

Written evidence submitted by Ms Jones [GRA1865]

I am a 43-year-old transfeminine person living in Oxford. I only recently accepted that I'm not of my assigned birth gender, although I never felt really comfortable with being male. During the pandemic, with the lessened requirement to perform male gender presentation due to being at home all the time, I finally accepted that I am a woman. I have a large number of trans friends, and have heard horror stories from most of them about the difficulties in getting appropriate gender-confirming medical care and social acceptance.

To consider each point listed:

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

Slightly, yes, but that's only comparatively. The system would need to go much further to make the system actually kind and straight forward.

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?

Remove entirely. I have not heard any good reason why a simple deed of change of gender is enough, in the same way that a change of name is managed. Any concerns about fraud etc can be handled as part of existing laws, and in parts of the world where this system is used there is no evidence of this being used for widespread fraud.

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

Yes. A deed of gender change with an intent to permanently live in their assigned gender should be enough.

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

Yes

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

A statutory declaration make sense.

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?

Yes, it needs removing. Nobody should require their spouse's approval to change their legal gender. Any rights of the spouse can be handled by other means (e.g. allowing no-fault divorce). A spouse not wanting to approve a name change already shows a fundamental breakdown in a marriage.

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

I have no real knowledge of the issues here.

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

They will allow more people to change their legal gender to match their actual gender and will increase the ability for trans people to assert their rights, which is a good thing.

However, only 3 additional clinics is far too few, we need at least a few tens more. With widening acceptance of transgender people, many people who would have been closeted or in denial and self-hatred come forward and should have access to appropriate services – I believe many trans people will have had a similar experience to me during the pandemic.

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

Recognition of non-binary genders. A recent court case under the Equalities Act already ruled that discrimination in case of non-binary gender identity is illegal, and therefore this Act should affirm this.

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

Yes

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

I can't speak for everyone, but in my anecdotal knowledge from speaking to trans friends, mostly because the process is too onerous for people trying to deal with an extremely difficult transition. We need acceptance and support, not additional hurdles.

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 as pieces of legislation.

As mentioned above, the Equality Act 2010 has now been tested in court and found to protect nonbinary people because of the gender transition clause. The Gender Recognition Act doesn't give any provision for nonbinary people, which sounds like a shaky legal position.

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?

I am not aware enough of the issues to comment.

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

It seems fine to me now that it provision for nonbinary people has been tested in court.

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

The police are very bad at accepting trans people, and therefore many do not feel safe going to the police with issues.

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

Yes. At the very least. A non-binary gender should be acceptable everywhere, including an X or similar marker on passports. Laws that mention a specific gender(s) should be changed to be gender-neutral, in particular marriage should be between two persons rather than being gender-specific. Provision for toilets for non-binary people should be legally mandated for all toilet facilities open to the public, including restaurants etc. Non-binary people should be able to adopt.

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