

## Written evidence submitted by E Wheeler [GRA1531]

I am a FTM Transsexual man (diagnosed as F64.9 under the ICD-10 by my consultant at my GIC). I am 28 years old and have been transitioning for 5 years. I am currently looking into the process of applying for a GRC.

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

Yes. Placing the process online will make it more straightforward to collate and transfer documents. Reducing the £140 fee will make the process more accessible to trans people in low income jobs and young trans people. Opening 3 new gender clinics will hopefully ease the congestion of GIC referrals and reduced waiting times for those suffering with gender dysphoria.

- 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?

Many GP practises may still charge for doctor's letter and evidence which in addition to the original fee could make the process less accessible. A smaller fee may work (similar to a driving license or passport) it could be £40-£80 to help pay for administration/panel costs.

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

No. Transition is a method to help ease gender dysphoria. We require a diagnosis to safeguard the GRC system from abuse and protect detransitioners who will otherwise be stuck with a legal sex that no longer reflects them.

If there is no dysphoria (distress) then changing legal sex on a birth certificate is just a preference. This will be abused by predatory individuals.

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

No. Transition is HARD. A transitioning individual need to be committed to their certainty of sticking with the process before applying for a GRC.

This will also reduce the risk of people detransitioning after acquiring a GRC and being trapped with a legal sex that no longer reflects them.

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

I have mixed feelings about the statutory declaration. It should be required to show that you intend to live the rest of your life as the new legal sex, however, for some this legal declaration will trap them. The process needs to show clear intent while also protecting detransitioners.

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- 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?

As I understand it same-sex marriage uses slightly different administration to heterosexual marriage – if that is the case then I approve that spousal permission should be required to go about that change.

The spouse does need protections. We transition for our own wellbeing but that does not always mean it will always take into account the wellbeing of others/our partners. They need to be able to discuss this and decide if the relationship is something they still want with all of the changes it will involve.

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

No. As I said above, transition is hard. They need the time to realise the extent to which changing their legal sex will affect them. Detransitioners are also typically younger. The age limit should stay the same to safeguard young people as they make a major life decision.

All other documents can be changed with a letter from a GIC consultant, there will be very few times they will need to use their birth certificate as identification.

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

As a transsexual man (FtM) who already has a diagnosis of gender dysphoria, these proposed changes are appealing. It will make the process easier for me – primarily the online function and reduced fee.

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

A process to protect detransitioners – they're rarely talked about but are a particularly vulnerable group.

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

No. I believe our current process (with the proposed changes) offers the better balance between ease of access and safeguarding.

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

More people identify as transgender than have a diagnosis of gender dysphoria. Many transgender individuals identify away from the 'binary' there is no process for this.

The process caters more for transsexuals than the wider 'umbrella' of transgender.

'Transgender' people without gender dysphoria are taking advantage of the protections created for transsexuals.

- 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.

No. But there are challenges in the way people are interpreting both, especially the EA2010.

Many organisations/companies are using 'Gender' as a protected characteristic rather than 'Gender Reassignment.'

In terms of language, Gender and Sex need to be completely separated. Sex is biological sex (gametes produced and body structure), Gender has become a more amorphous term to describe how a person sees themselves.

- 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?

No. It needs to be much clearer that Sex and Gender are separate and that Sex is a protected characteristic.

Because of the confusion of organisations/companies, facilities are being provided based on Gender rather than Sex (the protected characteristic). Due to this, the protected characteristic is no longer being safeguarded.

Clarity over the difference between Sex and Gender are needed – it must be clear that Sex is protected.

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

It has. I have protections as a female, I have protections against discrimination for undergoing gender reassignment. I have the same human rights as anyone else. We are adequately protected.

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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?

Separate Sex and Gender.

In medical services my medical records show Male. I am biologically female and therefore I have different needs.

I have been asked to give a sperm sample, I have been told I have deficiencies because they've compared my bloodwork to male averages.

We need a new system that shows I am female AND and a transsexual man.

This would need to reflect in other services as well.

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

Not for gender-fluidity. There is no paperwork/process that can support a fluctuation in such a way – multiple forms of ID for different days? Personally I don't see it working.

For non-binary? Separate Sex and Gender. Have female NB still protected by the Sex characteristic but let them have their own gender identity if they so choose.

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