

Written evidence submitted by Ben D'Souza [GRA1463]

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

The proposed changes were positive, but not effective enough. The reduction of fees is a good step forward, however the process is still extremely bureaucratic, time consuming, and stressful. People I know who have applied for a GRC have found it dehumanising. The necessity to find official documents from when the applicants were children can also be prohibitively difficult, while being seeming to be irrelevant to the application (for example, providing evidence that a parent's name changed decades ago). Reducing the amount of evidence required for applicants to legally be recognised as their gender identity would meet the Government's aim for making the process "kinder and more straight forward".

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?

Removal of the fee for obtaining a GRC would make the process more accessible for those who need it, and fulfil the Government's aim for making the process "kinder and more straight forward". Whether a person is able to be legally recognised as their gender identity should not be determined by how much money they have.

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

The requirement for a diagnosis of gender dysphoria should be removed, as it is currently a time consuming barrier for applicants due to extremely long waiting lists for NHS gender clinics. This often drives trans people towards private healthcare providers at an additional cost to the applicant. The need for two separate medical practitioners to submit their report to prove that the applicant has gender dysmorphia is dehumanising.

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

The requirement for individuals to have lived in their acquired gender for at least two years is problematic. The evidence needed is usually given in the form of documents which are difficult to obtain if an applicant is homeless or unemployed. This creates an unfair system where the criteria is not only to live within their acquired gender for at least two years, but to also be employed and housed throughout that time. In effect, a person could be living for more than two years in their acquired gender, but still not satisfy the requirements of the GRC application. Trans people are also more likely on average to be made homeless or be unemployed, which makes this situation more likely. Therefore this requirement should be removed.

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

I believe the need for the statutory declaration to be witnessed by a solicitor, Commissioner for Oaths or notary public adds an additional and unnecessary expense to someone applying for a GRC. A statutory declaration should be able to be signed and witnessed by anyone.

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?

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The “spousal veto” is an unfair provision that gives an undue amount of power to a spouse in a decision which is not theirs to make. The rights of the spouse or civil partner do not need to be protected any further; they have not been “tricked” or “misled” by the person transitioning. The spouse or civil partner has not had their rights infringed upon, and they still retain the right to end the partnership if they wish.

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

The age limit for applying for a GRC is arbitrary and unnecessary.

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

The proposed changes are a positive step, but do not go far enough to have a significant impact on those applying for a GRC and trans people in general. Obtaining a GRC needs to be made more accessible and less bureaucratic. To make the process “kinder and more straight forward”.

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

I am not submitting an answer to this question.

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

Yes, the Scottish Government’s proposed Bill does offer a more suitable alternative to reforming the Gender Recognition Act 2004.

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

At the moment, the process for obtaining a GRC is not fit for purpose, and isn’t accessible for the people who need it.

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.

I am not submitting a response to this question.

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?

I am not submitting a response to this question.

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

I am not submitting a response to this question.

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

Where support services are focussed on a single gender, trans people can often get left behind. This is due to not being accepted within single-sex and separate-sex spaces, because a perceived but unfounded belief that trans people pose a risk to cis people accessing these services. Better provisions for trans people accessing these services is urgently required for these services to be fit for purpose.

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

The ability for gender-fluid and non-binary people to update their official gender to a non-binary alternative would better support those people.

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