

Trans Masculine Support and Advice UK

Questions

1 Do you have any comments on the proposal that applicants must live in their acquired gender for at least 3 months before applying for a GRC?

Yes

If yes, please outline these comments.:

While this is an improvement on the current requirements, we think there is no need to require people to submit proof of living in their acquired gender prior to applying for gender recognition. Our experience, as a UK organisation supporting 2000+ trans masculine people, is that people think carefully before applying to change documentation. There is no reason why people should be required to submit evidence of living in their acquired gender for a GRC (which can only be used to change a birth certificate) when this is not necessary for other key documents like passports, medical records or work/education paperwork. In addition, the operation of this requirement is bureaucratic and can be difficult for those who do not have much paperwork (e.g. because they use electronic billing or live with family), or who are in insecure living circumstances (trans people are disproportionately likely to find themselves homeless, sofa surfing, or experience family or intimate partner abuse - which may result in the loss of paperwork).

2 Do you have any comments on the proposal that applicants must go through a period of reflection for at least 3 months before obtaining a GRC?

Yes

If yes, please outline these comments.:

We strongly oppose this requirement. The reflection period is unnecessary, bureaucratic and reinforces negative popular stereotypes that trans people's gender identities might be a "phase" or a passing whim. Again, there is no reflection period necessary when people seek to change their passport or other key documents - there is no reason why one should be necessary for a GRC.

We are one of the largest trans masculine support organisations in the UK, and have supported many members through seeking gender recognition. I cannot think of a single case where the reflection period would have been anything other than a frustrating and unnecessary delay to people who have already carefully considered what they want. In addition, we are aware of a small number of cases where people have needed to seek gender recognition urgently (typically because they wish to marry in their acquired gender, and do not realise until plans are some way advanced that they need a GRC to do so). A mandatory reflection period could mean that some couples need to postpone their weddings, causing cost and distress. Having to go through two stages of a process, three months apart, could also be a barrier for people in insecure living circumstances.

3 Should the minimum age at which a person can apply for legal gender recognition be reduced from 18 to 16?

Yes

If you wish, please give reasons for your view.:

We support the reduction in age to 16. Young people in the 16-18 age bracket may be making plans for university or future careers, and taking key exams, and allowing them to align all their documents helps to allow them to move smoothly into adult life. 16 year olds also have the right to marry, join the army, and can be taxed. It is grossly unjust that they can do these things at 16, yet cannot access the documents necessary to marry and be taxed in the correct gender.

We would additionally request the introduction of a mechanism for young people under 16 to seek gender recognition. The first phase of the consultation set out several possible options for doing this (e.g. with parental support or via a court guardian type process). The majority of respondents to this consultation felt there should be some option for under 16s to obtain recognition. We would note that under-16s are often more likely than adults to need to use birth certificates as documentation, and it seems extremely unfair that they should be forced to "out" themselves in such situations.

4 Do you have any other comments on the provisions of the draft Bill?

Yes

If yes, please outline these comments.:

A significant number of our organisation's members are non-binary. We would strongly support measures to allow our non-binary members to access documents that do not force them to falsely declare themselves within a gender binary. We also note the situation for intersex people, who often do not have an appropriate route to amend documentation, and some of whom may also not wish to align themselves with a forced binary categorisation.

5 Do you have any comments on the draft Impact Assessments?

No

If yes, please outline these comments.: