



Title: YWCA of Great Britain's submission to the Reform of the Gender Recognition Act 2014 Open Consultation

Date: 19 October 2018

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Submission:

About the YWCA of Great Britain and our commitment to equality

The Young Women's Christian Association (YWCA) of Great Britain. Formed in 1855 the YWCA is one of the oldest women's organisations in the UK. It is a merger of two preceding organisations, one formed with a focus on fellowship and prayer, the other with a focus on providing safe housing for young women moving into the growing industrial cities for work. More than 160 years later we have given birth to a global movement working in more than 100 countries, maintaining its commitment to serve young women and to support young women's leadership.

Within the UK, legally independent YWCAs operate in Yorkshire, Scotland and Ireland (this YWCA predates the division of Ireland into Northern Ireland and the Republic of Ireland and operates across the island of Ireland). Each of these YWCAs responds to the needs of the women they serve locally - Yorkshire and Ireland both continue the tradition of providing safe housing to young women and campaign actively for the end of violence against women, the YWCAs of Ireland and Scotland both work actively in policy and advocacy led by and on behalf of young women. Across the world YWCA's run hotels, provide supported and refuge accommodation, run childcare and schools, work in conflict resolution and peace building, provide community health education and services programs in child and maternal health, and HIV and AIDS, and work to ensure that women, young women and girls can know, claim and enjoy their human rights and the voices of women and particularly young women are heard in local, national, regional, and global forums.

Every four years the members of the World YWCA gather for World Council, this is the ultimate decision making body for our global movement. It elects our World Board, of which 60% were young women at the time of election, agrees our shared global priorities and adopts policy on behalf of the movement. At the last World Council in 2015, our YWCA proposed a motion supported by the YWCAs of South Africa, Canada, Argentina, Netherlands, Finland, Australia, Japan, USA, Brazil, Haiti, Iceland, Sweden, and Thailand calling on the World YWCA and all member associations to:



work to eliminate all discrimination, including but not limited to that based on race, ethnicity, religion or belief, health, status, age, class, caste, nationality, (dis)ability, sexual orientation, and gender identity or expression, condition of servitude, and against Indigenous peoples including practices, attitudes, policies and laws in their communities and counties. This work must include solidarity with and support for all women, young women and girls; lobbying and advocacy for the full realization of all human rights; and a rights-based approach to mobilizing and engaging communities.

Whereas the pages of history have shown us, minority women, including: women living with disabilities, women living with HIV, women from racial and ethnic and religious groups, lesbian, bi-sexual, transgender and queer (LBTQ) women, all continue to suffer discrimination and are at higher risk of experiencing human rights violations. Around the world minority groups such as the Dalit women in India, LBTQ women in Russia and Uganda, indigenous women in rural Rwanda and Costa Rica and many more are denied their basic human rights;

And whereas we know that some young women face greater marginalisation and exclusion. Sexual orientation and gender identities, race, ethnicity and HIV status are too frequently causes of discrimination and prejudice. Young women migrants and those living in rural and remote communities, with disabilities or literacy difficulties, all tend to experience deeper levels of marginalisation and discrimination;

And whereas we must promote inclusive societies and reach the most vulnerable if we are to achieve sustainable human development.

This was not the first time the World YWCA had adopted a resolution on non-discrimination. Previous resolutions include racial and ethnic groups (1967) Human Rights and Racism (1975). Health: HIV and Aids (1991) Human Rights and Indigenous Peoples (1994) Discrimination (2003) CEDAW (2007). It was however the first time that gender identity was specifically included.

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

No - We believe it is wrong for legal recognition of gender identity to depend on a diagnosis of gender dysphoria. Being trans is not a mental illness. We firmly believe that self-determination is the best way for a person to determine their gender and that the Act should come in line with best practice in other countries, such as Ireland, Malta, Argentina and Norway.

A trans person should not need to be diagnosed with a medical condition or prove themselves as 'trans enough' to be recognised by the state.



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

No - The law already states that you do not need to have a medical intervention to be recognised as trans. This would be an unnecessary addition to the Act which would add a cruel medicalised aspect to the law. Medical treatment trans people have received or not received should not be a factor in the process as medical treatments do not make you any more or less trans. For some people, medical treatment is unwanted or unavailable.

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?

No - Trans people know their gender identity better than anyone else can. Many trans people have waited years to come out and should not have to wait an arbitrary length of time to be legally recognised. The process of proving “lived experience” can often be demeaning and difficult to do.

Question 5: (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?

No - Trans people know who they are and the process for legal gender recognition needs to show that the Government trusts and respects trans people.

Question 6: (A) Do you think this requirement should be retained, regardless of what other changes are made to the gender recognition system?

Yes - Statutory declaration is a clear and simple way of carrying out self-determination as long as it is the only step needed to acquire a gender recognition certificate (GRC), making it nearly as simple as changing one's name. This is a feature of leading gender recognition systems, such as those in Norway, Ireland and Malta.

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 - The spousal consent provisions deny trans people the ability to determine their own gender identity. Maintaining the spousal consent provisions while moving to self-identification would mean that there were significant additional barriers to trans people in spousal relationships determining their own gender identity.



A trans person should be able to get a gender recognition certificate (GRC) without spousal consent.

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?

Yes - As an organisation that specifically works with and for young women, we think it is vital that young people have the right to determine their own gender identity and that young people under the age of 18 should be able to determine their own gender identity.

Article 12 of the Convention on the Rights of the Child asserts that any child who is capable of forming their own views should be able to express those freely and have them given due weight in light of the child's age and maturity. The convention and British law (Gillick) already recognise that a child may be competent to make substantive decisions prior to be 18 years of age.

The current position of refusing young people under the age of 18 any access to recognition of their gender only increases the challenges facing these young people as they are, for longer than is necessary, at risk of being outed or mis-gendered, and not able to legally assert their correct gender.

At 16 and 17 many trans people have already been clear about their gender for a number of years, and so we believe 16 and 17 year-olds should have the same access to recognition as those 18 and over. Allowing those starting full-time work or transitioning to new education institutions in their true gender would only make these sometimes difficult transitions easier.

For people under-16 we want to see a recognition process supported by parental consent, while making allowances for situations in which there is an irreconcilable break down in that relationship.

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?

No - Our YWCA welcomes all people who identify as women or girls into our work. This can and does include women who are trans, whether as service users, as board members, and as international representatives. We accept self identification and do not ask to see gender recognition certificates.

Other YWCAs around the world are also actively working to include women who are trans in their programs and to advocate for the rights of trans women.



The YWCA of Missoula (USA) shared the following with us in terms of their work to be inclusive of trans women and non-binary folk:

“We have shifted our programming to include anyone who identifies with girlhood/womanhood which may include participants who are transgender or who identify outside the gender binary and feel that the program could be beneficial or enjoyable to them. This was a shift for us because some of our young people and adult volunteers were already identifying outside the binary and we felt we needed to shift our policy to make it clear that those people are welcome. This shift has included having participants identify pronouns and ensuring that facilitators are using gender neutral language as a default, unless they have determined that all the participants identify as “girls” in which case they can use more gendered language. We are also looking at language of our curriculum to make it more gender inclusive. We are only at the beginning of this process and are going through a process of gaining some feedback from participants and volunteers who identify outside the binary woman identity.

Within the GUTS! program we made the change in 2015 originally but have been slowly making the change program-wide. We are now going through our curriculum and our practices to ensure that this change is made program-wide. We have not had a push-back that I know of and there have not been issues related to cisgender girls being unsafe/feeling unsafe. I haven’t heard that anyone has decided not to come to the group because of this policy. I think the bigger issue has been ensuring safety for the gender diverse participants we are working with. The young people we work with and their families have various opinions about gender in this way and we try to just work with people where they are at and allow them space to learn and process—which can mean that people make a lot of mistakes that affect trans, gender queer or gender diverse populations. For example, when we have had gender diverse people in our groups it has been an up and down process to ensure that other participants are respecting their pronouns. That I know of we have not had people feel unsafe with our camps or groups because of this.”

Since 2013, the YWCA of Portland (USA) has operated a shelter diversion program for women experiencing violence and homelessness, the project was purposely designed to be welcoming to women who are trans, given the high levels of violence and homelessness experienced by women who are trans.

The YWCAs of and within Canada, Aotearoa/New Zealand, the United States of America, and Australia have all actively campaigned for law reform to strengthen the protection and recognition that women who are trans are women.

Question 20: Do you think that there needs to be changes to the Gender Recognition Act to accommodate individuals who identify as non-binary?

Yes - gender identity is more than binary and we the law should recognise a range of gender identities.



Non-binary people should have their identity legally recognised. We believe that full legal recognition for non-binary people is essential to the success of these reforms.