

Response ID ANON-HSR6-7J29-F

Submitted to **Reform of the Gender Recognition Act**
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Your Details

About you

Name:

John Allman

Are you responding as an individual or an organisation?

Individual

Your details or the details of your organisation

Organisation:

Phone number:

07720842242

Address:

27 Crocken Tor Road

Postcode:

EX20 1TE

Email address

Email:

John_W_Allman@hotmail.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.:

Because this is the best objective criterion we have.

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.:

Of course, to prevent fraud. Plus, at very least to enable the scientific study of statistical data thus collected once it has been anonymised and provided to academics under the FOIA. Study is needed in order to understand the different types of transgenderism, including the potentially shifting ratio between different types (e.g. the ratio between treatment and no-treatment applications).

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. :

If there is a statutory fact that needs to be true in order for an applicant to be eligible, then there needs to be evidence upon which a finding of that fact could be made, even if it is only a declaration on the part of the applicant. Another party (e.g. a spouse or child of the applicant) ought to be able to contest the evidence the applicant offers that the statutory criterion is met.

(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.:

Gender transition is a serious and disruptive process not to be undertaken lightly. We ought to make it as difficult as possible for fraudulent or frivolous applications to succeed, or those made during psychotic episodes. As a therapy for gender dysphoria, gender transition ought to be the last resort, not the treatment of choice.

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?

No

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

The present arrangements are complicated. Spouses can feel under social pressure to be "supportive". It would be better if married would-be applicants not supported by their spouses in their aspiration to obtain gender recognition in an acquired gender, were prevented from applying for gender recognition. They would therefore have to divorce first. That is a more clean and moral way of dealing with the problem. The aspiration to change gender can be "behaviour such that", and so could unreasonable opposition to transition.

An equality impact assessment is needed for any change. It is quite possible that the bereavement of a spouse lost to transgenderism is impacting women disproportionately, because more husbands than wives are developing late-onset gender dysphoria, or psychotic delusions that resemble gender dysphoria. We need to strengthen the protections for women, not weaken them.

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? :

I have always objected to the rejection of the amendment proposed to the Gender Recognition Bill, that would have required a non-fraudulent birth certificate (one

that revealed birth gender, rather than misrepresenting that the acquired gender was the birth gender) in the order to give notice of marriage. The most important measure of all, is to protect innocent parties from becoming romantically involved with transgendered persons unknowingly. The present Gender Recognition Act offers no protection to the victim of gender fraud. In fact, the state facilitates gender fraud. There is no way of knowing how many people have been tricked into what they would regard as same-sex marriages, and who remain unaware that they have been tricked in this manner. The present Act provides them with the remedy of annulment if they discover the deception, but that is no substitute to protected men and women from being tricked in the first place.

The privacy and (non-)disclosure provisions, make transgendered an object of fear, because it prevents the *recognition* of their birth genders, even to prospective intimate partners. It contributes to trans stigma, rather than ameliorating it. If society is seeking to expand transgenderism, making it easier to obtain recognition, it is time to review the provisions designed to make the presence of acquired gender unrecognisable.

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.:

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.:

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?

Not Answered

Please give reasons for your answer.:

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?

Not Answered

Please give reasons for your answer.:

Not Answered

Please give reasons for your answer.:

Not Answered

Please give reasons for your answer.:

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?

Not Answered

Please give reasons for your answer.:

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.:

Maybe. Safeguards should be introduced. There are none at present, unless trans people volunteer the information that they are trans. How is an organisation like the Youth Hostel Association, which provides single-sex dormitories, expected to KNOW that somebody is trans in the first place, if every single official document used as proof of ID conceals this truth?

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?

Not Answered

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.:

I hope it will be. The marriage exception test ought to be "reasonably suspects" rather than "reasonably believes". That is a change that is needed.

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?

Not Answered

Please give reasons for your answer.:

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?

Not Answered

Please give reasons for your answer. :

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?

Yes

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

I think the whole system should be subjected to root and branch reform. The present rather rigid regime is based upon the government conniving at deception, in order to protect trans people from stigma which the present system therefore perpetuates. An altogether more relaxed approach might be to abolish the concept of permanent gender acquisition, and to provide (and de-stigmatise) that certain persons, with one birth gender, disclosed on their birth certificates, may, on application, register as persons who are permitted to be recognised in their non-birth genders, or as non-binary, if they wish. They could be supplied with birth certificates that correctly revealed their birth genders (protecting potential romantic partners from gender fraud that would nullify consent, leading to a section 4 offence under the Sexual Offences Act), but which contained a footnote that they had registered their wish to be allowed to live in their non-birth gender or as non-binary, some of the time, at least temporarily, if not exclusively and permanently. This modernisation, in one respect, and reversion to an older regime in another, ought to satisfy everybody.

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.:

I am strongly opposed to the present regime, because it offers no protection at all to cis, transphobic and homophobic people who would not wish to enter marriages or other romantic relationships with partners of the same birth gender as themselves. The present regime enables such people to become victims of gender fraud, entering relationships they regard as taboo unknowingly. That is not fair on them. The government's first duty, when reforming the Gender Recognition Act, is to right this grievous wrong.

Please refer to my blog post, entitled, "Should a bloke be allowed to know if his 'girlfriend' (or 'bride') is also a bloke?", published at <http://JohnAllman.UK>, which reports an otherwise sparsely-reported court case in 2005 that highlighted this deficiency. In the rush to adjust to Goodwin v UK, the then Labour government, represented by Lord Falconer and David Lammy, had a blind spot over this most important point. Unfortunately, so did the opposition, e.g. Baroness O'Cathain and Lord Tebbit. That is what has given us the present dog's dinner of an Act, which needs to be rethought completely, not just tweaked.

Consent for publishing your response

Can we publish your response?

Publish my response, including my name

Yes