

Speak out against sex changes on demand

Responding to the Government's consultation on gender recognition

INTRODUCTION

The Gender Recognition Act 2004 (GRA) allows someone to apply for a Gender Recognition Certificate (GRC) to change legal sex. This includes obtaining a birth certificate in the opposite sex. A person must receive a diagnosis of gender dysphoria from two doctors and live as the opposite sex for at least two years.

The Government plans to "streamline and de-medicalise" this process. The consultation asks about allowing people to change legal sex without having to show any medical or other evidence. There are also suggestions of changing the law to recognise people who claim they are neither male nor female ('non-binary').

The Bible is clear that we are made in the image of God as male or female (Genesis 1:26-27). Deliberately denying our God-given body is defying our Creator. For more information on this issue, see www.bit.ly/citransbrief

The existing law already allows terrible distortions of God's good design. But the Government's push towards a self-declaration system will make the situation far worse. It would entrench more people suffering a psychological problem in their distortion of reality. It would also risk giving sexual predators unrestricted access to facilities for the opposite sex.

The deadline is 11pm on 19 October 2018.

You can respond online at www.bit.ly/grarespond18

You do not have to answer every question. Below are brief comments in response to the key questions, to help you form your own answers.

PLEASE USE YOUR OWN WORDS in your comments – this will make your response more effective.

QUESTIONS

Questions 3 to 6 are about removing or watering down safeguards that reduce the risk of people changing legal sex frivolously or with malicious motives. While allowing legal sex-change is still wrong, these criteria help to show that it is a life-altering step that must not be undertaken lightly. All of these requirements should be retained.

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

YES. The requirement for a diagnosis of gender dysphoria at least means that there is medical scrutiny before a legal sex-change can take place. It means there is an independent assessment of the individual's claims, as well as providing an opportunity for them to be given a referral to more helpful treatment.

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

YES. This requirement reflects the seriousness of the change. Changing legal sex should be treated as a major issue. If it is to be allowed, it should be at a high threshold. Reports detailing the

treatment received are part of the process to filter out spurious or frivolous claims.

5a 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. Changing legal sex is not like changing address. It should not be quick or easy. The current two-year wait helps reflect the seriousness of the legal change. Someone seeking a GRC should have to prove, over time, a genuine intention to live permanently as the opposite sex.

There is a fast-growing number of 'detransitioners' who deeply regret changing sex.¹ Even after two years of transitioning, many realise their distress has not been alleviated and so return to living in their birth sex. The existing requirement helps stop GRCs being given to people who will change their minds.

5b If you answered yes to (A), do you think the current evidential options are appropriate, or could they be amended?

YES. The Government claims those undergoing a legal sex-change find it 'too bureaucratic'. The consultation suggests collecting 'six or seven items of evidence' is burdensome, requires the submission of sensitive data (e.g. bank statements) and forces applicants to collect evidence "at time and personal expense".

It is right that important life decisions require time and personal expense. It is also normal for important life changes to require a significant quantity of evidence, sometimes of a sensitive nature e.g. becoming a British citizen or adopting your spouse's surname.

5c If you answered yes to (A), what length of time should an applicant have to provide evidence for?

TWO YEARS OR MORE.

6a Currently, applicants for a gender recognition certificate must make a statutory declaration as part of the process. Do you think this requirement should be retained, regardless of what other changes are made to the gender recognition system?

YES. Changing legal sex is a life-changing decision. Applicants should be expected to affirm that they understand what they are doing and that they intend it to be permanent. This reflects the enormity of the decision, and discourages frivolous or ill-considered applications.

Removing the statutory declaration further trivialises the importance of biological sex. It encourages an understanding of one's sex as something that is open to change at will.

6b If you answered yes to (A), do you think that the statutory declaration should state that the applicant intends to 'live permanently in the acquired gender until death'?

YES.

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

YES. Currently a spouse must be asked if they consent to their marriage continuing before their partner can obtain a legal sex-change. The consultation refers to concerns that "requiring spousal consent extends the ability to make decisions over a trans person's gender identity to someone else". However, removing spousal consent allows a trans person to make decisions over their husband or wife.

Marriage consists in solemn promises made between two people. The breaking of these promises is painful and disruptive. One party should not have the right to fundamentally alter the nature of the marriage without the other parties' consent, e.g. from an opposite-sex to a same-sex marriage.

A substantial proportion of the population opposed the introduction of same-sex marriage.² It would be unreasonable to force people into a legal arrangement they morally oppose.

13 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. Exceptions in the Equality Act 2010 allow transsexuals to be excluded from single or separate sex services where this is objectively justified.³ Women's domestic violence refuges can refuse to accommodate men who say they are women, because of the impact on vulnerable clients. Exceptions also allow churches to refuse to employ transsexuals.⁴ The Government says it is not amending these exceptions.

However, changes to the GRA will impact how the equality exceptions apply. Allowing people to change legal sex at a lower threshold shifts the climate in which they operate. If changing legal sex is viewed as so routine that it can be done on demand, it will be more difficult to justify using an exception.

It is unlikely that existing exceptions will survive intact for long after the GRA is changed. There have already been calls for the Equality Act to be updated.⁵ This is another reason why the GRA should not be changed.

Having a GRC means that a person is treated as the opposite sex "for all purposes". A self-declaration system could allow a biological man to claim he is a woman and have access to female facilities without any objective assessment. There have been cases in the US and Canada of predatory men pretending to be women to get access to women's toilets, changing rooms or refuges.⁶ Secular groups such as 'Transgender Trend' are warning about these public safety implications.⁷

20 Currently UK law does not recognise any gender other than male and female. Do you think that there need to be changes to the Gender Recognition Act to accommodate individuals who identify as non-binary?

NO. Reasons include:

- There is no biological basis for a 'third gender'. Law should relate to facts, not self-perception. Biologically, those describing themselves as 'non-binary' are male or female. Legislating contrary to biology brings the law into disrepute.
- There will be enormous and expensive practical and legal difficulties in accommodating a third sex. Much in our society is based on the biological reality that there are only two sexes.
- If a third sex can be invented without an objective basis, where will it end? Some transgender activists claim that gender is a spectrum, with apparently infinite options.

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

You could choose one or two of these points to include under question 22, using your own words:

- Last month, the Equalities Minister acknowledged the rapid rise in referrals for gender dysphoria, particularly among girls. An inquiry will investigate possible reasons for the rise, including the influence of social media and the promotion of transgender issues in schools. The Government should not be considering any changes to the Gender Recognition Act until this inquiry is over.
- Self-declaration would be wide open to abuse. If there is no requirement for medical or other evidence, there will be huge potential for sham sex-change declarations by those with malicious intent. Recently a male sex offender identifying as a woman was placed in a women's prison, where he abused more women.⁸
- One reason the Government gives for changing the law is that too few GRCs have been issued for an estimated UK 'trans' population of between 200,000 and 500,000. But the Government admits that this estimate is based on unreliable data. It is also using an extremely broad and subjective definition of 'trans'.
- People claiming to have gender dysphoria often suffer from a range of mental health problems. Such issues need to be identified and responded to appropriately and compassionately, instead of rushing people into life-changing decisions about legal sex.
- Allowing someone to change legal sex doesn't deal with the underlying psychological problem. Suicide rates of post-transition transgender people are high.⁹ Instead, they need help to come to terms with their body as their true identity.
- As many as nine in ten children who experience feelings of gender dysphoria do not have gender dysphoria as adults.¹⁰
- Recent research has shown that peer pressure, YouTube and social media play significant roles in a large number of cases of young people claiming to have gender dysphoria.¹¹
- The Director of the UK's Gender Identity Development Service, Dr Polly Carmichael, recently admitted that we should be "asking questions about whether some people are getting caught up in something".¹²

References

- ¹ For example, *Transgender Trend*, see <https://www.transgendertrend.com/detransition/> as at 4 October 2018; *The Guardian*, 16 September 2017
- ² ComRes, *C4M Same Sex Marriage poll*, 14-16 November 2012, Table 1
- ³ Equality Act 2010, Schedule 3, paras 27-29
- ⁴ Equality Act 2010, Schedule 9, paras 2-3
- ⁵ *Transgender Equality: First Report of Session 2015-16*, Women and Equalities Committee, 14 January 2016, pages 28-29
- ⁶ See e.g. <http://torontosun.com/2014/02/15/a-sex-predators-sick-deception/wcm/127b4003-d06d-489d-9679-861651dd3160>; <https://www.nbcwashington.com/news/local/Man-Dressed-as-Woman-Arrested-for-Spying-Into-Mall-Bathroom-Stall-Police-Say-351232041.html>; <https://www.nbclosangeles.com/news/local/Secret-Recording-Store-Mall-Antelope-Valley-Palmdale-Restroom-207541101.html> as at 4 October 2018
- ⁷ See e.g. <https://www.transgendertrend.com/transgender-law-concerns> as at 4 October 2018
- ⁸ *The Daily Telegraph*, 7 September 2018
- ⁹ Dhejne C, Lichtenstein P, Boman M et al, 'Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden', *PLoS ONE*, 6(2), 2011
- ¹⁰ See e.g. Drummond KD, Bradley SJ, Peterson-Badali M et al, 'A Follow-Up Study of Girls With Gender Identity Disorder', *Developmental Psychology*, 44(1), 2008, pages 34-45
- ¹¹ Littman L, 'Rapid-onset gender dysphoria in adolescents and young adults: A study of parental reports', *PLoS ONE*, 13(8), 2018
- ¹² Dr Polly Carmichael, Gender Identity Development Service Director speaking on BBC Radio 4, *The Trans Revolution*, 8 April 2018