

**Written evidence submitted by Dr Elizabeth Chapman [GRA1714]**

I am submitting this evidence as a researcher with a PhD on sexuality and gender identity. I am writing as a cis (i.e. non-trans) woman.

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

Although I welcome the move to reduce the fee involved and to open more gender clinics, the proposed changes will in fact make very little difference to the process. I am disappointed that the proposed changes are so minimal, despite the responses to the previous consultation that were strongly in favour of making the process more accessible for trans people. Speaking as a cis (i.e. non-trans) woman, I am strongly in favour of self-identification for trans people. This system has been successfully introduced in many other countries, including Ireland, resulting in a much less stressful process for trans people with no negative impact on anyone else. I would also strongly support legal recognition for non-binary people.

**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 should be removed completely. Trans people are disproportionately likely to face financial difficulties, not least because of the discrimination they face when looking for jobs and in the workplace.

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

I believe this requirement should be removed. It places an additional burden on trans people (as well as on the NHS) and makes the process longer and more complicated. Not all GPs are fully conversant with trans issues and thus a postcode lottery element is introduced. There is no clear benchmark of what constitutes dysphoria for a given individual, with different trans people experiencing it in different ways, to different extents, or in some cases not at all. It is therefore far too fuzzy a concept to be used as a legal requirement. Moreover, medicalising the process in this way suggests that there is something 'wrong' with being trans, in much the same way that homosexuality was once classed as a 'disorder'.

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

This seems like completely unnecessary gatekeeping. Most trans people have been carefully weighing up their decision to transition for a long time in any case. Once again, it is far too fuzzy a concept to be used as a legal requirement: 'living in one's gender' might look like very different things for different people. Moreover, it is exclusionary of non-binary people.

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

As previously stated, I am strongly in favour of permitting trans people to self-identify. Therefore, if a statutory declaration was the main vehicle for legal recognition (instead of requiring a medical report etc.) I would support this system.

**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?**

This should absolutely be removed. Nobody has the right to exercise control over anyone else's gender. It has already been removed in Scotland, so bringing the rest of the UK into line would make sense.

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

Yes, I think it should be lowered to 16 at the oldest. This is the age at which other autonomous rights and responsibilities kick in.

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

They are largely inconsequential, and will have minimal impacts for the majority of trans people. As stated previously, I am disappointed that the proposals are so minor despite the strong support for broader reform of the GRA in the previous consultation. Moving the process online could even make it less accessible for some people.

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

I would strongly support a system of legal recognition for trans people based on self-identification (I speak as a cis, i.e. non-trans, woman). I would also support legal protections for non-binary people, who are currently not covered by the Equality Act. There also need to be more clinics providing services to young trans people, who currently face extremely long waiting times.

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

This is certainly an improvement on the proposals for the rest of the UK. However, it still falls short in many respects, e.g. lack of recognition for non-binary people. I also do not see the need to stipulate any length of time for living in their acquired gender, although 3 months is a great improvement on 2 years.

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

There are a lot of barriers (including financial ones) and hoops to jump through. Trans people report that the process can be intimidating and dehumanising. Also, a large proportion of trans people are non-binary, and thus are currently not permitted to apply for a GRC under the current system.

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

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**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? If not, is reform or further guidance needed?**

The loophole should be removed which permits service providers to discriminate against trans people. Trans women in particular are among the most vulnerable groups in society and are disproportionately likely to face domestic (and other) violence. In fact, many women's refuges across the UK are already pro-actively going beyond the requirements of the legislation by ensuring that they are fully accessible to trans women.

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

It does not mention non-binary people in the main text.

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

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

Yes. Non-binary people need legal protections, legal recognition, and the addition of a third gender marker on passports and driving licences.

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