

## Response ID ANON-HSR6-9DWK-2

Submitted to **Reform of the Gender Recognition Act**  
Submitted on **2018-10-12 17:31:43**

### Your Details

#### About you

Name:

Are you responding as an individual or an organisation?

Organisation

#### Your details or the details of your organisation

Organisation:

Critical Sisters

Phone number:

Address:

Postcode:

#### Email address

Email:

critical\_sisters@outlook.com

### About the Consultation

Additional information (as published in the consultation document)

#### Questions 1 and 2 - Experiences of Trans Respondents

**Question 1: If you are a trans person, have you previously applied, or are you currently applying, for a Gender Recognition Certificate?**

Not Answered

If yes, please tell us about your experience of the process. If no, please tell us why you have not applied?:

Not Answered

**Question 2: If you are a trans person, please tell us what having Gender Recognition Certificate means, or would mean, to you.**

If you are a trans person, please tell us what having Gender Recognition Certificate means, or would mean, to you.:

#### Questions 3 and 4 - Medical Reports

**Question 3: Do you think there should be a requirement in the future for a diagnosis of gender dysphoria?**

Yes

**Please explain the reasons for your answer.:**

Far from de-medicalising being trans, removing the need for medical evidence risks pathologising people who might identify as transgender during adolescence. Removing the balanced safeguard of a medical diagnosis could lead vulnerable people, many of whom have co-morbid mental health problems, to believe that they require surgery and a lifetime of drugs based entirely on feelings that might be transitory.

Research shows that the overwhelming majority of girls who identify as transgender would, without affirmation treatment during adolescence, understand themselves to be lesbian. Many young lesbians are led by social media s to misunderstand their same sex attraction as evidence of being 'born in the wrong body.' Autistic children and young people are also over-represented, comprising 35% of referrals to gender identity clinics despite being only 1% of the population.

There is no medical evidence for anyone being 'born in the wrong body' as this would presuppose that brains have a sex, the most up to date research suggests this is not the case. Children and young people in particular must not be misled in this way as they are at risk of taking decisions that will impact on their health and wellbeing for the rest of their lives. Given that there is no physiological basis for the condition a diagnosis of gender dysphoria is necessary.

We must not close down the possibility that we are making it too easy for people to seek an external solution in adopting transgender identities than internal acceptance of difference. Medical evidence is necessary safeguard, if it is removed the government could face lawsuits from detransitioners in the future.

Making the process of legal gender change easier by taking away the medical diagnosis will lead to greater discrimination against transsexual people, many of whom have struggled to attain a Gender Recognition Certificate. Removing the need for a professional opinion will undermine the identity of transsexual people as undoubtedly it will be used by some transvestites for vexatious purposes.

**Question 4: Do you also think there should be a requirement for a report detailing treatment received?**

Yes

**Please explain the reasons for your answer.:**

If a male adult person genuinely feels discomfort in their body and wishes to be recognised as a transwoman that should be accommodated. However, the basis of this should be some form of medical transition. Male pattern violence is real, and as the multiple cases of transgender sex offenders attests, this pattern of violence does not change when one changes legal gender. Indeed, there is mounting evidence that suggests there is a positive correlation between identifying as transgender and being convicted of sexual violence. As such, to safeguard all women and girls, men who seek to change their legal gender should at the very least have genital surgery.

The numbers identifying as transgender are ever increasing, as are reports of men's sexual violence. If we do not ask what steps have been taken to ensure someone is sincere about changing sex we will be putting women and girls at risk. As an example, I have no issue sharing a hospital ward with someone who is so sincere in their belief that they are the opposite sex that they have had surgery. However, I would not want to share space with someone who is essentially no different from a transvestite.

These decisions do not just impact on individual transgender people, they have serious ramifications for the whole of society.

**Question 5 - Evidence**

**Question 5: (A) Do you agree that an applicant should have to provide evidence that they have lived in their acquired gender for a period of time before applying?**

Yes

**Please explain the reasons for your answer. :**

It is fair to ask what 'living in their acquired gender' means as this concept seems somewhat insulting - reducing lived experiences to crude stereotypes.

However, assuming that this actually refers to changing documentation this seems like a minor administrative step that is a useful precursor to changing legal gender. It is a necessary safeguard both for the individual concerned and for society as a whole.

**(B) If you answered yes to (A), do you think the current evidential options are appropriate, or could they be amended?:**

Two years or more

**(D) If you answered no to (A), should there be a period of reflection between making the application and being awarded a Gender Recognition Certificate?:**

**Question 6 - Statutory Declaration**

**Question 6: (A) Do you think this requirement should be retained, regardless of what other changes are made to the gender recognition system?**

Yes

**Please explain the reasons for your answer.:**

To help reduce the likelihood of vexatious legal transition.

Yes

**(C) If you answered no to (A), do you think there should be any other type of safeguard to show seriousness of intent?:**

**Question 7 - Spousal Consent**

**Question 7: The Government is keen to understand more about the spousal consent provisions for married persons in the Gender Recognition Act. Do you agree with the current provisions?**

Yes

**Please explain the reasons for your answer. If you think the provisions should change, how do you think they should be altered?:**

A individual making the decision to change legal gender can have a devastating impact on the spouse or partner. In practice this tends to be younger lesbians whose partners become legal men, and older women whose husbands become legal women.

There is some evidence to suggest that older men who seek to transition to become women do so as part of a wider pattern of coercive control and abuse. Removing the right of spouses to consent will further victimise vulnerable women, forcing them to identify themselves as same sex attracted in order not to offend their spouses. A transgender person's legal identity does not just impact on them, it has implications for partners, their families and indeed wider society.

## **Question 8 - The Cost of Legal Gender Recognition**

**Question 8: (A) Do you think the fee should be removed from the process of applying for legal gender recognition?**

No

No

**(C) What other financial costs do trans individuals face when applying for a gender recognition certificate and what is the impact of these costs?:**

## **Question 9 - Privacy and Disclosure of Information (Section 22)**

**Question 9: Do you think the privacy and disclosure of information provisions in section 22 of the Gender Recognition Act are adequate?**

No

**If no, how do you think it should be changed? :**

The impact of changing legal gender on DBS checks and the information under Claire's Law has been significant. For everybody's safety we must be free to know what previous names and identities transgender people have lived under.

## **Questions 10 and 11 Impact of Legal Gender Recognition Process (Protected Characteristics)**

**Question 10: If you are someone who either has, or would want to undergo legal gender transition, and you have one or more of the protected characteristics, which protected characteristics apply to you? You may tick more than one box.**

**Please give us more information about how your protected characteristic has affected your views on the GRC application process.:**

Why does this consultation only consider the views of those who wish to transition? This process will impact on everyone regardless of their gender identity and as such it is poor practice to weight responses in favour of those who identify as trans.

**Question 11: Is there anything you want to tell us about how the current process of applying for a GRC affects those who have a protected characteristic?**

**Enter your answer below.:**

Yes. All of us have protected characteristics, not just those who have or will have applied for a GRC.

Lesbians for example have been significantly impacted by the GRC process as those with male bodies now routinely attend events for lesbian and bisexual women.

Furthermore, those with religious beliefs that mandate the separation of the sexes have been impacted- the explosion in the numbers identifying as trans now means that single sex facilities are in practice unisex. Given the additional cultural pressures on women from, for example, conservative Muslim backgrounds, this will compound the difficulties they face when trying to enter public space.

Women have been prevented from meeting to discuss this proposed amendment by transgender activists. As such, anyone with the protected characteristic of 'sex' (i.e. everyone) has been impacted by the GRC process.

## **Introduction to Wider Considerations of Impact (Equality Act)**

**More information (as published in the consultation document)**

### **Question 12 - Impact on Sport (Equality Act)**

**Question 12: Do you think that the participation of trans people in sport, as governed by the Equality Act 2010, will be affected by changing the Gender Recognition Act?**

Yes

**Please give reasons for your answer.:**

There are numerous government campaigns to encourage women to partake in competitive physical activity. These will be rendered pointless if the criteria for

competition is based on gender identity rather than sex.

Given the lengths professional sports people go to in order to maintain a competitive edge (e.g. doping, or exaggerating disabilities to gain an advantage in the paralympics), it is clear that men will identify as women in order to succeed. Proof of this can be found in the Iranian women's football team, which contains eight transwomen members.

Physical differences in the bodies of men and women mean that women will not only be at a disadvantage to male-bodied transwomen, but that they will actually be at risk. The injuries inflicted by MMA fighter Fallon Fox, whose opponent said 'I've never felt so overpowered ever in my life', are a stark reminder of this.

### **Question 13 - Impact on Single-sex and Separate-sex Service (Equality Act)**

**Question 13: (A) Do you think that the operation of the single-sex and separate-sex service exceptions in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?**

Yes

**Please give reasons for your answer.:**

These proposals will effectively nullify the single sex protections past generations of women fought for.

No

**Please give reasons for your answer.:**

Given that even the government seems confused about the interpretation of single sex exemptions and the definition of gender, I am doubtful about the legal worth of any guidance produced.

Not Answered

**Please give reasons for your answer.:**

This is shocking bias. Where is your question about women who have been abusive relationships with transwomen? Not using a preferred pronoun is not abuse.

Not Answered

### **Question 14 - Impact on Occupational Requirements (Equality Act)**

**Question 14: Do you think that the operation of the occupational requirement exception in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?**

Yes

**Please give reasons for your answer.:**

There is no way for women's organisations to remain single sex. The sector is grossly under-funded, and already women's organisations are too intimidated by the threat of a legal challenge to refuse transwomen either as clients or employees. Making the process of changing legal gender easier will exacerbate this, and open up women service users to the risk of abuse from those who identify as transgender.

### **Question 15 - Impact on Communal Accommodation (Equality Act)**

**Question 15: Do you think that the operation of the communal accommodation exception in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?**

Yes

**Please give reasons for your answer.:**

One in five women are victims of male sexual violence. One in three girls have experienced harassment from men. Making communal accommodation 'inclusive' of those who identify as the opposite sex will put women at risk from predatory men who identify as transgender. This will curtail the freedom of women to travel.

### **Question 16 - Impact on the Armed Forces (Equality Act)**

**Question 16: Do you think that the operation of the armed forces exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?**

Yes

**Please give reasons for your answer.:**

### **Question 17 - Impact on Authorising or Solemnising Marriages (Equality Act)**

**Question 17: Do you think that the operation of the marriage exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?**

Yes

**Please give reasons for your answer.:**

Declaring an intent to change legal gender is not just a personal matter - it has implications on the family, friends and colleagues of the person transitioning. Forcing a spouse to accept this is absolutely unacceptable. No heterosexual woman should be expected to pretend to be lesbian in order to validate a man's identity

**Question 18 - Impact on Insurance Operation (Equality Act)**

**Question 18: Do you think that the operation of the insurance exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?**

Yes

**Please give reasons for your answer.:**

It will be impossible to collect data and plan for pensions and annuities if the very categories of female and male are reflective of feelings rather than the material reality of one's body.

**Question 19 - Impact on Other Public Services (beyond the Equality Act)**

**Question 19: Do you think that changes to the Gender Recognition Act will impact on areas of law and public services other than the Equality Act 2010?**

Yes

**Please give reasons for your answer. :**

Should the process of changing legal gender be made easier this will effectively nullify sex-based protections for women. Single sex services exist to stop women being attacked and assaulted by men. One in five women have been sexually assaulted and being able to question visibly male people in women's facilities, be that hospital wards or changing rooms, is vital to our safety. How male bodied people chose to identify should not be prioritised above women's comfort, safety or indeed material reality.

This proposal would enshrine a person's legal identity above reality, it could have serious implications on freedom of speech and conscience. For example, transgender rapist Karen White might be legally female but it is against my principles to refer to him as anything other than male.

**Question 20 - Non-binary Gender Identities**

**Question 20: Do you think that there need to be changes to the Gender Recognition Act to accommodate individuals who identify as non-binary?**

No

**If you would like to, please expand more upon your answer.:**

The current wave of 'non-binary' students who think they can identify out of gender with an asymmetric hair-cut and 'they/them' pronouns will have a shock when they enter the workplace. Changing terminology will not change the fact that the be-penis'd will be at an advantage to the be-vulva'd in terms of pay, experiences of sexual assault and career progression. Discrimination does not depend on how you see yourself; none of us identify into pay scales or harassment, these injustices happen because of how we are identified by others.

There will be huge legal, administrative and practical costs toward accommodating those who consider themselves 'special.'

**Question 21: Experiences of Intersex Respondents**

**Question 21: (A) Do you have a variation in your sex characteristics?**

No

**(B) Would removing these requirements be beneficial to you?:**

**(C) What other changes do you think are necessary to the GRA in order to benefit intersex people? :**

**Question 22 - Any further comments?**

**Question 22: Do you have any further comments about the Gender Recognition Act 2004?**

Yes

**If you answered yes, please add your comments.:**

Over the past twenty years the terms 'Gender,' and increasingly 'Gender Identity,' have crept across application forms. Despite having distinct meanings, these terms have bedded-in presumably because the uptight British are somewhat squeamish about the double entendre the word 'sex' potentially invites. Objecting to the misuse of these terms isn't a matter of linguistic pedantry – it is ideological. To be clear, sex refers the biological categories of 'female' and 'male.'

The clumsy phrase 'assigned male or female at birth' has been mooted an alternative to the category 'sex' but aside from a tiny proportion of intersex people, sex is determined by observation and it really isn't complicated. There will always be those who seek to undermine this truth by reference to the tiny proportions of people with chromosomal abnormalities. This is about as logical as saying that, because some people are born with one leg, humans are not bipedal as a species.

Sexologists in the 1950s began to use the term 'gender' when observing intersex children. It was used by these conservative men to label what feminist historian Sheila Jeffreys derisively describes as the 'behavioural characteristics' that they 'considered most appropriate for persons of one or other biological sex.' Latterly 'gender' has been used by social scientists and some feminists to refer to the social categories of masculinity and femininity.

Understanding the difference between sex and gender is essential if we are to tackle sex-based injustice. To be clear, there is no biological predisposition for pink and sparkles that is activated by the presence of a second 'X' chromosome, and nor does possessing a 'Y' chromosome mean lead to a love of guns or the scent of musk. The aggressive gendering of toys, clothes and even language both enforces and creates this gender role divide; it hurts both women and men. In short, as social animals, the differences in the behaviour of women and men is more likely to be learnt than based in biology.

With regard to this consultation, in practice organisations from the NHS to EHRC already use self-identified gender as a marker in place of sex. For example, despite the hefty fines for failing to place patients in single sex wards, most hospitals trusts will accommodate people according to an individual's gender identity rather than their sex. Accordingly, the transwomen who retain their penises are placed in hospital wards with women irrespective of the whether therest of those on the ward consider them to be female. When I sent a Freedom of Information request to my local police force it became apparent that they were unaware of any difference between the terms and consequently were recording crimes according to individual's stated 'gender identity' rather than their empirically observable sex. This has serious ramifications. At present there are 11 prisoners in one specialist facility for male sex offenders Littlehey jail – who are on the 'transgender pathway' to seek legal recognition as women.

No-one can identify out of the gendered norms of a patriarchal society. Collapsing the terms sex and gender makes it all the harder to name our oppression because sexist gender roles are presented as natural and inevitable. Allowing people to change gender more easily will effectively be a state sanctioning of a sexist ideology. I for one refuse to describe myself as 'identifying as a woman.' Being a woman is not a choice, it is a biological fact - women's safety and rights deserve to be prioritised above the fantasy of 0.03 percent of the population.

Most people are unaware that this consultation is even happening. But all of us would be affected if changing legal gender is made 'easier.' For example, if the carer for my elderly male neighbour identified as a man or non-binary, but had a female body, he would feel embarrassed. It wouldn't matter how the carer perceived themselves, but it would matter for my neighbour's dignity. I know that out of politeness or fear of causing offence he wouldn't say anything. Why are his feelings less important than those of anyone else, and why is it only the trans person's sense of self perception that matters and deserves to be validated?

This isn't just about rape crisis centres, refuges or prisons. Making the process of changing legal gender easier will have a huge impact on everyone – but the narrow scope of this consultation does not account for this. For example, we know that one in five women have experienced male violence. Women who might not have used official services still need single sex space to feel safe – and at time when there is an epidemic of male violence it is really important that women feel empowered to ask those they perceive as male to leave single sex space. While legal exemptions exist, the social landscape and dominate narratives around transgenderism undermine these and we have seen women put at risk in prisons, in psychiatric hospitals and by medical practitioners.

We should also not be naive. 98% of sexual crime is committed by men. Men who will seek to abuse this know this too and a cursory glance at the situation in India, where many women risk rape when trying to access toilets, attests to the danger men pose to women and the lengths that predatory men will go to invade women's privacy.

We must remember that and that the research suggests that this male pattern of violence changes when an individual's identity does, indeed some analyses show that sex offenders are over-represented in the population transwomen in prisons. Women are already put at risk by male bodied people who identify as women, in practice the proposals to demedicalise and streamline legal change of gender will result in more women having their rights and freedoms violated. This is not progress, and if just one woman is put at increased risk by the 'demedicalisation' and 'streamlining' of the process by which people change legal gender, it is one too many.

## **Consent for publishing your response**

### **Can we publish your response?**

Publish my response, including my name

Yes