

## Gender Recognition & Reform Project

*Mollie Gascoigne, University of Exeter*

### Summary of the research

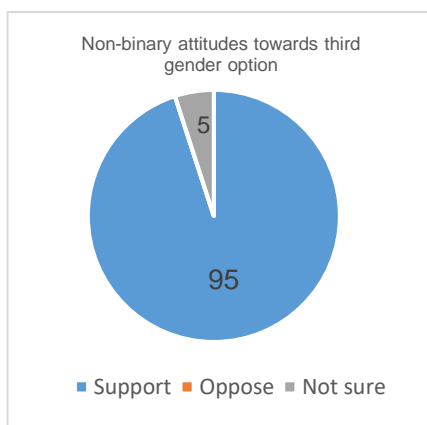
The Gender Recognition Act 2004 (GRA) is the law that allows people to obtain a Gender Recognition Certificate (GRC) to change their legal gender and be issued with a new birth certificate. There are low numbers of transgender (trans) people applying for a GRC, and non-binary people (as a young and growing sub group of the trans community) are even less likely to apply. The main reasons for not applying include not satisfying the requirements, the bureaucracy of the process, and its expense.

Given the particularly low numbers of non-binary people applying for a GRC and lack of non-binary legal recognition, this project gathered empirical data on the attitudes of non-binary people towards (1) the existing current requirements of the GRA and (2) reform options aimed at enabling non-binary people to gain legal recognition.

### Policy recommendations

This research project recommends two key reforms to legal gender recognition in England and Wales.

Firstly, **the gender dysphoria requirement should be removed from the GRA.** Non-binary participants were overwhelmingly opposed to this requirement and internationally, the GRA is falling behind best practice. The ICD no longer recognises gender identity disorder (or gender dysphoria) as a mental illness: this position is endorsed by British psychiatric associations. Ten other European countries do not require a medical diagnosis or psychological opinion.

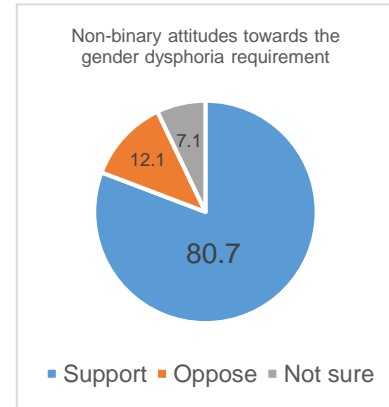


Secondly, **a third gender option should be introduced to enable non-binary people to achieve legal recognition.** Non-binary participants were overwhelmingly supportive of a third gender option and none were opposed. Non-binary participants found the current lack of recognition harmful and burdensome in their everyday lives. Recognition of non-binary identities is growing (including in legal documents) with Malta currently providing legal recognition for non-binary people.

## Key findings

### *Gender dysphoria*

- 80.7% non-binary respondents opposed the gender dysphoria requirement
- More than one-third (36.4%) of non-binary respondents said removing the gender dysphoria requirement would make them more likely to apply for a GRC
- Non-binary participants reported finding the gender dysphoria requirement stigmatising
- Non-binary participants reported experiencing additional barriers in trying to obtain a diagnosis of gender dysphoria



### *Third gender option*

- 95% non-binary respondents supported introducing a third gender option; 0% were opposed
- 72.9% non-binary respondents said introducing an additional gender option would make them more likely to apply for a GRC
- Non-binary participants felt that legal recognition would have a positive impact on their lives, including feeling like a 'valued member of society' and not 'erased' as they currently feel that they are

## Further information

- Government Equalities Office, *National LGBT Survey: Research Report* (GEO 2018)
- Royal College of Psychiatrists, *Supporting transgender and gender diverse people: position statement* (2018)
- British Psychological Society, *Guidelines for psychologists working with gender, sexuality and relationship diversity* (2019)
- TGEU, *Trans Rights Europe and Central Europe Index 2020* (2020)
- Government Equalities Office, *Reform of the Gender Recognition Act – Government Consultation* (2018)
- Stonewall, *LGBT in Britain: Trans Report* (2018)
- Government Equalities Office, *Trans people in the UK* (GEO 2018)

## Contact details

Mollie Gascoigne, University of Exeter: M.Gascoigne@exeter.ac.uk