

Written evidence submitted by British Youth Council [GRA1612]

Woman and equalities Select Gender Recognition Inquiry 2020

The British Youth Council

The British Youth Council is the national youth council of the UK. We work to ensure young people are included in political and public life and that they have a voice in the decisions that affect them locally, nationally and internationally. At our Annual Council Meeting in 2020 our membership voted for us to more actively advocate for the protection of Trans young people.

Part 1: The Government's response to the GRA consultation:

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

- The British Youth council believes that the minimal administrative changes to improve the process for legal gender recognition of Trans people in England and Wales are not sufficient. We have recognised many ways in which things can be further rectified and amplified in order to meet the need of young Trans people across the UK.
- Further to this, the Government has reneged from their responsibilities to implement positive and meaningful reforms—something that had been promised.
- Acquiring medical and other documents for the required 'evidence' involves further costs, some which many young people will not be able to afford. We believe that the fee should be removed or substantially reduced.
- Some other costs that we believe should be reduced to a more reasonable amount include: - costs for replacement of official documents such as birth certificates and passports.

2. 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 to obtain a Gender Recognition Certificate should be removed completely. If the Government is to go ahead with a 'nominal' fee there should be clarity as to the size of this fee as soon as possible.

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

- We believe this requirement should be removed.
- Trans people have been fighting stigma and discrimination globally, much of which can be traced back to a medical system that historically has pathologised Trans identities as mental illness.

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- A simple administrative process based on self-determination does not need a medical diagnosis. This is in line with international best practice, for example in Ireland, Malta, Argentina and Norway.
- The ICD-11 (2018), published by the World Health Organisation (WHO) re-frames 'gender identity disorder' as 'gender incongruence' and moves the diagnostic codes from the chapter on mental disorders to one on sexual health.

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

- We believe that evidence of living in an acquired gender for any period of time should not be required.
- What constitutes evidence of living as any gender is culturally, socially and historically specific. It is also subject to individual interpretation and preference.
- According to the GEO GRA consultation, 78.6% were in favour of removing the requirement for individuals to provide evidence of having lived in their acquired gender for a period of time.

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

- There are a number of problematic elements to the current declaration. We think that including a 'reformed' statutory declaration as part of a system of self-determination is a sensible approach, as long as it is the only requirement to obtain a Gender Recognition Certificate.
- The process for statutory declaration is simple and straightforward and is used very commonly by people applying to change their legal name. The process is fully accessible and can be done by printing off a basic format from several locations online.
- A simple statutory declaration system is widely recognised as best practice internationally, having been implemented in a number of countries.
- While it is important that individuals looking to change their legal gender intend their declaration to be permanent, we believe that the inclusion of an 'until death' clause is unnecessary.
- A reformed Gender Recognition Act must recognise non-binary and fluid identities.

6. 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?

- We believe that spousal consent provisions, sometimes referred to as 'the spousal veto', must be removed.
- The system must enable a Trans person to obtain GRC without needing the permission of their spouse.

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

- We believe that all Trans people, regardless of their age, deserve respect and recognition. Legal recognition would ensure that no young person suffers because of the discrepancy between their legal and social identities.
- We think that the age for gender recognition should be lowered to 16.
- It is vital that Trans young people under 16 are supported.
- Whether or not parental approval should be required, particularly for those under 16 who are not independently competent, needs to be carefully considered. Parental approval or otherwise should not however be determinative of whether a child's identity should be recognised.

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

- Implementing less costly and bureaucratic processes does not go far enough in making a significant difference for Trans people. Therefore, we think that these changes would not have a significant impact on Trans people applying for a GRC.
- More generally, Trans people continue to face huge inequalities across all areas of life and much more must be done by Government to support them.

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

We would say that the GRA needs to be reformed in the following ways:

- The £140 fee to be removed or reduced;
- The requirement of a diagnosis of gender dysphoria to be removed;
- The Gender Recognition Panel to be removed;
- The spousal veto to be removed;
- The two-year waiting time to be removed;
- The statutory declaration to be removed (unless it is the only requirement);
- The age limit to be lowered; legal recognition for non-binary people to be introduced.
- We believe, Intersex people also should appropriately recognised and included in the reformed Act, offering a specific pathway to them.

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

- The Scottish Government's proposed Bill overall appears more favourable than the English and Welsh proposed Bill, as it intends to reduce the requirement of

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'living in your acquired gender' for 2 years, lower the age a person can obtain a GRC from 18 to 16 years old, and abolish the current requirements for medical evidence to be submitted to a Gender Recognition Panel.

Part 2: Wider issues concerning transgender equality and current legislation:

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

- Obtaining a GRC is difficult, costly, time consuming and intrusive. The National LGBT Survey revealed why so few trans people have a GRC.
- Not all people know that GRC is available and many young people do not have means to access this and therefore are not able to apply. I.e. Easiest and most convenient way to access this is online.
- Many young people do not have access to the internet, have limited data roaming or even have access to digital devices.

2. 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.

- There should not be any challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact as to have the protected characteristic of gender reassignment, and therefore to be protected under the Equality Act, Trans people do not have to have a Gender Recognition Certificate.
- There is a significant amount of misinformation around the way that the GRA interacts with the Equality Act and the Government must do more to clarify with public services and the government that the Equality Act and the GRA do not interact.

3. 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?

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- We believe, guidance should make it clearer that as a default, single-sex and separate-sex spaces must be inclusive of anyone identifying in line with the gender/ genders they are provided for.
- You may wish to discuss the barriers faced by Trans and non-binary people who wish to access services that are single sex.

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

- The Equality Act protects all Trans people regardless of whether they have taken steps such as obtaining a GRC, having medical interventions or legally changing their name.
- Non-binary people should be also protected against discrimination on the basis of their non-binary or fluid identity.
- There is a lack of explicit protections for non-binary people within the Equality Act.
- There has been a large increase in hate crime, Discrimination and Abuse amongst Trans people and the support that they can receive is either not easily accessible or not much available.
- Some of these crimes/ abuse can lead to mental health and more serious conditions and again services which can offer help to them are limited or just merely not available.

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

- Trans people face a multitude of barriers and issues when accessing, or trying to access support services.
- More needs to be done across the public sector, private sector and VCSE sector to ensure that Trans people can access services that are free from discrimination and that meet their needs.
- Some of these issues include:- accessing healthcare; many health specialists are not trained to deal with the problems that trans people may face, so more training needs to be given in the health field to professionals.
- Some facilities/ services for domestic violence are very specific and limited to a specific gender i.e. woman. This leaves Trans people excluded made to feel isolated from real help.

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

- GRA reform should provide legal recognition for non-binary identities.
- Changes to identity documents and records to include non-binary gender identities would strengthen the legal recognition of people with non-binary genders in the UK.
- A general move to remove gender from official documents is vital and should not raise any particular problems.

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