

Introduction

I am responding to the call for evidence as an individual. I'm a 33-year-old queer cisgender man, living and working in Cambridge, UK. My motivation for answering is concern at the apparent rise in hostility towards trans people over the past five years in particular, and a desire to see the rights of trans people protected and further enhanced.

A number of my dearest friends and loved ones are trans, and even if that were not so, it is still clear to me that trans people are currently at dire risk of great institutional harm. They are a target of hostile groups who regard being transgender as somehow fundamentally dangerous to others, when there is no evidence for the dangers most commonly attested to. They are currently the unwilling object of a moral panic, a discussion that is being held about them rather than with them. Yet trans people are a highly vulnerable group in many ways: the writer Jay Hulme recently catalogued [his experience of life as a trans person in the UK](#), in particular the compounding effects of each obstacle, and the effects of institutional indifference. I see his experiences echoed in the lives of every trans person in my life.

The current moral panic is stoked by one prominent group: the LGB Alliance, who [would seem to fit the definition of a hate group](#). Their real efforts seem more focussed on the suppression of trans rights than on their other stated goal of advocacy for gay rights. Their appearance as a community organisation belies that they are a fringe group, with no support in the mainstream UK LGBT+ community. But worryingly, they have been platformed by the BBC to debate trans issues alongside trans people, when the explicit purpose of the group is to exclude trans people. The BBC has [other recent acts](#) suggestive of some institutional hostility to trans people. When our UK newspapers and other media organisations that should feel like home all show a similar indifference, trans people have extremely little succour from our nation's broadcasting.

I find the current discourse resembles the way gay people were discussed in the 1980s, an atmosphere which birthed overbearing laws like the infamous Section 28 – a law which personally affected me, and I have no doubt made my life immeasurably harder than it had to be. I fear the conditions which led to Section 28 are recurring now: some regard the very idea of transgender people as something dangerous or confusing to children, much as it was once seen as dangerous for children to consider the existence of gay people. Some felt then, and feel now, the need to 'protect' children from these ideas with distance. The long-term cost to queer or trans children left isolated with no support is ignored. I would characterise both attitudes as prioritising the comfort of parents over the real wellbeing of children.

My answers below are partly based on the guidance provided by [Gendered Intelligence](#).

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

The changes the Government has proposed seem minimal, and barely meet what might be expected under business-as-usual.

They do very little to make the process of applying for a Gender Recognition Certificate any "kinder" or "more straight forward".

They do not reach the expectations for meaningful change trans communities had read as precursors, nor do they touch the sides of the Government's own original scope of what the end result of the consultative process would entail.

Written evidence submitted by Phil Scott [GRA1751]

The chief obstacles to GRC application as described in the original GRA consultation feedback remain.

As far as we can tell, the supposed roll-out of new trans healthcare services is an unrelated and pre-existing effort the Minister has tried to shoehorn into the Gender Recognition Act announcement.

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?

While a reduction in cost is welcome, there should be no fee for what can be a crucial document which can affect an individual's access to work if using a birth certificate as a form of identification, and even their safety if it pertains to disclosure of their identity as trans.

Trans communities are more often excluded from workplaces than their cis peers (63% trans respondents with a paid job compared to 83% cis respondents, [National LGBT Survey p133](#)); it follows that any fee is an unnecessary obstacle to further take-up.

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

We believe that any process of legal gender recognition needs to be demedicalised if it's to be brought into line with what's been happening in other countries, as well as what trans people need.

There is no benchmark of what dysphoria looks like for an individual, and as such a diagnosis cannot be held to have universal meaning. It follows that a diagnosis of gender dysphoria should not be a prerequisite for any process of legal gender recognition.

This view was shared by the BMA at its annual meeting this year, where doctors widely backed the right of trans people to self-identify without a medical process.

Dr Grace Allport said the Government had repeatedly 'kicked the can down the road' in the two years since opening consultation on the Gender Recognition Act, despite overwhelming support for self-identification of gender. [...] "As doctors, we should take no part in such a process."

[\(Source\)](#)

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

The process is exclusionary of non-binary people. There are questions around what it is to have "lived in a gender", with this requirement seeming to be an exercise in gatekeeping.

Further, it is a catch-22 situation to require an individual to live for two years in their acquired gender, without the paperwork that in some cases can prove crucial to accessing public life.

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

If the entire process could be reformed so that a statutory declaration would be the main vehicle through which legal gender recognition would occur, this could be an acceptable compromise for all.

A statutory declaration, worded in a right and fitting way so as to highlight the seriousness of the intention behind it, could be a useful way to streamline the process.

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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 veto should be completely removed, as it has been in Scotland. It has too great a potential for abuse.

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

It seems sensible that at a bare minimum the age could be reduced to 16, where other equally autonomous rights and responsibilities 'kick in'.

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

Very little to none, with regards to impact. They're ultimately inconsequential reforms and it has been degrading that we were made to waste so much time and effort for such a lack of meaningful change.

The tokenistic nature of the surface-level proposed changes highlights an alarming lack of accountability from the Minister and the Government as a whole when it comes to the needs of trans communities within the UK.

If so many responses can be simply dismissed as they don't chime with the Minister's desired outcome, it doesn't bode well for the UK population's feeling genuinely listened to when engaging via democratic channels. It may initially appear hyperbolic, but it does a great deal of intractable damage to any trust between trans people and this government, furthering our current lack thereof.

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 has been put on the back burner because of the pandemic, but it would appear to be a better alternative in its scope to the England and Wales proposals.

The Scottish Government's proposals to lower the proof of 'living in role' to 3 months rather than 2 years is a positive step. I would be more pleased to see this requirement removed altogether.

The proposed 3-month 'waiting period' after applying, ostensibly for surety, is not something I would wish to see replicated. This is not a decision taken lightly by anyone, and additional gatekeeping is a demeaning feature not serving the individual's best interests.

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.

Opening up the Equality Act for possible dissection in the current environment of exceptional fear and hostility towards trans people would greatly risk retrogressive effects to the rights of trans people, and LGBTQ+ people more widely, and risk the UK's position as an international leader of human and civil rights. Organisations such as Gendered Intelligence have previously recommended there to be changes to the Equality Act to make it explicitly better for all people, including trans

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people, but at this juncture fear of negative amendments outweigh the possibility of any positive reform that could be made.

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

Adding the option of non-binary 'X' marker for gender on passports and driving licenses would be a huge positive change.

My non-binary friend is entitled to renew their expired UK passport, and wants to do so, but will not be able to until their gender can be accurately reflected with an 'X' option.

November 2020