

## Written evidence submitted by Mx Jay Johns [GRA1401]

I am writing as a non-binary individual living in the UK who, very simply, wants their voice heard. It is important to acknowledge that not all non-binary people are trans; therefore when not referring explicitly to binary trans individuals, 'trans' will be written with an asterisk. (trans\*) The British Government is seemingly unable to face, address, and mitigate the fact that, as an institution, it actively discriminates against trans\* people. This is the context for my responses to the questions below from the Call for Evidence regarding the Gender Recognition Act 2004 (GRA). I have only answered those questions I feel informed and comfortable enough to answer.

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

Meaningful change to the process will be minimal; moving the process online, and lowering the cost, is little more than a cosmetic change. Individuals will still be charged to apply for a GRC, and forced to prove that they have lived in our 'acquired gender' for two years; something that immediately excludes non-binary people — the largest group within the trans\* community (as per the National LGBT Survey, p. 133); not to say that all non-binary people are trans\*. Both these criteria amount to gatekeeping on the part of the government; attempting to call the new process 'kinder' is insincere, and ignores the damage being done to the trans\* community, and the LGBTQIA+ community as a whole.

### **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?**

Trans\* people are statistically less likely to be employed, which prevents many who would otherwise apply from doing so, opting to spend their money to survive. Forcing individuals to go through this is a money-grab, disproportionately affecting a marginalised community. For this reason, if a fee is to remain in place, even if it becomes 'affordable' (a label that can never be universal), it will be essentially transphobic.

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

It is impossible to find a true benchmark for 'true' dysphoria. Some people are undoubtedly dysphoric; yet to have this as a criterion for 'being trans' is wrong. This issue must be demedicalised if it is to keep trans\* people safe; as a massively stigmatised and marginalised group, demanding this diagnosis leaves individuals vulnerable to gatekeeping by medical professionals who, consciously or not, are transphobic, and at the same time makes the process of defining oneself profoundly clinical and inhuman.

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

The Scottish Government's proposed bill will ask trans\* people to prove that they have lived in their identity only for two months. Much like the British Government's demand

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for two years' worth of proof, this is gatekeeping. However, it is impossible to ignore the fact that this is a much more attainable goal — that is, for binary trans\* people, and, if Britain's draconian administration must save face through denying trans\* people the right to freely define their own identity, let it be through gatekeeping such as this.

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

In this country, children aged 16 can smoke cigarettes, though they cannot buy them; and the government profits from the purchase of tobacco products, though now only individuals over 18 are legally permitted to purchase them. In this country, children aged 16 cannot drive, but they can join the army, and learn how to kill people; from this, too, the government profits. In this country, children aged 16 can consent to another individual, of legal age, to access their body — yet the government denies them full autonomy to access it themselves. The age limit for application for a GRC must be lowered to 16, too.

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

The previously totally prohibitive fee of £140 saw many binary trans people, particularly those unemployed or struggling with money for other reasons, unable to apply. Furthermore, as earlier alluded to, 52% of trans\* people are non-binary; a group excluded from obtaining a GRC, open only to men and women.

Considered with this must be the fundamental distrust that many trans\* people have for Britain's Government, for reasons impacting children, the elderly, the disabled, the homeless, immigrants, people below the poverty line, and countless specific cases. How can a government that chose to let elderly people die in care homes under COVID ever regain the trust of its people?

### **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?**

This question is clearly formatted to skirt around the fact that current provisions in the Equality Act leave trans\* people open to violent hate crimes in bathrooms. Are they clear? Are they usable? Thanks to the ridiculously vague wording of this question, the answer to both is yes. Trans\* and non-binary individuals may be risking their lives and physical safety going to either gendered bathroom; and it is impossible that the responsible legislators, such as Penny Mordaunt, are unaware of this. It is therefore clear that they do not care. If not to protect peoples' dignities, if not to make them feel validated, if not to acknowledge civil rights, these provisions must be reformed in the interest of saving lives.

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

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I would draw the reader's attention here to the ruling on the 14<sup>th</sup> of September this year regarding discrimination by employees of Jaguar Land Rover against a non-binary individual named R Taylor. They had faced hateful discrimination in the workplace, and Jaguar Land Rover's defence was founded on the fact that the Equality Act protected only binary trans people. Thankfully the judge, Patrice Hughes, found in Taylor's favour. That JLR's ridiculous stance could ever be taken is proof enough that gender-fluid and non-binary people must be explicitly protected, or jobs and livelihoods will continue to be threatened by bigots in the workplace and its ascending administration.

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