

Written evidence submitted by Chloe Armes[GRA1919]

I am a transgender woman currently on the waiting list for treatment at a GIC. I have been socially transitioned for the past two years and hope to obtain a Gender Recognition Certificate once I have met all the requirements for diagnosis that are in place in the current system, meaning I have a vested interest in making this a fair process for all transgender people.

I have given an answer to each of the questions posed below.

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

Not in the slightest. Applicants still need to go through all the same rigmarole of sitting on a GIC waiting list for 4+ years, then going through all the procedure there, hoping that they haven't lost the paperwork that proves their 'lived experience' in the meantime and then after having already been diagnosed by the doctors at the clinic, they then have to prove themselves again to the panel to get the certificate. This places a huge burden emotionally on the applicant who just wants to be able to get on with their life and is not exactly what I would call kind or straight forward. It makes little difference whether you're filling in a form online or on paper when it's still the exact same process.

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?

Absolutely the fee should be removed. Applicants already face huge costs in relation to transition and also having to apply for documents in their new name, not to mention the costs that could be accrued from having to amass the evidence required to submit an application in the first place where originals have been lost. 'Nominal amount' sounds overly vague and if it can be reduced to an amount that is 'nominal', why not remove it completely? By that point it just seems arbitrary rather than fulfilling a need – for example covering costs.

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

Yes. It places a huge burden on the applicant to prove they are who they say they are. By the time anyone gets through the GIC waiting list and then actually gets a diagnosis from practitioners, you're probably looking at around 6 years start to finish. That's 6 years where the applicant has already been living in their acquired gender and would rather just get the piece of paper and move on with the life they've already been living. But no, they have to go through the demeaning process of proving it to someone and the negative mental effects that can have to prove something they and everyone around them already know.

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

Putting aside the points made in the last question regarding waiting lists, meaning most people will have already done this by the time they get a diagnosis, if this were actually a fairer process where people didn't have to wait for a diagnosis, two years still seems like an awfully long time where there are certain things people cannot do without a certificate. An example of this is to get married in your acquired gender. In this way it hinders people from living their lives and is unfair.

Applicants will have spent years tossing this over in their heads and I can assure you by the time they amass the courage to come out and to put it down in writing as a permanent matter of public

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record, there will be no doubt in their heads that this is the correct course of action. Therefore I see no reason to make them wait an additional two years on top of this.

If there must be a lived experience phase for whatever reason (although I strongly believe there shouldn't), I believe it would be fairer to reduce this to around 3-6 months which gives people sufficient time to prove to the powers that be it's not something they dreamt up in their sleep, but is not holding them back from living their lives.

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

I see no issue with people being made to declare that they are providing correct details and that they are intending this to be a permanent change. This isn't a process that anyone takes on a whim and so I think this is reasonable. The only issue I see is the need to do it in the presence of a solicitor, which adds an additional unnecessary cost to the process and it would be better if this was not the case.

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?

I don't believe that people should require consent in order to gain a GRC. This is an individual decision by the applicant that they will have anguished over for a long period of time and the last thing they need is a vengeful ex holding up the process.

By all means the spouse should be allowed to divorce the applicant if they are no longer happy being married to the applicant, but this is a separate matter to the application for a GRC and should not be used as a reason to hold back the application. This could simply be listed as a grounds to divorce on a divorce application and have the spouse's rights protected in that manner.

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

I believe 18 seems a little high when most young adults start branching out and living their lives around the age of 16 and I think it would be fairer to allow people to apply individually at that age, particularly when you take into account the anguish caused by parents that do not listen to their children and think it's just a phase. I know from personal experience the pain that can be caused by not having supportive parents (a contributing factor that led me to not coming out until the age of 30) and to allow applicants to begin applying at the age of 16 will give them a greater sense of individuality and autonomy over their lives.

I also believe there is a case to be made where parents are supportive of their children, that with parental consent young adults under the age of 16 could also make an application. This would aid in their treatment and be very affirmative to their experience of becoming the person that they truly feel they are inside.

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

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In all honesty, very little. All the bureaucracy and unnecessary gatekeeping is still there. The need to explain the essence of who you are to some faceless board – still there. This is still a very dehumanising process and £140 and a saving on paper isn't going to change that.

More needed to be done to actually have an impact on trans people's lives and it is very disappointing to learn what minimal reform is actually happening. Despite the talk of "everyone in the UK should be free to live their lives and fulfil their potential" in the statement, it is very clear that this is not the case and this whole process of reform (or lack there of) over the last few years has shattered their hopes that Britain could be more inclusive than it currently is.

The current system feels as though it works against trans people and we constantly need to prove we are who we say we are. If the aim was to promote inclusivity and diversity, then people would be allowed to live the lives that they aspire to without interference from the state and the reforms proposed fall far short of achieving this.

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

The process should have gone self ID. This has happened in Argentina, Denmark, Colombia, Ireland, Malta, Norway, Belgium, Portugal, Chile and Brazil and has caused zero issues in all of those countries. There is no reason to keep this demoralising process. It serves no aim and continues the narrative of being suspicious of the aims of trans people. This should be a positive step and all the hoops to jump through at present make it anything but.

If the government was really serious about improving the lives of trans people, they would have made the process as simple and straightforward as possible so that it would become something as simple as applying for a passport. Trans people have enough to deal with in their daily lives, trying to change themselves on the outside to become who they are on the inside. They have to deal with daily transphobia from sections of the public that want nothing more than to erase their existence. The last thing we need is for the government itself to make things harder.

To make this a fair process, I believe the process should look more like this:

- There should be a simple declaration to make that the applicant wishes to from this day forward become their acquired gender.
- This should not be restricted to just male/female but should also include non-binary to be inclusive of all gender identities.
- There should be no need to gain medical diagnosis in order to make an application. Without dealing with the tremendously long waiting lists for GICs, this requirement places a huge lag between someone transitioning and actually being eligible to apply.
- There should be no wait between someone transitioning and being eligible to apply. Having a wait here essentially says to the trans person that their transition may just be a fad and until they've been living in that role but without legal recognition for a long period of time, they are not to be believed. This is demeaning and demoralising and does nothing good for the applicant's mental health.
- The age to self declare should be reduced from 18 to 16. By this age applicants are able to get employment and so it would be helpful for them to start their career in their acquired gender from the start without having to go through explaining to potential employers that they are trans, that their paperwork says they are one gender, but identify as another and all of the unnecessary awkwardness there.
- There should be an option to allow parents to apply on children's behalf. Of course this opens up safeguarding issues, so I think in such situations it would be acceptable to require a diagnosis from the child's physician of gender dysphoria. This would protect both the child

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from making hasty decisions and the parents from accusations that they are not acting in the child's best interests.

- The process should be free of charge. Applicants face enough financial pressures what with the additional costs of transition outside of services eventually provided by the NHS, not to mention reduced confidence and discrimination from society limiting employment prospects.

Having a process similar to the above would make it a much fairer procedure for applicants and allow them to live with dignity without feeling like they are being looked at with suspicion by the government.

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

While the Scottish Government's proposals are not perfect and fall short of what I would call a fair process, they do at least offer some level of compromise between an ideal system and the one proposed by the GEO which works completely against the best interests of transgender people. It does still lack any provision for non-binary people or under 16s but much of the rest of the problems with the process proposed by the GEO (in essence nothing changed from the old process) are either removed completely or substantially lessened. I would be apprehensive about giving my full support for enacting a process similar to it in England and Wales but I would accept it as a stopgap in the interim between now and finding a solution for under 16s and non-binary people, so that at least some people could benefit from a fairer system in the meantime.

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

From my own personal experience and hearing of others' experiences, I would say the low rate of uptake boils down to three main contributing factors.

1. The dire provision of transgender healthcare currently offered in this country. A transgender person can wait on average between 3 and 5 years for a first appointment at a GIC, and once there in order to qualify for a GRC, the applicant will need to go through the whole diagnosis process. This adds on even more time before applicants can even begin an application.
2. The overly bureaucratic process itself. This requires applicants to have paperwork going back two years to prove that they have been living in their acquired gender (which can be easily lost with home moves, relationship breakdowns etc.). It requires applicants to go through the process of proving their diagnosis to a panel, after having already done so with medical professionals. They will also have to hand over a report detailing their treatments and additionally gain consent from a spouse if applicable. All of this conspires to put people off of going through what should be an affirming part of their transition.
3. The complete lack of representation of non-binary people in the process. Not all transgender people identify fully with either one gender or the other and so what do they have to gain from going through the process when they are not even represented?

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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The provisions here are not clear at all. I think that the act should be much more specific in regards to what discrimination against transgender people is permitted and the specific reasoning behind it. This particular piece of the legislation is so vague that neither service providers or service users are sure of what discrimination is permitted and so can lead to situations where service providers are over zealous in excluding trans people from spaces that legally they should actually be able to use.

There is also zero guidance as to what provision should be made for trans people in these situations. Should they be made to use the facilities of their birth gender? This has obvious implications not only for the trans person's mental well being at being made to use facilities of a gender they have rejected, but can also lead to an actual risk of physical harm that they would have otherwise not experienced.

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

Aside from the very dated language (transgender would be preferable to transsexual), I am not a lawyer but the gender reassignment section of the act seems very focussed on the idea of sex and I am unsure of if it will hold up in cases of people who are transgender but have no intention of physically changing their sex – for example people that are intersex/non-binary and wish to remain between the two sexes. It feels as though this needs rewriting to cover the whole spectrum of gender to provide full and adequate protection.

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

Health care is a huge issue for transgender people, and in particular the current lacklustre provision of gender identity services. The waiting lists are so long that people can wait up to 5 years for a first appointment, and most receive zero help in the meantime. This has huge implications for the mental health of transgender people (a group of people that already have a far higher than usual prevalence of suicide attempts).

Many transgender people cannot wait this long and so turn to other less legitimate sources of obtaining hormone treatment, with the obvious dangers this can entail of getting the dosing wrong, the safety of the medications they are taking, their suitability for the patient based on their medical history and all kinds of other risks. When patients do manage to make it through the list, it is treated in a mental healthcare setting, which can lead to patients making the not unreasonable conclusion that their problem is a mental health issue. This is clearly not the case as most patients when provided with the usual treatments of hormones and surgeries are able to lead a full and fulfilling life.

I do worry that the government is not taking seriously the need to provide more capacity. The three 'new' clinics they mentioned in the GEO's statement were in fact already planned by the NHS prior to the statement and not all of them even provide a full range of trans health services.

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

Absolutely. A new gender should be introduced in all areas gender is specified so that these people are not excluded from society. The GRA should be reformed to include this and allow people to get identification with that third gender.

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