

EVIDENCE TO THE INQUIRY ONTO THE REFORM OF THE GENDER RECOGNITION ACT (GRA)

Firstly, I would like to thank the committee for commissioning this inquiry to hold the government to account for its management of GRA reform and for inviting public evidence.

It cannot be overstated that the handling of GRA reform has been a source of great upset to the transgender community and its allies. Having indicated at the outset that the reforms would herald a strengthening of the acceptance of transgender identity and remove many of the stresses and stigma that add to the excruciating struggle faced by people who are trans and non-binary the change of government ideology and the apparent loss of balance in delivering the reform has been perceived as an attack on the validity and acceptance of trans identity. There is broad belief that Liz Truss, who is not trusted as being impartial, pandered to the culturally conservative views of her party. It is notable that the fact that 70% of the respondents to the consultation were supportive to significant GRA reform but were dismissed under the argument that this was a coordinated response. Of course, the trans community was encouraged and, in some cases, assisted in responding to the consultation but that does not negate the value of the opinions of those who did.

I strongly urge the committee to challenge the minister to answer for her poor handling of the GRA reform. Many of the attitudes expressed by those who are basically uncomfortable with the concept of transgender and non-binary identity are echoes of the racist attitudes of the 1970s and 80s. This is wholly unacceptable and singles out the trans community as having the lowest standing and protection of all protected characteristics. The governments dismissal of GRA reform is a licence for bigots to oppress those of us who are trans.

There needs to be moderation in the debates regarding trans rights. It is sad and unfortunate that the voices heard tend to be the extremes of those who are pro or anti-trans, neither of which can claim to be balanced or objective. A major challenge is that, as we are believed to make up 0.6% of the population, most people have never knowingly met anyone who is trans and so opinions are developed by what is seen in the media. This is often skewed and sensationalist which creates an untrue image of who we are. Trans women are not a threat to women and my overwhelming experience is that women are accepting of me. This must not be turned into a culture war. Facts must outweigh unsubstantiated fears, and in the words of the late, great, Jan Morris "There needs to be more kindness".

Below are answers to those questions that you have posed to which I feel able to provide an answer:

- Will the Government's proposed changes meet its aim of making the process "kinder and more straight forward"? **NO.** Moving a process that involves gatekeeping from a paper to an online process will have no impact at all. Filling out a form is still filling out a form and there has been no suggestion that any of the associated hurdles will be removed.
- 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? **The fee should be removed or reduced to a genuinely nominal sum that goes towards administrative costs.** There is no doubt that as a population the trans community is more likely to be surviving on benefits or in a low paid job. Therefore finding £140 will be difficult for those existing on benefits. However, this cost pales into insignificance against the costs of gaining an acceptable gender dysphoria diagnosis other than on the NHS. Current gender identity clinics in England range from over 2 years to 5 years, the cost of a private gender consultation is currently £300. The additional clinics announced by the government are not

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new. They are the result of a 2018 policy which is yet to deliver any benefit and it will not meet the growth in demand, let alone address the backlog

- Should the requirement for a diagnosis of gender dysphoria be removed? **YES**. Ireland, Malta, Norway, Portugal, and Argentina (there may be others) accept self-certification and Scotland has been expected to follow suit. There is no evidence of problems being created by self-certification. Unfortunately, some media outlets and organisations continually suggest that this would lead to males nefariously self-certifying in order to give them access to women's spaces in order to commit assault. There is no evidence of this taking place. Removing the need for a diagnosis requirement would enable trans men and women to officially become their true gender and will do much to reduce the stress caused by waiting lists and private care costs.
- Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years? **Yes**. Two years is unnecessarily long. It is reasonable that individuals should be able to show that they are comfortable and thriving in their acquired gender, but 6 months feels more reasonable.
- What is your view of the statutory declaration and should any changes have been made to it? **There should be a statutory process**. Changing gender is a significant event and should not be undertaken lightly. A statutory declaration requires individuals to fully consider their actions.
- 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? **YES**. The requirement for spousal consent must be removed. It is wholly improper that one individual can exert control over another.
- Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered? I do not feel qualified to comment on the capacity of teenagers to make such decisions at 16 rather than 18.
- What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally? **NONE**. Sadly, an opportunity to improve the lives of trans people has been missed. The government proposal is genuinely the least they could do while claiming to do something.
- What else should the Government have included in its proposals, if anything? **Allow self-certification, ensure that the process for this is easy and preserves the dignity of the individual and reduce the length of real-life experience**. Additionally the government must require the NHS to significantly and quickly address the availability of gender identity appointments in the NHS.
- Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004? **YES**. The Scottish proposal would be a very good model to copy.

Additional questions:

- Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender? **Too many hurdles v. too few perceived benefits**.

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- 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 do not feel able to answer this.
- 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? **Experience would suggest that current arrangements work, based on risk assessment.** This is definitely where the fact over unsubstantiated fear principle should apply.
- Does the Equality Act adequately protect trans people? If not, what reforms, if any, are needed. The key requirement is that the rights of trans people must not be eroded, in particular, access to safe spaces and services. Trans people must not be placed in a position where any element of society can suggest that they are of lower value or status than the wider population nor can there be any construct based on the idea that someone might dress as the 'opposite' gender for malign purposes.
- What issues do trans people have in accessing support services, including health and social care services, domestic violence and sexual violence services? I cannot answer this.
- Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how? **YES.** There needs to be formal recognition that being non-binary is valid and this should be carried forward in all laws where gender currently is a factor. There should be the opportunity to choose a non-binary option in all instances where there is a gender marker, although I would suggest that a single non-binary option (rather than many) would be proportionate. Where appropriate the concept of reasonable adjustment should be applied. (For example, an employer discussing with a trans man whether sanitary products need to be available to him if they are provided for women.) What is important is that the dignity of the individual is preserved.

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