

Written evidence submitted by Ms Sydney Cardew [GRA1722]

My name is Sydney Cardew. I am a 32 year old transgender woman living in the South of England. I was diagnosed with gender dysphoria in August 2019 and have been living full-time as my preferred gender and taking hormone treatments for over a year. I am currently not yet eligible to apply for a GRC; I submit this evidence based on my lived experience, on my experience as an activist and my conversations with other trans, non-binary and gender diverse persons. I include the questions I have chosen to answer in **bold**, followed by my responses.

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

Yes, to a limited degree. However, it does not go far enough. Trans people in the UK are under significant strain from a culture of rampant and unrestrained transphobia and the government needs to step up to the plate and protect us, both as a matter of moral urgency and in order to safeguard any hope Britain might have of retaining a reputation as a country where human rights are held in high regard.

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 entirely; it is not appropriate that the process of transition should be made any more financially burdensome on trans people than it already is. Since Gender Recognition Certificates are only required by a specific minority it becomes a discrimination issue. Ideally, any costs associated with re-issuing key documents (birth certificates, marriage certificates etc.) from public bodies should also be waived.

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

Yes. This would be in line with the depathologisation of trans identities being undertaken by the WHO in the ICD-11 standards. This is especially urgent given the current waiting times for people to be seen by NHS psychiatrists.

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

Yes. At the very least the requirement should be reduced to one year, in line with the WPATH guidelines on genital reconstruction surgery. It is utterly absurd that someone could, technically speaking, undergo this surgery with full medical oversight before they were able to acquire a gender recognition certificate.

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

The statutory declaration is mostly ok, but should be updated to allow non-binary people the right to self-identify.

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 needs to be entirely removed. It is absolutely inappropriate that a spouse should be able to put any roadblocks in place of this highly personal matter. If a spouse objects then they need to pursue a divorce.

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

A GRC should be able to be acquired, or at least the process started, at the age of medical responsibility.

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

The government should have adopted an outright system of self-identification similar to the one used in Ireland, rather than trying to reform a fundamentally unfair system.

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

The current process is too intimidating, costly and opaque. People do not want to make the application not knowing if it will be successful.

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

In my view, the Equality Act does not protect trans people adequately because of the single sex provision, not least because the definition of 'sex' is legally vague. Equally concerning is the position that intersex people are placed into by this law, or by any of the proposed 'tests' to ascertain someone's sex. There is a very strange supposition that someone's 'true sex' should be obvious in some way to an untrained observer. This is simply not the case. If the intent is to preserve spaces where everyone has a particular sort of genitalia, that should be made clear; however, in this case, very serious restrictions should be placed on when this exemption can be claimed, not least to protect those with ambiguous genitalia. For example, it is absolutely absurd and unacceptable that there should ever be any threat of excluding people from toilet or changing facilities with single-occupancy cubicles. The law also needs to take very seriously the profound risks that trans people face using facilities that are incongruent with their gender presentation, and the severe difficulties they may face from lack of access to certain sorts of facilities. Inappropriate behaviour should be tackled with the existing laws on indecent exposure, sexual harassment etc.; there is no need for additional protections in this regard in the vast majority of cases. At the moment, the Equality Act in this exemption is enshrining and legally

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sanctioning a very particular sort of bigotry in an ugly way. Imagine if similar exemptions were included for other areas of the act; for example, if people who were uncomfortable around others of a certain ethnicity or religious background were allowed to create 'exempt' spaces. It renders trans people, and particularly transgender women, who are disproportionately the target of this exemption, as second-class citizens legally.

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 severe difficulties accessing these services, not least of which is the culture of hostility which surrounds them, making many trans people afraid to even attempt to access support.

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

Yes. The UK needs to formally adopt a third gender marker on passports (in line with a growing roster of other countries) and put in place legislation and guidance to ensure that gender neutral titles (such as 'Mx') are available on all official documentation. The language of the Equalities Act should be changed, particularly the language in section 7 'gender reassignment'. The phrase 'transsexual person' should be replaced with a descriptor such as 'trans, non-binary or gender diverse person' each time it appears, and the entirety of paragraph 1 should be re-written to be clearer and to definitively account for those trans and non-binary persons who might be targeted for discrimination despite not undergoing any sort of medical or legal process.

Thank you for considering my evidence.

November 2020