



# Trans Awareness Week

## Key issues in the conversation on transgender rights

NOVEMBER 2020

### INTRODUCTION

[Trans Awareness Week](#) runs from 13<sup>th</sup>-19<sup>th</sup> November, followed by [Transgender Day of Remembrance \(TDOR\)](#) on 20<sup>th</sup> November. Trans Awareness Week is an opportunity to raise awareness of the transgender community through education and advocacy work. TDOR is observed as a day to memorialise those who have been murdered due to transphobia.

The conversation around transgender rights has been subject to heightened media attention in the UK over the past decade. This briefing is designed to clarify the key issues and Mermaids' position as a charity, working to create an equal world for trans children and young people.

### WHAT DOES TRANSGENDER MEAN?

Transgender (or trans) people are individuals whose gender identity is different from the gender recorded for them at birth. Not all transgender people identify as male or female. An increasing number of people do not identify with any specific gender, and some identify with more than one. Some trans people decide to transition, which is the process of living their lives as the gender they identify with. There is no single transitioning process. Every case is different, and transition always comes down to an individual's private decision, as well as the individual's age and development when referring to transition-related healthcare. Some people may adopt new pronouns, change their name, apply for legal gender recognition, and/or, in some cases, undergo gender affirming surgery or hormone therapy.



## WHY ARE TRANSGENDER RIGHTS IMPORTANT TO YOUR EMPLOYEES, CUSTOMERS AND CLIENTS?

There are trans people in every part of the UK, for whom self-determination is an inalienable human-right, protected by law. You may know of trans people working within your business, or you may not. It is a person's individual choice to disclose their trans identity.

In a free society like Britain's, everybody should feel safe to be proud of who they are and who they love. We all have the individual right to express ourselves freely, as set out in Article 19 of the [Universal Declaration of Human Rights](#).

Bringing an end to transphobia will save lives and cut crime. Anti-LGBTQ+ harassment puts LGBTQ+ identifying people at a heightened risk of physical and psychological harm. Everybody has the right to freedom and safety under the law.

LGBT inclusive businesses have been shown to perform better. [Research has shown](#) that inclusive companies attract better talent and decrease employee turnover. Everyone should feel able to be themselves and feel safe at work. It is every employer's responsibility to protect and support their staff from discrimination.

By understanding transgender people and their identities, we can help to remove some of the limitations imposed by gender stereotypes, with a society free to achieve its full potential, without discriminatory social constraints.

Transgender people are often at risk of economic and social exclusion. As the Minister for Women and Equalities recently [stated](#), the Government "want(s) every individual, regardless of their sex, sexual orientation, or gender identity to have the confidence and the freedom to be themselves." Fighting for laws that are more inclusive of people, regardless of their gender identity, will allow them access to their right to health, education, housing and employment and result in equality of opportunity.

## WHAT IS THE PUBLIC'S OPINION ON TRANS INCLUSION?

Attitudes on LGBTQ+ issues are changing for the better. Polling on transgender rights and issues has consistently shown that the public are increasingly supportive of transgender people's right to self-identification and transition. A recent YouGov poll [showed](#) that the majority of the British public believes that transgender people should be allowed to self-identify as another gender from that that which was recorded at birth.



## THE GENDER RECOGNITION ACT (GRA)

The Government has recently responded to the consultation for England and Wales on reforming the Gender Recognition Act 2004, announcing that the process of obtaining a Gender Recognition Certificate will be moved online and the fee will be reduced to 'a nominal amount'. Mermaids welcomes these as a step in the right direction and seeks to continue to work with policymakers towards achieving equality for trans people.

Mermaids believes that the response to the GRA consultation represents an opportunity to facilitate a more constructive conversation around one of society's most marginalised and misrepresented groups. We would like to see the following key changes:

- **We believe all individuals deserve autonomy when stating their gender identity, including non-binary people who are still awaiting legal recognition by the state.**
- **We call for the age at which a trans person can change their gender on their birth certificates to be lowered to at least 16, bearing in mind that people can already change the gender on their passport and driver's licence without a Gender Recognition Certificate at this age and younger.**
- **We believe trans people should be able to change their birth certificates without going through an intrusive and costly medical process to prove who they are.**

## SELF-DETERMINATION AND SINGLE-SEX SPACES

Proposals to allow transgender people to legally self-identify and remove the requirement for medical supervision from the Gender Recognition Act 2004 were met with some opposition. There was a perception that a demedicalised gender recognition process would be used by dishonest men to improperly claim a female identity in order to access female-only spaces, increasing the risk of assault.

However, trans women have been using women's bathrooms for well over a decade (and probably much longer), since the Equality Act 2010, and there is little (if any) evidence that cisgender men misuse the rights of trans people to commit crime. Although in the UK and around the world, many men do perpetrate assaults against women, the offenders are not dishonestly using trans legal protections to facilitate these crimes.

This is further evidenced in countries that already have a gender recognition process based on the principle of self-determination, such as the Republic of Ireland, where no instances of men masquerading as transgender to abuse women in single-sex spaces have been reported. The notion that self-



identification weakens protection of women's spaces contradicts and misrepresents the current law.

Furthermore, when the US state of South Carolina [introduced](#) a 'Bathroom Bill' to force trans people to use the bathroom that corresponded with the gender recorded for them at birth, evidence shows that trans people faced increased harassment when using bathrooms that did not fit with the way they presented and cisgender women experienced interrogation for this too.

In a free and fair society, it does not make sense that law-abiding trans people should be punished and penalised for the actions of cisgender people who commit criminal acts.

## TRANSITION-RELATED HEALTHCARE

Many trans people do not require medical intervention. For those who do, there are three types of physical interventions approved by our National Health Service, of which not all are 'irreversible'.

**Fully irreversible treatments are only currently available in the UK to adults via an adult care pathway and only to those who have made a personal, informed decision to do so.** Mermaids recognises the significance of gender reassignment treatment and believes transgender people should have the same decision-making rights as those who are not trans. **In the UK, the only route to irreversible gender reassignment is through surgery - which the NHS only commissions via adult services to those aged 18 and above.**

**Partially reversible treatments, such as cross-sex hormones, are only currently available in the UK to those who have been on hormone blockers at for least a year and (as described by NHS) are 'around 16 years old'.** They are only prescribed after a thorough period of consultation with a multidisciplinary team of NHS experts over a period of many months and, uniquely, parental support is still sought. In areas of healthcare not related to transitioning, those who are 16 are entitled to [consent](#) to their own treatment without the need for parental approval.

**Fully reversible treatments, such as hormone blockers, are only considered and prescribed to those who have reached 'Tanner Stage 2' of puberty and clinically assessed as experiencing consistent distress as a result of the physical changes taking place in their bodies.**

Hormone blockers are globally considered to be physically reversible treatment, they are never prescribed to a pre-pubescent young person, and are also used as a treatment for early-onset puberty outside of transgender healthcare.



**Mermaids is not calling for any legal change in eligibility for these treatments. We believe that transgender young people should be entitled to the same level of autonomy over their bodies as non-trans people.**

Mermaids would like to emphasise that, whilst for many trans young people, a medical pathway helps to alleviate significant and often harmful distress, for many others, gender affirmation does not involve medical intervention. Access to healthcare is a vital right for trans people, which was recently [endorsed](#) by the British Medical Association. It should not, however, be a criterion for recognition of a person's gender identity or pronouns.

## ABOUT MERMAIDS

Mermaids is a charity that has been supporting trans and gender-diverse young people and their families since 1995.

Mermaids offers awareness raising, training and consultancy to professionals. To arrange a meeting contact Matt, Corporate Fundraising Manager at [matt@mermaidsuk.org.uk](mailto:matt@mermaidsuk.org.uk)

For support with in-house policy work, please contact [policy@mermaidsuk.org.uk](mailto:policy@mermaidsuk.org.uk)

## SUPPORT MERMAIDS

Support Mermaids ongoing work by making a donation [here](#). To discuss fundraising opportunities or corporate donations, please get in touch at [matt@mermaidsuk.org.uk](mailto:matt@mermaidsuk.org.uk).

## GLOSSARY

Some of the terminology used in this briefing may be new to people. Here are some key definitions:

**Cisgender:** someone who identifies as the gender recorded for them at birth

**Transgender:** individuals whose gender identity is different from the gender recorded for them at birth

**Non-binary:** someone who does not identify exclusively as a man or a woman

**LGBTQ+:** this acronym stands for lesbian, gay, bisexual, transgender and queer (or questioning) and others