

WRITTEN EVIDENCE TO THE UK PARLIAMENT WOMEN AND EQUALITIES COMMITTEE ON GRA REFORM

I am providing evidence as a private citizen who is currently self-employed as a freelance author. Previous to this I was employed as a Civil Servant from January 2005 to September 2019, for the most part serving as an officer of the Serious Organised Crime Agency (SOCA) and then the National Crime Agency (NCA). In addition to my normal duties, I volunteered as a committee member of the LGBT+ staff network group, serving as either Chair or Deputy Chair for a number of those years. In recognition of my service, I received a British Empire Medal in HM the Queen's 2016 Birthday Honours.

I currently do not belong to any formal LGBT+ group, but a lot of my friends and family are LGBT+. I am gay. I am non-binary in terms of my gender expression and am a cis woman. My pronouns are she/her or they/them.

1. WILL THE GOVERNMENT'S PROPOSED CHANGES MEET ITS AIM OF MAKING THE PROCESS "KINDER AND MORE STRAIGHT FORWARD"?

I see little in the government's proposed changes that will go anywhere to meet its stated aim to make the process of obtaining a Gender Recognition Certificate "kinder and more straight forward". Disappointingly, it appears that this current set of proposed changes have shrunk in scope from what had been indicated previously.

2. 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?

We do not charge a fee for cis-gendered people to prove their gender identity with a certificate so why should trans people need to? A disproportionate number of trans people are in financially precarious positions, which has adversely affected the take-up rate for the existing Certificate system. Adding bureaucracy to collect and process the fees is the very opposite of making the process "kinder and more straight forward". If the Government is concerned about the cost incurred, then this should provide further impetus to genuinely simplify the process. The fee should be removed.

3. SHOULD THE REQUIREMENT FOR A DIAGNOSIS OF GENDER DYSPHORIA BE REMOVED?

Best practice from other countries is that a medical diagnosis isn't required and that self-identification works well in practice.

My friends who are trans and who have shared their experiences with me have all had similar but different experiences. This is in line with what I have read on the matter from people who have shared their experiences publicly. My background is

not in medical science, but I do have a good working understanding of how the law of small numbers too often adversely affects decision-making. In this case, universalising a diagnosis based on similar but different experiences amongst a comparatively small population, which is therefore prone to the law of small numbers, for a legal process which is likely to increase risk of harm to trans people through failure to meet an arbitrary benchmark.

4. SHOULD THERE BE CHANGES TO THE REQUIREMENT FOR INDIVIDUALS TO HAVE LIVED IN THEIR ACQUIRED GENDER FOR AT LEAST TWO YEARS?

Yes, there should be changes – the arbitrary time period and current requirement for proof should be removed.

Arbitrarily specified time periods for a person to have “lived in” an acquired gender, and to provide evidence of this, is a particularly unkind method of trying to prevent that person from addressing their own dysphoria. We should not forget that this is far from a frivolous decision and trans people spend years working it through.

5. WHAT IS YOUR VIEW OF THE STATUTORY DECLARATION AND SHOULD ANY CHANGES HAVE BEEN MADE TO IT?

A statutory declaration that shows the seriousness of the decision would go a long way to make the “kinder and more straight forward”.

6. 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?

This needs to be removed completely as it has been in Scotland. A person’s gender and/or sexual identity is a wholly autonomous matter and should not in and of itself be able to be held against them as a reason for divorce.

7. SHOULD THE AGE LIMIT AT WHICH PEOPLE CAN APPLY FOR A GENDER RECOGNITION CERTIFICATE (GRC) BE LOWERED?

Reducing the age to 16-years would bring it into line with other similar areas of responsibilities and rights.

8. WHAT IMPACT WILL THESE PROPOSED CHANGES HAVE ON THOSE PEOPLE APPLYING FOR A GENDER RECOGNITION CERTIFICATE, AND ON TRANS PEOPLE MORE GENERALLY?

The Government's current proposals are next to meaningless. They appear to be "PR fluff" rather than anything substantial. The status quo, which these barely touch, is becoming more and more harmful to trans people and non-binary people.

There is a wider, detrimental effect on trans people that the Government's actions have caused. I am angered by the Government's blithe dismissal of the responses to the previous consultation processes that either supported or put forward sensible compromises.

9. WHAT ELSE SHOULD THE GOVERNMENT HAVE INCLUDED IN ITS PROPOSALS, IF ANYTHING?

It would be helpful if the Government revisited its decision to dismiss the original responses to the original consultation and engage sensibly with the majority views.

10. DOES THE SCOTTISH GOVERNMENT'S PROPOSED BILL OFFER A MORE SUITABLE ALTERNATIVE TO REFORMING THE GENDER RECOGNITION ACT 2004?

I moved to live in Scotland during 2020, and while I am disappointed that the Scottish Government has currently postponed work on the proposed Bill I understand the needs for them to concentrate on the COVID-19 pandemic. On the whole I am supportive of their proposals, but there are better models the UK government could look to.

In my previous submission to the Scottish Government's consultation I stated that the move from two-years to three-months for proof of "living in gender" was an improvement, but that removal of any such arbitrary time period is better.

WIDER ISSUES CONCERNING TRANSGENDER EQUALITY AND CURRENT LEGISLATION:

11. WHY IS THE NUMBER OF PEOPLE APPLYING FOR GRCS SO LOW COMPARED TO THE NUMBER OF PEOPLE IDENTIFYING AS TRANSGENDER?

My understanding is that there are several reasons why applications for GRCs are so low.

Firstly, the fee: trans people often cannot afford to pay the current fee and are more likely to prioritise other expenses over it.

Secondly, the current process is applicable for men and women. A large number of trans people are non-binary and the current GRC does not cater for them.

Thirdly, and a real indication of the distrust in which the UK government is currently viewed, is the growing fear that the deeply personal information provided to obtain a GRC will be misused. The behaviour of the current UK government in its renegeing

on manifesto issues, its response to the Russia Report, the COVID-19 pandemic, and in preparing for Brexit makes me inclined to think that this is less paranoia than it once might have been.

12. 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.

As far as I am aware from my trans friends with whom I have discussed this, while it would be nice to review both Acts for consistency of language and terminology these issues can be lived with. They and I have far greater concerns about opening the Equality Act up to scrutiny and review at a time of great uncertainty in terms of social, economic and political life in the UK. The current UK Government's actions in removing funding for LGBT+ specific anti-bullying measures in schools suggests they would be inclined to remove or curtail rights for LGBT+ people in such a review rather than make it explicitly better for all people.

13. 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?

Please refer to my response to question 12.

14. DOES THE EQUALITY ACT ADEQUATELY PROTECT TRANS PEOPLE? IF NOT, WHAT REFORMS, IF ANY, ARE NEEDED?

Please refer to my response to question 12.

15. WHAT ISSUES DO TRANS PEOPLE HAVE IN ACCESSING SUPPORT SERVICES, INCLUDING HEALTH AND SOCIAL CARE SERVICES, DOMESTIC VIOLENCE AND SEXUAL VIOLENCE SERVICES?

Trans friends of mine have described how demeaning it is to be misgendered, disrespected, and/or to have their health needs left unmet when accessing support services because of incorrect assumptions. As an openly gay cis woman I have an inkling of their experience when health providers have defaulted to the heteronormative when I have seen them with gynaecological matters.

I do have concerns about the politicisation of domestic and sexual violence services and am assured by statements from the numerous trans-inclusive organisations that they provide safe places for both cis and trans women. Claims that trans women pose an inherently violent threat to cis women are disturbingly similar to the evocation of lesbian sexual predators and other tropes used throughout history to

demonise groups of people based on shared characteristics and not individual behaviours.

16. ARE LEGAL REFORMS NEEDED TO BETTER SUPPORT THE RIGHTS OF GENDER-FLUID AND NON-BINARY PEOPLE? IF SO, HOW?

As a person whose gender expression is non-binary I would welcome legal reforms to better support my rights and quality of life. Simple acknowledgement that non-binary and gender-fluid people exist would go a long way. Providing the option on passports and other documents where gender or sex is required for legitimate purposes is essential and the UK can learn from countries where this has already happened.

In my personal experience, I am stunned by the number of companies that still demand I provide my gender, sex, and/or marital status in mandatory fields in their online forms when ordering goods for which such information is entirely irrelevant. I am reminded that the first online forms to book COVID-19 tests only provided an option for either male or female meaning that gender-fluid or non-binary people were forced to lie or forgo getting a test. This was fixed quickly, but the fact remains that while we continue to not exist in legal terms this risk will continue. In keeping with privacy laws, I would suggest that in the majority of instances the need for personal information about sex, gender and marital status is irrelevant and should not be requested.

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