WHAT IS GENDERED INTELLIGENCE DOING?

Gendered Intelligence is treating this consultation as a serious step in reducing the difficulties trans and non-binary people have to go through to be legally recognised in their right gender.

If the reforms we – and many other organisations and individuals such as you – are brought into place, those seeking to change their legal gender will find it a much easier process. The stigma, bureaucracy, cost and sheer unnecessary length of the Gender Recognition process will be vastly reduced.

The guidance below is just that, guidance. You are the best person to speak personally about why these changes are important to you, or how the current process or future reforms might affect you or a loved one.

We think there are nine really important questions you should answer if you have a limited amount of time – 1, 2, 3, 4, 7, 8, 10, 11, 20. A guideline of what we might write in our response to answer these questions is on the following pages.

Please fill out all the answers in the consultation as fully and as honestly as possible.
QUESTION 1

THEME: PERSONAL EXPERIENCE

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

If yes, please tell us about your experiences of the process.
If no, please tell us why you have not applied.
If you have applied, were you successful in obtaining a Gender Recognition Certificate?

OUR SUGGESTIONS

Only answer this question if you have already applied for a Gender Recognition Certificate, or are applying for one now.

Is the reason you haven’t applied for one because you’re under 18? Mention it! We believe that all young trans and non-binary people should be free to have their gender legally recognised as readily as any other, older person.

If you’ve applied before and were rejected, don’t just say why – say what you think could change to make sure what happened to you doesn’t happen to anyone else. If you applied before and have a GRC now, did you feel there were any barriers in the way, or what went particularly well for you?

As one young trans person (14) recently told us, "I haven’t yet applied for a Gender Recognition Certificate because of the age restriction. I do agree about taking time to understand yourself, but some people understand at a younger age."

QUESTION 2

THEME: PERSONAL EXPERIENCE

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

OUR SUGGESTIONS

This is for you to talk about things you’re able to do now that you have a Gender Recognition Certificate or, conversely, things you’re not able to do because you don’t have or are unable to have one. This could include getting married in your correct gender, HMRC addressing you with the name and gender markers you would otherwise use, or indeed having your non-binary identity legally recognised at all.

You know best what having a GRC would mean for you – this is your opportunity to speak truth to power. If you’re a young trans or non-binary person, this could be about having to stick with a passport with incorrect details on it, or being unable to change your gender markers at school.

One young person recently told us: "If I managed to get a GRC, I would feel complete. I will also be able to change my name on my passport, feeling more comfortable getting on planes".
Gender Recognition Act

**QUESTION 3**
**THEME: PATHOLOGISATION**

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

**OUR SUGGESTIONS**

No. Gendered Intelligence wants to see a legal gender recognition process that de-pathologises and demedicalises trans lives and experiences. Cisgender (non-trans) people do not have to ‘prove’ their gender to anyone, so trans and non-binary should not have to prove the validity of their identities.

Gender dysphoria has been removed as a mental condition by the World Health Organisation, so it follows that a diagnosis should hold no weight when it comes to legal gender recognition. Demanding such a diagnosis would be not just unfair, but unworkable and an example of rigid gate-keeping.

One young trans person recently told us: "some people don’t experience dysphoria constantly. There are many types and 'strengths' and people experience different ones at different times and with some people it doesn’t impact their lives at all".

**QUESTION 4**
**THEME: MEDICALISATION**

Do you think there should be a requirement for a report detailing treatment received?

**OUR SUGGESTIONS**

No. Someone’s medical history should not factor into whether they are seen as deserving of having their (gender) identity respected.

These reports will go to an unseen panel of strangers, who will make arbitrary decisions on your life based on nothing but some comments made by a doctor you may have met for a few minutes. The “detailed report” is often nothing more than a list of medical procedures and dates, the details of which often ignored by the Gender Recognition Panel.

Decisions are all too often made based on whether someone’s transition has been ‘medical enough’ to tick off boxes. Decisions like these should not be made by a panel in any case, as a trans or non-binary person knows themselves better than a set of strangers.
QUESTION 7
THEME: SPOUSAL VETO

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?

OUR SUGGESTIONS

No. The spousal consent provisions allow for what is effectively a spousal veto. This means that a very personal act of self-determination is reduced to something potentially very difficult, where your spouse can block your legal gender change.

When equal marriage was being introduced, Scotland had the foresight to remove the spousal veto from the statute books. England and Wales now needs to catch up, not fall even further behind.

Legal gender recognition also needs to stop being a valid cause for divorce, as this stigmatises trans people as ‘other’ and worthy of ending a marriage for their status.

QUESTION 8
THEME: COST

Do you think the fee should be removed from the process of applying for legal gender recognition?

OUR SUGGESTIONS

Yes. A system of legal gender recognition which is fit for purpose is one which is open to as many people who need it as possible, including those with limited financial means. Your ability to have your correct gender legally recognised should not rest on how much money you have, or if you can afford to go through an expensive process. It must be free. This is particularly important for younger trans people, who will be excluded if the process is costly, but also more widely as trans people are at a crossroads of financial disadvantage and social exclusion.

For school-age young people in particular, having proper access to the process would mean being able to be treated without discrimination at school. The current SIMS system means that people have to provide evidence of permanent change, which is very difficult for young people to get without changes to the fees for legal gender recognition.
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?

**OUR SUGGESTIONS**

If you have any other protected characteristic under the act, it’s worthwhile talking about it, and how that may interact with any proposed changes to the Gender Recognition Act.

Gendered Intelligence is particularly interested in the interaction with ‘age’, as young trans and non-binary people aren’t being explicitly asked for input on this consultation. If you want to talk about that, question 11 is where to do it.

The full list of protected characteristics is: age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation. If any of these apply to you, it’s worth detailing which, and responding in question 11.

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**QUESTION 10**

**THEME: AGE (AND OTHER CHARACTERISTICS)**

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?

**OUR SUGGESTIONS**

If you have any other protected characteristic under the act, it’s worthwhile talking about it, and how that may interact with any proposed changes to the Gender Recognition Act.

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**QUESTION 11**

**THEME: AGE (AND OTHER CHARACTERISTICS)**

Is there anything you want to tell us about how the current process of applying for a Gender Recognition Certificate affects those who have a protected characteristic?

**OUR SUGGESTIONS**

Yes. Those who have the protected characteristic of ‘age’ (and are under 18) are unfairly discriminated against by being excluded from the proper legal gender recognition they deserve and should have access to. Over half of trans and non-binary young people find their schools unsupportive of their transition.

When the Scottish government recently consulted on changes to the Gender Recognition Act, 72% Scottish respondents said something must be done to make it easier for those under 18 to access legal gender recognition. This is a clear majority in favour of opening up the process to younger people than the current, outdated age limit of 18.

We believe that people are often aware of their gender identity from an early age, and that steps should be taken to ensure all children are comfortable, respected and affirmed in their identity.
Currently, UK law does not recognise any gender other than male or female. Do you think that there needs to be changes to the Gender Recognition Act to accommodate individuals who identify as non-binary?

**OUR SUGGESTIONS**

Yes. The Government’s own LGBT survey showed that over half of the non-cisgender population are non-binary.

It is government’s role to make laws fitting to the populace as it exists, not to try to shape the populace around existing laws which aren’t fit for purpose. It’s important that there’s true representation of people as they exist, so recognition of non-binary people needs to be brought in as soon as possible.

Otherwise, how are we as a country expected to be able to even know how many non-binary people there are in the UK, let alone how we best serve their needs? We need the existence of non-binary people to be legally recognised not just for monitoring purposes, but on a basic level of mutual recognition and respect. At the moment, there’s a two-tiered system of those with legally recognised gender identities at the top and those without recognition at the bottom. This needs to be fixed and made fair.

On top of the wider issues around the need for non-binary legal recognition, there will be some inevitable legal clashes if the UK government fails to bring its laws up to scratch. Scotland recently released some first findings from its own consultation on gender recognition reform. 66% Scottish respondents said that action should be taken to ensure non-binary people are given legal recognition. We’ve no reason to believe that England and Wales will have widely different results in any meaningful way, with a clear majority of people in obvious favour of non-binary people being enfranchised with legal recognition and respect.

Many other countries have already taken the step into non-binary legal inclusion. The Yogyakarta Principles are the culmination of decades of work of human rights experts, and are seen as a shining beacon of what best practice looks like with regards to sexual orientation and gender identity. Principle 3 states: "Everyone has the right to recognition everywhere as a person before the law. Persons of diverse sexual orientations and gender identities shall enjoy legal capacity in all aspects of life."