

**Written evidence submitted by Dr Hannah Earnshaw [GRA1720]**

My name is Hannah Earnshaw, and I am a British citizen currently living in California. I am non-binary, publicly out as such, and I am currently undergoing physical transition in the form of taking gender-affirming hormone treatment.

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

These changes will absolutely be a marked improvement, but do not go far enough. Moving the process online is beneficial for many, but will be restrictive for those who do not have easy internet access, so alternatives must be in place. Three new gender clinics is a good start towards reducing the wait times, but more are required and the process itself must also be overhauled if trans people are to be treated in a timely manner, particularly youth who want to block the irreversible changes of puberty.

In my own experience, my ability to obtain hormone treatment in the USA within a couple of months of requesting it has proven extremely beneficial to my mental health, and my ability to present myself as non-binary has dramatically improved. It is a source of great sadness to be that I would not have been able to do so in my birth country.

**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?**

Applicants already have to spend money to update official documentation such as passports. Ideally, the fee would not be retained, in order to minimise the financial burden on applicants.

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

The requirement of a gender dysphoria diagnosis should be removed. Ultimately, the transgender experience is an internal one, and the criteria for whether or not someone's gender is truly different from that assigned to them is reductive and often relies on gender stereotypes or proof of suffering. Someone shouldn't need a reason or be granted permission to decide to live their life as a different gender, as long as they are genuine in doing so, and a signed statement of intent should be enough for that.

Particularly for me as a non-binary person, my experience of gender dysphoria looks different, and the goal I am aiming towards does not fit the restrictive understanding of gender that trans people are often forced to emulate in order to convince someone else that they are trans and want to transition. Removing the requirement of gender

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dysphoria allows people like me to access the treatment they need without having to distort their own story and experience to meet someone else's approval.

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

Living in an acquired gender for two years before having the paperwork to back you up can put a trans person in unnecessary danger and inconvenience that non-transgender people do not have to face. Often when a person has decided to transition, while they may have taken a long time to think it over, they want to be able to complete the process itself as quickly as possible, for their comfort and safety. This requirement should be removed.

I spent several years in the process of working out that I was transgender. Once I had come to that decision, I publicly came out and changed my name with a deed poll. I would have wanted to change other paperwork at the same time, though that option was not available to me as a non-binary person.

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

Transgender people should be allowed to declare their own gender. No non-transgender people need to submit evidence to prove that they are being their own gender correctly - transgender people shouldn't need to either. This is particularly the case for non-binary people – since there is no one true way a non-binary person can exist, how are we supposed to produce evidence to match some arbitrary standard of gender conformity or not? We are the experts on our own experience, and our word is sufficient.

**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 existence of a spousal veto gives an avenue for a non-supportive spouse to abuse their partner by refusing them the ability to fully transition. This is an issue of autonomy for the trans person - whether or not the spouse approves should not be legally relevant. We agree that a spouse should have no legal recourse to coerce and control their partner. Denying someone's right to transition is another form of coercive control, and should not be enabled through a spousal consent provision.

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

lowered?

A process for social transition and preparation for medical transition (i.e. puberty blockers) already exists for transgender people under 18. Reducing the age to 16 will make things easier for young trans people.

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

Waiting lists for gender clinics are currently averaging around three years, a completely unacceptable length of time. More than three gender clinics, and in general a gender recognition process far less dependent upon approval by gender identity clinics in the first place and more focussed on getting trans patients the treatment they need, will be required to work through the backlog quickly enough to reduce waiting times to a reasonable level. The current length of wait puts lives in danger, whether through transphobic abuse or mental health.

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

Legal recognition for non-binary people is important for many people do be able to live as their authentic selves without having to lie whenever they have to legally declare their gender, and should be included in these proposals. There is currently no way for me to be legally recognized as the gender I am in the UK, and allowing me to do so will be extremely beneficial for both my mental health and my safety as I will have protection under the law when asserting my identity.

**Question: 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 is absolutely more suitable, though in itself has room for improvement – for example, in removing associated costs.

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

The process of applying for a GRC is so long, expensive, and demoralising, that it is not surprising that many trans people have elected to undergo the risk of not applying for one. It is vitally important that this process be made more humane and accessible.

**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?**

These provisions are not clear and need reforming. These laws have been used, for example, to deny transgender people access to shelters from abuse or just the right to exist in a public space with the ability to use toilet facilities when needed. The nature of a transgender person's position is such that they are unable to use spaces for the gender they were assigned at birth, and are refused access to spaces for their acquired gender, such that none of these spaces are available to them. This puts trans people in danger and makes everyday life prohibitively difficult. Transgender people are no greater threat to people than others of their same gender, and the Equality Act should be amended to remove anything that can permit discrimination against a transgender person under the false premise that this is not the case.

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

The Equality Act makes no provisions for non-binary people, meaning that their access to spaces and facilities is also threatened by their being no mandated options for someone who doesn't fit into either gender category. While I am currently able to 'pass' as female for most intents and purposes—for example, when using a public toilet—the longer I am on testosterone and the more ambiguous my appearance and presentation becomes, the more likely I am to be turned away from all kinds of gendered facility. It is vitally important that people like me are still given places to go in this situation.

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

Yes. Accurate documentation that correctly states a non-binary person's gender and explicit inclusion under the law gives non-binary people protection against those who would discriminate against them, and will contribute to making a society in which non-binary people can live openly and securely.

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