

## Written evidence submitted by Alex Dunlop [GRA1979]

### The Government's response to the GRA consultation:

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

What is the value of "kindness" when only applied to one group and not the one most significantly impacted? The proposed changes do not seem to have been subject to an equalities impact assessment which looks at the impact on men and women who do not identify themselves as "trans."

- **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?**

Response) Undergoing procedures to alter some of the signs of sex is a lifelong commitment to heavy medicalisation and sterility. There is a huge commitment to life changes involved which currently fall on the tax payer. The current fees are in line with those of renewing a passport. There is a huge administration burden on all the changes required to register a person's wish to be known differently than they were identified at birth. That carries a cost. If the tax-payer is expected to meet that cost from the collective purse, it needs to be quantified and agreed. I would be surprised if anyone has calculated the costs of the GRC process on UK citizens as they are wide and varied.

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

Response) If Gender Dysphoria is at the root of the government's wish to allow individuals to change legal paperwork as well as physical signs of a person's sex, then a diagnosis is required. If the government is minded to remove all binary sex references and restrictions in law, (including for inheritance, crime statistics, education, private members clubs etc.) then a dysphoria diagnosis would not be required, because a person is simply choosing to live in the clothes, roles, ideologies etc of historic sex-based social mores.

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

These are all ideological issues predicated on the idea of genders being "real." If you believe there are two sexes and each has been ascribed a different place in the social order (I note inheritance, disparity in Kings and Queens spousal titles etc as a clear example) and that those ascribed roles created two genders (masculine and feminine?), then living outside of those "traditional/historic" sex-determined roles can be seen as "living as the opposite gender." Who makes that judgement? How does a woman "live as a masculine person"? Is it clothes, job, hairstyle, beer consumption? For this to be enforced, there would need to be much more clarity around what a gender is, why some claim there are over a hundred, and how that could work legally with a GRC. How many genders does the GRC certificate recognise? How does that (2) square with the most vocal "trans rights" organisations claiming there are many more and they are "fluid"?

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

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- **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?**

If a person believes that surgery or appearance/attitude/ideas can change their sex, their partner has chosen to marry a person with a single sex, and as they will be materially impacted, their consent or a fast divorce needs to be available.

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

With increasing numbers of de-transitioners articulating their regret at facing life-long consequences of a decision, often, made when most hormonally volatile, the wisest option would be to **raise** the age limit to ensure a decision is made when no longer in the throes of all the problems puberty brings. Almost every girl I've spoken to struggled with increased sexual attention from adult men, and with the increased access to extreme pornography, girls are intimidated by the sexual expectations of their peers as well as those older than them. Studies show that from the womb onwards, boys are more encouraged to be active, engage with politics and the built environment, achieve in sport and music while not being told to be aware of how other people "see" them. Girls see that, and it is a natural reaction to want to join the privileged group. Once past puberty, that wish plummets as comfort with physical and social reality arrive.

- What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?
- **What else should the Government have included in its proposals, if anything?**

A full equalities impact assessment of the effect on the hard-won and valued single sex spaces women and girls currently take for granted.

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

The Scottish government's bill seeks to remove the biological recognition of sex in favour of self-ID. As mentioned before, self ID is a very unreliable indicator of anything. "Trans rights" organisations can't agree on a definition of gender, or how genders are identified, or if they are a reliable indicator of psychological, social or medical need. Without any clarity about what "gender" is or how it can be recognised in law, (which needs much more clarity) there is no benefit to self ID beyond simply removing all single sex provisions in all areas - which is for a very wide public discussion. Has the reality of the sexes become irrelevant to ordinary people on a daily basis for normal life including medical treatment etc? As far as I can see, it remains vital for healthcare, scientific understanding (medical trials are largely conducted on men because they have less volatile hormones so responses to new drugs are clearer) and everyday social discourse.

People do not exist outside of their bodies. Bodies shape all areas of a person's social experience of the world. Part of that, but only a part, is their sex. For some people it is of huge significance, especially when relating to sex-specific medical conditions or even the social responses of others. There are so many factors to a human life, we categorise in various ways that are temporal and social, but the enduring difference is

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between male and female. Crimes committed, hospitalisations experienced, the process of puberty is starkly different for the sexes, as is reproduction or the avoidance thereof. Our sex determines a lot about our lives, but it need not determine everything. Saying that historic, social roles ascribed by sex which led to women's exclusion and abuse should be reintroduced under any banner, is regressive. We should continue to move away from sex-based stereotypes, towards a society which acknowledges skills, knowledge, experience, passion, commitment, and reality.

We cannot expect to live in a world where everyone else is legally obligated to see us as we wish. What will gain the admiration of some, will alienate others. I can't force you to tell me you think I'm a beautiful athlete, because that would be to compel you to lie. My athletics have never been anything but ugly and I could probably find a couple of very old teachers who would tell you so. The social contract is one of doing no harm, not ensuring no feelings are hurt or delusions are indulged. I would not tell my anorexia-suffering teenage friend that she's fat because it's what she believes, and she could not compel me to do so. Changing laws to compel strangers (or even friends and family) to see us as we wish to be seen, is an impossible goal.

### **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?**

Applying for a GRC requires a significant commitment of time and a complete shift of life. "Identifying as transgender" is a very broad umbrella that can mean changing a haircut or clothes, spending some days dressing for one social role and other days for another. It is [possible to opt in and out of a "trans" identify at will.

- **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.**

There needs to be consistency, starting with clarity that the sexes are a biological reality that exist throughout nature. There are only ever two.

Many people used to use the word gender to mean the group of one sex, to distinguish it from the act of sex. Gender has recently come to mean something else. That meaning does not seem reliable or consistent, but indicates anything from the social performance of the historic presentations of the two sexes, to any number of sexualities or personality traits. Without clarity around what "gender" is, where it is located, and how it is determined, there is no way to legislate for Genders.

- **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?**

There are ways in which they are very clear, but they have been misrepresented so often, including by lobby groups that are well aware of the distinctions, that the realities are lost.

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It would be immensely valuable to provide clear, factual information about this to local authorities including schools, NHS trusts, police forces, prisons and refuges.

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

People who are on the protected characteristics list are protected from discrimination. While there is no definition of “trans people”, many people who identify as “trans” are protected from discrimination on the grounds of their sexuality or “gender identity” where there is a GRC, because without it, anyone could claim discrimination for being “trans” when there is no evidence of that in any aspect of their lives. An equalities assessment would need to be done to fully answer that question.

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

People accessing those services are some of the most vulnerable. It is vitally important that the needs of vulnerable men and women aren't ignored and their support services removed. If there need to be additional services for people who identify as trans, the community needs to look at that need, how to meet it and where to fund those services, in exactly the same way the current services were started decades ago. Women's refuges were started by women opening their homes to other women who were in danger or had been harmed. The services were privately funded for a long time. It is fairly recent that local authorities and the national government have accepted some responsibility for the provision of those services, including telephone support for gay men and lesbians who are experiencing aggression because of their sexual orientation. The funds have been systematically cut over the last ten years. Placing the already vulnerable women (and to a lesser extent men) in a position to accept opposite-sexed people, and people whose lives were lived as the opposite sex since being a foetus, as their therapists, care workers, or in any capacity in spaces where they are vulnerable, is to compromise their wellbeing.

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

In order to answer that, you would need to define the terms of gender. Is gender binary and therefore the basis of people wanting to change their gender with that of the opposite sex via hormones and surgeries? That is the current system, two sexes, two social roles we call genders, and the option to “move” from one to the other by changing some secondary sex characteristics.

If there is “fluidity” does that mean there are more than two genders? What are they? How are they identified? How does the law recognise them? Where are they located and recorded? What legal or social purpose is served by adding multiple genders into our legal and social framework?

We are all either male or female, that is observable in utero. That reality will stay with us for the whole of our lives and is of medical importance throughout. Within the groups Male and Female are a huge swathe of skills, ideas, personalities, propensities, preferences, sexualities, loves, hates and indifference. We need to be able to embrace men and women of all shapes, temperaments, and

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choices. Within the two sexes, we are all “non-binary.” No one is really an archetype, and we need to broaden our understanding of what it is to be an atypical male or female/man or woman/boy or girl so that people are allowed to be content in their own skin, with their own partner or none.

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