

## **Written evidence submitted by Ms M Martin [GRA1746]**

I am a trans woman in my early 40's and I changed my name and public presentation in August 2016. I have not (yet) applied for a GRC. I am employed and am fortunate to be able to go about my life without thinking too much about being trans (expect when things like this come up).

I am writing now, as I did during the 2018 Consultation, as I feel that I ought to try to give another trans side of things. I am not sure how this will come across as I am really angry and upset about how all of this has been handled but I will try to keep things civil.

For the most part, I have experienced overwhelming love and acceptance in the last four years as I have been on this fascinating journey and it continually saddens me that the two things that ought to have been there to help me during this: the Government and the NHS, have caused me the most upset and grief during this time as I have tried to get on with my life.

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

1.1 No. Absolutely not.

1.2 Ignoring practically all of the points suggested in the 2018 Consultation that looked to make the process more kinder and straight forward, and the majority of respondents to the consultation seemed to think would be good ideas, does not demonstrate this in the slightest.

1.3 One could, perhaps, concede that putting it online might make it more straight forward for those with internet access but, given that there will still be the same requirement for evidence, I doubt this will make much difference overall.

1.4 Adding three more clinics will help trans people a little but these were in the pipeline to be implemented anyway and I feel that suggesting that these were in response to the consultation is disingenuous.

### **2. 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?**

2.1 If all the bureaucracy were removed from the process and it was simplified to allowing people to self identify with a Statutory Declaration, there would not be a need for a large fee. £20 seems reasonable.

2.2 Costs that may be incurred include: Statutory Declaration, Passport and Driving Licence (for ID/proof of name change), Medical reports, providing other documentation

2.3 Other 'hidden costs' associated with transitioning that would be a drain on a trans persons resources include, but are not limited to: changes to wardrobe, cost of travel to and from appointments, costs of medication/prescription charges (not all people access these via the NHS), costs of surgeries (not all surgeries are covered by the NHS or available in a timely fashion), costs of hair removal (NHS funding is inadequate for the average trans woman and can run to £1,000s). There are also the costs of having to take time off work to attend appointments and obtain the above – something that would cause further difficulties for those on low income. Trans people are commonly lower earners in the first place.

### **3. Should the requirement for a diagnosis of gender dysphoria be removed?**

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3.1 Yes.

3.2 No one but the individual concerned can say that they are transgender. My gender identity is not a medical condition that can be 'diagnosed' but a personal thing integral to my sense of self.

3.3 Not all trans people applying for a GRC may be suffering from this. Intersex people seeking to update their gender may not be suffering with this.

3.4 The ICD has removed the codes for 'Gender Identity Disorder' in favour of 'Gender Incongruence' meaning simply that the one doesn't identify with the gender assigned at birth.

3.5 There is also the barrier of waiting times to be seen on the NHS to receive such a diagnosis. (I don't believe the three new clinics will make any significant dent in the waiting times.) Private diagnosis is only an option for those with the means to afford this.

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

4.1 No.

4.2 One's gender is who one is, not how one lives. There is no one way to live, dress or conduct oneself as a man or a woman and this is therefore impossible to define unless rigid rules on this are implemented – and who would set these arbitrary benchmarks?

4.3 Trans people may change their name, clothing or presentation but changing these external aspects are separate to their internal sense of their gender identity. This may be acutely felt long before they make any external changes. I personally had been exploring my feelings about my gender for nearly 30 years before I decided to publicly transition.

4.4 Also personally, I became unemployed very soon after changing my name and public presentation. Not having the financial means to update my passport meant that I had to use this (detailing my old name) and my name change document in order to provide ID to prospective employers - thus having to 'out' myself repeatedly during job applications.

4.5 Responses to this disclosure ranged widely: from amazing acceptance to all contact with the recruitment process being abruptly severed – with me having to endure some extremely uncomfortable, intrusive and upsetting conversations between those to poles.

4.6 On all occasions, I found the process of disclosing this information anxiety provoking and when faced with rejection, apparently as a result of this disclosure, depressing and humiliating.

4.7 Having timely access to a GRC at the time I changed my name and public presentation, and consequently an updated Birth Certificate with which to use as ID, would have eliminated this hardship – and I don't doubt would have led to me finding employment a lot sooner than I did.

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

5.1 I feel that the Statutory Declaration should be retained and will provide some legal protection against people making frivolous claims. Perhaps laws against making a false declaration regarding this need to be tightened or strengthened.

5.2 I would remove the requirement to include dates of when a transition started. As I stated above, this is an impossible thing to define.

5.3 I think that a statement along the lines of one's gender change is 'intended to be permanent', rather than 'until death' would also be better. However, I would strongly suggest that the wording of this should provide leeway for people to make further changes to their gender in the future should they wish to do so. I don't mean to allow people to flip-flop between genders but to allow

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those people who genuinely feel that their change was not beneficial to their well being to be able to reverse that process.

5.4 The process should also be more inclusive of Non Binary people.

### **6. 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?**

6.1 Yes. It needs removing.

6.2 I accept that changing gender while in some sort of partnership will necessarily have implications on the partner. However, no one should have the right to veto that change.

6.3 An uncooperative partner could hold this over the partner seeking the GRC. Also, if a partner is incapacitated through illness or unable to give consent, this will also put a blockage in the way.

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

7.1 Yes. To 16 – and also for younger people with parental/guardian input.

7.2 You can already do many other things at age 16. I fail to see how changing gender is any more serious than those.

7.3 This will also allow trans youth to enter their adulthood being documented in their correct gender.

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

8.1 On the face of it, as nothing has been significantly changed, they won't really have any significant impact.

8.2 However, I feel that this lack of meaningful and significant change will have, and has had, a very detrimental impact on trans people who just would like for the Government to make their lives easier.

8.3 Personally, my mood has been negatively affected by the delays in this and the Government completely ignoring the evidence presented to them. I feel a sense of futility and have questioned why I bothered to take part in the 2018 Consultation in the first place. I have also strongly questioned myself as to whether I have the potential mental oomph to even take part in this select Committee and re submit what I had already provided in the 2018 Consultation. Several times over the past month I have considered abandoning this and, even now, I am really wondering if there will be any point to it.

### **9. What else should the Government have included in its proposals, if anything?**

9.1 The Government should have listened to the evidence provided by the 2015/16 Women & Equalities Select Committee into Transgender Equality and then also listened to the overwhelmingly positive responses to the proposed amendments to the GRA laid out in the 2018 Consultation and worked towards implementing them.

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

10.1 The Scottish Government's proposed Bill does have a lot of merit to it but it still doesn't deal with the age issue (allowing those under 16 access to a GRC) and also doesn't accommodate Non Binary people. As mentioned above, I would also prefer to see waiting period to applying removed.

10.2 However, it does provide a far more preferable alternative to what the UK Government as proposed.

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

11.1 I think some trans people simply do not feel the need to formally go down this route – there is no one prescribed way to be transgender. Others would like to but are unable/unwilling to go up against the costs and bureaucracy involved in the current system. I think that many Non Binary people who also call themselves trans do not have the options and choices they require in order to go through the process themselves.

11.2 On a personal level, as the current process stands, I have been eligible to be able to apply for just over two years now. While I think that I would be able to provide all the information required, I have been put off from applying by several concerns. I had also delayed as I had been hopeful that this would all have been sorted and reformed by now and I (perhaps overly optimistically) was looking forward to being one of the first trans people to be able to apply via a kinder and nicer process.

11.3 I am concerned about the costs, the intrusive and dehumanising nature of having to provide medial reports and reasons/justifications regarding what 'treatment' may or may not have had/proposed to undergo. Having a group of people who will never meet me judge me based on some arbitrary set of criteria makes me feel deeply uncomfortable. There is also the fear of what if my claim is rejected? How will that affect my emotional and mental well being? With other things that I have been going through in my personal life, I have not felt that I had the metal fortitude to embark on this process as well.

11.4 I now have got my name and gender entered correctly on my passport and driving license and my name is changed everywhere it can be. However, I will still be seeking a GRC as I would like to be able to enter a marriage or civil partnership with my gender recorded correctly and also would prefer for this to be recognised after my death

**12. 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.**

12.1 I do not feel qualified to answer this question.

**13. 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?**

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13.1 I think things could be clearer and that many people just don't understand them – I myself am not even sure if I fully understand them. I think many cis people are not aware that it is the Equality Act, rather than the GRA, that allows trans people access access to the single sex spaces of their gender.

13.2 Personally, I have not experienced any issue accessing single-sex spaces or facilitates appropriate to my gender. However, I do appear to blend in reasonably well. It does often seem to come down to trans women who do not 'pass' well as women, or people who don't confirm to traditional gender presentation, being called out on this sort of thing. It is also worth pointing out that attempts to restrict access to toilets in the USA led to more instances of cisgender women who didn't confirm to traditional feminine presentation being confronted (often by cisgender men) when trying to access facilities.

13.3 I think that others better versed in this will be able to elaborate on it more

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

14.1 I am not sure I am well versed in this. I think it does to an extent but in reality, it would seem that these are many ways that we can be discriminated against without any real comeback. It also has no explicit provision for Non Binary people.

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

15.1 Other than issues waiting for the GIC, and then issues once under their 'care', I have been fortunate to not experience any major issues accessing support with healthcare. With the other services, I have been fortunate enough not to have needed to access them.

15.2 I think that many trans people do have issues with all of the above – and I have known several people who have experienced discrimination while trying to access support.

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

16.1 Yes.

16.2 I am neither of these and so don't really feel best placed to speak for them other than to say that these people exist in increasing numbers and we ought to be able to do something to accommodate them so that they can feel accepted and part of this country.

16.3 Following the lead of several countries like Australia and allowing an X in place of gender on Passports would be a start and moving to more accommodation of this sort of thing.

### **17. Do you have any other comments or suggestions?**

17.1 You ask if the Government's proposed changes meet its aim of making the process 'kinder and more straight forward'. I would suggest that the Government appears to have spent it's time since the 2015/2016 Select Committee and the 2018 GRA Consultation - especially over the past 6

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months with the anti-trans rhetoric used by the Minister for Women & 'Equalities' - going out of it's way to make the lives of trans people more unpleasant and less straight forward.

17.2 The repeated delays in convening and then publishing the 2018 consultation have fostered an environment where this has devolved in to a debate about trans people instead of being about helping trans people and living up to the promise it set out to fulfil. Allowing an over focus on protecting access to women only spaces and conflating the reform of the GRA with changes to the Equalities Act has invisibleised trans men and allowed for the demonising of trans women as sexual predators.

17.3 Having this 'debate' periodically dragged up and run through the media has had a detrimental effect on my mental well being and, from what I read online, many, many other trans people too. Even having to go through this process of writing again to ask for some basic accommodation of my rights has been trying.

17.4 So, I am not sure what more I can say. There is so much more that I do want to say but I am not sure I have the energy to write more and I have tried to keep this under 3000 words. Others far more eloquent than I, and those more versed in the intricacies of the interactions of legislation will have put across their views - three times now - and I would refer you back to the evidence you took 2015/16 inquiry into Transgender Equality and to the results of 2018 GRA Consultation. I would also implore you to look further than the hate, bigotry and misinformation that is all too often whipped up against us.

17.5 Trans people have always existed and it is so important to remember that we are just people at the end of the day - just like everyone else. Please, please can you listen to the things that we ask that you do to help make our lives a little easier – at no expense to yourselves – and treat us with the same respect and dignity that everyone else is afforded. Thank you.

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