

Written evidence submitted by Mx Kaye Butler [GRA1963]

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

- The current process reforms will be neither kinder nor more straight forward.
- It will continue to be complex due to the extortionate amount of evidence needed to be collated. Changing the passing on of this information onto a digital platform will not create any significant simplification of the process .
- The process will continue to be unkind as it subjects trans people to judgement from a panel of strangers who only have access to a file of medical reports and letters to decide whether they are trans enough to be legally recognised as the gender they are - this is dehumanising and infantilizing.
- The changes that have been put forward are perplexing as they are not the ones which had the most support from the people who took part in the original consultation.

Q: 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?

- The fee should be removed completely, so that every person can afford to change their gender. If a nominal fee is kept, it should be no more than £5 and there should be exceptions to the fee, for those who are on benefits or homeless.
- The financial burdens of gathering medical evidence from GPs and Gender Clinicians, plus documents for each year of transition as evidence of having lived as either male or female quickly add up. These are currently hidden costs that can run into costing hundreds of pounds. To remove these costs all evidence requirements should be removed.
- The financial impact of getting a GRC has been a significant factor in my own decision to not obtain one, after already having spent thousands of pounds on my own transition.

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

- Yes it should be removed. Requiring a diagnosis of gender dysphoria medicalises trans identities unnecessarily and forces all trans people to submit to a westernised and colonial medical model. If a person is living as a different gender to the one they were assigned at birth, or wishes to live as in future, they should be able to have legal recognition regardless of whether a doctor has diagnosed them with gender dysphoria or not.
- Not all trans people experience dysphoria and should be allowed to transition legally regardless of whether they experience it or not. Even for those who do experience

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dysphoria and wish to get a medical diagnosis it may take many years on Gender Clinic waiting lists to do so. Changing legal gender should be available as an option at the beginning of transition, not the end. This would help trans people be safer in their day to day lives in early transition,

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

- Yes the requirement for individuals to have lived in their acquired gender for at least two years should be completely removed.
- The option to change legal gender should be available at the start of transition rather than the end. Having the ability to legally change gender during social transition would make transition easier, safer, and send a clear social message that the transitioning individual is to be treated as the gender they have come out as.

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

- The statutory declaration should be retained but needs significant re-shaping. It is a declaration that should be able to be done by the transitioning individual with two witnesses, in the same way as a change of name deed is done. Removing the necessity of a solicitor would also help reduce the hidden costs associated with gaining gender recognition.
- The wording of the statutory declaration should also mirror the wording of a change of name deed, rather than professing to live as a binary gender for the rest of the individuals life.
- This would ensure that the legally binding element is retained, while making it easy and accessible to individuals the way a name change is.

Q: 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?

- The spousal consent provision needs to be removed. This was the most popular revision suggestion within the consultation with 86% of respondents being in favour of removing this provision. To retain this element demonstrates a complete lack of regard for democratic process, and brings into question the point of the consultation itself if the outcomes are to be ignored.
- Nothing else is needed in place to protect the rights of a spouse or civil partner, every individual has the right to define their own gender and choose how they are recognised in law: no one should have the power or right to decide that for another person, including partners and spouses.

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- Personally I feel that keeping in the spousal consent provision is deeply anti-feminist as it upholds marriage as an institution where one partner is owned or in some way possessed by the other who permits what they can or cannot do with their own lives.

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

- The age limit at which people can apply for a Gender Recognition Certificate should be lowered to 16 for young people who choose to change their legal gender regardless of parental consent.
- 16 is the age when young people will have their legal gender recorded on documents that they will need during their adult life such as GCSE, NVQ and AS/A Level certificates. To be able to have the gender they plan to live their adult life as reflected within these documents grants young trans people the right to privacy.
- At age 16 a young person can choose to have sex, to be able to be healthy and make informed decisions they will need access to sexual health care and potentially prenatal care. It is important that young trans people are able to access these services as their lived gender, and have that recorded on their documents, otherwise they may avoid these services which can carry significant health implications.
- Those under 16 should be able to change their legal gender with the consent of their parents or guardians.

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

- The currently proposed changes by the government will not have any positive impact on trans people practically. However, it will have a significant symbolic impact for the negative.
- The long drawn out consultations have caused an alarming increase in anti-trans vitriol which has led trans communities to experience discrimination, abuse and violence in public, online, and even in their homes. To have gone through all this, to have seen that the consultation results supported thorough reform, and to then be left with such meaningless and minimal reform is deeply upsetting.
- I have seen how the UK's inaction on GRA reform has had a negative impact on the UK's international reputation. Many international civil society organisations are now questioning whether the UK is right to be leading in LGBT human right causes.
- By implementing the changes I have suggested in answer to the previously asked questions it would have a much more meaningful impact on trans rights in the UK, restore mine and many other trans people's belief in the democratic process, and start to rebuild the UK's lost credibility.

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- If the current proposal remains unamended the current government will be looked back on as on the wrong side of history, with a legacy similar to that of section 28.

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

- The most important reform that is missing within the government's proposal is the lack of non-binary recognition. As a non-binary person myself it is deeply hurtful to not be able to be legally recognised, and leaves me in a legal limbo to not have legal recognition as the gender I live as, leaving my documents a confusing mix of both binary genders. It is of highest importance that all genders are treated equally under the law, whether that be through the abolishing of legal gender itself, or the legal recognition of genders beyond male and female.
- Another element that should be included in the proposal is the removal of any panel element, turning the process into a purely administrative one. This will make the process significantly kinder as it empowers the individual, rather than leaving their lives up to the judgement of strangers.
- Furthermore the time limits on any evidentiary paperwork should be removed to reduce costs in the case of rejection and reapplication. However, this is only if the evidence element is still retained, it would be preferable to remove it completely.
- The current GRA covers what should occur when a person with a GRA certificate is outed without their consent by professionals. Currently it stands as a criminal offence, but this has resulted in it making it practically impossible to prosecute due to the police being unable or inept at recording it as all other similar incidents are dealt with via civil and employment courts. Making it a civil offence rather than a crime would allow trans people to seek redress of outing.

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

- Scottish Government's proposed Bill offer a closer to suitable alternative to reforming the Gender Recognition Act 2004, however it still falls short of being a fully suitable alternative due to the lack of nonbinary recognition, and the belittling 6 month waiting period created by the requirement for 3 months lived experience, followed by a 3 month 'waiting period. This suggests that trans people do not know their own minds.
- However, there are positive elements to the Scottish Bill, primarily the inclusion of gender recognition for people aged 16 years and over, and the process being made into a self declaration model.

Wider issues concerning transgender equality and current legislation

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

- Many trans people identify as non-binary, over 50% by the National LGBT Surveys' estimates. The majority of trans people will not apply for a GRC when the majority of trans people cannot have the gender they are legally recognised.
- The other issues are that as it stands the process of getting a GRC is complex, costly and humiliating, which provides many barriers to access for even financially comfortable and bureaucratically minded individuals.

Q: 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.

- While the language in both the Gender Recognition Act 2004 and the Equality Act 2010 do not match one another, and are derogatory towards trans people. Language is not the most important issue impacting trans people in England and Wales, especially retroactively in legislation.
- The Government should put its energy towards using inclusive language such as 'trans' and 'nonbinary' in future legislation that focuses on the issues that are most important to trans people: access to healthcare and housing, support following transphobic violence, domestic abuse and sexual assault.
- I would not support or recommend amending the Equality Act.

Q: 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 personally do not think a trans person should be treated differently to a cis person accessing any service.
- However being more specific in wording I believe would cause issues for some services as it would stop them being able to make decisions based on individual circumstances, and would risk creating a binary model akin to what currently exists within prison which is stigmatising, fetishising and a ciscentric view of gender.

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- I strongly do not support reforming the equality act at this time, and believe in the current polarised times would risk the rights and protections for all people with protected characteristics. The gains for some are not worth the risk to all.

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

- No, the Equality Act does not adequately protect trans people. When the act came into force in 2010 it reduced trans rights in some areas, allowing some trans people to be turned away from services, while giving us greater protection from discrimination and victimisation.
- I would not trust the Equality Act in the hands of the government that a few years ago publicly stated intent to 'scrap' the Human Rights Act.

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

- Trans people have difficulty with accessing healthcare and services for those who have survived domestic abuse, sexual violence and homelessness. I personally have seen incredibly vulnerable trans women who are still teenagers and young adults be turned away from women's shelters leaving them to be sexually abused by men in mixed and male hostels, or raped and beaten when forced to go home with men they meet who offer them a sofa to sleep on.
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- This stigma, violence, and discrimination has ruined lives and caused unimaginable pain and trauma. Ending the high levels of violence, poverty and homelessness trans people face should be the government's priority.

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

- Yes legal reforms are needed to better support the rights of gender-fluid and non-binary people. As already discussed we deserve equity within legal gender recognition and to have the same rights and recognition as both trans and cis men and women.

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