

Written evidence submitted by TIGERS in STEMM [GRA1579]

TIGERS in STEMM (science, technology, engineering, medicine and mathematics) are a group of academics from multiple Universities in the UK who are focused on improving equity in the STEMM research community. We welcome the opportunity to submit evidence to this reform as it has the potential to improve equity in the STEMM research community. This document has been principally prepared by Dr Katie Nicoll Baines and Prof Rachel Oliver. Membership of TIGERS does not necessarily imply involvement with this document.

The Government's response to the GRA consultation:

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

While welcome, the proposed change is still limited. It still situates obtaining a gender recognition certificate within a medical model which continues to deny a trans person's agency and authority over their own identity. In order for reforms to be kinder and more straight forward, they should be centred on the enabling trans people to be recognised in their lived gender and that trans people are the experts in their own identity, rather than being subject to a process that is arbitrated by medical professionals which can be costly and intrusive.

- Should a fee for obtaining a Gender Recognition Certificate be removed or retained?

The fee should be removed as it is a barrier to ensuring equal access to a GRC.

- Are there other financial burdens on applicants that could be removed or retained?

Due to the medicalisation of trans identities, there are often additional financial burdens associated with travel and accessing medical support, these should be removed.

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

A diagnosis of gender dysphoria should be removed. This contributes to a medical model whereby trans identities are incorrectly viewed as a pathology. This pathologising leads to stigmatisation and discrimination of trans people. It also excludes those trans and non-binary people who do not experience gender dysphoria.

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

Yes, there should be no time requirement associated with obtaining a GRC. Setting an arbitrary time requirement fails to acknowledge that trans people already spend many years coming to terms with their identity and does not appreciate that trans people are truly the experts in their own identity. It also reinforces a problematic binary notion of gender identity and reinforces stereotypes of what a real man or woman is. It is not inclusive of non-binary identities as the UK currently does not legally recognise the existence of non-binary people.

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

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The statutory declaration should be removed because it is set within a binary framework and fails to recognise that gender fluid identities exist and that gender is not static.

- 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?

Spousal consent pre-dates sex marriage legislation and is therefore out-dated. Retaining this requirement also means trans people in England & Wales have different rights to those in Scotland where the requirement does not exist. This creates legal inconsistencies and a lack of clarity for applicants. The spousal consent provision is further redundant as all parties to a marriage are able to request a dissolution of the marriage if they wish.

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

Countries, such as Norway have no legal age limit, depending rather on parental support until a child reaches a point where they can make independent legal decisions. This would be the best approach.

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

Trans people should have a simple and easy mechanism to obtain legal recognition of their lived gender. The repeated consultations on this reform has resulted in an exhausting and protracted process for trans people and has contributed to increases in transphobic incidents and hate crimes. Changes must be brought into place to ensure equality for trans and non-binary people in the UK.

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

The Government should have ensured that GRA can be obtained by a process self-declaration as well as creating suitable provision for non-binary people who are currently excluded from legal recognition of their gender.

There should be opportunity for people to be identified in another way to the binary gender categories of man and woman. Some UK Universities are updating their personnel systems to enable staff to be recognised as non-binary in the workplace. However, this is only a social recognition and not a legal one. HMRC still only allows binary gender options, so these employees still have to select an incorrect gender marker to receive their salary. The world of STEMM academia is international, and many countries do recognise a third gender option. It is imperative that the UK provide a third legal gender option so that non-binary people can be recognised. TIGERS in STEMM consider it a failing of the UK government that people with legal recognition of their non-binary gender, in their home country, must give this up in order to be able to work in the UK. We thrive on the diversity of international talent in academic research, and it is essential that legislation support that diversity and not hinder it.

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

Yes, although with some limitations and an acknowledged inaction relating to non-binary people.

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Wider issues concerning transgender equality and current legislation:

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

As outlined previously, the barriers to obtaining a GRC are prohibitive to many trans people in the UK. It is also not possible to obtain a GRC if you are non-binary. Not all non-binary people identify as transgender but many do.

- 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, there are no challenges. While clearer guidance around the workings of the Equality Act would be welcome, there is no inherent conflict between the GRA and the EA as the interaction between the two legal frameworks is minimal.

- 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?

Yes, those services that use these single sex-provisions are well versed in how they are implemented and used. Clarity to the public is always welcome.

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

With the recent precedent set by an employment tribunal stipulating that the EA confers protections to non-binary/gender fluid people it is clear that EA provides protections to non-binary and gender fluid people. However, it would benefit from clarification in the guidance on how this act applies to all trans and non-binary people.

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

The Government LGBT survey has information about this as does the 2016 Women and Equalities select committee report. There are numerous other reports available too that detail the many issues faced by trans, and non-binary, people today.

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

Yes, the UK must, as a matter of urgency, implement legal recognition of non-binary and gender fluid people through providing a legal third gender option. 7% of respondents to the Government LGBT survey identified as non-binary, so it is clear from this and evidence that employers are providing the means for non-binary people to be socially recognised in the workplace that the government must implement legal reforms to ensure non-binary people are included in society.

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