

# Nonbinary Inclusion Project

## *Right to Recognition: Leaving Nobody Behind*

Statement of response to the Women & Equalities  
Committee Transgender Equality Inquiry Report



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# THE REPORT

## Summary

The Women and Equalities Committee has undertaken an inquiry into equality for transgender people. The consultation process for this involved seeking written and oral evidence from the public, to help form the direction of the report, which makes recommendations about furthering equality for transgender and nonbinary people.

The report touched on a number of subjects: what the current Gender Recognition Act entails, what's it's done right and what could be improved; the current Equality Act, and improvements that could be made to it; NHS gender identity services and broader access to medical services by trans people; and tackling transphobia.

### **The Gender Recognition Act**

With regards to the Gender Recognition act, the report looks at the history of the Act, and what's been done well, as well as what hasn't been handled particularly well. With regards to the process of recognition itself, It discusses issues of self-declaration as well as resolving the associated accessibility issues with the current system. It also talks about gender recognition for younger trans people under the age of 18 and, separately, under the age of 16. It stops short of talking about gender recognition for nonbinary people - this is lightly touched upon, but not looked at in detail. Likewise, use of the Act by intersex people is not analysed within this report either.

The current gender recognition system necessitates the storage of a lot of personal information on trans people. The report discusses the issues of privacy and the misuse of confidential information, as well as circumstances where people are outed and to express concerns surrounding these situations, but doesn't go into any detail about how to prevent this, or why it happens.

### **The Equality Act**

The report then goes on to discuss the Equality Act, in which it looked at who is currently protected by it, as well as who should ideally be covered by it in the future. It also looks at specific uses of the Equality Act by trans youth under the age of 18, as well as the cases where discrimination is permitted as a "proportionate means of achieving a legitimate aim". It also looks at the Equality Act and at discrimination in the context of sport.

### **Medical Services**

The NHS and medical services are covered next, initially discussing how the NHS is often letting trans people down, often in a discriminatory way, and fails in it's legal duties under the Equality Act. The report goes on to discuss depathologisation of trans identities within the NHS, as well as how this could be applied to government and recognition. Also discussed is the decoupling of Gender Identity Services from mental health and how this could be achieved. Informed consent is also looked at, along with "real life experience", before going on to look at the medical situation surrounding younger trans people.

### **Transphobia, Prisons & Education**

Finally, the report looks at how to tackle transphobia, which includes discussing various issues of equality. Hate crime legislation and issues and clarifications surrounding "legal names" and "legal genders" are looked at, along with how the government can take the lead in ensuring equality for trans people. Identity documents, such as passports, and the use of gender on them, as well as how to make this more accessible and inclusive, are discussed as well. It further goes on to

analyse the issues of trans people in prisons, trans people in the media and how to ensure equality for trans students at all levels of education.

### **Limitations of The Inquiry**

The committee received over 230 written submissions to guide this report, and held 5 oral evidence sessions. It's worth noting that each written submission was limited to 3,000 words, despite covering such a wide range of topics, so not all submissions necessarily explored as many topics as they might have otherwise, or in the detail that might have wished to.

**You can view the report in full by visiting <http://transinquiry.co.uk/report>**

## **What did the report cover well?**

Several recommendations made by the committee have our full support, and we hope to see them progress further. These include:

- The government must look into the need to create a legal category for nonbinary people, and investigate the implications of doing so. However, it did not look at this in detail nor consider all the issues,
- The medicalised approach to gender recognition is pathologising, and contravenes people's dignity and autonomy.
- There must be proposals to update the Gender Recognition Act, in line with other countries that are already adopting processes of self-declaration. This must focus on the individual, as opposed to doctors and lawyers.
- Support of gender recognition for 16- and 17-year-old trans people "with appropriate support", through a process of self-declaration.
- The past misuses of confidential Gender Recognition information, the lack of prosecutions surrounding these instances, and cases of trans people being outed in the courts were all acknowledged.
- The revision of the Equality Act to protect trans people of all gender identities from discrimination, regardless of whether or not they are undergoing transition.
- Revision to the Equality Act should allow for complaints of discrimination by trans youth without requiring consent from their parents.
- The current exemptions to the protections of the equality act intended as a "proportionate means of achieving legitimate aims" are often misused, and that most cases of these would fail the test of being proportionate or legitimate.
- Practical guidance for sport discussing the fact that discrimination of trans people is generally not justified on the grounds of safety is also recommended.
- The fact that the NHS is letting trans people down in a discriminatory way, contravening the provisions of the Equality Act, is acknowledged.
- Depathologisation of trans people in the NHS is strongly welcomed, and, furthermore, depathologisation of trans identities & recognition is encouraged throughout the government as well.
- The committee feels that Gender Identity Services should be separated from Mental Health Services, and possibly either combined with endocrinology or split off into it's own specialist service.
- The acknowledgement and denouncing of the concept of "Real Life Experience" in which trans people are forced to live "in role" for a period of time before having access to recognition or treatment.
- Recommendations for reducing the amount of assessment required for young trans people prior to having access to HRT and puberty-blocking treatments.
- The further strengthening of hate crime legislation surrounding trans people is encouraged.
- Encouragement of greater awareness and guidance on trans people's rights to have their name, title and gender reported accurately, while acknowledging that UK law does not provide for a

concept of “legal name”. It acknowledges that law also does not have a provision for necessarily being required to prove a person’s name or gender in most contexts.

- Encouraging the government to take the lead on the previous point, ensuring that public services have appropriate policies for the recording and updating of this information.
- The requirement for a letter from a doctor to update the gender on a passport must also be removed, and provision for X-gender (or unspecified gender) passports must be added. The report further calls for long-term investigation of the removal of gender from passports, but does not discuss how this would be practically achievable within international regulations.
- The government should also be moving away from recording gender on any official records where it not relevant.
- The risk of mishousing trans prisoners, and the inequality of solitary confinement based on a person’s trans status, is acknowledged.
- In the context of trans people in prisons, The Ministry of Justice must also clarify the status of the publication of the new Instruction, and must ensure that staff are adequately trained upon its publication.
- IPSO and Ofcom are being encouraged to investigate steps towards encouraging trans people to complain about trans issues in the media, and to investigate how it should handle these.
- More must be done to ensure young trans people get support at school and to ensure that schools understand the Equality Act. The government should consider including the training of teachers on protected characteristics, and should engage FE/HE institutions to ensure adequate gender identity awareness, proactive steps for equality and that issues of Harassment & Bullying are being handled appropriately.
- Formal training on gender identity issues should be provided for social workers as a matter of urgency, as should the appropriate training of public sector professionals.

## Where did the report let us down?

However, the report left out some key elements that we consider to be vital to transgender and nonbinary equality:

- The removal of the spousal veto that is currently in force is vital. A person’s gender should not require the permission of others - the right to update one’s recorded gender is their decision alone. The report seems to imply that the main motivation for calling for the removal of the spousal veto is due to misuse, but the issue is larger than that - it is a way to give a cis person control over a trans person’s gender, which is an inherently unjust system.
- For similar reasons people in existing civil partnerships should not be required to convert them to marriages, since doing this requires the consent of a partner. As a result, this requirement currently has the same effect as the spousal veto itself.
- The system must be inclusive of everyone. It is vital that nonbinary genders be recognised. Nonbinary people are entitled to have their gender recognised as anyone else would. The report called for the government to look into the need to recognise nonbinary genders, but looking into it is not enough. We would have preferred that the committee had investigated options for undertaking this and presented several possible solutions to this.
- It is also important that intersex people who do not suffer from gender dysphoria (and are therefore not eligible for a diagnosis under currently medical diagnostic guidelines) are able to use this process to their own end. While it may have been implied, the report did not explicitly call for the consultation of intersex people on any future plans with regards to this.
- Likewise, in being inclusive to all, it must also be inclusive to those who are under the age of 18. While the report made some provisions for those aged 16 or 17, it stopped short of providing support for those under the age of 16. Where it did support 16-17 year old trans people, it was done provided they have “appropriate support”, which is a vague statement at best.
- It must also be inclusive to those coming from other countries. Their gender should not be validated based on how bureaucratic the recognition process is in their country. A person who has had their gender recognised in any country should be able to be able to have their gender

equally recognised in the United Kingdom. The report failed to touch on this issue in any significant way.

- The report, while acknowledging that “real-life experience” is a detriment to trans people, dismisses the concept of informed consent. We believe this to be a misunderstanding of what informed consent would look like, with the report seeming to imply that it would be a case of asking for a specific type of treatment, and immediately receiving it. The report goes on to say that some type of assessment should be necessary, but stops short of saying what an assessment would look like. While it’s important for everyone to understand and seriously consider the treatment they’re considering, it’s demeaning to assess people against a strict set of arbitrary criteria to receive it, and it strips people of their autonomy in undertaking any treatment.
- The system should not adversely affect transgender people. As a vulnerable population, our transgender status should be no one’s business but our own. It is therefore vital that the system respects and protects our privacy. As such, the “gender recognition register”, or any similar concept, should be discarded. Maintaining a register of those belonging to a vulnerable minority is a violation of our civil rights and privacy. The report acknowledged that there were concerns and past issues surrounding this, but failed to explore this in any detail further than that or make any suggestions as to how to prevent this in future.
- Furthermore, once gender recognition is obtained, the fact that it has been should be considered more than confidential. Under no circumstances from this point forward should a person’s transgender status need to be known to anyone, and access to this information should be unavailable. Misuse of information by officials is a serious concern for the trans community.
- In order to facilitate the confidential nature of this information, it is vital to be able to update all references to previous gender or name across all documents. There should be no circumstances remaining in documentation where a person is referred by an identity they no longer use. The report did discuss the requirement of accurately updating and recording gender and name information, but did not discuss the removal or security of previous records.
- Similarly, where titles are used with names and cannot be left out, there should be a requirement to record these accurately. While the Data Protection Act currently offers some guidance on this in a broad, generalised way, this is especially important for trans and nonbinary people. In the case of the latter, it needs to be easier for nonbinary people to use a title that is not perceived to be attached to a specific gender, such as “Mx”. Titles were briefly talked about in the report, but further guidance must be issued to ensure that titles are not used as a replacement for gender where gender is not otherwise recorded, and that no proof should be required in updating a title, as they have no legal bearing in the UK. While the requirement of proof and evidence was discussed in the context of gender markers and names, it did not explicitly mention titles in this guidance.

# GENDER RECOGNITION: AS IT SHOULD BE

## Medicalisation

The medicalisation of trans people, which is to say, the requirement of any kind of medical opinion, diagnosis or procedure being linked to gender recognition, is a demeaning requirement to trans people. It implies that we don't ourselves know that we're trans, and that a medical professional is somehow qualified to know better. In most cases, said medical professional is likely to be a cisgender doctor with no lived or practical experience with regard to what trans people go through.

*"Imagine a world where the law forced a cisgender woman to legally live as a man, because she has short hair, or prefers wearing trousers - this is the world that trans people live in."*

### Medical treatment should not be a prerequisite for recognition

Furthermore, it creates a barrier to recognition for a large group of trans people. Any trans person who doesn't seek medical intervention for being trans, including those who may undertake a social transition without seeking access to hormones or other medical treatments, is unable to obtain gender recognition without seeing at least two medical professionals and being 'assessed' to ascertain whether or not they are, in fact, trans. It is also not uncommon for a diagnosis not to be granted in cases where a trans person is not seeking medical transition, since wanting access to medical options is often seen as a precursor to diagnosis. It's also possible that a diagnosis might be declined for other reasons, despite the fact that the someone may have been "transitioned" for some time prior to seeing a clinic.

### No more financial barriers, no more delays in gaining recognition

It's also worth noting that the medicalisation of gender recognition creates additional cost and delays in obtaining a GRC. The waiting times for accessing NHS gender identity clinics vary, with the exact wait depending on exactly which clinic you are referred to, but tend to be in excess of 8 months. Because the number of NHS gender identity clinics are so few, it generally also requires excessive travel, which creates a cost barrier towards attending the clinic. While self-referring to a private gender identity clinic or specialist can speed the process up, the cost for this is exponentially higher, and there's still a relatively small number of clinicians that the panel will accept diagnoses from when considering an application for gender recognition. With the gender identity clinics already having large wait times and being understaffed to deal with the number of people being seen, the additional burden that trans people who would otherwise not need to visit a clinic place on the NHS as a result of trying to obtain diagnoses for the purpose of gender recognition is a point of concern.

### Removal of Stereotypical & Arbitrary Criteria

Because of the poorly-researched and heavily-biased nature of transgender diagnostic criteria used throughout the medical community, it often has a very cis-centric view to trans people; this is to say that the medical community often has quite rigid views of traditional gender roles. If people do not "present" themselves to the gender identity clinics in a way that would otherwise be stereotypically associated with the gender they are transitioning to, they are often declined a diagnosis - despite the fact that cisgender people of that gender are under no requirement to act stereotypically. Imagine a world where the law forced a cisgender woman to legally live as a man, because she has short hair, or prefers wearing trousers - this is the world that trans people live in.

Because there are no generally common stereotypes against which to judge nonbinary people, the medical community often doesn't know how to assess them; as a result, they are often assessed

as though they are transitioning to the “opposite” binary gender, and since they often do not “present” stereotypically appropriate for that gender, are declined a diagnosis.

Furthermore, because these cis-centric views of gender stereotypes also tend to be white-centric, this can also cause difficulties for those who don't fit white gender stereotypes. It would be essential to further consult with people affected by this to ensure that any replacement system does not continue to contribute to this issue. Where we do not have the experience or expertise to discuss this in detail, we would defer to those groups who are affected by these issues, and encourage them to participate in any consultation our organisation is planning to undertake. We would further invite them to join us in an active capacity in planning such a consultation.

In the “Gender Recognition: Where Next?”[1] survey, nearly a quarter of respondents (22%) felt that that gender recognition should not be tied to medicalisation, of which half of those said that that they felt that this is not open to compromise.

## Nonbinary Inclusion

*“64% of respondents from the trans community at large were not willing to compromise on the issue of absolute nonbinary recognition and considered it to be essential.”*

Throughout this document, we have mentioned recognition of nonbinary genders a number of times. This is a main point of focus for us, although all the points made are of equal importance.

### Recognition & Equality

The current Gender Recognition Act makes frequent references to “the other gender” or “the opposite gender”, which implies that there are only two legally recognised genders. Unfortunately, the lack of recognition for nonbinary people is a serious cause for concern. It has been stated by the Ministry of Justice that nonbinary people do not suffer any “specific detriment” from a lack of recognition, but as is evident from some investigating by Beyond the Binary[5][6], the lack of both gender recognition and Equality Act provisions covering nonbinary people does cause a specific detriment to nonbinary people.

Of a survey done[2] of 118 nonbinary people, 98 (83%) said they would have applied for a Gender Recognition Certificate had their gender been an option on the paperwork. Of that particular group of respondents, there were several other factors that were stated as barriers to applying for gender recognition: not feeling as though being assessed by a cisgender panel was appropriate; lack of Equality Act provisions and protections for nonbinary people; having to convert civil partnerships to marriage; the process itself being overly bureaucratic and inaccessible; concerns surrounding privacy and the gender recognition register; and the medicalisation of the process.

Bearing in mind that the cited survey only covers 118 nonbinary respondents, there are estimates[3] that place approximately 252,728 nonbinary people in the United Kingdom alone. This number is not insignificant, and combining that number with the survey results, as well as the aforementioned specific detriments, nonbinary recognition and protection is a key issue.

Expanding the view from a survey of only nonbinary respondents, the “Gender Recognition: Where Next?”[1] survey of trans people in general found that 64% of respondents from the trans community at large were not willing to compromise on the issue of absolute nonbinary recognition and considered it to be essential.

## **Options for inclusion: Degendering or a Nonbinary Option**

Various options for inclusion of nonbinary people have been discussed. One approach is to add a third, “other” or “nonbinary” gender option to gender recognition. Another option would be the complete removal of gender identifiers from all documents, including birth certificates.

Either of these options would have a knock-on effect for many other laws which make references to binary genders, which would have to be analysed and assessed. There are, again, several ideas as to how to approach this in a practical fashion that doesn't involve the rewriting or amending of each individual piece of legislation. Discussing each of these is out of the scope of this document, but we are working with a campaign that will consult with the trans and nonbinary community at large to determine the appropriate way forward for this.

One important detail of removing the gender identifier from identity documents is that this could actually have adverse effects for gender recognition in general. Unless suitable provisions were in place to ensure that organisations (banks, landlords/letting agencies, academic institutions) were not recording gender, it's feasible that they would record gender based on the “presentation” of a person in front of them, and since there would be no identity document to back up any claims to the contrary, challenging that could be troublesome.

Additionally, although some organisations do not specifically record gender, they often record title, and do so in a way that implies someone's gender. In some cases, this is recorded in a way where a title commonly understood to be for a particular gender is inextricably linked to a gender identifier. Not only does this practice need to be stopped - allowing people to use a gender neutral title like “Mx” - but organisations must be made aware that apparently gendered titles do not bear any representation of legal gender in the United Kingdom, and anyone may use any non-protected title at any time. While the Data Protection Act provides some broad guidance that implies that gender and title should be accurately recorded, this is a particular issue that disproportionately affects trans and nonbinary people, and should be addressed as both a trans and nonbinary issue.

The two options presented above are the primary considerations being given to nonbinary recognition. It's possible that there are other options that aren't included in this document. A lot of people ask us if we even know what nonbinary people want - we do, and that's recognition. The nonbinary community has, in the past, been left out of platforms that would effectively determine a direction that would be comfortable for everyone, and we've had to forge one ourselves to come to these conclusions. It's absolutely vital that nonbinary people are included in trans platforms so that our fight for recognition is equal to that of all trans people.

## **Birth Certificates cannot be left out - this creates more problems**

One approach to nonbinary recognition that has been discussed by MPs and politicians is the removal of gender identifiers from identity documents, such as driving licenses and passports, however, retaining a binary gender identifier on birth certificates. In addition to the issues detailed previously with regards to the removal of gender from identity documents, this approach could even further troubling side effects for both binary and nonbinary people, since, without guidance or enforceable legislation to the contrary, this would effectively make birth certificates one's ultimate proof of gender.

Were birth certificates not to offer any recognition to nonbinary people in this context, the issues that we have at present inherently continues to exist. Given that this is often presented as a way of including nonbinary people while continuing to arbitrarily assign people binary genders, there will be fairly constant issues where a nonbinary person's presentation does not match that of their birth certificate.

## **Nonbinary experiences do not fit the arbitrary criteria of the current system**

While certainly not applying to all, there are some situations where nonbinary people are deeply uncomfortable being recognised as a particular binary gender, and will ask to be referred to and recognised as the “other” binary gender in circumstances where explaining their identity or fighting for recognition would consume too much time or energy. Some apply this logic to legal recognition as well, opting to be legally recognised as the gender they prefer - if this happens to be (and it often does) a gender they were not assigned at birth, this can require going through the process of obtaining a gender recognition certificate.

Unfortunately, in order to do this, because of the nature of the current gender recognition process, this requires one to be appearing to live as that gender all of the time, and to be that binary gender in all aspects of your life, despite it not actually fitting. There are cases<sup>[4]</sup> where the Gender Recognition Panel will refuse a certificate to those who openly present themselves as nonbinary in some aspects of their life, claiming that they “are not living in the acquired gender in the sense required and they have not yet fully committed to the other gender”, and encouraging them to get further treatment to fully accept the gender for which they applied for recognition.

## **Specific nonbinary consultation is necessary**

Bearing in mind that nonbinary people are vulnerable in the same way as trans people in general, with the added visibility of often appearing in ways that effectively “out” them, it’s vital that nonbinary people receive the full protections and recognition that everyone else receives. There is no one option that we can recommend as the “best” option for nonbinary recognition, but rather we would encourage further consultation with the community at large on this issue. This is one of the issues the committee’s report failed to appropriately address, neither looking at it in a significant enough level of detail nor recommending further consultation with the nonbinary community. It is a fair assessment to say that, in many places, nonbinary issues in the report read as though they are a footnote, rather than a key issue. This also requires trans organisations to support us and to include us in the platforms they have access to, as access to these platforms is a resource that has been lacking for nonbinary people for some time.

With this in mind, the Nonbinary Inclusion Project, in cooperation with other trans and nonbinary organisations, is soon to undertake a consultation with the nonbinary community at large, and what they would like to see from recognition. We had hoped to be able to use the committee’s report as a basis for this, expecting them to have considered the issues that nonbinary face in an analytical way and to have consulted with them inclusively, but unfortunately, this has not been the case. If you’re interested in this consultation, please get in touch with us, and we’ll keep you update on the progress.

## **Intersex People**

While some intersex people may identify as trans and/or nonbinary, the vast majority do not. As such, it is important that any recognition of nonbinary genders not adversely affect intersex people. Intersex people are a marginalised group in their own right, and the recording of a person’s gender as nonbinary should be through a person’s own volition and with their consent, and must not be applied to intersex people as a default.

This is not to say that intersex people should be forced to identify with a binary gender, nor should they be subject to any medicalisation to fit in to a binary gender, but their gender is theirs to decide, as it should be for all.

Any recognition of nonbinary genders should be done with the active consultation of intersex people to ensure that the proposed processes would not have any adverse effects on their struggles.

## Accessibility & Cost

One key point that has been taken from all the surveys done on this topic is that the current system is not very accessible in terms of disability, energy and cost.

*“...any nonbinary person who currently applies for a GRC is essentially throwing money away.”*

The standard track of the current gender recognition system requires the collection of identity documents, a birth certificate, various types of evidence that you have been living “in-role” (such as passports, driving licenses, utility bills, work documents, academic documents), civil partnership or marriage certificate and proof that any civil partnership or marriage you are no longer in has ended. Furthermore, you must also submit two medical reports with diagnoses from a list of specific specialists in the field. You must also see a solicitor to witness a statutory declaration of your new gender, and, depending on your relationship status, your partner may need to see one to witness a statutory declaration giving their permission for the change. In addition, you must also submit deed polls or statutory declarations declaring your name change. All of this must be submitted alongside a properly filled out application form, including payment.

Clearly, this is a lot of documentation to acquire and prepare, and if you don’t have all of it to hand, you might have to spend considerable time and energy acquiring it. The basic cost of a GRC is £140, and while there are discounts in place for some, not many are eligible. Even the reduced cost is difficult to afford for some. When considering cost, the application fee is only the beginning. Some clinicians also charge (approximately £50 per report) for reports that meet the standards of the Gender Recognition Panel, as these are not covered by the NHS. If you do not have an original birth certificate, you will have to pay for a copy, as well as covering the cost of any other required documents. The cost barrier to obtaining a GRC is a serious concern, since it effectively restricts gender recognition only to those who could afford it.

The basic cost for a GRC under the current system is also non-refundable. Because of the strictly binary criteria that are currently in place, any nonbinary person who currently applies for a GRC is essentially throwing money away. For trans people in general, this excessive payment does not guarantee recognition. Since this payment only exists in order to cover the costs of maintaining a Gender Recognition Panel, a self-declaration system would solve both of these problems.

Obviously, for those with disabilities, they may not be able to complete this paperwork on their own. This leaves those people who are unable to complete the process on their own requiring additional support from others, which has the unfortunate side effect of inherently “out”ing people to those assisting them. This also can remove an element of autonomy in what is often a very personal process.

Lastly, there is the issue of migrant trans people who come to the UK. Under the current system, gender recognition can be granted to those who have already had their gender recognised in another country, if their country is one of a short list provided by the Gender Recognition Panel. In general, for a country to be on this list, it must have a system that requires evidence in a similar way to the UK’s current system. Obviously, this not only limits the availability of gender recognition for those affected by this, but reinforces the bureaucratic system we have in place.

Were a system of self-declaration to be brought in, this would essentially remove the need for this, since updating your gender in this country to match the one you came from would be a straightforward case of making a further declaration of your gender, which improves accessibility to gender recognition for those affected. While there is also the issue of those from the UK having their gender recognition be valid overseas, there is little that can be done to legislate this since the issue originates in a foreign jurisdiction. While whether or not our system meets arbitrary stringent

requirements of a less inclusive overseas system is an issue, this change should ideally be effected from within the areas in which it is a problem, rather than a concern for UK legislation.

It is vital that any gender recognition system is affordable by all those who would need to access it, and is designed in such a way that is readily accessible by everybody as well. Any person completing the gender recognition process should be able to do so with complete autonomy throughout the process.

## Privacy

When considering a gender recognition process, it's important to consider the privacy of those who would use it. Trans people in general are a vulnerable group, and the protection of the identity of those who would prefer not to be publicly known to be trans is a must.

The current Act requires that all individuals who are granted a Gender Recognition Certificate to be entered onto a Gender Recognition Register. While this register is only accessible to certain officials in certain situations, there are circumstances where this information could fall into the wrong hands - whether by misuse, mistake or corruption. This is a fact that makes a lot of trans people uneasy - in fact, this issue was listed as a significant concern in both the "Gender Recognition: Where Next?"[1] survey report, and the nonbinary GRC survey[2].

Furthermore, there must be enforced provisions which require organisations and companies to update any records they have, and it must be done in a way which does not leave a record of an individual's previous name or gender. Any record of this information can leave a trans person at serious risk should it fall into the wrong hands, and while best practices may dictate that this should not happen under normal circumstances, there is no guarantee of this.

This applies not only to the individual's records themselves, but also to any references in family member's records (such as medical records, birth certificates, marriage or civil partnership certificates). Any reference to a person's previous identity that remains intact increases the risk factor for an already vulnerable person.

## SUMMARY

While the report makes a lot of very good recommendations, it lets us down in a number of places. We support many of the recommendations that would result in a more straightforward and inclusive, while less expensive and pathologising process for trans people to obtain gender recognition.

We would like to see further consideration to some of the recommendations that would further increase the inclusivity and accessibility for all people, and would allow for additional autonomy. We would like to see young people treated with the respect they deserve, and nonbinary people have the recognition they have a right to. Any further discussion on this topic must also include further analysis of the points left unanalysed, and must also include further clarity and guidance where it is lacking.

Gender recognition is the right of all people, and there is no feasible reason why someone should not be eligible to be recognised for who they are. If all people do not have equal access, then any system would continue to be discriminatory and unjust.

## DEFINITIONS

For the purposes of this document, the following definitions are used:

- Trans person, trans\* person, transgender person, transsexual person: These, and their derivative terms, are used interchangeably, and should be interpreted to mean “any individual who is not the gender that they were identified as and assigned at birth.”
- nonbinary person, non-binary person: These are used interchangeably, and should be interpreted to mean “any individual who is neither consistently solely a man nor consistently solely a woman”.
- Intersex person: “any individual who was born in a physical or chromosomal state that would not commonly be medically identified as either male or female.”
- Cisgender person, cis person: These are used interchangeably, and should be interpreted to mean “any individual who is the same gender that they were identified as and assigned at birth.”

## REFERENCES

- [1] <http://uktrans.info/wherenext>
- [2] <http://blog.kat.mxandry.net/post/106815085241/nonbinary-gender-recognition-survey-results>
- [3] <http://practicalandrogyny.com/2014/12/16/how-many-people-in-the-uk-are-nonbinary/>
- [4] <http://blog.kat.mxandry.net/post/79376709613/the-grp-has-declined-my-application-for-a-gender>
- [5] <http://beyondthebinary.co.uk/specificdetriment-whats-your-response/>
- [6] <http://beyondthebinary.co.uk/specificdetriment-what-you-told-us/>