

## Response ID ANON-HSR6-7CEJ-C

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

#### About you

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**Are you responding as an individual or an organisation?**

Organisation

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### 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.:**

Unlike the Scottish Government consultation document, this consultation does not explain the legal and political background to the consultation. We believe this is highly relevant to the timing of this consultation and wish to make public our reasons here so that the government cannot hide from the realities involved. We do not accept as plausible the reasons given in the consultation document, that the law must change simply because some trans people say that the process of legal gender recognition is 'bureaucratic' and 'humiliating' and 'too expensive'. No government policy is consulted upon simply because some people feel offended by it. Nor do we accept the reason put forward in paragraph 56 of the consultation document that the alleged absence of discomfort or distress among intersex people is a good reason to make gender change easier. There is a long history of transgender rights campaigners making unsubstantiated claims about people deemed intersex in order to make their own demands look as if they are grounded in scientific objectivity. The government LGBT survey shows that only a very small percentage of trans respondents were also intersex.

Finally we note paragraph 89 hints that the government hopes that removing the medical requirement for legal gender recognition will lower the cost involved.

This would be to put financial expediency above the general welfare of society and considerations of public health, morals, safety and security. Thus the government would be repeating the error of the Blair government in passing the Gender Recognition Act only because it was scared of more litigation from transsexual rights activists.

'Moral pressure' from the European Court of Human Rights and the European Parliament

The government needs to be reminded that the judgment delivered against France at the European Court of Human Rights in 2017 in the case of A.P., Garçon et Nicot c. France permitted Council of Europe member states a margin of appreciation as to whether or not they should require medical checks on individuals for the purpose of gender recognition. Thus the UK government is not legally bound to amend the Gender Recognition Act to remove the legal requirement for a diagnosis of gender dysphoria.

This leads us to look for the likely political excuse for this consultation and the government's determination to make changing gender easier. This can be found in the vote in the European Parliament last year in favour of the Beccara Report on Gender Mainstreaming, which included a demand that all EU member states remove the alleged requirement of 'forced sterilisation' of transgender people. What this really meant was the removal of the requirement to remove primary sexual organs, i.e. castration of male-to-female transgender people. The Beccara Report has no binding effect on European Parliament vote however only constituted 'moral pressure' on EU member states, and as such the UK government is perfectly free to ignore it just as the majority of EU Member States have chosen to ignore it. In light of the numerous very serious objections to making gender change easier, not the least concerns about sexual offences (which will be discussed below), we strongly recommend that the UK government publicly distances itself from this recommendation of the Beccara Report.

In light of these political realities, we are deeply suspicious of the timing of this consultation, only a few months before the official date of Brexit. Transgender activists within the government know very well that leaving the European Union will get rid of this type of 'moral pressure' on the United Kingdom, as well as removing funding from equalities bodies which have relentlessly pushed for the easing of transgender rights across the EU.

Require initial general mental health assessment by NHS psychiatrists and diagnosis

It appears that because the government has already agreed that 'being trans is not a mental illness', it is bound to take away the requirement for a diagnosis as far as legal gender recognition is concerned. The problem is that already the treatment protocols for England, Scotland and Northern Ireland allow individuals to be referred by GPs straight to gender identity clinics, without any requirement for assessment by local NHS psychiatrists. Until very recently the treatment protocol in Wales required all patients who told their GP they might be suffering from gender dysphoria to undergo a general mental health assessment with psychiatrists at their local NHS board.

On the basis of checking official statistics from NHS England and NHS Wales against the 2011 Census and the ONS mid-year population estimates for 2017, we estimate that the prevalence rate for adults with a primary diagnosis of transsexualism (F64.0) in England is three times higher than in Wales. The discrepancy is probably attributable to the stricter treatment protocols that have historically obtained in Wales. This meant that psychiatrists in Wales have managed to screen out patients who had other psychiatric conditions which may have been the ground for the development of a degree of gender incongruence in the first place. We set out the basic calculations forming the basis of our estimates below.

Prevalence of transsexualism measured against the 2011 Census

We obtained the cumulative number of primary diagnoses of transsexualism by Census Day 2011, which was 27 March 2011 (very near the end of the financial year). Note that transgender status is not indicated on Death Certificates, so cumulative figures for diagnoses represent the upper limit for populations represented. We counted from the financial year 1998/1999, the first full year for which Hospital Episode Statistics are publicly available for NHS England and the Patient Episode Database Wales for NHS Wales, and roughly the time from which all NHS boards were required to provide sexual transformation surgery. We obtained the Census figures from <http://www.nomisweb.co.uk>

Prevalence of primary diagnosis of transsexualism on Census Day 2011

England

On Census Day on 27 March 2011 in England there were 41, 675, 496 adults aged 18 and over. Between 1998/1999 and 2010/2011 there had been 3957 primary diagnoses of transsexualism in England. This indicates a prevalence of 9.5 per 100, 000 of the adult population.

Wales

Between 1998/1999 and the financial year 2010/2011 ending in April 2011, thus very close to Census Day, 27 March 2011, there had been 86 diagnoses of transsexualism of Welsh residents, out of an adult population of 2, 063, 456. This indicates a prevalence of 2.8 per 100, 000 of the adult population of Wales.

Prevalence of primary diagnosis of transsexualism in mid-2017

These figures are estimated according to the mid-year population estimates for England and Wales for mid-2017 published by the ONS in June 2018.

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesandnorth>  
England

Adult population aged 18 and over in England – June 2017 – 43, 752, 473

Number of primary diagnoses of transsexualism in England by the end of the financial year 2016/2017 (April 2017) - 8432

This means that in England in mid-2017, the prevalence was 0.019% of the population, or 19 per 100, 000 of the adult population.

Wales

Adult population aged 18 and over in Wales – June 2017 – 2, 496, 876

Number of primary diagnoses of transsexualism in Wales by the end of the financial year 2016/2017 – 167.

This means that in mid-2017, the prevalence of transsexualism as a primary diagnosis was 0.006688% of the adult population of Wales, i.e. 6.7 per 100, 000 of the adult population.

Prevalence in England three times higher than in Wales

Between 2011 and 2017 primary diagnoses had doubled in England and increased by 2.3 times in Wales. Nevertheless the prevalence of people with a primary diagnosis of transsexualism was still three times higher in England than in Wales in mid-2017.

Keep the requirement for diagnosis

Removing the requirement for a diagnosis would mean cutting out any necessity for initial assessment by NHS psychiatrists of patients who have visited their GP.

- This would result in many patients with undiagnosed psychiatric conditions undergoing gender reassignment, with the result that psychiatric conditions that may have been crucial causal factors behind gender dysphoria remaining untreated.

- This would constitute a failure in doctors' duty of care to these people, as well as medical negligence.  
- It would also amount to the complete capitulation of the psychiatric profession to transsexual rights lobbying. The profession would have abdicated all responsibility for understanding the minds of patients, which is its very raison d'être, and thus lose its integrity as a medical speciality. We believe that medical diagnosis of gender dysphoria should remain a legal requirement for gender recognition. We are well aware that it was Scottish activists who encouraged their counterparts in England to rig the NHS system so that GPs could avoid referring patients to local psychiatrists, in accordance with the principles laid down by the 7th edition of the WPATH guidelines. Now is the perfect time to correct this serious error in medical ethics and to restore moral authority and responsibility in the field to qualified psychiatrists.

#### Unforeseen medical risks and the pathologisation of puberty

We are very suspicious of any plans to remove a diagnosis, given the current government is deliberately ignoring the demand in the Gender Recognition Act that 18 should be the age of gender recognition.

Our suspicion is only increased by the fact that responses to the consultation must be sent to an address at the Department for Education, most of whose remit involves the education of children under 18. There would be no reason for the Department of Education to handle a consultation on the Gender Recognition Act if the government only intended to continue with the current statutory requirement of 18 as the age for gender recognition.

If the age of gender recognition is lowered below 18, children and young people with undiagnosed or undetected psychiatric disorders as well as Disorders of Sexual Development may be rushed through gender recognition without adequate medical assessment and care. This would constitute medical negligence and a human rights violation.

Puberty is not a disease; it is a perfectly normal, healthy and necessary part of human development for both sexes. Removing the legal requirement for a diagnosis for adults will inevitably lead to calls for it to be removed for those under 18, which will only exacerbate the pathologisation of puberty.

If gender dysphoria is not a mental illness, close down all gender identity clinics

It seems that if self-declaration policy is adopted, there will be no need for medical checks. Thus there will surely be no need for NHS-funded, i.e. taxpayer-funded Gender clinics in England and Wales any more. Does the Government plan to close down the Gender Clinics in England and Wales or not?

#### Public opinion is against removal of diagnosis requirement

In a poll in June 2018 for Pink News, YouGov found that only 18% of British people did not believe that people should not need a doctor's approval to change their legal gender. This means the public is opposed to the entire purpose of this consultation.

[https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/fyv38u1wln/PinkNews\\_Results\\_180621\\_w.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/fyv38u1wln/PinkNews_Results_180621_w.pdf)

#### **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.:**

The government needs to state to whom should the report be addressed, and who should be monitoring the reports.

#### To whom should a report be addressed?

We propose that the government should make it a statutory requirement for a report on gender reassignment treatment to be sent by gender identity clinics and the relevant hospitals to the local NHS psychiatric teams of the area of residence of patients who initially told their GP they may be gender dysphoric. Every patient should be given a copy of the report as well.

The report should not only be available to the Gender Recognition Panel, as it is not a medical panel, even though it includes doctors.

#### Why a report should be compiled

A report is important as a contribution to the welfare of the patient and the improvement of medical and psychological understanding of people with gender dysphoria. Patients may later regret having undergone gender recognition and any associated gender reassignment treatment. They might need subsequent medical and psychological help, and having proper records would enable the patient and the medical profession better to understand these regretters and detransitioners. In this respect we note that the Equality Impact Assessment for this consultation actually says in paragraph 46:

'Though we think streamlining the gender recognition process could be beneficial, there may also be unwanted outcomes for some trans people who need the mental health assessment or psychological support provided by the gender identity clinics before making a decision to obtain legal recognition - for example, trans people with a learning disability. There may be a risk that some people will unnecessarily change their legal gender, and might need to reverse the change.' The problem with the wording of this paragraph is that it assumes a priori that everybody who says they are suffering from gender dysphoria is a 'trans person'. The paragraph shows an unwillingness to admit the reality that some people's gender dysphoria is the product of psychiatric conditions, and that as such it should not be considered an identity worth of validation.

Doctors should not be able to escape scrutiny for their decisions when those have led to worsening clinical outcomes. Instead they should be struck off for serious professional misconduct. In this respect we recall the fact that Dr. Russell Reid was found guilty of Serious Professional Misconduct by the General Medical Council in May 2007 for medical malpractice following referral of a female patient for gender reassignment surgery as the Gender Recognition Act was being pushed through Parliament.

<http://image.guardian.co.uk/sys-files/Guardian/documents/2007/05/25/reid.PDF>

This patient had first heard of Dr Reid from a TV programme on transsexualism in 1996 and became convinced that this was why she had a history of depression. He prescribed her male hormones on her second appointment with him, despite another psychiatrist warning that further assessment was required to work out whether her belief that she was suffering from transsexualism was only due to watching this TV programme. Dr. Reid admitted that he had admitted the patient for surgery before she had lived as a 'man' for the 12 months required by international standards of care. The patient turned out to be suffering from Bipolar Disorder, and whilst in her manic phase had acquired a fixed desire to become Jesus Christ, and thus to become male and have a double mastectomy. When her manic phase passed and she came to her senses, she was beside herself with rage at what the psychiatrist had allowed as treatment for her. It is very important to recognise her family's shock and concern about her case, and how their concern was not taken seriously by Dr. Reid.

## 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. :**

Yes they should. The evidence should not only come from the individual applicant but also from their GP and their local NHS psychiatric team. Given the social effect that gender recognition has on other people, it is entirely right that the process involves detailed checks on identity. Changing gender does not only impact the individual who wishes to change. It impacts present and future employers and work colleagues, and providers of services and facilities, particularly when those are single-sex.

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

Keep the two year rule. (In fact the one-year rule for gender reassignment is too short.)

It is not true that the process is 'too bureaucratic'. Showing personal identification documents is required of everybody for many less dramatic life events. To allow people not to collect evidence is to invite a great deal of trouble, as it invites the problem of individuals changing gender even when they have missing documents for criminal reasons. This would in turn create problems for Disclosure and Barring Service checks required by some employers and voluntary groups. It also provides an excuse for parents who never accepted their children were born into a particular sex to destroy records reminding them of this.

In addition, there should be a compulsory criminal record check on every applicant. Those with any criminal record should be refused gender recognition. (In this respect it is not enough to state that only having committed a crime within the last five years would be a reason for refusal.) The reason is that the potential for abuse has been evident for a long time now. Sex offenders started to litigate for the 'right' to be housed in women's prisons soon after the Gender Recognition Act came into force. This was inevitable and should have been foreseen.

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?**

No

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

A statutory declaration makes no moral difference. The real problem is that the government is allowing people to live as members of the opposite sex in the first place.

No

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

Yes there should be other safeguards. The individual should be required to sign an official declaration acknowledging that they have not actually changed their sex, given that sex is genetically based. In this respect it is important to note the history of case law in England and Wales, from Justice Ormerod's clear acknowledgment of the biological basis of sex in *Corbett v Corbett* (1971) right up to the recent citation of the Yogyakarta Principles, cited recently in the case of *Christie Elan-Cane* against the Home Office in the High Court .

*Elan-Cane, R (on the application of) v Secretary of State for the Home Department & Anor* [2018] EWHC 1530 (Admin) (22 June 2018)

The individual should be required to state that in many instances they will understand that it is entirely inappropriate for them to be treated as a member of their acquired sex/gender, e.g. single-sex toilets, facilities, sports teams, etc.

Suggested wording for such an official declaration:

- I \_\_\_\_\_ do hereby acknowledge that in changing gender I am not actually changing my biological sex. In so doing I acknowledge that I still possess many of the characteristics of my biological sex, and that this will naturally have a physical impact on me which will continue to be medically relevant in the future. I also acknowledge that there is much that is as yet unknown by the medical profession considering my condition, and that this may have medical and social relevance for me in future. In addition I acknowledge that my biological sex may continue to be relevant for various social reasons such as the use of single-sex facilities and services, as determined by managers and other service users. I also acknowledge that persons whom I meet may work out that my biological sex is not the same as my expressed gender, and that if such persons refer to me using the pronouns for my biological sex, that they may do so for reasons of conscience namely the desire to be truthful and honest.

## 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?:**

We do not believe that people who intend to change gender should be allowed to stay married to a member of the sex opposite to their sex at birth. The reason

we say that we do not agree with the current provisions is that the spousal veto needs not only to be kept, it needs to be tightened up considerably. People should not be allowed to convert heterosexual marriages into the semblance of same-sex 'marriage', nor same-sex 'marriages' into the semblance of traditional heterosexual marriage.

It is unacceptable that the Government is even asking whether the non-transgender spouse should not be required to give consent to their spouse's gender recognition. The spousal veto is there to protect consent in marriage law. Most marriages where one spouse decides to undergo gender reassignment and bid for gender recognition are heterosexual marriages where the non-transgendered spouse is a biological woman and the transgendered spouse is a biological man. Most of these non-transgendered did not enter into marriage wanting it to change into the semblance of a same-sex relationship. Removing the spousal veto makes meaningless the non-transgendered spouse's consent to being married in the first place. This would be a violation of their right to family life under Article 8 of the European Convention of Human Rights Act. Also as sexual orientation is a protected characteristic, and as sexual behaviour is basic to marriage, it is possible that the rights of the heterosexual non-transgendered spouse under Sections 11 and 12 of the Equality Act 2010 would be breached.

The proposal to get rid of the spousal veto violates marriage completely and voids marriage law of any notion of consent, commitment, stability and trustworthiness. In addition it would create serious havoc in divorce cases as the non-transgendered spouse could be deemed 'transphobic' and 'homophobic' for not indicating consent to their spouse's gender recognition.

The mental suffering of wives and children of men who decide to live as transsexuals

The Women of the Beaumont Society for many years admitted on their website that wives and female partners of such men were often deeply shocked and troubled upon discovering their husbands' tendencies, with many ending up needing mental healthcare.

<https://web.archive.org/web/20130312101424/http://www.gender.org.uk:80/wobsmatters/faq.html>

We estimate that it is possible that this happened with the majority of wives, before the Gender Recognition Act was passed.

The suffering of children of parents who make a decision to live as transsexuals has never truly been acknowledged in the past half century since Charing Cross Gender Identity Clinic was opened in 1966. There have been no reliable, statistically rigorous studies conducted, yet we are aware anecdotally of cases over the years. Also anecdotal evidence seeps out from time to time to the press, often because individual male-to-female transsexuals drag their family quarrels into the press complaining that their children won't speak to them. These children obviously suffer because they need both biological parents, but one does not want to be a biological father (or mother in some cases) and would prefer to deny this reality.

For the Government to even ask whether the spousal veto should be abolished is effectively to ask whether children of those marriages should be deliberately deprived of their father (or mother in some cases) actually living as a man. It is callous in the extreme.

Relatives of people who have chosen to abandon normal family life in favour of living as transgendered have nowhere to turn to for help. There are two main reasons for this. First, transgender charities and campaign groups have long tried to persuade them to accept transsexualism as normal. Second, because of the current climate whereby being critical of transgender identification is deemed 'transphobic', including in the mental health profession, healthcare professionals who should be skilled in helping people who are devastated and traumatised by such problems are not free to make space for honest and truthful conversations with clients and patients. People hurt and harmed by transsexualism are deeply aware of this.

Danger to freedom of religion

If the Government were to remove the spousal veto this would go against the freedom of religion as enshrined in the Gender Recognition (Disclosure of Information) Order 2005, section 4.

<http://www.legislation.gov.uk/ukxi/2005/635/article/4/made>

Churches and other bodies would not be able to call these marriages invalid or null, and these marriages would be automatically turned into same-sex marriages, even in denominations which have explicitly refused to perform same-sex weddings. This would go against provisions of religious freedom in the law on same-sex marriage. Congregations and members of particular religions would consider themselves to have been deceived and manipulated into accepting same-sex marriages.

Consultation uses misleading evidence to pretend Christian attitudes are changing

We note that the Equality Impact Assessment linked to a study published by Cambridge University Press with a press release by Rev. Duncan Dormor from the Church of England claiming a 'softening' of Christian attitudes globally on transgender issues. This was highly misleading. The study looked at denominations, which is a completely unreliable guide to the beliefs of Christians given that liberal denominations have been in serious decline for decades, not least because of support for LGBT ideology. The overall survey evidence for the UK shows Christians to be more likely to oppose transgender ideology. In addition the volume referred to has an essay by a transsexual rights activist in the Church of England whose evidence base for a spirituality fitting to transsexual experience is entirely based on the pagan Graeco-Roman polytheistic mythology underpinning the Metamorphoses of the Roman poet Ovid. It is ridiculous nonsense to suggest that this volume constitutes solid evidence on Christian approaches to transgenderism. It does nothing of the sort.

Official statistics required on divorces due to gender recognition

Such statistics are currently published in Scotland. (See 'Divorce and Dissolution: Supplementary Tables' below.)

<http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Datasets/suptab1516>

As a matter of principle there should be consistency in official statistics across the United Kingdom in this respect.

Recommendation

There need to be official statistics recorded and published in England and Wales showing the annual number of divorces due to one spouse's gender recognition.

The fact that Scotland publishes such statistics should be a basis for this change being made.

## 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? :**

Section 22 of the Gender Recognition Act (2004) should be repealed altogether. It was debated in Parliament in 2004, with the MP who proposed keeping it out arguing rightly that it was unnecessary. Section 22 has never been used in court, which suggests nobody wants to use it. It is unworkable given that transgender people nowadays very often identify themselves publicly as transgender, via social media or by taking their personal stories to the press to campaign for transgender rights. The other reason is that courts have been sentencing people for 'gender fraud'.

What has happened is that it has created extra privacy rights for transsexual persons above all other UK citizens. This has created inequality before the law. Section 22 appears to have given many in the police an excuse for not recording the true sex of transgender offenders arrested and charged since the Act came into force on 12 April 2005. By making Freedom of Information Requests, we and other researchers have discovered that only a handful of police forces in England and Wales appear to record the sex and transgender status of offenders. Thus we have no official figures with which to measure crime committed by transgender offenders. This is a problem given that Bryan Tully's PhD on 204 transsexual patients at Charing Cross, published in 1992, found that 54% of male patients and one third of female patients had a criminal history (Bryan Tully, Accounting for Transsexualism and Transhomosexuality. London: Whiting and Birch, 1992, p. 267).

It is also undoubtedly the case that the lack of criminological research literature on transsexual/transgender offenders in England and Wales is due to Section 22 and its negative effect on correct data recording and statistics across the criminal justice system and more broadly the public sector. It would also be due to prior neglect of the need for police forces and prisons to record consistently if offenders had undergone gender reassignment surgery.

**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.:**

Sex

In obtaining a Gender Recognition Certificate individuals are stating that they do not want to live as or be known as members of their sex. The long-standing problem here is and always has been the possibility and reality of regretting this decision for various different reasons.

Disability

People with disabilities such as learning difficulties have long been considered vulnerable as regards gender recognition and gender reassignment. The Equality Impact Assessment for the Scottish Government's consultation on the GRA earlier this year admitted that people with learning disabilities may not understand what gender self-declaration truly involves and might be more likely to regret this and change back. Criticism of Gender Identity Clinics putting such people through gender reassignment goes back decades, to Bryan Tully's PhD on 204 transsexual patients at Charing Cross Hospital Gender Identity Clinic in 1978-1981.

[Bryan Tully, Accounting for Transsexualism and Transhomosexuality. London: Whiting and Birch, 1992.]

It is high time that people diagnosed with learning difficulties were barred altogether from undergoing gender reassignment.

It is shocking that paragraph 47 of the Equality Impact Assessment says:

'The Government foresees no impact on the need to foster good relations between people with and without a disability because of consulting on reform of the Gender Recognition Act.'

People with certain kinds of disabilities are vulnerable to being influenced into considering themselves transgendered by others. Young people with communication difficulties and those on the autistic spectrum are known to be particularly vulnerable, as even the consultation document for the recent NHS England consultation on the future of adult Gender Identity Services acknowledged. This may be due to influence from either transgendered or non-transgendered individuals, either adults or minors. This violates the principle of fostering good relations between people with and without a disability.

How self-declaration will impact on people's beliefs

The claim that a person's personal sense of gender identity is 'mismatched' with their biological sex is a statement of belief that transgender people often make, but which others disbelieve. Thus under the protected characteristic of Religion or Belief under the Equality Act 2010, the belief of most of the British population (as shown by the ILGA 2016 global survey on LGBTI issues) that transgender people are not 'born that way' has to be treated as a protected characteristic, both as a belief and as lack of belief in the claim itself.

<http://ilga.org/personal-political-attitudes-lgbti-survey>

A person's belief that they are of the opposite gender will clash even more with the evident fact of belonging to one biological sex in the advent of self-declaration absent medical checks. This is because, for example, males declaring themselves to be 'female' will not need to have had any physiological gender reassignment treatment to appear remotely like actual women. There already exist examples of such people.

**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.:**

Trans sports participants will only make a nuisance of themselves, especially to women and girls, if gender recognition becomes easier.

Unfortunately making change easier will make it impossible for women and girls to have trust in sporting bodies and events. This would especially be the case in areas of the country where there is a sizeable transgender population. There is a worldwide trend for male-to-female transgender people to usurp women's sports and to compete against women, making it too easy for them to win when they would probably have far less likelihood of doing so against other males. This is basically poor sportsmanship and undermines the possibility of women and girls being able to undertake competitive sports in a spirit of fair competition. When assessing the effects of the existing provisions which allow transgendered people to participate in single-sex sports as members of the opposite sex, it is important to note that the negative effect on others has not been limited to girls and women. There has also been a negative effect on the morale and even the safety of boys and men.

We note the case of Lauren Jeska, who was imprisoned for 18 years for attempted murder of Ralph Knibbs at the UK Athletics headquarters in Birmingham. Jeska was paranoid that Knibbs would disclose Jeska's transgender status, as Jeska had not provided the testosterone samples required for competing in women's sports. This monstrous sense of entitlement came about because of transsexual rights. Actual women do not behave like this. Participation in sports would also inevitably bring male-to-female transgender sportspeople into women's changing rooms and showers - something most women and girls have made it very clear time and again that they do not want.

Public opinion does not support transgendered people taking part in opposite-sex sports activities. Only 20% of people are fully in favour.  
[https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/1mfh5zn9da/Internal\\_Results\\_160706\\_Athletes\\_Gender\\_Website.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/1mfh5zn9da/Internal_Results_160706_Athletes_Gender_Website.pdf)

### **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.:**

Serious threat to women's dignity and safety

Self-declaration poses a serious problem for women's right to single-sex facilities, services and premises. Any situation where it is easy for gender recognition and self-declaration to take place results in increasing numbers of men using female names, regardless of whether or not these men have been diagnosed with gender dysphoria, for sexually predatory purposes. The case of Christopher Hambrook in Canada sparked off concerns about this. Hambrook claimed to be a transgendered woman and attacked women at two different women's shelters in Toronto. In 2014 he was jailed indefinitely as he posed such a serious danger as a sexual criminal .

<http://torontosun.com/2014/02/26/predator-who-claimed-to-be-transgender-declared-dangerous-offender/wcm/fc2c70f0-b1a1-41e2-85db-bec9d0012ce5>

This came soon after the province of Ontario passed Bill 33, a bill effectively introducing gender self-declaration by prohibiting discrimination on grounds of gender identity and gender expression.

[http://www.ontla.on.ca/bills/bills-files/40\\_Parliament/Session1/b033rep.pdf](http://www.ontla.on.ca/bills/bills-files/40_Parliament/Session1/b033rep.pdf)

Increased risk of sexual offences including voyeurism

Footnote 33 on page 45 of the consultation document tries to alleviate women's concerns about the risk of sexual offences by males using women's toilets. It does so by saying that

'There are a range of serious criminal offences that can be charged against anyone of any gender who sexually harasses, threatens, attempts to assault or voyeuristically observes or records anyone else of any gender in a toilet.'

This deliberately ignores the long-standing evidence that the vast majority of sexual offenders in England and Wales, as in all countries, are male and were born male. Gender recognition does not change this – nearly all transgendered sex offenders in prisons in England and Wales are male-to-female. Part of the very purpose of having single-sex toilets is to prevent sexual and other offences against women and girls.

Recent research has shown that almost 90% of reported sexual assaults, harassment and voyeurism in swimming pool and sports-centre changing rooms happen in unisex facilities, which make up less than half the total. Single-sex facilities are therefore much safer and ought to be promoted by the government, with sex being biologically defined for such purposes.

Sunday Times, 2 September 2018, "Unisex changing rooms put women in danger"

<https://www.thetimes.co.uk/article/unisex-changing-rooms-put-women-in-danger-8lwbp8kkgk>

With reference to changing sex-specific facilities, services and premises to being gender-neutral, something that tends to go hand in hand with laws allowing self-declaration of gender, we wish to draw attention to independent research conducted by Rev. Paul Dirks and associates from Canada showing that the introduction of gender-neutral facilities across the United Kingdom, Canada and the USA has resulted in an increased risk of sexual assault including voyeurism.

<http://womanmeanssomething.com/violencedatabase/>

Here is Paul Dirks' testimony before the Canadian Senate concerning the draft of Bill C-16, the bill now passed outlawing discrimination on grounds of gender identity and gender expression by adding those to the Canadian Human Rights Act.

<http://womanmeanssomething.com/wp-content/uploads/2017/05/Gender-Legislation-and-Harm-2.pdf>

Neither Paul Dirks nor ourselves nor any other researchers we have come across know of a more comprehensive database of sexual crimes in gender-neutral facilities where women have been victims of men.

Women's Prisons and the decision not to imprison low- and medium-risk female offenders

We note that there has been a great deal of justified criticism by women's groups of the policy of housing male-to-female transgender offenders in women's prisons. We also note that the Ministry of Justice recently announced a new plan for female offenders (i.e. actual women), so that less low-to-medium-risk female offenders in England and Wales would not be incarcerated. It is significant that the policy document referred to sex, not gender, as the relevant characteristic. The problem here is that the MoJ has gone down the path of not sending women to prison probably in order to avoid a legal clash between itself, women's groups and transgender campaigners demanding male-to-female transgender offenders' 'right' to be in women's prisons. The result is that high-risk female offenders continue to be at risk of being incarcerated alongside male-to-female offenders, which is fundamentally a violation of their human dignity. This reveals a situation whereby basic dignity is something that has to be earned rather than being recognised as inherent, and thus reverses centuries of Christian work campaigning for better treatment of women prisoners.

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?**

Yes

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

Currently the Equality Act 2010 Schedule 9, Part 1, 2(4) allows a religious organisation not to employ a transsexual person. This exception should continue. Christian organisations should not have to be forced to employ someone who refuses to accept to live as a member of their biological sex, which is the way God created them. To be forced to do this would be to fundamentally undermine the Christian doctrine of creation, to force Christian employees and postholders to lie, and to allow a situation where they could be deliberately deceived at every and any stage of the employment application process by a candidate.

#### **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.:**

Single-sex facilities such as dormitories and shared bedrooms will be affected. This would be particularly true in state schools, universities and colleges, prisons, probation hostels, homeless hostels. It is already the case that organisations such as Girl Guides or single-sex public schools are feeling the pressure and allowing biological males to sleep in the same rooms as biological girls. Changing the Gender Recognition Act will only increase the pressure on organisations like this. Allowing biological males to share sleeping areas with biological girls is a recipe for sexual abuse and an invitation to sexually predatory boys to identify as girls.

#### **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.:**

Schedule 9, Part 1, 4(2)(b) allows the Armed Forces not to employ a transsexual person in certain roles. This should continue as the Armed Forces themselves are the best judges as to the physical and mental aptitude and suitability of each individual to the various roles available. Fighting fitness should always be a primary consideration, as should the general welfare of all troops, and minimisation of the risk of sexual assault. Making it easier for people to change gender would increase the risk of sexual assault and rape of males, especially in confined environments such as the Armed Forces, given that there would be even more male-to-female individuals who would be allowed gender recognition without having been castrated. This would be especially because of the possibility of deceit in self-presentation as 'female'. We note in this respect that the annual number of sexual offences contrary to the Sexual Offences Act (2003) has been increasing. (Sexual Offences in the Service Justice System – Ministry of Defence statistics) <https://www.gov.uk/government/statistics/sexual-offences-in-the-service-justice-system-2017> Given numerous reports of male-to-female transgendered sex offenders in the press and the failure of the Ministry of Justice and the criminal justice system to segregate male-to-female offenders from women in a rigorous and consistent manner, we demand that the government ensure that no such failure will be tolerated within the Armed Forces. Such failures would risk harming morale and undermine trust in the Armed Forces, which are the professions most trusted by the general public. This in turn would undermine recruitment.

#### **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.:**

Part 6, Section 24 of the Equality Act 2010 currently allows a person whose consent is required for the solemnisation of a marriage of a person to refuse to marry a person who has changed gender under the terms of the GRA. This should continue for several reasons. First, real marriage involves one man and one woman, understood biologically. Support for same-sex marriage is far from universal. The ILGA 2016 global survey on attitudes to LGBTI people found that only 48% of people in Britain thought same-sex marriage should be legal.

Second, Christian clergy should not be put in a position where they may go against the Bible and Christian doctrine.

Thirdly, clergy in denominations which have not agreed to solemnise same-sex marriages should not be put in a position where they are deceived into or forced into solemnising what biologically speaking would be a same-sex marriage despite outwards appearances to the contrary.

Fourthly, the question will arise as to what constitutes "reasonable belief". The officiating person can only refuse to solemnise a marriage if they "reasonably believe" the person to have obtained legal recognition of their gender under the GRA. The only way to properly protect the religious rights of those who solemnise marriages is to enable them to carry out biological gender tests to ensure that the people they are marrying are of opposite sex. The birth certificate will no longer be sufficient.

### **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?**

Yes

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

Erosion of Freedom of speech

There will be a negative impact on all levels of education, publishing, broadcasting and academic freedom as people who take the majority view that the government should not remove medical requirements for gender change will be penalised as being guilty of discrimination, harassment and hate speech. The situation will be that transgender rights will trump other rights enshrined in the European Convention of Human Rights, especially the following: Article 9 – freedom of thought, conscience and religion; Article 10 – freedom of expression, specifically freedom 'to receive and impart information and ideas without interference by public authority and regardless of frontiers'; Article 11 – freedom of assembly and association.

Self-declaration will make telling the truth a hate crime

Introducing self-declaration of gender will mean that anybody who contradicts someone who is obviously male claiming to be female or vice versa could be reported by him or her for hate speech. This is very obvious from the observable relentless avalanche of verbal abuse dished out on social media by transgender activists towards anybody who challenges them, in particular women. Entire blogs and accounts have been created to record this problem. They are the subject of frequent attempts at censorship by social media companies, themselves targeted by activists.

Discrimination against people who refuse to lie

The Public Sector Equality Duty equality assessment accompanying this consultation states that de-medicalising the requirements to obtain a GRC will make it easier to 'eliminate discrimination and other prohibited conduct on grounds of gender reassignment'.

It has become all too evident how transgender activism has served to undermine freedom of speech in recent years. The trend towards certain organisations 'no-platforming' speakers who are critical of transgender politics and 'gender identity' and who insist on people's right to use sex as a legal protected characteristic will only get worse if the Gender Recognition Act is reformed.

The trend towards people being dismissed from their jobs will only get worse as refusal to use opposite-sex pronouns for people who were born into one sex, on grounds of conscientious objection to lying as well as refusal to be forced to lie. Some of our legal cases involve clients who have experienced discrimination in this area.

Erosion of freedom of assembly and association

Transgender activists have been virulent in their attacks on women's freedom of assembly and association, insofar as they have perpetuated relentless attacks on 'Woman's Place' for touring the country holding public debates on reforming the Gender Recognition Act. It is highly regrettable that they have been egged on by sections of the press, especially the LGBT press, in this respect. In so doing they have deliberately sought to undermine the legitimate rights of other British citizens, especially women and girls, as enshrined in the Human Rights Act 1998. There is little reason to believe that they might not in future attack the freedom of assembly of religious and other groups as well.

Freedom of assembly and association are inextricably linked with freedom of thought, conscience and religion and freedom of expression, and as such to education of all kinds as well as worship, communal life and campaigning.

Enforced lying about mothers brings the government into international disrepute

Unlike the Scottish Government consultation document, this one refers to 'trans men' who 'have given birth', i.e. female-to-male transgender people who do not want to be called 'women' or 'mothers'. (The Partial Equality Impact Assessment Record in Annex N said

'In the Register of Births in Scotland, the person who carries and gives birth to a child is listed as the child's 'mother'.')

Given that the Prime Minister was constrained to admit that the language of 'pregnant women' was 'fine' after a global backlash last year against the UK saying at the UN this term could be considered offensive to transgendered people, it is unacceptable that the government has regressed to using the nonsense term 'trans men'.

The UK government should refer to all people who give birth as 'mothers' and 'women' and cease to foster a culture of enforced lying on this matter, as this is bringing the government, the Department of Health and the NHS in England in particular into disrepute not only within the UK but also internationally.

## Welfare and dignity of children under threat

Decades of clinical evidence shows that vulnerable children from fractured families and the care system are much more likely to be referred to Gender Identity Clinics.

A study of the first 124 children referred to the Child and Adolescent GIDS in London between 1989 and 2001 found that 26.8% of the children had spent time in care, 48% of the children had spent time living with a single parent, and 41.7% of the children had experienced loss of one or both parents through death or separation.

'Children and Adolescents Referred to a Specialist Gender Identity Development Service: Clinical Features and Demographic Characteristics', *International Journal of Transgenderism* 6(1), 2002

This is clearly an atypical sample of children compared to the general population.

On Census Day in 2001 there were 1758 children under 18 in local authority children's homes in England. There were 1185 children under 18 in other children's homes in England. This comes to a total of 2943 children out of 890, 685 children in England under 18. (All figures for the Census come from the website <http://www.nomisweb.co.uk>)

Only 0.33% children in England were in a care home on Census Day in 2001. By contrast, 26.8% of children referred to GIDS between 1989 and March 2001 had been in the care system at some point. Thus children from the care system were 81 times more likely to have been referred. Of course this isn't a perfect comparison, as the GIDS figures are cumulative, whilst the Census figures are a snapshot of the total number of children on one day.

Likewise nearly half (48%) of children referred to GIDS by 2001 had lived with a single parent. On Census Day there were 1, 311, 974 lone parent households with dependent children in England and Wales. There were just over 7 million households with dependent children. This means that children from single parent families were roughly three times more likely to be referred to GIDS. Most single parent families then were headed by mothers.

It should come as no surprise that half of children referred to GIDS had lived only with their mother. Psychiatric research conducted in the UK by the distinguished psychiatrist J. R. B. Ball as far back as 1965 shows that male-to-female transsexuals were much more likely than the general population to have the mother as the dominant parent, and to be closer to their mothers.

J. R. B. Ball, *Transsexualism: A descriptive and comparative study to attempt to establish possible aetiological factors*. MD thesis, University of Newcastle-Upon-Tyne, 1965.

Given that gender dysphoria can develop because of the power of suggestion, with a child influenced by an adult, and given that children from fractured families often have fewer psychological defences and coping mechanisms, they are much more vulnerable to suggestion from irresponsible social workers or health visitors who may say things to them such as 'you might be transgendered'.

## Parental rights under threat and confusion in the social work profession

More children may be taken away by social services as the law requires respect for 'gender identity'. We are aware that certain elements of the civil service favourable to reforming the Gender Recognition Act are actively trying to influence social work in England in particular to be uncritical of gender reassignment and recognition of children and adolescents. Already there is a climate of confusion within social work, evidenced by revelations made in the case heard in the Family Division of the High Court in 2016.

J (A Minor), Re [2016] EWHC 2430 (Fam) (21 October 2016)

## Government gives mixed signals on gender change among minors

Paragraph 37 of the Equality Impact Assessment says that 'parents or carers' must be involved in decisions of children under 16. However, the Department of Health announcement pre-empting the handing in of the CitizenGo petition calling for a ban on gender reassignment for under-18s stated that legally, the consent of only one person with parental responsibility was needed. This makes it look as if the government is exploiting the distinction between gender reassignment and gender recognition by making it look as if adequate safeguards are in place such that 'parents' (in the plural) need to be involved in decisions concerning children under 16. In reality what this refers to is social change of gender.

## The government should stop pushing for gender recognition for under-18s altogether

We note that whilst the consultation document says that the government 'has decided not to consult on reducing the age limit at this time' it continues in the same breath to call for evidence on the 'equality impact' of its refusal on people of different ages. In other words the government wants to hear from those who think under-18s should be allowed to change gender, and by not making this a formal question in the consultation it is trying hard to avoid the public backlash that it has received in the recent past.

Here is the evidence against gender recognition for under-18s.

The age of gender recognition should not be lowered. Adolescents' brains are still developing. Late adolescence is a time when many are still vulnerable to the power of suggestion and to peer pressure. Neurologically, the adolescent brain is immature and lacks the adult capacity for risk assessment prior to the early mid-20's.

Michelle A. Cretella, *Gender Dysphoria in Children and Suppression of Debate*, 21 J. of Am. Physicians & Surgeons 50, 53. (2016)

Recently published findings suggest that approximately 98 percent of gender-confused boys, and 88 percent of gender-confused girls, naturally resolve the disjunction between their subjective feeling of gender identity and the reality of the biological sex.

American College of Paediatricians, *Gender Ideology Harms Children*, Aug. 17, 2016, available at <https://www.acpeds.org/the-college-speaks/position-statements/genderideology-harms-children>.

While some researchers have reported that they have identified some factors associated with the persistence of gender dysphoria into adulthood, there really is no evidence that any clinician can identify perhaps the one-in-twenty children for whom gender dysphoria will persist with anything approaching certainty.

See. e.g., Thomas D. Steensma et al., *Factors Associated with Desistence and Persistence of Childhood Gender Dysphoria: A Quotative Follow-Up Study*, 52 J. of the Am. Acad. of Child & Adolescent Psychiatry 582-90 (2013).

Furthermore, according to a 2013 article in *The Times*, the United Kingdom saw a 50% increase in the number of children referred to gender dysphoria clinics from 2011 to 2012, and a nearly 50% increase in referrals among adults from 2010 to 2012.

Chris Smyth, "Better Help Urged for Children with Signs of Gender Dysphoria," *The Times* (London), October 25, 2013, <http://www.thetimes.co.uk/tto/health/news/article3903783.ece>.

It is also reported from the same study that in 2012, 208 children were referred, whereas only 64 were so referred in 2008. And staggeringly, in 2013 there were 18, 000 people treatment in comparison to 4000 15 years ago. No doubt these numbers have grown significantly since this study was done. Given the staggeringly high rates of self-harm and suicide among the transgender community, efforts should be made to find the underlying cause for this increase rather than liberalising the law.

The government should state exactly how it has regard for the UNCRC

Although the consultation document claims that 'Ministers have also had regard to the United Nations Convention on the Rights of the Child (UNCRC), in particular Articles 2 (protection against discrimination), 3 (best interests of the child), 6 (survival and development), 8 (preservation of identity) and 24 (health)' it does not explain how, unlike the Scottish Government consultation document, which explained this fully.

The government should disregard the Unicef Implementation Handbook for the UNCRC

We note that the Scottish Government consultation document followed the misinterpretation of the UNCRC committed by the third edition of the Unicef Implementation Handbook for the UNCRC, edited by Peter Newell. Since the Scottish Government published its consultation late in 2017, Peter Newell has been convicted of a historic sexual offence of raping a 13-year old boy and imprisoned for six years. We have investigated Peter Newell's track record of including 'gender identity' as a supposed characteristic of a child's identity in the Handbook and of drastically minimising references to a child's sex in that edition, thus contravening the plain text of Article 2 of the Convention as well as UK statute law (Equality Act 2010, Human Rights Act 1998).

It is vital in this respect to state that if the government were to rely on the third edition of the Handbook's deliberate misinterpretation of the Convention, it would be undermining the UNCRC which is a major UN treaty that the United Kingdom has ratified. This would bring the United Kingdom and the United Nations system into disrepute worldwide.

Article 3 – the best interests of the child

The very fact that the consultation document for England and Wales states that Ministers have had regard to Article 3 (the best interests of the child) is deeply suspicious, as it suggests a similar mindset to that of the Scottish Government in its acceptance of the idea promoted in the said Implementation Handbook that children have an innate 'gender identity' that may be at odds with their biological sex. There is in fact no evidence for such a claim. Rather, all means of persuading or influencing children and adolescents to believe that they are 'truly transgendered' or 'born in the wrong body' should be considered forms of sex discrimination, in that they are attempts at disregarding the child's sex and not according his or her sex-based rights.

Article 3 should be interpreted in England and Wales as referring only to the plain meaning of the Convention in that children are to be treated as having rights according to their sex as per Article 2.

Article 6 – survival and development

Article 6 defends the right to life and stipulates that state parties should ensure to the maximum extent the survival and development of the child. This is very relevant to the threat of lowering the age of gender recognition as well as to the present situation of allowing the process gender reassignment for teenagers. The reason is that this process is already jeopardising the development of children as members of their sex and threatening their survival as members of their sex. We note that there exists no reliable data on self-harm and suicide among people who regret gender change, though anecdotally we know that this can happen. We note that there is little reliable information from the Gender Identity Development Service in London about self-harm and suicidal ideation among children and young people referred since 2001. It is significant that the academic study of the first 124 children referred to GIDS between 1989 and 2001 did not find any that had committed suicide.

'Children and Adolescents Referred to a Specialist Gender Identity Development Service: Clinical Features and Demographic Characteristics', International Journal of Transgenderism 6(1), 2002.

Recommendations

- i) We call on the government to put pressure on GIDS to publish similar data on children and adolescents referred since 2001 so that a proper comparison can be made with the previous sample.
- ii) We call on the government to make it a statutory requirement for the NHS in England and Wales to collect and publish data on the number of individuals of any age who desist from the process of gender reassignment, and to commission and conduct follow-up studies on these people.

Article 8 – preservation of identity

We were very critical of the Scottish Government's interpretation of the UN Convention of the Rights of the Child and the emphasis on 'gender identity' as an aspect of identity. This is a reference to the chapter 'Preservation of Identity' commenting on Article 8, on page 115 in the third edition of the Handbook, published in 2007, which refers to 'the child's physical appearance, abilities, gender identity and sexual orientation'.

Recommendation

With regard to 'preservation of identity' under Article 8, we demand that the government interpret this according to the plain meaning of the UNCRC which is that 'identity' refers to sex as per Article 2.

Article 24 - health

Increasingly the available evidence shows negative effects of gender reassignment. For example males who have undergone surgery and hormone treatment to live as women have a sixfold increased risk of Multiple Sclerosis. Female-to-male transgenders have an elevated risk of cardiac problems. Many of the effects of hormone treatment are still unknown.

Recommendation

With regard to 'the right to the enjoyment of the highest attainable standard of health' (Article 24) government should drop these plans to allow easier gender recognition.

Danger to freedom of religion

On the protected characteristic of Religion, the Equality Impact Assessment says the following:

'Advance equality of opportunity 58. Potentially relaxing the requirements for a GRC and in particular removing the medical evidence requirements could help destigmatise being trans. This could help to advance equality of opportunity for religious trans people within their faith communities. 59. It is not anticipated that the consultation or any potential reforms would have any impact on the need to advance equality of opportunity between people who share a religion or belief and those who do not share it.'

This is dangerously intrusive as it assumes that faith communities should take on board the policy of advancing equality of opportunity. The history of public policy shows that what this really means is smuggling in demands for equality of outcome. The real aim here is to increase the number of transgendered people in church leadership positions and to destroy all Christian opposition to transgender policy and ideology. This would constitute a completely unacceptable attack on the religious freedom of religious organisations.

In reality making gender change easier would undermine equality of opportunity between people who share a religion or belief and those who do not, as those who do are often opposed to gender reassignment and recognition given that as legal rights they force everybody else to lie about a person being a man or a woman. Already we are seeing people forced out of their jobs in the public sector because of this. As stated above our legal centre is involved in such cases.

The criminal justice system

Risk of increase in sexual offences and resultant strain on the criminal justice system

We are also very concerned that gender self-identification would facilitate legal recognition of transvestism as a 'right'. This is because the only two existing studies of the prevalence of transvestic fetishism in the western world, conducted in Sweden in 2005 and Quebec in 2016 respectively, suggest an increase in society and a correlation with voyeurism, exhibitionism, BDSM and use of pornography.

Niklas Långström and Kenneth J. Zucker, Transvestic Fetishism in the General Population, *Journal of Sex & Marital Therapy*, 31:87–95, 2005.

<https://www.researchgate.net/publication/7879474>

Christian C. Joyal & Julie Carpentier (2016): The Prevalence of Paraphilic Interests and Behaviors in the General Population: A Provincial Survey, *The Journal of Sex Research*, DOI: 10.1080/00224499.2016.1139034. <http://dx.doi.org/10.1080/00224499.2016.1139034>

These are profoundly anti-social tendencies and in the first two cases are criminal, and highly relevant to our opposition to the proposed changes to the Gender Recognition Act on the grounds that they would effectively make single-sex spaces gender-neutral spaces. Such a change would clearly increase the risk and probability of voyeurism and exhibitionism, and thus increase the need for policing in relation to sexual offences, as well as the case-load for criminal prosecutions, and the number of places in prisons in England and Wales. Our argument here is corroborated by the reality of recent cuts in police numbers as well as constraints to the budget of the Ministry of Justice, and the inquiry of the Justice Committee in the House of Commons hearing evidence of the need to lessen the number of prisoners in England and Wales.

#### Gender fraud cases

There have been at least five court cases in the UK, including one in Scotland, involving female-to-male transgender offenders who disguised themselves as men in order to prey sexually on teenage girls. Some of these girls were under the age of consent.

R v Gemma Barker [2012], R v Chris Wilson [2013], R v Justine McNally [2013], R v Gayle Newland [2015], R v Kyran Lee (Mason) [2015]

Introducing self-declaration of gender will further complicate the criminal law on sexual behaviour. It will introduce into the law the absurd notion that a 'man' can have biological female sexual characteristics (i.e. not given via gender reassignment surgery) and a 'woman' can have biological male sexual characteristics (likewise not given via gender reassignment surgery). This will only exacerbate the whole sphere of interpersonal relationships within civil society and third sector organisations providing counselling, therapy and relationships advice, as well as institutions involved in training mental health professionals, social workers, lawyers and educators. It will have the long-term effect of reducing levels of interpersonal trust especially among young people who are being forced to grow up with this confusion being spread throughout society.

## 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.:

There is no justification for changing the Gender Recognition Act to accommodate individuals who say they are 'non-binary'. On the contrary there are numerous very strong arguments against this. We regard as wholly unsatisfactory and completely unacceptable the fact that paragraph 132 of the consultation document only considers non-binary 'rights' from the point of view of individual subjective rights to 'live discrimination-free lives in accordance with who they believe their true selves to be'. That said it is important that this statement on behalf of the government finally shows the whole trans movement to be based on a belief about oneself. In this respect it is necessary to remind the government that freedom of belief, like all other rights, is not absolute and must be balanced with other considerations. In addition it is vital to face the likelihood that activists will not stop demanding gender identity categories once 'non-binary' rights are granted. Demands will continue to be made on the government, and therefore on citizens and taxpayers, indefinitely.

Non-binary rights would exacerbate the problem of people disidentifying with their sex

Non-binary rights would only deepen the existing problem created by transsexual rights and by the connivance of gender identity clinics for the past fifty years, which is to encourage people to disidentify with their biological sex, and thus cause more medical and social problems for them and others. This all goes back to the invention of the category of transsexualism in the first place, and its insertion into the jurisprudence of the European Court of Human Rights at the behest of the European Parliament as far back as 1989.

Non-binary rights would clash with other people's freedom of conscience and belief

Paragraph 132 of the consultation document inadvertently admits that the demand for trans/non-binary rights is based on a belief about oneself. Thus it is classifiable under freedom of belief in law. The problem here is that this clashes with other people's freedom to tell the truth they are able to perceive about the biological sex of the person claiming to be non-binary. This comes under freedom of conscience, as well as arguably under freedom of belief.

Non-binary rights would fundamentally undermine marriage and family law

Marriage and family law would be put under intolerable strain should non-binary 'rights' be invented and codified into statute or smuggled into the common law. The following areas would be adversely affected as they would become well-nigh incoherent:

- The definition of sexual behaviour
- The criminal law on sexual behaviour
- The definition of adultery
- The definition of mother and father (which is preserved as biologically-based in the Gender Recognition Act)
- Thus the law on succession and inheritance
- The integrity of the work of the Registrar General would be further undermined
- As with the wider proposal to make gender change easier, introducing non-binary rights involves the risk of a further push to lower the age of gender recognition below the age of 18. We note that Stonewall Scotland has called for sex no longer to be recorded on birth certificates, and for children to be allowed to choose their 'gender'.
- Parental rights to bring up their children as members of their sex, given that introducing non-binary 'rights' would involve 're-educating' social workers, teachers and doctors to influence children into considering themselves 'non-binary'. This would then lead to situations where children would risk being taken away from the custody of their parents if the latter were to object to referring to the child using 'third gender pronouns' (they/them).

Non-binary rights would exacerbate the current threat of compelled speech

Currently people working in the public sector who refuse to use opposite-sex pronouns for transgendered people can be dismissed from employment. The Times recently reported that the Department for Work and Pensions deemed refusal to constitute harassment under the Equality Act 2010. Introducing non-binary rights would exacerbate this problem by introducing 'third gender pronouns' into the official languages of England and Wales, namely English (they/them) and also Welsh in Wales (nhw). Third gender pronouns are considered objectionable by many people because they are a reinterpretation of impersonal pronouns which can also stand for the plural in European languages, and thus create ambiguity and even downright confusion for listeners and readers. The threat of compelled speech should not be seen as a mere affront to the individual's freedom of expression. It is a major violation of freedom of speech, being a matter of public concern given that not being allowed to tell the truth about a person's sex fundamentally violates the integrity of professionals in all relevant occupations, and lowers standards in public life. Members of the medical profession would find it very much more difficult to do their work dealing with patients properly.

#### Non-binary rights constitute an assault on public health and safety

The demand for non-binary rights strikes against the organisation of society as male and female and as such goes against the need for single-sex services such as public toilets, changing rooms, dormitories, etc. It is something that would obviously be exploited by sex offenders, as has already been shown to be the case with males 'identifying as female'. In a period of cuts to public services there is a real risk that local authorities, who are responsible for public toilets, would start to convert male and female public toilets into gender-neutral toilets to save money and not to fall foul of litigation by non-binary rights activists.

#### Non-binary rights would render single-sex sports impossible

Given the current trend for public institutions to cave into veiled threats of litigation from transgender rights campaigners, we foresee that they will continue to cave into similar veiled threats from non-binary rights campaigners. This would make single-sex activities such as single-sex sports impossible, with detrimental effects on all concerned especially women and girls.

The erosion and even abolition of single-sex sports and exercise would have a detrimental effect on public health and well-being in all areas of life. It would exacerbate the current problem of overweight and obesity. It would lead to loss of morale and decrease in overall mental health for many people, given the good influence that physical exercise can have on mental health and well-being.

#### Non-binary rights would undermine the Armed Forces

Non-binary rights would make it impossible to segregate males and females correctly in professions where this is physically required such as the Armed Forces. This would increase the risk of sexual offences and undermine morale, thus further threatening recruitment.

#### Gender-neutral passports would lower effectiveness of border security practices worldwide

We note that in its statement to the High Court in the case of Christie Elan-Cane, the Home Office deemed gender-neutral passports to be a border security risk not only for the United Kingdom but for all the countries of the world, saying that 'the effectiveness of border security practices around the world would be reduced if sex/gender markings were removed' (paragraph 80 of the judgment).

In light of this it would be completely unacceptable for the government to create 'non-binary' rights as this would inevitably lead to a demand for gender-neutral passports, thus fuelling demand for something that would fuel global security risk. This would make the United Kingdom a serious nuisance on the global stage as it struggles to forge good relations, including trade agreements, with other countries around the world.

We also wish to emphasise that the evidence provided to the High Court stated that all Home Secretaries prior to the previous one (Amber Rudd) had been opposed to gender-neutral or non-binary passports (paragraph 78 of the judgment). This would include Theresa May. However it was stated that 'the ministerial team' around Amber Rudd had not made up its mind on the matter.

#### Non-binary rights would exacerbate lowering quality of official data on terrorism and extremism

Returning to the security threat posed by non-binary identification, we also wish to draw attention to the fact that the experimental statistics published by the Home Office indicating the annual number of referrals under the Prevent Duty and to Channel Panels includes columns alongside 'male' and 'female' gender for 'other' and 'unspecified' gender. This makes it practically impossible to understand the population of those referred, as their biological sexes are not recorded. This matters greatly for the purpose of the public understanding of crime because criminal behaviour among biological males and females tends to be different, and needs to be categorised clearly and accurately for the purpose of analysis.

<https://www.gov.uk/government/collections/individuals-referred-to-and-supported-through-the-prevent-programme-statistics>

#### Public opinion is strongly opposed to gender self-identification

There is clear survey evidence that most of the public is opposed to gender self-identification. As such the public is bound also to be opposed to non-binary rights. Most people will simply not tolerate being required to use 'third gender pronouns'.

[https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/fyv38u1wln/PinkNews\\_Results\\_180621\\_w.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/fyv38u1wln/PinkNews_Results_180621_w.pdf)

### **Question 21: Experiences of Intersex Respondents**

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

Not Answered

#### **(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.:**

There needs to be a large-scale independent assessment of the effects of the Gender Recognition Act on all of society. Such an impact assessment was never made by the Labour government that passed it, due to its being constrained by fear of litigation from transsexual rights activists. The fact that the UK has moved within the space of fourteen years from the passing of the Act to a situation where people are losing their jobs because they refuse to lie about whether a person is really male or female is outrageous and unacceptable. These include the case of Joshua Sutcliffe, a maths teacher dismissed from Cherwell School in Oxford in 2017 for calling a group of girls 'girls' when one pupil demanded to be known as a 'boy'; also the case of David Mackereth, dismissed from a job assessing recipients of welfare benefits at the Department of Work and Pensions for refusing to use preferred pronouns. It calls into question the moral legitimacy of the Act.

**Consent for publishing your response**

**Can we publish your response?**

Publish my response, including my name

Yes