we cannot consent to our own identity.

The general exclusion of legal recognition of non-binary identities means we do not even have the choice of applying, although the likelihood of many more applicants seems low, seeing as there are very few benefits for a very high cost.

Another factor is the lack of trust towards the government about what will be done with such sensitive data. The trans, non-binary, and genderfluid community is highly marginalised as-is, with few assurances that our rights will be protected, so there’s no interest in being officially registered on a government list.

•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 muddling of the GRA and the Equality Act during the GRA consultation, including by minister Liz Truss, shows that the government isn’t clear on what rights trans and non-binary people have and that members of the government are interested in further removing rights from trans and non-binary people, rather than creating meaningful reforms *for* the community.

•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?

Technically yes, practically I worry that the government is more interested in removing rights already given to the trans and non-binary community, rather than helping.

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

Going by the statistics of violence, homelessness, unemployment, self-harm, and suicide within the trans and non-binary community, the Equality Act does not adequately protect trans people. There is clearly still enough doubt about our validity within society to make public spaces, employment spaces, study spaces, housing, social- health care services, domestic violence and sexual violence services, mental health services, the criminal justice system, prisons, etc. unsafe for us to inhabit while out, and at risk for misgendering, harassment, violence, and other forms of bigotry if we are out.

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Judging by the way the media freely enjoys putting out false information and misgendering trans and non-binary people, this is normalised to an alarming extent. There is therefore a fear that opening up the Equality Act for any kind of amendment could instead negatively impact the trans and non-binary community – witnessed by the way Liz Truss brought up rights already enshrined in the Equality Act as up for debate in connection with the GRA (when the two ought to have had no bearing on each other).

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

Lack of training for healthcare service: My personal experience when applying for a consultation at the GIC was with a GP who had never heard the word “non-binary” before and asked me intrusive questions about my sex-life, several people I know were lied to by their GP and never referred, while others have been outright refused care or referral.

This same lack of training is visible in how trans, nb, genderfluid, and genderqueer people are excluded from binary language around medical issues such as birth, ovaries, genitals (ex. testicular cancer and PCOS being gendered), etc. Currently a trans man cannot be listed as a child’s father if he has given birth to the child.

The incendiary language especially towards trans women, and the lack of clarity on how domestic and sexual violence services have to be run, means that many will not try to access these services. It’s also unclear if these doubly vulnerable people – as trans women and as survivors – will face further abuse from workers at services and shelters.

There is a lack of clarity on how many of these services benefit non-binary people, as the language and laws consistently seem to be aimed at excluding people assigned male at birth (whether they identify as binary or non-binary) from “single-sex spaces,” while at the same time ignoring the existence of people assigned female at birth by shunting them into “woman.” This isn’t helpful for people of any gender. I personally avoid going to the doctor’s, have had issues accessing therapy, and more, because of the way these services exclude non-binary people.

It would be useful to do training courses with charities like Stonewall, Mermaids, LondonFriends etc. which work with transgender and non-binary volunteers and professionals, and to support charities like these.

There is no support for trans and non-binary people who have disabilities and need carers. The abuse in the care-system is rampant and there are few ways in which this can be checked, as the double bind of disability and transness/non-binary identity means that there is little legal recognition as a person.

This is only a series of examples of where reforms would be needed. Again, however, there is a fear that instead of addressing these crucial bits of inequality, any reforms would go towards further legalising discrimination against trans and non-binary people, rather than helping.

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

At the moment there is basically no legal recognition of the umbrella identities of gender-fluid, non-binary, and genderqueer people, even though this demographic makes up the majority of transgender identities in the UK. The legal reforms needed for these groups are the same as for

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binary trans people. There has to be easy access to legal recognition within school settings, the workplace, at the bank, on documents like passports and driver's licences, etc.

Having any rights as my identity at the moment would be a step in the right direction – being able to easily change my legal status would mean I can graduate under the correct gender, apply for work and housing under my correct gender, and know I have legal recourse against discrimination.

Throwing non-binary groups under the bus in favour of binary gender identities is as good as ignoring the whole community as well as ignoring the way the international political and social landscape is shifting to finally acknowledge these long-existing identities. This recognition and support would not just be a positive move within the country, but also a global signal that we're moving towards more a more inclusive, intersectional future.

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