

I am a lesbian and an ally of the trans and non-binary community. I'm a photographer whose work is often about the LGBTQIA+ community I am a part of. Over the years, I have done photography and written for queer publications such as Diva, Gay Times and Attitude, as well as being a co-founder of The Most Cake, an online magazine for queer women, trans and non-binary people.

#### Question 1

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

Absolutely not. Many people are still denied access to the process, such as under-18s and non-binary people. The current process also hasn't been de-medicalised - which is very stressful for applicants. As well as this, there's still no self-determination process - something which is already standard in countries such as Ireland.

The promised "new" healthcare centres were already promised by the NHS months before this announcement, and this was not made clear.

#### Question 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?

I believe the fee should be removed completely, as it is an obstacle and is an added layer of stress. 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 fees are an unnecessary obstacle to further take-up.

#### Question 3

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

Yes it is unfair and should be removed - the process needs to be demedicalised. Trans people need this change because the current system is stressful and traumatic.

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.

#### Question 4

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

Yes, this requirement should be removed. What constitutes evidence of living as any

gender is culturally, socially and historically specific. It is also subject to individual interpretation and preference. This is an antiquated gatekeeping exercise. This element of the process also unfairly excludes non-binary people.

#### Question 5

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

The statutory declaration should form the main and only crux of the entire process, as has already been implemented by many other countries. It is currently problematic and should be reformed however. For example, the clause “until death” should be removed as it is unnecessary.

#### Question 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?

This should be completely removed, as it already was in Scotland years ago. The system must enable a trans person to seek gender recognition without needing the permission of their spouse.

Those who are in abusive and violent relationships are especially harshly affected by this provision.

#### Question 7

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

Definitely, those who are under 18 deserve to have their gender legally recognised. This would ensure that no young person suffers because of the discrepancy between their legal and social identities.

At a bare minimum, those over 16 should be able to access the process. Many 16 and 17 year olds can already obtain passports and driving licences with the correct gender marker on, for example. Being excluded from the GRC is restricting young people in all areas of life.

Access to those under 16 should also be considered, as their lives should not be held back by being excluded from this process. Just as I knew I was gay in my very early years, my trans and non-binary friends were aware of their gender from a very young age, and this should be respected and acknowledged legally.

#### Question 8

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

Very little as the changes are extremely minimal. Considering the level of time and effort the trans and non-binary community put into the original consultation, the level

to which their suggestions were ignored is horrifying. The government must listen to their needs.

#### Question 9

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

the £140 fee to be removed or reduced;  
the requirement of a diagnosis of gender dysphoria to be removed;  
The Gender Recognition Panel to be removed;  
the spousal veto to be removed;  
the two-year waiting time to be removed;  
the statutory declaration to be removed (unless it is the only requirement);  
the age limit to be lowered;  
legal recognition for non-binary people to be introduced;  
Intersex people also should appropriately recognised and included in the reformed Act, offering a specific pathway to them.

#### Question 10

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

While Scotland's proposed bill does not go far enough, it is far better than England's already as it reduces the requirement of 'living in your acquired gender' to six months altogether, lowers the age limit to 16, and abolishes the Gender Recognition Panel. However it doesn't go far enough as there's still no access to non-binary people or to those under 16, for example. Additionally, the need for people to 'live in their acquired gender' should be abolished completely.

#### Question 11

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

Trans people are less likely to be in employment, so any fee whatsoever is prohibitive. Additionally, most trans people are non-binary so are excluded from applying.

#### Question 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.

Yes. In the Equality Act 2010, the protected characteristic under which trans people are protected is called 'gender reassignment', which re-enforces pathologising narratives about trans people, additionally there are limitations of using 'sex' as a protected characteristic rather than gender. It also refers to 'pregnancy and

maternity', which is not inclusive of all genders. Additionally, non-binary people should be included in the act.

#### 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?

The guidance is not clear - it should be made explicit that anyone should be able to use the facilities they feel most comfortable using, and it is unlawful to police which facilities one uses or to discriminate against or exclude trans people.

#### Question 14

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

In the Equality Act 2010, being trans is referred to under the protected characteristic of 'gender reassignment' - the definition of 'gender reassignment' is falsely focused on medical transition only. There are also limitations when it comes to using 'sex' as a protected characteristic, rather than gender. Additionally, there is an absence of non-binary identities. Again, the Equality Act 2010 also refers to 'pregnancy and maternity', implying that only women can be pregnant.

#### Question 15

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

Transphobia is a massive barrier when it comes to accessing, or trying to access support services.

Trans and non-binary people often have to resort to private healthcare because of the NHS' long waiting lists, for example. Additionally, trans healthcare should be integrated in GP practices rather than only through Gender Identity Clinics.

When it comes to domestic violence services, more should be done to fund organisations who help and are inclusive of trans and non-binary people.

#### Question 16

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

Non-binary and gender-fluid people must, urgently, have access to the Gender Recognition Certificate. This is the key point, so that they can live a legally-recognised life.

There is also still only a male or female option on passports and driving licenses, and this must be amended, now.

People should also be able to legally change their gender more than once, because

this is more inclusive.

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