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1 Background

I am a 41 year old trans woman. I transitioned from male to female in the late 1990s, when I was 18 years old. I lived the first decade of my post-transition life with my trans status a secret, and I have lived since 2010 with my trans status being public and open.

I am a professional, working in management in the scientific publishing industry. I have lived and worked in Berlin, Germany, for the past 5 years.

I am married to a cis (i.e. not trans) woman, who I have been in a stable relationship with for 8 years.

I have never obtained a Gender Recognition Certificate (GRC) under the Gender Recognition Act (GRA) as I have as yet had no reason to need one.

I am writing this submission in a purely personal capacity.

2 The Government’s response to the GRA consultation

The government produced a response to the GRA consultation that can be safely described as “poorly received”.

It ignored the thousands of responses that were in support of trans people, preferring to focus on the appeasing the desires of the most anti-trans sections of British society.

The minister responsible, The Rt Hon Liz Truss, severely antagonised members of the trans community by leaking hints of the GRA Response, and making pre-GRA Response statements about restricting medical access for trans youth.

2.1 The UK Government asked: “Will the Government’s proposed changes meet its aim of making the process ‘kinder and more straight forward’?”

In the most technical sense.

I am unable to obtain a GRC without:

- Being rediagnosed with gender dysphoria after 23 years.
- Being physically examined to “prove” that I have had transgender-related surgeries.
- Proving that I have changed my name.
- Proving that I have lived “in my preferred gender for two years”.

2.1.1 Regarding diagnosis records

I would LOVE to show my original diagnosis letters, but I have mislaid them over the last two decades. I was diagnosed many years before the GRA was even conceived.

2.1.2 Regarding surgery documentation

I do not have access to the medical records for my original surgeries. They pre-date computerisation of hospital records, and have been lost. The surgeon who performed my initial surgery died many years ago.

2.1.3 Regarding my name change

My original name change documentation was obtained when I was 18, and was used only twice:

- to change my DWP, and Passport information,
- to change the bank account that was opened for me as child.

2.1.4 Regarding obtaining medical diagnosis today

The mental and physical examinations can be performed only by approved medical professionals in the UK. They cannot be done in my country of residence. I would have to travel to the UK and one of these certified doctors in order to have this done.

As I write this, COVID-19 is making it impossible to travel.

2.2 The UK Government asked: “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?”

I mentioned this in a previous section, but I don’t think the average cis person appreciates the costs involved with seeking private medical treatment as an alternative to the dreadfully poor and under-resourced NHS services for trans people.

I have spent at least €40,000 on necessary surgery for my own physical and mental health.

The GRC fee is trivial compared to that sum.

2.3 The UK Government asked: “Should the requirement for a diagnosis of gender dysphoria be removed?”

As societal acceptance of trans people increases, so do the barriers to people realising that they are trans decrease.

Whereas once someone would have needed severe dysphoria resulting from their gender issues in order to obtain medical treatment, nowadays the barrier is far lower, and it is common to find people with little to no dysphoria wishing to transition.

These people would have once learned to bury up their desire to transition because the societal and medical barriers were so high. Now that they are lower people choose to transition when once they would have not.

The concept of a medical diagnosis of “gender dysphoria” is still important. There will always be people with high levels of gender dysphoria who need immediate medical assistance, especially amongst trans youth. They will need the help of the NHS in order to transition and have meaningful lives.

Low or high dysphoria, private or NHS treatment, the diagnosis is an artificial barrier that could be easily subverted by anyone with a passing knowledge of trans issues. The diagnosis requirement does nothing to protect the GRC from being used by “non-transgender” people.

2.4 The UK Government asked: “Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years?”

Yes, it should be changed. The requirement for individuals to live in their acquired gender is biased towards those who can “officially” change their gender role. e.g. those who can change their name by deed poll, or with the official bodies such as the DWP.

It is biased against those who are unable to do such things. e.g:

- 18 year olds who might have lived off the official systems up until that point;
- people in abusive families or relationships;
- those who have been doing informal transitions using DIY hormones
- Those in poor financial situations

2.5 The UK Government asked: “What is your view of the statutory declaration and should any changes have been made to it?”

The statutory declaration is a superficially sensible idea. It is designed to prevent people from frivolously or fraudulently changing their legal sex, by swearing an oath that the change is “for the rest of their life”.

However, it should be noted that some trans people do not spend all their lives as one sex or gender. It is truth that some trans people detransition. It is rare, but it does happen. Would they be penalised if they wished to change their legal gender twice?

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Many trans people discover that they prefer a non-binary identity (and I use non-binary here to mean “the process of disavowing the gendered system that society operates under”). While non-binary identities are not recognised under current UK law, they may be in the future. If one is allowed to “change gender” only once, how will these people be accommodated?

2.6 The UK Government asked: “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 is not something I have any experience with, having transitioned a long, long time before I was married. But it feels fundamentally unfair that one person should have a say over the legal status of another person, even if they are married.

We do not allow men to have legal veto over their wife’s abortions. We do not allow one spouse to deny the other spouse the right to change their name, or change jobs, or enter the military. Why is a trans person’s legal gender (and only their legal gender) subject to a veto?

2.7 The UK Government asked: “Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?”

I transitioned at 18 years old. If the concept of a GRC had existed at that time, I would have pursued one immediately. Unfortunately I would have been able to do so, and would have to “live two years in my acquired gender” from scratch (18 to 20 years old) as I would have been unable to change any legal documentation at 16 due to my poor family situation.

Therefore, yes, the age limit for apply for a GRC should be lowered.

A trans youth can change their name, change their body, they can marry, they can become a parent, they can smoke, and they enter the military, but they are not allowed to change their gender marker on a state record system? How utterly cruel that is!

2.8 The UK Government asked: “What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?”

I cannot see that there will be anything more than a minor positive impact from the proposed changes.

2.8.1 Government proposed change: Place the whole procedure online

It is disingenuous to claim this is a move made solely for the benefit of GRC service users. It is in reality part of a broader move to make all government services available online.

2.8.2 Government proposed change: Reduce the fee from £140 to a “nominal amount”.

The £140 fee is not the highest barrier that deters trans people from seeking a GRC.

The highest barriers are to do with medical examination, medical diagnosis, and the humiliation of “proving” that my lived life is true.

For most trans people the £140 also pales into insignificance when compared to the costs of seeking private medical treatment to deal with gender dysphoria (as the HNS waiting lists are so egregiously long).

For myself, the £140 is nothing compared to the costs of finding doctors to rediagnose me, to prod and poke me, the travel costs, the time spent gathering up paperwork to prove that I’ve been living my last two years “in my preferred role” and ignoring the two decades that came before that.

2.8.3 Government proposed change: Open at least three new gender clinics this year in order to reduce waiting lists.

This has nothing to do with the GRA, nor GRCs. It is a clinical operational choice made by the NHS. This has not been initiated by this government, nor by the Women’s And Equalities Minister.

2.9 The UK Government asked: “What else should the Government have included in its proposals, if anything?”

2.9.1 Non-binary identities

I am not non-binary, but as a transgender person I recognise that non-binary identities exist and are real.

As I understand it, in the most broad definition non-binary people reject the legal and societal concepts of gender altogether, feeling that these concepts restrict people rather than protecting or empowering them.

Non-binary identities and their interaction with society are rapidly expanding and evolving, and may be completely different within just a few years.

But I have friends who are non-binary, and seeing them having to produce identity documents that proclaim a binary sex that is different from their lived experiences is a painful thing.

2.9.2 Commitments to helping young people

For clarity, **young trans people exist**. I should know - I was one. I have zero tolerance for those who claim trans youth cannot know their own minds and bodies and must wait until adulthood to achieve bodily autonomy.

I differentiate between “Trans youth” and “Gender Non-Conforming (GNC) youth”. These two groups are too often deliberately conflated by those who oppose trans rights.

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I talked earlier about how there are different levels of gender dysphoria amongst people. This includes amongst young people, both GNC and trans youth.

It is common to hear from anti-trans campaigners that “80% of young trans people change their mind”. This is inaccurate, because it is 80% of *the GNC youth* who go on to find themselves as non-trans.

Trans youth will persist in their cross-sex identification and will, in any case, generally present with more severe gender dysphoria and more insistence and sureness of their gender identity.

These trans youth are in the most terrible bind. They are at an age when they are most capable of benefitting from medical intervention, but at an age when they least able to flex their autonomy and achieve said medical intervention.

From personal experience I can tell you that puberty wrecks havoc on their bodies and minds. To go through a puberty that you desperately know is wrong for you is the worst kind of body horror.

When I experienced this I was at least spared the knowledge that I could do something about it. The trans youth of today, those who *know* they can avoid a puberty that they find abhorrent, are being subjected to - and I do not use this word lightly - *torture*.

2.9.3 A system of self-declaration

It was widely expected, before the Rt Hon Liz Truss took the GRA reform into a conservative direction, that the GRA would be updated to allow a system of self-declaration for legal gender. This would be inline with other European nations who have implemented self-declaration for many years and who have not had issues arising from it.

Changing one's gender should be as simple as changing one's name.

A person does not need psychiatric evaluation and vast amounts of documentation to change their name. Why should it be different for changing a gender marker?

The same penalties should be levied against those who abuse this legal sex change as are levied against those who abuse the changing of ones name.

2.9.4 Removing the concept of legal gender

The issues faced by non-binary people, and the need for self-declarations are an artefact of the concept of gender that we have embedded in our society and laws.

My solution to this might be seen as radical, but I feel it is simply a ratification of the status quo: remove the concept of sex/gender from government and legal systems.

What purpose does the concept of legal gender serve?

- It was once to protect the Christian concept of marriage. But the UK now has equal marriage.
- It was once used to segregate hospital wards. But mixed wards are now the norm.

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- It is used to segregate prisons. But 95% of inmates are male. I do not agree with the concept of the prison-industrial complex, but why not imprison *all* non-violent criminals separately from violent criminals?
 - You might ask:
 - “but what if men and women had sex in prison?” to which I would reply with “why do you think men and women don’t have sex in prison *now?*”
 - “will women not be in danger in mixed prisons?” This might be the case. But are they in danger in current prisons? Are “weak” men in danger in single-sex prisons?
- Legal gender is widely-believed to be used to segregate toilet and changing facilities in the UK. But it has no legal basis (as far as I, a lay person, am aware). Society *chooses* to divide everyone into small rooms semiotically identified with skirt wearers and trouser wearers.
 - There is nothing to prevent men going into female facilities right now. Of course, someone could cause a public order offence by doing so. But they would also cause the same offence if they went into unisex facilities and caused trouble. Or if they went into male facilities and caused trouble.
 - I live in a non-UK city and culture where unisex toilets are the norm, and unisex naked spa bathing is common. There are no issues here. I perceive that the need to firmly demarcate between “men” and “women” is borne out of Anglo-American prudishness.
- Legal gender was once used to differentiate between retirement ages and pension thus received. But retirement ages are now equalised.
- Parental leave is now shared between men and women.
- The only area where it seems contentious in the UK to abolish gendered rights pertain to the aristocracy, and the passing on of hereditary titles. I think it goes without saying from my earlier comments that I am firmly against the idea of an aristocracy, and perhaps it would be better to remove the aristocracy rather than impinge on the rights of trans people.

I think that men and women would still exist in this world I have suggested, despite there being no legal basis for the concept of sex.

You might be shocked by this, and ask “how we can maintain a concept of equality between the genders if there is no legal definition?” To that I would argue that there is no legal definition of race, but the UK still successfully handles diversity monitoring, hate crime monitoring, and the provision of appropriate services. Much as race is something that is not fixed and codified, neither is gender.

2.10 The UK Government asked: “Does the Scottish Government’s proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004?”

The Scottish Government’s Bill has proposed reducing the required time lived in one’s acquired gender from two years to three months, lowering the minimum age from 18 to

16, removing the requirement to submit medical evidence, and will move to using a statutory declaration instead.

While I do not think personally that these go far enough, I recognise that they are practically realistic, and are far more helpful to the trans community than proposals put forward by the Westminster government.

3 Wider issues concerning transgender equality and current legislation

The UK Government asked a number of questions about trans equality and current legislation.

3.1 The UK Government asked: “Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?”

The only reason that I can see for *needing* a GRC in the UK is to do with marriage. It is often necessary to produce a birth certificate when marrying (although not legally necessary). It is embarrassing and humiliating to have to produce this when it might not represent the majority of your lived life.

I personally don't *want* to change my birth certificate. Why would I? I haven't seen it in decades. But I unfortunately live in a non-UK country that very firmly splits people between male and female. While I have lived here without issue due to my passport saying “F”, I will still need to produce my birth certificate if I were to apply for citizenship here, which would immediately out me and cause all kinds of possible legal issues.

3.2 The UK Government asked: “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.”

English is very loose with the way it interchanges “sex” and “gender”. I have used both words freely in my preceding text.

I would be grateful if the UK could settle on one word or the other for all relevant legislation and paperwork. Or introduce a law stating that sex and gender are equal in meaning across all existing legislation. We are sloppy when it comes to our words in English!

3.3 The UK Government asked: “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? Does the Equality Act adequately protect trans people? If not, what reforms, if any, are needed.”

The EA allows for the denial of single-sex services to a trans woman if “it is a proportionate response to a legitimate aim”.

In the most common context of the EA allowing organisations to deny services to trans women, and given that the only legitimate aim would be the protection of other women, I would ask what is offered by this provision in the EA that is not covered under existing public order laws?

3.3.1 Sports

I would offer the observation that I, a 41 year old trans woman with an office job who has not seen sight of testosterone for decades, am apparently able to beat professional cis sports women in their discipline simple because I am trans and they are cis. My “huge muscles” (my muscles reflect my office job), my “increased heart and lung capacity” (I am severely asthmatic), my “huge skeleton” (I am 5’8”) offer advantages that will cause me to dominate. This feels unrealistic and laughable.

From a trans person’s perspective the EA discrimination provision seem to be designed only to allow people who dislike trans women to keep us out of single-sex spaces. It is based on the assumption that we are grotesque creatures who will frighten “the normal women” by lumbering into single-sex spaces.

As I have stated previously, I feel that public order laws cover situations where it might be needed to keep a woman (trans or cis) out of a single-sex space.

4 Conclusion

The Gender Recognition Act is long overdue for an overhaul. However it seems that conservative (small C) politics and anti-trans attitudes endemic in the UK press have caused that to be sidelined.

Trans rights are not in conflict with the rights of cis women.

As a trans person, as a feminist, and as a woman, I ask that the GRA be reformed.

November 2020