

## Written evidence submitted by A Member of the Public [GRA1868]

### Submission to WESC consultation on “The Government’s response to the GRA consultation”

#### 1. Should a fee for obtaining a Gender Recognition Certificate be removed or retained?

1.1 I agree with a fee being retained but think it should be reduced to a more equitable fee like the current charge for a UK passport of £75

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

2.1 No. If the state is to provide adequate medical/psychological support then surely there should be a diagnosis from which to work to provide such support.

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

3.1 No. There has been an exponential increase in minors and young people being referred to GIDS and the incidence of detransitioners is ever increasing, though data regarding the medical transition of children and adolescents is limited. In July 2019 the GEO announced it would commission research to explore the nature of adolescent gender identity and transitioning.<sup>i</sup> In February 2019 it was reported via the Guardian<sup>ii</sup> that the Tavistock GIDs trust had agreed to a unique study that will track young people referred to GIDS. It was awarded £1.3m by the National Institute for Health Research and an independent research team was to follow a group of volunteer young people referred to the service, even if they choose to leave it; the first time such a study would be conducted anywhere in the world. The trust said this would allow researchers to compare outcomes for those who go on to use physical interventions, such as hormone blockers, and those who select an alternative pathway. Dr Polly Carmichael, director of GIDS said “While we know how children and young people are doing in our care, we have struggled in the absence of such research to understand how the care we provide affects them in the longer term and what choices they go on to make as they move into adulthood. This research, alongside other research that we are conducting, will add to the evidence base around the best ways to support young people with gender dysphoria.” To date results of said research are still not published neither from the GEO research nor from GIDS. I think the most prudent way forward is to wait for these important research papers to be published and analysed before legislating further.

3.2 Evidence from Sweden<sup>iii</sup> also points to little being known about the exponential rise in young people particularly girls (1,500% rise between 2008 and 2018 in gender dysphoria diagnoses among 13- to 17-year-olds born as girls in Sweden) presenting with gender dysphoria. The Swedish Agency for Health Technology Assessment, which the government had asked to review the scientific research into the recent surge in teenagers reporting gender dysphoria, reported that there was very little research either into the reason for the increase or the risks or benefits of

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hormone treatment and surgery. The recent report from the Board of Health and Welfare also found that 32.4 percent of 13 to 17-year-olds with gender dysphoria registered at birth as women also had diagnoses for anxiety disorder, 28.9 percent had depression, 19.4 percent had ADHD, and 15.2 percent had autism.

3.3 Life changing, serious decisions are being taken by, currently very young people. Two years seem like the minimum time frame for those to explore their gender dysphoria with the support of professionals and gain a fuller understanding of the medical/legal steps they are taking towards changing their registered sex at birth.

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

4.1 No. The current age of 18 is appropriate. The United Nations Convention on the Rights of the Child (UNCRC) defines a child as everyone under 18 unless, "under the law applicable to the child, majority is attained earlier"<sup>iv</sup> In England a child is defined as anyone who has not yet reached their 18th birthday. Child protection guidance points out that even if a child has reached 16 years of age and is: living independently, in further education, a member of the armed forces, in hospital; or in custody in the secure estate they are still legally children and should be given the same protection and entitlements as any other child (Department for Education, 2018a). In Northern Ireland the The Children (Northern Ireland) Order 1995 defines a 'child' as a person under the age of 18. In Scotland, the definition of a child varies in different legal contexts, but statutory guidance which supports the Children and Young People (Scotland) Act 2014, includes all children and young people up to the age of 18. In Wales, Section 3 of the Social Services and Well-being (Wales) Act 2014 states that a child is a person who is aged under 18.

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

5.1 I think that the Government should have used this opportunity to ensure that when a person is granted a GRC that they should be provided with clear guidance using Section 9(3)<sup>v</sup> that having a GRC does not entitle them to access provisions listed in EA2010 as single sex services.

### **6. Wider issues concerning transgender equality and current legislation: Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?**

6.1 As stated in the discussion of the Gender Recognition Bill, prior to it becoming an Act in law<sup>vi</sup> the GRA intention was to legislate for transsexual people (numbers stated as 5000 in UK) and that the Bill was to deal specifically with people with gender dysphoria who present themselves as having acquired a new gender because

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they are driven to that by the medical condition surrounding gender dysphoria. Given the redefinition by Stonewall in 2015 as to who is covered under the transgender umbrella<sup>vii</sup>, it is hardly surprising that relative to what the initial GRA legislation was created for, numbers far exceed the description of those whom the act was originally intended for, namely transsexuals suffering a medical diagnosis of gender dysphoria. Applying the Stonewall glossary definitions, this describes anybody whose innate sense of their own gender does not correlate to the culturally determined expressions associated with their sex at birth. In other words, anybody who does not feel affinity with the gender expectations attached to their sex can be understood as transgender. The trans umbrella now includes anybody whose sense of their own gender does not correlate to the gender stereotypes pertaining to their birth sex; it is not restricted to those who experience dysphoria and wish to make a complete transition, meaning that those who make no changes would still be entitled to be treated as a member of the opposite sex. It also presumes that everybody does have an innate gender identity.

### **7 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?**

7.1 No they are not clear and useable. There is widespread misinformation and misunderstanding of the relationship between the Equality Act and the Gender Recognition Act.<sup>viii</sup> Common misunderstandings are that people who identify as transgender have the right to share single sex spaces with people of the opposite sex and that transgender people can only be excluded from single-sex services for the opposite sex on an individual case-by-case basis, rather than by having a clear general policy that a service is single-sex.<sup>ix</sup> These misconceptions are widely believed and promoted by a variety of public bodies, charities and pressure groups. As is clearly stated in recommendations 14 & 15 in “The Women and Equalities Committee Tenth Report of Session 2017–19”, Enforcing the Equality Act: the law and the role of Equality and Human Rights Commission (HC 1470) 17 July 2019.<sup>x</sup> The EHRC has yet to publish the requested guidance. The EHRC and GEO have a responsibility to provide accurate guidance. In addition, they both have a ‘Public Sector Equality Duty’ to foster good relations between those of a Protected Characteristic and those not – which they have patently failed to do to date. GEO and EHRC should urgently review national guidance. They should clarify how the existing Equality Act functions in regards to single sex exceptions; that it does not give individuals the right to use services provided for the privacy or needs of members of the opposite sex, but protects transgender people’s rights against general discrimination. Organisations providing single or separate sex services should have unambiguous policies and should be able to expect people to follow them.

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7.2 By not providing clear guidance issues arise such as in the case of the Girl Guides<sup>xi</sup> where 224 current and former unit leaders, volunteers and parents signed an open letter saying the new equality and diversity policy “poses safeguarding risks, reinforces gender stereotypes and denies informed parental consent”. Another example at Oxford University demonstrates how a sign on women’s toilet facilities ignores a woman’s right to define her boundaries. If female students feel uncomfortable or unsafe on finding a male in their facilities, they should just keep quiet, apparently. Moreover, they’re told if they do find a male in their bathroom, they need to ‘protect them from harm’ and to ‘respect their privacy’.<sup>xii</sup> I feel it pertinent to mention here that over the past year, Oxford University has seen a fifteen fold increase in allegations of sexual harassment and sexual violence on campus.<sup>xiii</sup>

7.3 Government should insist that all public bodies and institutions funded by tax payer’s money should self audit to ensure that policies align with protected characteristics in EA2010 plus ensure that any policy is Equality Impact Assessed by public bodies & organisations that are funded by the tax payer starting with HM Courts & Tribunal Services Official guidance T455, The General Guide for all Users Gender Recognition Act 2004, where the listing of the EHRC under helpful organisations incorrectly lists protected characteristics replacing sex with gender.<sup>xiv</sup> “The Equality and Human Rights Commission The Equality and Human Rights Commission has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine ‘protected’ grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.”

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<sup>i</sup> <https://www.gov.uk/government/news/government-set-to-begin-next-phase-of-gender-transition-research>

<sup>ii</sup> <https://www.theguardian.com/society/2019/feb/23/child-transgender-service-governor-quits-chaos>

<sup>iii</sup> <https://www.theguardian.com/society/2020/feb/22/ssweden-teenage-transgender-row-dysphoria-diagnoses-soar>

<sup>iv</sup> <https://learning.nspcc.org.uk/child-protection-system/children-the-law#heading-top>

<sup>v</sup> <https://www.legislation.gov.uk/ukpga/2004/7/section/9>

<sup>vi</sup> <https://api.parliament.uk/historic-hansard/commons/2004/feb/23/gender-recognition-bill>

<sup>vii</sup> <https://www.stonewall.org.uk/what-does-trans-mean>

<sup>viii</sup> <https://uncommongroundmedia.com/the-2010-equality-act-is-being-undermined-by-official-guidance/>

<sup>ix</sup> <https://www.scottishlegal.com/article/rebecca-bull-the-impact-of-gender-recognition-legislation-on-sex-based-rights>

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<sup>x</sup><https://publications.parliament.uk/pa/cm201919/cmselect/cmwomeq/96/9602.htm>

<sup>xi</sup> <https://www.theguardian.com/society/2018/sep/26/girlguiding-defends-transgender-policy-after-criticism>

<sup>xii</sup> [https://grahamlinehan.substack.com/p/a-week-in-the-war-on-women-monday-6cb?fbclid=IwAR2L0CZgnJeFWgKXtCm1Hay4m4ICIAD\\_tGdMe-XXbLycOr3UVrwfrOFIrpI](https://grahamlinehan.substack.com/p/a-week-in-the-war-on-women-monday-6cb?fbclid=IwAR2L0CZgnJeFWgKXtCm1Hay4m4ICIAD_tGdMe-XXbLycOr3UVrwfrOFIrpI)

<sup>xiii</sup> <https://www.telegraph.co.uk/news/2020/07/09/oxford-university-sees-fifteen-fold-rise-sexual-harassment-violence/>

<sup>xiv</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/786910/t455-eng.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/786910/t455-eng.pdf)