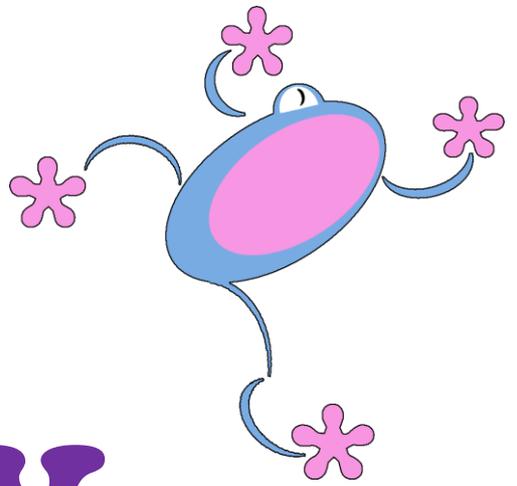


Trans Jersey



A Manifesto for Change 2014



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Foreword by Vic Tanner Davy

Trans* Jersey is a voluntary not-for-profit group formed: to provide support to transgender, transsexual, androgynous, genderqueer, bigender and intersex Jersey residents; to provide information to cisgender islanders, such as employers, healthcare professionals and teachers, who are dealing with individuals who are undergoing, or thinking about undergoing, gender transition; and, to work to ensure that the States of Jersey's legislation and government policies that directly affect the trans* community are appropriate and fit for purpose.

The transgender population in Jersey is very small. It is estimated that about 2-5% of any given population suffers from some degree of gender dysphoria and, of them, only 1 in 12,000 natal males and 1 in 34,000 natal females will transition, although research from the UK shows the numbers of transgender people presenting for medical treatment is increasing by 20% per annum. This figure rises to 50% for young people. This equates to a population in Jersey of about 2,000 to 5,000 people who might consider themselves androgynous, genderqueer or bigender and only a handful of transgender/transsexual people (i.e. those who have undergone, are undergoing, gender reassignment).

Trans* Jersey grew from my own experience of transitioning in Jersey and the immediate need to co-ordinate a response from the island's trans* community to the States of Jersey's consultation paper on sex discrimination legislation, the next phase in the island's anti-discrimination laws. The sex discrimination consultation is the first legislative issue that Trans* Jersey is tackling but there will be more coming up for discussion within the next 12 months, such as equal marriage, and Trans* Jersey will respond to each issue.

The most pressing issue for trans islanders is the lack of a clear pathway into the process of gender care. The island's population is too small to warrant a dedicated team based in Jersey so we are reliant on another jurisdiction's health service. Currently, anyone wishing to transition tends to go to the UK for the specialist treatment required. At present, it is unclear whether any agreement exists between Jersey and the UK to provide the necessary services to islanders. This leaves Jersey's trans population in the dark as to whether they are expected to fund their transition themselves or whether it can be done through the health service. The experiences of those who have transitioned make the situation no clearer as each individual appears to have a different experience.

I would like to thank all those who have come forward to help Trans* Jersey achieve its aims including the trans* community in the island, the healthcare providers in Jersey and UK who are acting as consultants for us, the employment law specialists in Jersey and the UK, and the UK trans* charities who have been through parts of this process already and are acting as our guides and mentors.

Vic Tanner Davy
Founder of Trans* Jersey

(Note: "Trans*" with an asterisk encompasses transsexual, transgender, androgynous, intersex, genderqueer and bigender people, whereas "trans" only refers to transgender and transsexual people.)



Introduction

This manifesto defines the problems faced by transgender, transsexual, genderqueer, androgynous, bigender and intersex Jersey residents in 2014 and explains what actions we intend to take to address these issues.

Trans* Jersey believes that the island's trans population is being patchily served by GPs and the States of Jersey Health and Social Services ("H&SS") Department. This is due to the lack of clear guidelines for healthcare professionals working with trans patients. Individual clinicians within the H&SS Department are not seen to be at fault and, once the H&SS Department has been accessed, experiences of care have been good to excellent, largely through the efforts of the clinician acting on their own initiative. However, the initial route into healthcare for trans patients is unclear. The evidence suggests that the quality of healthcare provided is also influenced by the tenacity and perseverance of the trans individual being treated.

Trans* Jersey supports the calls by trans* organisations in the UK that the process for procuring a gender recognition certificate ("GRC") needs revision. The Gender Recognition (Jersey) Law 2010 allows for a GRC from a recognised jurisdiction to be passed in the Royal Court. Any revisions that happen to the UK Gender Recognition Act 2004 as a result of the consultation happening with trans* organisations will, therefore, directly affect trans islanders. At present, Jersey has no mechanism by which to issue a GRC. However, this may change if trans* organisations within the UK are successful in calling for the Gender Recognition Act to be scrapped and for the issuance of a GRC to be an administrative process driven by the trans individual.

Trans* Jersey is committed to ensuring that all States of Jersey legislation that directly affects trans* islanders is scrutinised and responded to on behalf of the Jersey trans* community in order to safeguard our human rights. Trans* Jersey is currently preparing a response to both the States of Jersey consultation on sex discrimination and the imminent debate on equal marriage. Trans* Jersey will also be reviewing all legislation in force to ensure that there are no revisions that need to be called for.

Trans* Jersey believes that equal marriage legislation is essential to ensure that trans islanders are not discriminated against, and that any equal marriage law introduced in Jersey should not contain the so-called Spousal Veto. Trans islanders who are married or in a civil partnership at the time of their transition have no option currently but to get divorced before they can acquire a full GRC. On the granting of a full GRC, the couple may formalise their partnership again by having another wedding ceremony. This situation is patently in violation of all human rights.

Trans* Jersey believes that education is the key to many of the issues faced by trans* individuals in society and is therefore committed to providing opportunities and resources to cisgender islanders in order that they can learn more about the trans* population. In the coming months, Trans* Jersey will be seeking conversations with private schools and the States of Jersey Education, Sport and Culture ("ES&C") Department about including trans* issues within the sex education curriculum.

These are not the only issues faced by trans* individuals in Jersey, but they are the most important ones to be addressed. We are a small group with no financial backing. This manifesto is, therefore, necessarily realistic in its aims. It is not possible to hit all targets at once so we are being selective. Once progress has been made on these issues, we can turn our attention to other areas where reform is needed.



A pathway to care

To map the current pathway to care for trans* islanders and to produce a document that can be used by GPs when managing a patient's transition.

- Consult with GPs to understand their need for a clear pathway;
- Consult with States of Jersey psychiatrists to understand their need for a clear pathway;
- Consult with NHS clinicians to understand the process of UK publicly funded care;
- Draw up a document, to be agreed by the States of Jersey H&SS Department, that details the options for healthcare available to trans* islanders in Jersey and in the UK;
- Circulate the document to States of Jersey H&SS Department clinicians and the island's GPs.

At present, there is a lack of clear guidance available to healthcare professionals working with trans* patients. Individual clinicians within the H&SS Department appear, largely, to be acting on their own initiative with no common standard of gender care. This has not been a problem so far, and trans islanders state that their care through the health service has been good to excellent. However, this is not always the case with GPs in private practice who, lacking information on the initial route into healthcare for trans* patients, do not know where to refer patients.

It is thought that some work may have been done on this issue by psychiatrists working within the health service in Jersey but no document appears to have been made public yet or provided to GPs regarding the route into care.

By documenting the pathway to care, Trans* Jersey will help to create equal access to healthcare for all islanders who wish to transition. It will no longer be the case that only those who are the most tenacious or able to pay for treatment succeed in gaining access to the services they need.

In providing this information in a clear form to GPs and States of Jersey H&SS Department clinicians, Trans* Jersey will also start to create a handbook of best practice when dealing with trans* cases. This will help to bring all GPs and States of Jersey H&SS Department clinicians up to a uniform standard of care.

Clarifying the route into publicly funded care will assist trans* patients and their healthcare providers in the management of their transition. At present, the choice of options is not clear and trans* patients tend to be sent down the route that is most familiar to the person they consult with first. There is a lack of awareness that alternative paths to care exist.

In undertaking the exercise to map the current pathway, unsatisfactory elements of the trans* healthcare provision in Jersey may become apparent. Although it is not the intention of Trans* Jersey to address any shortcomings in the first instance, any data collected will be essential in identifying areas of concern that need improving. Problems with the healthcare being provided to trans* islanders will be addressed separately by Trans* Jersey in the future.



A pathway to gender recognition

To support calls by trans* organisations within the UK to remove the Gender Recognition Act 2004 to make the procuring of a gender recognition certificate (“GRC”) a simpler process.

- Monitor the progress of the Trans Manifesto presented to the UK government by the LGBT Consortium;
- Lend Trans* Jersey’s support to those UK trans* organisations calling for the removal of the Gender Recognition Act 2004.

The process by which a GRC is conferred upon a trans individual is degrading, patronising, expensive and protracted. For this reason, trans* organisations in the UK are calling for the Gender Recognition Act 2004 to be removed from the statute books. They are not calling for the abolition of GRCs or the protections that these provide to trans individuals.

It is desired that the application for a GRC would become a self-referring action, in the same way as a trans individual can amend their driving licence and passport, and that the protections a GRC affords would be covered with an amendment to an existing act, such as the Equality Act.

If successful, these changes will directly affect Jersey trans population who, having no means to obtain a GRC in Jersey, predominantly, apply to the UK for their GRC. It is for this reason that Trans* Jersey supports the aims of the coalition of UK trans* organisations.

Should the UK groups be successful in their aims, Jersey may need to consider whether its Gender Recognition (Jersey) Law 2010 is fit for purpose. There is an argument to say that, if the UK becomes self-referring for the purposes of issuing GRCs, Jersey could do the same. Without the need for a panel of experts to assess an application for a GRC, Jersey would have no barrier to issuing its own GRCs. It should be noted that Jersey’s current legislation, allowing a GRC from an approved jurisdiction to be passed through the Royal Court, would still be valid in the event that the UK Gender Recognition Act is abolished.



No discriminatory legislation

To ensure that all States of Jersey legislation that directly affects trans* islanders is scrutinised and responded to on behalf of the Jersey trans* community in order to safeguard our human rights.

- Respond to the States of Jersey consultation paper on sex discrimination legislation;
- Get involved in the focus groups to draft the sex discrimination legislation;
- Undertake a review of all legislation in force in Jersey to ensure that there are no revisions that need to be called for.

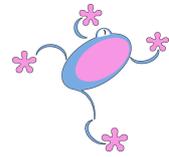
Trans* Jersey is currently preparing a response to the States of Jersey consultation on sex discrimination. There are a number of areas in the white paper that cause concern:

1. The adoption of the UK Equality Act as the model on which to base Jersey's legislation. This Act has been in place for 4 years in the UK and campaign groups have highlighted a number of problems with it. The LGBT Consortium have called for a review of it and the Gender Recognition Act.
2. The language used in the document's section on gender reassignment especially when talking about a person "completing" their transition.
3. The suggestion within the consultation that an exception should be made to permit discrimination against trans* people to occur in the case of "the provision of communal changing facilities or shared accommodation".
4. The confusion of the term "sex" with "gender" throughout. Man/woman refers to a person's gender. Male/female refers to person's sex.
5. The assumption that there are only two sexes or genders.

Trans* Jersey is not aware that there is any legislation on Jersey's statute books that is discriminatory towards the trans* community. However, there can be some clauses within law that unintentionally discriminate against the trans* community through their assumption of a binary gender. It is, therefore, worth undertaking a review of current legislation to ensure that clauses, such as Section 76 of the UK's Sexual Offences Act 2003, where a trans* individual can be prosecuted for obtaining sexual intimacy by fraud if they do not first declare their trans* history before intimacy occurs, are not in existence in Jersey law.

Trans* Jersey also wishes to discover whether Jersey has the same anomaly as the UK in the use of the "X" marker for passports and birth certificates. Currently, the UK passport office has the option of using the "X" marker to denote someone of a non-binary gender but refuse to use it. It is unclear whether the States of Jersey Customs and Immigration Service also have this option but choose not to exercise it.

Should any legislative discrimination be found, it will be addressed separately by Trans* Jersey in the future.



Equal marriage

To support the calls to bring in equal marriage legislation in Jersey and to ensure that it does not contain the Spousal Veto.

- Support those groups calling for a debate on equal marriage;
- Monitor the progress of the debate on equal marriage;
- Respond to any States of Jersey consultation paper on equal marriage legislation;
- Get involved in any focus groups to draft the equal marriage legislation.

Trans islanders who are married or in a civil partnership at the time of their transition have no option currently but to get divorced before they can acquire a full GRC. On the granting of a full GRC, the couple may formalise their partnership again by having another wedding ceremony. This situation is patently in violation of all human rights because the trans individual is being asked to sacrifice one human right for the acquisition of another.

Not only is divorce costly, the cessation of a marriage or civil partnership also has implications for the continuance of legal documents such as wills, insurance policies and pension plans.

When England introduced the Marriage (Same Sex Couples) Act 2013, they got it wrong. They included what has come to be called the Spousal Veto, a clause that allows the spouse of the trans person to effectively stop them from legally transitioning (i.e. acquiring a GRC).

The Spousal Veto does not exist within Scotland's Marriage and Civil Partnership (Scotland) Act 2014 and Trans* Jersey are therefore advocating that, when Jersey brings in its own version of the Marriage (Same Sex Couples) Act, it follows the example of Scottish law.



Educational inclusion

To educate the island's population about trans* issues and to seek to get trans* issues included on the sex education curriculum.

- Continue to seek out media opportunities to speak about trans* issues;
- Develop a series of workplace courses that can be run in conjunction with a training partner;
- Consult with private schools and the States of Jersey Education, Sport and Culture ("ES&C") Department to find out what is currently included in the sex education curriculum;
- Develop a series of workshops suitable for taking into schools.

The level of ignorance and misinformation about trans* people is widely acknowledged to be high. This leads to transphobia within the cisgender population, which leads directly to the unacceptably high rates of harassment and violence that trans* people experience throughout the world.

Because the percentage of trans* people within a given population is always small, it has been difficult to rectify this situation. However, as a result of the advances in gay rights, trans* rights are now becoming a priority for well-established LGBT groups. This means that, finally, the trans* voice is being heard. Trans* Jersey is part of that movement to educate.

The majority of people may not know, or may not think they know, a trans* person. Trans* issues are, therefore, going to be unfamiliar to them. This is a problem for trans* individuals going about their daily lives. Something as simple as shopping for groceries can be a source of intense embarrassment for someone in transition should the cashier decide to question the fact that the gender on the person's credit card does not match the gender they are presenting.

Workplace education is essential to ensure that all employers and employees understand how to deal with a trans* customer or employee and become familiar with the correct way to handle trans* issues. This will be even more important with the introduction of sex discrimination legislation in September 2015.

The numbers of young trans* people presenting for medical treatment is increasing by 50% per annum. Not everyone who presents transitions and it is not Trans* Jersey's intention to persuade anyone, young or old, to transition. So, it is vital that young people are equipped with the facts about trans* issues. Adolescents need answers to questions such as: What does or does not make someone trans*? Where should you go for help if you are questioning your gender? What is the difference between being trans* and being gay? Do you have to transition or can you just be genderqueer? Parents and teachers, too, need answers to concerns they may have about whether a child, who plays in a way traditionally associated with the opposite gender, is trans* and whether they should seek help with the issue.

Whether a young person is seeking to transition or whether they are classmates with someone who is transitioning, they need to understand what transitioning means and, perhaps more importantly, what it does not mean. By educating the next generation about trans* issues, you improve the lives of their trans* peers and put in place a less transphobic society for the future.

Trans* Jersey will, therefore, be seeking conversations with private schools and the ES&C Department about including trans* issues within the sex education curriculum.



Summary: the to-do list

To achieve the aims laid out in this manifesto, Trans* Jersey proposes to do the following:

- Consult with GPs to understand their need for a clear pathway;
- Consult with States of Jersey psychiatrists to understand their need for a clear pathway;
- Consult with NHS clinicians to understand the process of UK publicly funded care;
- Draw up a document, to be agreed by the States of Jersey H&SS Department, that details the options for healthcare available to trans* islanders in Jersey and in the UK;
- Circulate the document to States of Jersey H&SS Department clinicians and the island's GPs;

- Monitor the progress of the Trans Manifesto presented to the UK government by the LGBT Consortium;
- Lend Trans* Jersey's support to those UK trans* organisations calling for the removal of the Gender Recognition Act 2004;

- Respond to the States of Jersey consultation paper on sex discrimination legislation;
- Get involved in the focus groups to draft the sex discrimination legislation;
- Undertake a review of all legislation in force in Jersey to ensure that there are no revisions that need to be called for;

- Support those groups calling for a debate on equal marriage;
- Monitor the progress of the debate on equal marriage;
- Respond to any States of Jersey consultation paper on equal marriage legislation;
- Get involved in any focus groups to draft the equal marriage legislation;

- Continue to seek out media opportunities to speak about trans* issues;
- Develop a series of workplace courses that can be run in conjunction with a training partner;
- Consult with private schools and the States of Jersey Education, Sport and Culture Department to find out what is currently included in the sex education curriculum;
- Develop a series of workshops suitable for taking into schools.



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