

## Written evidence submitted by Ms Sarah Vine [GRA1494]

I am neutral as to the kindness or straightforwardness of the proposed changes. I see the argument for removing the fee, but cannot perceive any real reason why the argument is stronger for relieving applicants of the cost of administering a GRC than it is for, say, relieving applicants of the cost of civil partnership.

If the requirement for a diagnosis of gender dysphoria is removed, the State is left with a choice; either it treats gender identity as a fact, or it treats it as a belief, and therefore a choice. The former is a wholly unacceptable approach to me; I have not, at any point in my life, had a gender identity. There is no essence to my being female that extends beyond the physical fact of my body. My behaviour is socialised on the basis of my sexed body. The world responds to me in the way it does because of my sexed body. No argument, however carefully crafted, has ever persuaded me otherwise. Females are not disproportionately victim to male violence because of their gender identity. Females are not subject to FGM, sexual violence, forced marriage, unequal pay, dangerous working conditions, honour killing, corrective rape, military rape, forced pregnancy, selective abortion, sexual harassment, prostitution, sex trafficking, maternity discrimination, domestic violence, financial exploitation and control, political underrepresentation, inadequate healthcare, limited control of their own bodies and reproductive choices, systemic barriers to occupational progress and promotion, silencing, belittling or any of the other ways in which sexism, misogyny and patriarchy are enforced because of their gender identity. We are subject to these things because of our sex.

If gender identity is not a fact, and not a diagnosable condition, then it is a choice, based on belief. I am absolutely supportive of people being able to make choices about their lives and how they live them. I am absolutely supportive of people having sovereignty over the beliefs to which they subscribe. I am not, however, remotely supportive of any idea that others can be required by law to affirm beliefs they do not share, or to act or pretend as if they do share those beliefs.

If the State has decided to legislate for people's beliefs about gender identity (which makes as much sense as legislating for signs of the zodiac), then there should be an evidence based assessment of any application for legal recognition, and one which requires a degree of observable commitment on the part of the applicant. Since the argument is frequently advanced as being that GRC applicants are seeking to have their 'essential self' recognised, the 2 year requirement asks nothing more than that they live in the way they wish to. The 2 year requirement is particularly important for those between 18 and 25, a period during which most individuals are still developing an adult capacity for consequential thinking. These considerations apply to the statutory declaration, and to the questioning of lowering the age of eligibility (to which I am wholly opposed). As someone who works with manipulative, abusive, sexually predatory men, I can assure you that any relaxation of safeguards will be a subject for rejoicing among those who are invested in securing greater access to vulnerable women and girls.

Transition of a partner has a huge impact. The spouse is left in a position where she (and it is overwhelmingly a woman) has to accept a previously unforeseen change to her own sexuality, sexual needs, sexual orientation and – dare I say it – identity. People may have religious, spiritual, cultural or political beliefs which make this position untenable. The rights and freedoms of partners in this situation cannot be subordinated to those of the person making the transition. It is contrary to our understanding of a partnership, and it will disproportionately affect women.

I am disappointed, to say the least, that your sole focus is on the impact of these proposals on trans people. What will the affect be on women, or children? Do you care?

The government should make a very clear distinction between sex and gender in legislation. Conflating the two is dangerous and confusing. Gender is not a protected characteristic for the purposes of the Equality Act 2010. Sex is. Gender reassignment is. The slippery language used in the GRA results in unreliable data gathering, legal misapprehension and the opportunity for exploitation. Employers and institutions now routinely use 'gender' when they mean 'sex', which means that the attempts to measure and address sex-based inequality can easily become frustrated by uncertainty of language.

The Scottish Government's proposed Bill is not something I would welcome.

**Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?** This cannot be answered until there is a proper, critically evaluated body of data is obtained to address why the number of people identifying as transgender has risen so dramatically in recent years, why the numbers are so disproportionately young/teenaged females, what the possible co-morbidities are and what the prospects are for detransition/desistance. The absence of data seems to be driven by a desire to pursue an affirmative-only approach which strikes me as reckless, to say the least, when dealing with the health and development of young people. The recent widening of the compass of the term 'trans' may well also have some responsibility for this disparity.

**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?** Clarification is needed as a consequence of the systematic promulgation of deliberate mis-statements of the law. Trans-women without a GRC can be legitimately excluded from single-sex spaces and facilities for women on the basis of sex. This is not unlawful discrimination on the basis of gender reassignment, because gender reassignment does not alter sex. Trans-women with a GRC can be legitimately excluded if doing so can be objectively justified (for example, on the basis of trauma, vulnerability etc of service users).

**Does the Equality Act adequately protect trans people?** Yes, very well.

**Are legal reforms needed to better support the rights of gender-fluid and non-binary people?** I would need to see something approaching evidence that their rights are negatively impacted before I would consider this a question worth asking.

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