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[APPG LGBT+ Chair's Statement on the Government's Response to the GRA Consultation \(/news/appg-lgbt-statement-in-response-to-the-governments-response-to-the-gra-consultation\)](#)

Background

Today the Government produced its long-awaited and much anticipated response to its 2018's Consultation on the Gender Recognition Act 2004 (GRA). The GRA enshrined in law the rights of transgender people to change their birth certificate. Acknowledging the continued inequalities faced by transgender people in the UK, in 2011 the Government issued the Transgender Action Plan and, following the 2016 Women and Equalities Select Committee's inquiry into trans equality which identified ongoing inequalities and fundamental issues with the process of gender recognition, in 2018 the Government launched its consultation[i] on the reform of the GRA, with the stated intention[ii] of making the lives of trans people easier.

This consultation received over 100,000 responses.[iii] The then Prime Minister made a clear statement of intent that the GRA would be reformed appropriately.[iv] The Government has taken 21 months to respond to this consultation. This void has been filled by an increasingly toxic conversation conducted in the newspapers and social media where misrepresentations have created fear and extreme anxiety amongst trans people and their supporters. Instead of their position in British society getting better, it might actually get worse, despite the majority of responses to the 2018 consultation, published today, supporting the then Government's proposals to move to a simple system for trans people to change the gender on their birth certificate, involving statutory declarations.

- 80.3% respondents were in favour of removing the requirement for a medical report, stating that the requirement had a dehumanising impact on applicants, and added to the unwanted and stressful bureaucracy.
- 78.6% were in favour of removing the requirement for individuals to provide evidence of having lived in their acquired gender for a period of time again citing feelings the current process was humiliating and

dehumanizing.

- 64.1% said that there should not be a requirement for a diagnosis of gender dysphoria in the future with common opinion among these respondents being that gender dysphoria, or being trans, was neither a medical nor a mental health issue.
- 83.5% were in favour of retaining the statutory declaration requirement of the gender recognition system. The main reason expressed for keeping the statutory declaration was the opinion that it provides a quick, accessible and affordable process for legal gender recognition, as well as enough gravity to deter abuse of the system.

Announcing its conclusion by way of a Written Ministerial Statement, which avoids the opportunity for immediate accountability in the House of Commons, the Government has decided against all previous conclusions and recommendations that bringing the 2004 Act up-to-date does not merit Parliamentary time and indeed the necessary change in the law, with no prospect of legislation even if Parliamentary time became available during the course of this administration. The resulting administrative-only improvements to the certification process around gender identity have seen the fee reduced, but not eliminated, for this would require legislation, the application process brought online but the unequal and objectionable medicalisation assessment remains. The BMA made its objections clear to this last week. The medical assessment process is progressively being done away with in other jurisdictions who aspire to similar values as the United Kingdom.

In her statement, the Minister expressed her deep concern over the distress caused by the shockingly long waiting list at NHS gender clinics. By Christmas 2019 these waiting lists had more than 13,500 transgender and non-binary adults on them and the average wait to a first appointment was 18 months pre-Coronavirus.[v] The scale of this distress can only be imagined by those of us who do not have to wrestle with gender identity issues. It is estimated that 84% of trans people have contemplated taking their own lives and 50% have actually attempted to do so. It will be in the period before they can find access to professional services equipped to help them manage these identity issues in a society that largely does not understand them where this pressure and distress will be at its most acute.

The Government's commitment to reduce the waiting lists by 1,600 people by 2022[vi] is welcome as far as it goes but this leaves 88% (11,900) of people still on a waiting list for which many are waiting years beyond the NHS target of 18 weeks. Furthermore, these proposals do not address the core issue of the lack of suitably qualified clinicians to work in these clinics.

Absent also in this statement was any examination of the delivery of relationship and sex education in schools, as was any indication that trans people will be included in the protections that should be offered by the proposed legal ban on so-called conversion therapy recently endorsed by the Prime Minister.

Statement from the Chair

Crispin Blunt MP, Chair of the APPG on Global LGBT+ Rights and Conservative MP for Reigate, said,

“Welcome as the minor improvements to the gender recognition certificate process are, and the minor improvement in the capacity of the NHS to provide appropriate advice and care for trans people, the reality is that both in principle and practice this statement falls woefully short of reasonable expectations trans people should have about the principle of their freedom to be themselves in British society, and to receive appropriate health and advice services to standards due to anyone else. The failure to address the necessary improvements in the gender recognition certificate process that is now the growing practice of those countries who pride themselves on their delivery of equality for LGBT+ people sends an unwelcome signal about Global Britain’s commitment to LGBT+ equality.

The UK has had a strong record of global leadership in advancing equality of LGBT+ people both at home and abroad. The UK is currently co-chair of the intergovernmental Equal Rights Coalition (<https://www.gov.uk/government/collections/equal-rights-coalition>)[vii], consisting of 42 nations collectively committed to protecting and advancing the equal rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people globally. Whilst it is the stated policy of the Government that everyone should be able to live their lives as they choose, the announcements contained in the Minister’s statement fatally undermine the UK’s claim to global leadership on LGBT+ rights and the UK will continue to fall down the list of those countries who deliver LGBT+ equality in practice.

This is an issue of first order importance not only to the estimated more than 200,000 U.K. subjects[viii] who are trans, but also to their friends, families, colleagues and allies. The delay in the delivery of this consultation response has produced a fearful and toxic national conversation which this statement could have helped address and secure respect and reassurance around the position of trans people in the UK. This statement disappointingly misses that opportunity and the size and intensity of the interest in this issue outside Parliament is not done justice by a simple written ministerial statement to which MPs cannot hold the government immediately to account.

I regret that the considerable work done in privately agreeing a way forward by the wider LGBT+ lobby both in Parliament and outside, to deliver respect and reassurance around the position of trans people in the UK meeting square on the anxieties of some cisgender women around single-sex spaces for example, and the quality of relationship and sex education in schools, was not adopted by the Government, and does not appear to have been properly understood. It certainly seems to me that the Minister for Women and Equality's own appointed LGBT+ advisers and those that serve in the Government Equalities Office have also had their advice disregarded. I am now releasing the private paper (<https://www.appglgbt.org/news/delivering-respect-and-reassurance-around-trans-equality-in-the-uk>) that was agreed by the Officers of the APPG on 8th July 2020. The paper was shared with all the political parties' own LGBT+ Groups and was discussed fully with the relevant civil society groups. Whilst different organisations had their own order of policy priorities for trans people, it was agreed that the APPG position paper, in light of the government's apparent position, would represent a satisfactory outcome to the consultation. The paper was offered privately to the

government in the wake of the anxieties set off by the Secretary of State when she appeared before the Women and Equalities Select Committee on 22nd April 2020.

However, trans people should take satisfaction that the strong lobby deployed in their support by both all mainstream LGBT+ groups and by a substantial level of representation from UK commerce, has protected them from potentially unwelcome developments that appear to have been trailed previously by the Secretary of State.

The statement today is an extremely disappointing missed opportunity. I regret the implicit message sent out about the values that this Government prioritises before its presentation of Global Britain to the world post-Brexit and urge the Prime Minister not to allow those who would divide our society triumph over his instincts to unite and heal around values of support for and respect of individual freedom about which all Britons could feel proud.”

For further information, please contact crispinbluntmp@parliament.uk.

References:

[i]https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721725/GRA-Consultation-document.pdf
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[ii]<https://assets.publishing.service.gov.uk/government/uploads/system/uplo>

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[iii] <http://qna.files.parliament.uk/ws-attachments/1236318/original/GRA%20Consultation%20Analysis%20Report.pdf> (<http://qna.files.parliament.uk/ws-attachments/1236318/original/GRA%20Consultation%20Analysis%20Report.pdf>)

[iv] See footnote (2).

[v] <https://www.bbc.co.uk/news/uk-england-51006264>
(<https://www.bbc.co.uk/news/uk-england-51006264>)

[vi] <https://questions-statements.parliament.uk/written-statements/detail/2020-09-22/hcws462> (<https://questions-statements.parliament.uk/written-statements/detail/2020-09-22/hcws462>)

[vii] <https://www.gov.uk/government/collections/equal-rights-coalition>
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[viii]

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