

## Written evidence submitted by Ms Matilda Tempest [GRA1710]

### **Response to Government consultation on reform of the Gender Recognition Act**

I am a cisgender woman responding to this consultation in my capacity as a private individual and a trans ally. I am responding to this call for evidence after hearing the concerns of transgender people I know. As I am a private individual without legal expertise, I have kept my answers short, and used the questions in your guidance to structure my response.

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

The current process is both cruel and complicated. The government's proposed changes are kinder, but starting from a very low baseline and not going nearly far enough.

**Question:** 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 for obtaining a Gender Recognition Certificate should be removed if at all possible. The GRC application process also requires you to submit your passport and other identifying documents which have been changed to your new name, all of which cost money. The financial burden of obtaining these documents should be removed if at all possible.

**Question:** Should the requirement for a diagnosis of gender dysphoria be removed?

Yes. Wait times for gender-related medical appointments are atrociously high, and many doctors are prejudiced against transgender people. For these, and a host of other personal or systemic reasons, it can be very difficult for a transgender person to attain a diagnosis of gender dysphoria. The requirement for an official diagnosis is therefore another cruel barrier.

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

There are many barriers to trans people living as their acquired gender - for example, fear of losing their job. Many trans people knew they were their acquired gender long before they were able to live their truth, and it feels like unnecessary gatekeeping to force a trans person to wait two years. In addition, for many people it is easier to live as their acquired gender once their official paperwork matches up, meaning that trans people are stuck in a catch-22 situation, where they are unable to live as their acquired gender due to lacking the paperwork, but unable to obtain paperwork until they've lived as their acquired gender.

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

Trans people should be able to self-identify and declare their own gender.

**Question:** 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 spousal consent provision is frankly bizarre and open to abuse (for example, separated partners

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who are not officially divorced!). While no-one should be forced to remain in a marriage with someone whose gender is different to what they originally thought, this should be protected by allowing for divorce, rather than forcing someone to continue living as a gender they are not.

**Question:** Should the age limit at which people can apply for a GRC be lowered?

Yes, to 16. A 16-year-old is capable of knowing their own identity.

**Question:** What impact will these changes have on those people applying for a GRC, and on trans people more generally?

These changes will have a positive impact, but the difficulties trans people in the UK face are enormous. The government could make a much bigger impact by allowing self-identification. I think that the biggest impact is likely to be the opening of three new gender clinics, which will enable more transgender people to be seen on the NHS and start living as their true gender, but waiting times are currently astronomical.

**Question:** What else should the Government have included in its proposals, if anything?

The Government's proposals are very limited in scope. I think the proposals should include the right to self-declare gender identity at a minimum, and more proposals to reduce waiting times for gender identity clinics. Ideally, a review of the current system, which is outdated, invasive and leans heavily on old-fashioned gender roles, would be included.

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

Yes.

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

I am not transgender, but my understanding is that the requirements to get a GRC are too high for many people to consider it worth the effort. In addition, my understanding is that if you have a GRC you are on an official list of transgender people in the UK, which many people are concerned by.

**Question:** Are there challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact?

My understanding is that there is some confusion over how the two interact that has been used to discriminate against transgender people, but I do not know enough about the details to comment fully.

**Question:** 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?

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If not, is reform or further guidance needed?

They are not clear and are in need of reform, as they are currently used to discriminate against transgender people.

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

It does not - there are sections which are unclear, and it does not mention people who identify as nonbinary at all.

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

Single sex shelters often turn away transgender women, who tend to be especially vulnerable. Health and social care services tend to be institutionally prejudiced, which can make it difficult for transgender people to seek help.

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

Yes, currently there is no way for non-binary and gender-fluid people to have their gender recognised in law or on official documentation. Legal reforms are needed in order to allow non-binary people's gender to be recognised.

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