

**Mermaids' Response to the Women and Equalities Select Committee's 'The role of the GEO: embedding equalities across Government' Inquiry.**

Mermaids (Registered charity no.1160575) has been supporting transgender (trans), non-binary and gender-diverse children, young people up to the age of 19 (inclusive) and their families since 1995.

Mermaids is grateful for the opportunity to respond to this Inquiry within this context. Mermaids would welcome the opportunity to give oral evidence to this inquiry should that be of assistance to the Committee.

**Our Response:**

**1. The structure and function of the Government Equalities Office (GEO) and its location in the Cabinet Office: how effectively does this enable it to support cross-departmental work on equalities, including the collection and analysis of equalities data?**

- 1.1. Mermaids endorses the GEO's location within the Cabinet Office to be, as the Women and Equalities Select Committee ('the Committee') advocated in its 2018 [report](#), 'an effective engine of change towards a more equal society across government'. We support the principle that the GEO should act as a visible commitment on behalf of the Government to improve the experiences of marginalised groups, including the lives of trans, non-binary and gender-diverse young people.
- 1.2. Trans, non-binary and other gender-diverse young people (from now 'Trans young people') face rife inequality, and we have seen first how such inequality has continued to grow over the last few years. As the government office leading work on policy relating to ['transgender equality'](#), the GEO must ensure trans equality is a priority. It is important to note that 'trans equality' must be inclusive of trans, non-binary and gender-diverse people under the age of 18.
- 1.3. In order for the GEO to ensure they are leading on trans equality, we encourage the government to advance the following policy recommendations, each of which will further be discussed throughout our response:
  - Retaining the GEO's position within the Cabinet Office is necessary to ensure the government is able to give sufficient care and recognition to addressing the inequalities trans, non-binary and gender-diverse young people face.
  - The GEO must help ensure that the upcoming ban on conversion therapy practices, protects and enhances the rights of trans, non-binary and gender-diverse people (paragraphs 2.1-2.3).
  - The GEO, the Department for Education (DfE), and the Department for Health and Social Care (DHSC) should convene a taskforce focused on improving the experiences of Trans young people in the health and education systems, to embed equality for Trans young people at the heart of Government and ensure the GEO leads this effectively (paragraphs 2.4-2.10).
  - The Minister for Women and Equalities should cease to be a dual role and a new Minister be appointed, to allow Minister Liz Truss MP to focus on the International Trade brief. The new Minister should focus on addressing the outstanding issues raised in the GRA consultation as a first order priority.
  - It is vitally important that the GEO work with the DHSC and DfE to ensure Trans young people's exacerbated mental ill health during the pandemic is robustly addressed by supporting these young people in accessing appropriate healthcare and support groups to help alleviate such mental ill health.

## Written evidence submitted by Mermaids [GEO0014]

- The joint taskforce, discussed above, should examine how geographical and socio-economic inequality impacts trans, non-binary and gender-diverse young people, in order to effectively address such inequality.

1.4. The GEO's function of improving equality and reducing discrimination and disadvantage including towards Trans young people in the UK must be an essential objective for the government.

## 2. The GEO's role in supporting compliance with international obligations including the UN Conventions and Sustainable Development Goals;

### ***A Global Ban of Conversion Therapy Practices***

- 2.1. Mermaids' welcomed the announcement made by the Prime Minister and the GEO to introduce a legislative ban on practices of conversion therapy. This is especially welcome following the UN General Assembly's call for a global ban of conversion therapy practices, motivated by the UN Independent Expert on Sexual Orientation and Gender Identity's [report](#) that conversion therapy practices are 'inherently discriminatory' and characterised as 'deeply harmful interventions [which] inflict pain and suffering, and result in long-lasting psychological and physical damage'.
- 2.2. We await a further update as to when such legislation will be brought forward. Such legislation must protect trans individuals who have undergone or been offered conversion therapy.
- 2.3. Such legislation should ensure a distinguishment between gender-affirmative care (which should be protected) and conversion therapy practice. Gender affirmative care acts to support people in exploring, better understanding and accepting their gender identity. This is not akin to conversion therapy for lesbian, gay, bi and asexual people.

### ***Children and Young People's Rights under the UN Convention on the Rights of the Child***

2.4. Young trans people's rights protected under the UN Convention on the Rights of the Child, (including: right to education (Article 28), access to healthcare (Article 24), identity (Article 8) and protection against discrimination (Article 2)), must be protected by the government.

#### *Right to Education*

- 2.5. We see at Mermaids that trans pupils can face daily discrimination and harassment. The perpetrator can be other pupils, as well as teachers and other staff members.
- 2.6. A recent [study](#) published in 2020 discussed the vital need to improve the lives of Trans young people in schools, acknowledging that in schools where teachers were affirming of a trans young person's gender identity '*pupils experienced lower rates of bullying, had lower rates of school absenteeism, and higher rates of happiness and self-esteem*'.
- 2.7. Unfortunately, we hear directly from our service users that the current reality in schools for gender-diverse young people is not always one of support for their gender identity. The following statistics corroborate such findings: Stonewall's [School Report](#) (2017) showed that,
  - **64** per cent of trans pupils are bullied for being trans at school;
  - **1 in 10** trans pupils are subjected to death threats at school;
  - **Half** of bullied LGBT pupils felt that homophobic, biphobic and transphobic bullying has had a negative effect on their plans for future education.

## Written evidence submitted by Mermaids [GEO0014]

- **1 in 7** trans university students have considered dropping out or have dropped out of a higher education course because of experiencing harassment or discrimination from students and staff in the last year (*Stonewall, 2018*).

2.8. The government must take steps to raise awareness and educate schools on how best to support trans young people, to thereby ensure their right to, experience of education is not hindered.

### *Access to Healthcare*

2.9. As the GEO [identified](#) when announcing the reforms to the Gender Recognition Act (GRA) 2004, one of our service users 'most important concern is the state of trans healthcare...waiting lists at NHS gender clinics are too long', and we alongside the GEO are 'deeply concerned at the distress' this causes. Gender-affirmative care has been found to reduce the mental ill health of Trans young people. The extensive waiting times, as well as the lack of support or trans awareness from non-specialist healthcare services has meant that the mental distress young people face is exacerbated.

2.10. Not only does the government need to support gender-specialist pathways for Trans young people, but further support is needed for GPs and the NHS as a whole, to raise awareness on how best to support trans and gender-diverse young people within the profession.

### *Right to Identity*

2.11. Although the GEO's announcement on reforms to the GRA with regards to reducing the fee and moving the process online were greatly welcomed, trans young people under the age of 18 are unable to obtain a Gender Recognition Certificate (GRC), alongside non-binary people of all ages.

2.12. Exclusion from obtaining legal gender recognition in the form of a GRC has a huge impact on trans and non-binary young people, who are forced to rely on inconsistent and informal regulations and processes for their gender identity to be recognised.

### *Right to be protected against discrimination*

2.13. Trans young people are being discriminated against, as discussed above, at school, when accessing healthcare services and other services because of their gender identity. This discrimination manifests in Trans young people becoming victim to harassment, transphobic bullying, as well as, hate incidents/crimes, as shown by statistics below:

- Stonewall found in 2017 that 'young people [were] at greatest risk (**56** per cent of trans young people aged 18-24) ... of experiencing a hate crime or incident based on their gender identity'. Galop, in their 2020 [report](#) on Transphobic Hate Crime, stated that **4 in 5** respondents had experienced a form of transphobic hate crime in the last 12 months.

2.14. It is essential to note that such discrimination has increased at an alarming rate in the last few years, and will continue to do so if the Government does not do more to protect Trans, young people in the UK right now.

## **3. The role of Minister for Women and Equalities: what does it mean for this to be a dual-departmental role? How robustly does it champion equalities across Government?**

3.1. Mermaids believes the dual-department nature of the Minister for Women and Equalities role has meant the Minister is unable to devote sufficient time to equalities, and that consequently policy development and reform to advance equalities is not always given due attention, and is often delayed as a result.

## Written evidence submitted by Mermaids [GEO0014]

- 3.2. In line with the Committee's [report](#), we agree that the 'part-time nature' of the role of the Minister 'reduces its capacity and risks giving the impression that these issues are an afterthought rather than a threat that out to run through all government policymaking'.
  - 3.3. An example of when equalities has not had the attention necessary was the length of time it took the GEO to respond to the GRA consultation held in 2018, the results of which were not released until two years later, in September 2020, alongside the much awaited reform proposals.
  - 3.4. Many within the trans community are still waiting for an acknowledgement by the GEO with regards to the other aspects of reform illuminated in the [analysis](#) of the consultation responses, such as;
    - The removal of the requirement for a diagnosis of gender dysphoria, for which **64.1 per cent** called for.
    - The removal of the requirement for a medical report detailing all treatment, for which **80.3 per cent** called for.
    - The removal the requirement for individuals to provide evidence of having lived in their 'acquired gender' for a period of time, for which **78.6 per cent** called for.
    - The removal of the requirement that a married trans person must obtain consent from their spouse before successfully getting legal gender recognition, for which **84.9 per cent** called for.
    - The lowering of the age threshold, so that those under the age of 18 are able to apply for a GRC was a 'strongly-voiced opinion', and 'that lowering the age for gender recognition would help trans minors, because their identities are forged during youth and they need greater independence to determine their own gender identity'.
    - **64.7 per cent** said that changes needed to be made to the GRA to accommodates individuals who identified as non-binary.
  - 3.5. We understand that in the post-Brexit period, the Minister's role as International Trade Secretary is especially important. We would recommend however, in order to ensure the Government's, strive for equality receives the full attention and commitment it requires, that a new Minister should be appointed as Minister for Women and Equalities, to allow Rt Hon Liz Truss MP to focus her expertise on the trade brief. This recommendation is also in line with the Committee, who previously [advocated](#) that the Minister's position should be a 'full-time role'.
- 4. The GEO's role in highlighting the numerous equalities issues which have been exacerbated by the pandemic;**
- 4.1. We have seen first-hand the ways in which the pandemic has been especially difficult for Trans young people. We reached out directly to our service users to ask them how the pandemic has affected them.
  - 4.2. **90 per cent** of respondents said the pandemic has impacted their mental health. Many of our service users described the negative impact being enclosed and isolated at home with unsupportive, and sometimes hostile, family members have had, and continues to have on their mental health. Those who were already suffering with anxiety, depression, or other manifestations of mental ill health, such as body dysphoria, have told us such mental ill health has increased during the pandemic, with one young person telling us their depression has deteriorated to such a point that they attempted suicide.
  - 4.3. Trans young people prior to the pandemic faced disproportionately high levels of mental ill health, as seen from the following statistics take from Stonewall's [School Report](#):
    - **45 per cent** trans young people have attempted to take their own life;

## Written evidence submitted by Mermaids [GEO0014]

- 92 per cent have *thought* about taking their own life; and
  - 84 per cent of trans young people self-harming.
- 4.4. **50 per cent** of respondents said the pandemic has made it 'more difficult to be trans in the UK'. One of the key reasons being trans has been more difficult during the pandemic is because of the way in which trans young people's access to healthcare during the pandemic has been adversely effected. We have heard from our service users that the waiting times during the pandemic has increased to an average of 33-36 months. The lack of trans awareness training for general medical professionals, outside of gender specialist medical pathways, as provided by Gender Identity Development Services (GIDS), means that trans young people are forced to wait, and suffer long periods of extreme mental ill health before they're able to access the medical care they so desperately need.
- 4.5. **40 per cent** of respondents said the pandemic has both health and made it more difficult to be trans in the UK, the reason for this which was most cited was the fact that support groups have been made more accessible now that they're hosted online. However, hosting support groups for trans young people online, although more accessible for some, also means that many young people from lower income families, who do not have access to the internet, or to a computer, are excluded from such support. According to the Children's Commissioner, an estimated 9 per cent of families in the UK do not have a laptop at home. The socio-economic inequalities that trans, non-binary and gender-diverse young people face will be explored further in our response to question 5.
- 4.6. It is vitally important that the GEO work with the DHSC and DfE to ensure Trans young people's exacerbated mental ill health during the pandemic is robustly addressed by supporting these young people in accessing appropriate healthcare and support groups to help alleviate such mental ill health.
- 5. The inquiry will also consider the new approaches and initiatives which Minister for Women and Equalities Liz Truss announced in her speech on fighting for fairness at the Centre for Policy Studies on Dec 16 2020, including the implications of the GEO taking on sponsorship of the Social Mobility Commission.**
- 5.1. Mermaids' is pleased to hear the Minister recognise in their [speech](#) that 'LGBT people still face harassment in public spaces', and the ways in which schools continue to be a site of discrimination, and that it is imperative 'to improv[e] our schools so every child has a good chance in life'. Mermaids' has been, and continues to support trans, non-binary and gender-diverse young people with the aim of creating a future society in which they do not need to fear discrimination and prejudice in public spaces, including in schools.
- 5.2. Mermaids' shares the Minister's aspirations to address 'socio-economic and geographic inequality' within the UK, inequality which is not currently recognised as a 'protected characteristic'. Mermaids sees first-hand the ways in which Trans youth are disadvantaged and discriminated against due to 'socio-economic and geographic inequality'. We believe it is important to recognise the ways in which individuals are subject to varying and overlapping layers of difficulty, often referred to as 'taking an intersectional approach'.
- 5.3. As a national organisation, we see the disparities in equalities geographically (our helpline receives a disproportionately high number of calls from the North West and the Midlands), and the ways in which our service users and their families face socio-economic inequality, which acts to exacerbate the inequality and discrimination they face as trans, non-binary and gender-diverse young people.
- 5.4. For example, higher-income families are able to seek private healthcare to support trans and non-binary young people, whereas those from lower-income families are reliant on the NHS, and therefore fall victim to GIDS' overlong waiting lists. Moreover, GIDS only has two main locations in the country, namely London and Leeds, which means there is further regional inequality in accessing healthcare.

## Written evidence submitted by Mermaids [GEO0014]

- 5.5. However, we do believe the protection provided by the Equality Act 2010, and its use of 'protective characteristics' can be used effectively to recognise the ways in which socio-economic and geographical inequality interacts with protected characteristics, such as 'gender reassignment' and/or 'race' to produce particular manifestation of inequality.
- 5.6. 'Protected characteristics' within the Equality Act 2010 also act as a form of security and stability for those with such intersectional identities to ensure they have a legal recourse to rely on if their right to be free from discrimination and harassment is violated. In which case, although we understand the Minister's desire to address the socio-economic and geographical inequality within the UK in her 'fight on fairness', we do not consider the initiative to be in conflict with maintaining 'protective characteristics'. Instead, we believe that addressing socio-economic and geographical inequality *alongside* protecting individuals against other forms of inequality through the use of 'protected characteristics' is an imperative and more efficient way forward to achieve equality and fairness for all.

**February 2021**