

The Gender Recognition Bill

*Submission from the Maranatha Community to the
Department of Constitutional Affairs– March 2004*

1. Background

- 1.1 For generations a person's sex has been identified at birth and registered on their birth certificate. This certificate is a legal document which affirms the name and sexual identity of a person. It contains factual statements which can never legitimately be altered at a later date.
- 1.2 The registration of birth confirms the biological fact of gender. Irrespective of any surgery, treatment or acquired name or identity, we remain throughout our lives, chromosomally men or women. It is a medical fact that our basic biological condition is unalterable. An alteration of gender on the basis of choice negates the whole basis of the registration of people as male or female.
- 1.3 The desire of a person to be a member of the opposite sex and to label themselves as such, does not alter this situation. It is beyond dispute that invasive surgery, hormonal 'treatment' and the adoption of the lifestyle of the opposite sex does not in fact affect basic biological makeup. The simple medical truth is that we are biologically incapable of changing our gender.

2. Psychological Problems

- 2.1 It is recognised that a small number of people experience temporary or long-term psychological conditions which give them the desire for gender change. Those suffering from this gender confusion have feelings that they are a "woman trapped in a man's body, or a man trapped in a woman's body". It is recognised that such people need to be treated with great compassion and helped in every possible way. It is, however, wrong for them to be led to suppose that at a certain stage in their life they can discard the gender with which they were born simply by a process of documentation with or without surgery.
- 2.2 Those who have drafted this proposed legislation do not appear to recognise that the transsexual condition is not physical, but solely psychological. The Bill confuses biological facts with disordered feelings. Those who are suffering from mental illness, emotional instability, confusion and disorientation, wrestle with their feelings and imagination. Feelings and imagination are a very poor foundation for law. This Bill, in effect, redefines what it is to be a man or a woman. In fact it seeks to achieve confirmation and public status for feelings which may be irrational and impermanent.

- 2.3 In proposing to legalise what appears to be the falsification of birth certificates, those responsible for this Bill do not appear to have fully taken into consideration the implications of their proposals. For example, what is the situation of the transsexual who, having gone through the process of 'gender recognition' wishes to return to a normal and original condition? What is the legal status of those who are in the process of 'changing sex'?
- 2.4 The confused thinking behind the Bill is illustrated by the suggestion that a father of children, although he has decided to become a 'woman', is still legally the father of his children in spite of the fact that his new and falsified birth certificate implies that he was born female. Similarly, the woman who decides to become a 'man' still remains the mother of the children, presumably with all the attendant legal responsibilities.
- 2.5 The Bill has given scant consideration to the possibility of transsexuals seeking to reverse their situation. In this situation what will be the legal standing of their original birth certificate and their Gender Recognition Certificate?
- 2.6 In this situation, as in all situations where there is a family involved, it will inevitably be the children who suffer as a consequence of the confusion caused by this proposed legislation. Do those who have drafted this Bill see any obligation to provide special help and counselling to children, some of whom will be traumatised?
- 2.7 Whereas the birth certificate is public property, the Bill defines information about a person's application to the Gender Recognition Panel, for gender recognition and a person's gender history as 'protected information'. Anyone who acquires this information in an 'official' capacity and discloses it, will be guilty of a punishable criminal offence. Ironically, the Bill apparently does not seek to prohibit disclosure where the information was acquired in a 'private' capacity. Incredibly, church officials may be fined up to £5,000 for disclosing a transsexual's real sex. This Bill will inevitably lead litigation against churches, which cannot, on moral grounds, accept some of the implications of this proposed legislation. This will place a huge financial burden on society. Church people and the general public are bewildered by the implications of this Bill and particularly by the inevitable confusion, which will be created during the period of transition for transsexuals.

3. The problems of morality

- 3.1 It is widely recognised that one of the purposes of this Bill is undoubtedly to establish the principle of same-sex marriage in which the whole concept of marriage as a union between a man and a woman in life-long covenant relationship will be demolished.
- 3.2 Many people believe that so-called 'sex change' surgery is a desecration of the body and morally unacceptable, but clearly this Bill shows no respect for their

views. Matters of conscience are swept on one side and the Government will make a large number of people vulnerable to very expensive legal action.

- 3.3 This Bill is a direct assault upon the Judaeo-Christian values of our society and upon the concept of the marriage-based family, which is the basic building block of our civilisation.

4. Conclusion

- 4.1 There is no evidence whatsoever of any substantial public opinion seeking this kind of legislation.
- 4.2 It is the direct result of the work of well-organised minority pressure groups who appear to have an influence on Government thinking out of all proportion to their numbers.
- 4.3 This Bill makes a ludicrous and irresponsible effort to re-write the past, to generate pointless and costly litigation and to bring unnecessary confusion.

5. Questions

- (a) The condition referred to as 'gender dysphoria' is not defined in the Bill. What is the working definition of this condition upon which the Bill is founded?
- (b) If 'gender dysphoria' is a clinical disorder, what is the nature of its diagnosis and what is the treatment recommended?
- (c) Reference is made to applicants who have 'lived in the acquired gender throughout the period of two years ending with the date on which the application is made'. What does 'living in the acquired gender' entail? Does it mean e.g. a man pretending to be a woman continuously? Does it mean adoption of a female lifestyle sporadically?
- (d) What steps will be taken to avoid abuse of legislation by those who deliberately practise bi-sexual lifestyles?
- (e) What steps are being taken to deal with applications for a reversal of the chosen lifestyle and the decision of the panel?
- (f) The Bill states 'the fact that a person's gender has become the acquired gender under this Act, does not affect the status of the person as the father or mother of a child'. Does this mean that in law a person can be both a wife and a father?
- (g) How much public expenditure is anticipated per year should this Bill be enacted?

- (h) How many gender recognition certificates are anticipated each year?
 - (i) In view of the small numbers of members of Panels why is there not a stipulation for all decisions to be unanimous rather than taken on a majority vote?
 - (j) In view of the suggestion that the Transsexual Persons Register will not be open to public inspection or search, who will have access to it and on what pre-conditions?
 - (k) What provisions will be made to counsel those children who will inevitably be damaged by the confusion of their parents being involved directly or indirectly with the receiving of Gender Recognition Certificates?
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The Maranatha Community is a movement with 11,000 members across the United Kingdom. It is deeply involved in both a professional and voluntary capacity with issues affecting family breakdown, children and young people in need, and matters such as sexual health, drug abuse and crime.