

Written evidence submitted by GenderGP [GRA2025]

Public submission from GenderGP to the Women and Equalities Committee call for evidence on the proposed reforms to The Gender Recognition Act

GenderGP, is a Health and Wellbeing Service which helps the trans community and those that support them. As part of our commitment to bringing about meaningful change to the way in which trans and non-binary people are treated in society, we dedicate a great deal of our time and resources to campaigning and advocacy work.

As part of this activity, we felt compelled to respond to your recent Call for Evidence which invited individuals and organisations to share feedback on the proposed reforms to The Gender Recognition Act.

Our service users and the wider trans community have told us that they are tired of having to continually state the case for their access to fundamental human rights. So, in our capacity as advocate, we offered to submit a group response to the Call for Evidence.

We collated all of your questions which we shared with our community members in an easy to access format. We then invited them to submit their own response (of which we received 78 individual contributions) or to add their signature to our submission, which was led by GenderGP's trans team members.

Our campaign resulted in 314 signatures, which I am sure you will agree represents a significant number. We were delighted with the engagement with this important matter, and we have included a summary of the responses below.

We feel it important to highlight that there is real fear amongst the community that submissions, in response to your Call for Evidence, will be skewed by individuals with a transphobic agenda. Individuals on whom the GRA has no direct impact but who seek to disrupt the process in a bid to block any hope of equal rights.

In submitting this collective response from our community, we demonstrate their strength of feeling around the current reforms - the overwhelming sentiment being that they do not go far enough. We trust that in submitting this evidence to you, steps can be taken to examine why meaningful progress has been hindered and what will be done to rectify the matter.

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The key findings of this exercise were as follows:

- 94% of respondents felt the need for a medical diagnosis should be removed from the GRA
- 93% felt that the need for Real Life Experience, the requirement for individuals to have lived in their acquired gender for at least two years, should be removed.
- 100% of respondents said that their wife/husband shouldn't be needed to give their consent.
- In response to the question of whether the Government's proposed changes met its aim of making the process "kinder and more straight forward" for trans and non-binary people, 79% of respondents said 'No'.
- 61% felt the fee for obtaining a Gender Recognition Certificate should be removed, with 36% stating it should be reduced. Only 3% of respondents felt it should remain as it is.
- 94% of respondents felt the requirement for a diagnosis of gender dysphoria should be removed.
- More than half (57% of respondents) felt the age limit at which people can apply for a Gender Recognition Certificate (GRC) should be lowered.
- In response to the question of what impact the proposed changes would have on those applying for a Gender Recognition Certificate, and on trans people more generally, 74% of respondents felt it would have very little or no impact, with only 19% feeling the changes would have a positive impact.
- When asked why the number of people applying for GRCs is so low, compared to the number of people identifying as transgender, 85% of respondents stated the process and the cost.
- When asked if the Equality Act adequately protects trans people 55% stated no, with 15% feeling it does so, but only partially.
- 93% of respondents felt that legal reforms are needed to better support the rights of gender-fluid and non-binary people.
- 97% of respondents felt the Scottish Government's proposed Bill offers a more suitable alternative to reforming the Gender Recognition Act 2004.

The following quotes were taken directly from the submissions. We have permission to share these anonymously:

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“Please, I beg of you, listen this time. We are so tired of our lives being a debate. I don’t want to die, I want to live and this government keeps making that so unbearably hard.”

“The requirement for individuals to have lived in their acquired gender for at least two years does nothing but reinforce gender stereotypes.”

“Under no circumstances should a spouse or civil partner be able to limit an individual's body autonomy and their right to be legally considered the gender that is most appropriate to them.”

“Self-declaration will mean an individual has the right to be treated with respect and without ambiguity, especially in health and in old age.”

“Scrap the GRC and allow birth certificates to be amendable. Incorrect sex on a birth certificate is the mistake of the clinician who recorded gender at the time of birth, not that of the trans individual.”

“The requirement that a transgender individual must prove in some way that they have lived according to a certain set of criteria in order to validate their gender, or that they must have their gender subjected to medical evaluation, is what causes us the most distress.”

“The requirement for individuals to have lived in their acquired gender for at least two years is an unreasonable ask. What does it even mean? It is purely presentation? or pronouns? A name change? How is this determined? Why two years? Trans people know who they are.”

“On the subject of spousal consent: Gender Identity belongs to the individual.”

“The proposed changes to the GRA do little other than to squash the hope of things becoming easier for a community already struggling with so much.”

“Please let trans people themselves have a deciding factor in how they live their lives.”

If you want to know more, you can [read the thoughts of our head of therapies, Marianne Oakes](#) in this blog post.

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You can also [tune in to this conversation](#) between some of our team members, discussing how the announcements impacted them.

Individual submission from GenderGP

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

While placing the procedure online will undoubtedly be a step forward in making the application process easier for some, this is not the key issue which needs to be addressed. The issue is that the steps which have to be undertaken to complete the application process, whether on or off line, make it inaccessible as a whole.

As the process currently stands, in order to be "officially" affirmed in their gender, trans individuals are being forced to prove their identity to a board of strangers. As a result, those who make up the panel hold the power to state whether our gender identity is valid, or legally recognised - or not.

Our experience is that this panel of individuals does not always fully understand what it means to be transgender in 2020, and that the rules and criteria are outdated and often discriminatory.

The requirement that a transgender individual must prove in some way that they have lived according to a certain set of criteria in order to validate their gender, or that they must have their gender subjected to medical evaluation is what causes the most distress.

Changing our name, wearing particular clothes, portraying a particular image, changing our passport or driving license, these are all very personal and individual. Our preferences, in terms of how and when we chose to navigate each of these elements, in no way prove or disprove our gender identity.

A Gender Recognition Certificate simply allows the individual to correct their legal gender marker. We were presumed to be a certain gender at birth, because of our physical appearance, but as time went on it became clear to us that this was wrong. We are the only ones that can truly state what our gender is, and to have to have that validated by a panel based on a few set criteria is simply wrong.

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This is not a medical condition and should not require a medical diagnosis; this is simply an example of the rich diversity of a human being.

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?

We understand that there is an administrative fee involved, in a similar way to a passport application, a marriage or a driving license renewal. Of course there is a fee. But currently this fee is not a one off isolated payment.

We have the additional and variable financial burden of having to pay two separate doctors to evaluate our gender. This is wholly unnecessary and leaves us feeling that we are being taken advantage of. Without the stamp of approval from these medical professionals we cannot progress, so we have no alternative but to try and raise the cost of the fees.

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

We do not feel that a doctor needs to write a report to confirm that our gender is what we say it is. We especially do not feel that we need two doctors to say this, which currently implies that being transgender is of such a unique, complex and specialist medical concern that it takes two doctors to 'diagnose' it.

'Gender Dysphoria' describes the distress that a trans person can experience when their physical appearance and hormone profile do not match their true gender identity. Not all trans people who are applying for a certificate will be actively suffering from dysphoria.

The ICD-11 has abolished codes for 'Gender Identity Disorder' on the basis that it is no longer considered a disorder. Instead, the preferred term is 'Gender Incongruence'. This simply means that the gender of the individual in question does not entirely match the gender they were assigned at birth.

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On the basis that someone's gender identity is a very personal and subjective trait, that does not and can not follow a set of ideals, it cannot be something that can be 'diagnosed' according to criteria other than 'does this person identify as a different gender to the one that is currently assigned to them legally?'

Someone's gender is not a medical condition, it is a trait of human variation - we do not feel that it can be diagnosed.

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

There are many reasons why trans people choose to traverse their life journey in different ways. Home, school, work society, geography, local politics all have a big impact on how someone feels able to present to the world.

Our assigned gender is just that; the label that is given to us on our birth certificate, on the basis of whether our body looked outwardly male or outwardly female at birth.

In the case of transgender individuals, this simply needs to be corrected. We live in our skin, in our body, in our gender all our life and the way we choose to present that may change, as may the way we are perceived by the outside world. To make us present in some textbook way in order to validate our gender marker is wrong. Who sets the rules on how to 'live as a woman' or 'how to look like a man'?

Changing our name, clothes, make-up, car, house, job has nothing to do with our innate gender identity.

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

This is our proposed statutory declaration: 'I [insert name], of [insert address] born on [insert date of birth] identify as [insert gender] and request that my legal records be updated to reflect my true gender identity.'

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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?

We understand that changing gender on legal documentation such as birth, marriage and civil partnership certificates and records has implications for other people named on those certificates. However, all parties on the certificate need equal rights and protection and current law needs to be adjusted to allow for this equality. No one should have the right to prevent someone from realising their true gender.

To require consent from our spouse means that the ability to have our true gender recognised legally depends on our marital status and the opinion of a third-party.

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

Gender identity is not related to age. Children and young people in the UK are permitted to represent themselves in law. Any person of any age with the capacity to make decisions based on good information and understanding should be able to have a position on these matters.

Applicants under the age of 18 should be assessed on their capacity to understand as an individual. Assuming they are deemed competent to make decisions that inform their lives they should be allowed to make the decision which best meets their needs.

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

The proposed changes simply reduce one of the current fees to an unknown amount.

As a community, we have been bitterly disappointed by the proposed changes which we feel do nothing to allow us the right to determine our own gender. In reality they have no impact on the amount we have to pay to the doctors who write reports on us or the need for those reports to be written and submitted with our application.

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Waiting times for NHS services is a different matter and while important, should not be confused with our request to remove the need for our gender to be validated by two medical professionals.

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

The process to update the gender marker which someone is legally assigned at birth, should be the same as a change of name application through deed poll.

Going forward, perhaps there is an argument for removing the need for a legal gender at all. If all people are to be treated equally, why does there need to be this distinction between how we identify in our gender?

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

The proposals with which we agree are as follows:

- The removal of current medical requirements when applicants are seeking legal gender recognition.
- The removal of the need to apply to the GRP (Gender Recognition Panel). Instead, applicants would apply to the Registrar General for Scotland ("the Registrar General")
- After an application has been accepted by the Registrar General, the applicant would have to confirm after a reflection period of 3 months that they wish to proceed;
- Applicants would still be required to submit statutory declarations
- It will be a criminal offence to make a false statutory declaration in relation to gender recognition and to make a false application for gender recognition.

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

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This discrepancy demonstrates just how inaccessible the process is to large numbers of the community, both practically and emotionally. It is not that we do not want to have our legal gender corrected - we absolutely do - but the constant gate-keeping, cost and other barriers that are put in our way makes it easier not to go ahead, despite how important it is to us to be recognised in our true gender.

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.

The correct procedure would be to have a uniform language across all Acts. This language should be simple, accessible and informed by those people on whom it has a direct impact.

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?

All people, regardless of sex, gender, sexuality, age, ability, race, religion, colour should have provision to allow them to live their lives in comfort and safety.

If a space or facility or service allows for risk of harm then that needs to be addressed at a service level. People themselves should not be discriminated against because of their protected characteristics.

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

The Equality Act seeks to protect those who are able to use it to challenge those who currently discriminate against them and this is vital.

However, it is having access to the protection that the Act and its principles gives us that is the barrier. We need a simple and effective way to highlight discrimination and inequality that is agreed by and acted upon the public bodies that are supposed to protect us. If we are discriminated against by those working in public services (as evidenced below) then the Act is failing us.

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Previous Government enquiries such as that undertaken by the Women and Equalities Commission show that trans people are being failed in the UK:

‘High levels of transphobia are experienced by individuals on a daily basis (including in the provision of public services)—with serious results.’

‘The Gender Recognition Act 2004 was pioneering but is now dated. Its medicalised approach pathologises trans identities and runs contrary to the dignity and personal autonomy of applicants. The Government must update the Act, in line with the principle of gender self-declaration.’

<https://publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/390/390.pdf>

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

Until trans people are unequivocally given equal rights in the UK, there will always be barriers to accessing any kind of social care. Until those who discriminate against us with their policies, their actions - or their lack thereof - are held accountable, we will continue to face hardship, prejudice and unfavourable outcomes.

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

Legal reforms need to be based on mandatory education and formation of and adherence to policies. These should include the rights of those who do not identify as a binary gender. All reforms should be informed by the service users themselves rather than by academics alone.

Do you have any other comments or suggestions?

Please listen to communities and groups who these proposals and reforms really affect. Speak to the organisations who represent them. The answer lies with those who live this every day, not those who hold the paper and pen.

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