

Written evidence submitted by Mr Stoter [GRA1683]

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

It is a step in the right direction, particularly around the reduced fee. However, the anonymous, bureaucratic nature of the Gender Recognition Panels, including the fact that they never meet the individual, and that they regularly reject applications on the basis of precise and complex paperwork requirements, suggests to me that further reform is still needed.

- 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?

My view is that the fees should be removed. Many aspects of transition involve heavy costs, especially as NHS care has such long waiting times that many turn to private care.

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

Yes. Medicalisation of being trans is in many ways infantilising – requiring a 'grown-up' doctor to assess how well an individual knows themselves. Their own self-declaration should be enough.

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

There are so many potential hurdles to this being a criterion for obtaining a GRC that there would be no way of fairly and safely setting criteria by which this could be judged. For example, individuals who have an unsafe home life, or feel that their employment could be at risk if they come out at work.

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

Some individuals may find this applies to them, and may even gain some benefit from it, but there are also a lot of cases where it would not be applicable (e.g. non-binary individuals). It also ignores the fact that there is a (very small) contingent of trans individuals who do eventually detransition. Therefore making it a mandatory, universal requirement is exclusionary to those individuals. If there were a way of retaining it but making it optional, that would be preferable. If there is a concern about the system being abused, something like a limitation on how often an individual can apply would seem to make sense (e.g. yearly, or once in 5 years).

- 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?

The ability of a spouse to veto an individual's transition seems open to abuse, especially given that divorce or separation can take a long time. My feeling is that a spouse should be informed, but even then there are opportunities for a vindictive spouse to make it impossible for the trans individual to

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provide evidence that they have received the information. My proposal would be that the trans individual should provide evidence of having made a reasonable attempt to inform their spouse, and that should be considered sufficient. However, at the fundamental level transition and the obtaining of a GRC is about the trans individual, no-one else, not even their spouse.

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

No, I think that the current age limit is appropriate, so long as there is sufficient support available for younger individuals to transition socially and, if necessary, medically before then.

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

As I mentioned at the top, I think the initial proposals are a small positive step in the right direction, but that there is more that is needed, especially around the bureaucratic nature of the process and the anonymised nature of the GR panels.

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

Reform of the GR panels giving the applying individual an opportunity to meet the panel and explain any gaps in their evidence, rather than having to deal with the stress and lost time of repeated back-and-forthing of paperwork.

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

I don't have any views on this

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

The aforementioned bureaucracy of the process would seem to be a major cause

- 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 do seem to be. For example, there are some anti-trans activists who use the wording of the Equality Act to try to deny access to women's spaces to trans women. My view is that their reading of the Equality Act is wrong, but it does appear that the wording is open to that abuse.

- 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?

See previous response.

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

In theory, the Equality Act does provide a lot of protection. In practice, transphobes and anti-trans activists are still able to skirt around the intent of the law to still do harm to trans people, especially around excluding them from spaces and work.

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

Transphobes and anti-trans activists have made it a major issue of their platform to deny access to these spaces to trans people (especially trans women). The Equality Act should in theory prevent this, but it does not seem to be effectual.

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

Yes, the same protections (including legal recognition) should be applied to all trans people, for the same reasons – the government should trust people to know who they are.

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