

The Gender Recognition Bill

Summary

- The Bill allows a man to become a woman in law (and vice versa).
- It allows two biological men to legally marry each other.
- It gives enormous scope for legal action against churches and Christian employers.
- Sporting bodies are to be given sweeping exemptions from the Bill, but religious bodies are not.
- It makes telling the truth about a transsexual's original sex a criminal offence punishable by a £5,000 fine.
- It does nothing to help transsexuals face the reality of their problem – which is psychological *not* physical.

Transsexual facts

- Transsexuals are biologically normal, but believe themselves to be 'trapped in the wrong body'.
- Transsexuals are different from 'inter-sex' individuals, whose sexual organs are ambiguous at birth (this is virtually unknown – one study shows fewer than 4 cases per year worldwide¹). In contrast a transsexual's body is perfectly normal.
- A transsexual man will have XY chromosomes just like other men.
- Transsexualism is rare amongst men and even rarer in women. In the NHS year 2001/02 there were 89 'sex change' operations performed, all of them on men.²
- Transsexualism is a psychological, not a physical condition. The evidence for this is overwhelming.³
- According to the Home Office, "Many people revert to their biological sex after living for some time in the opposite sex..."⁴
- Some 'sex change' surgery and hormone treatment can look extremely convincing.

Legalising same-sex marriage

- Under the Bill, transsexuals will be able to change the sex recorded on their birth certificate. They will be given a new certificate.
- This will mean that a man is, according to the law, a woman.
- This will allow a biological man (with a new birth certificate showing him to be a woman) to marry another man, creating same-sex marriage and fundamentally undermining the status of marriage.

Suing churches and religious employers

- Christians believe that sex is determined by God before birth. Once determined it cannot be changed. The Bill therefore creates considerable ethical problems for churches.

- Under the Bill, church ministers have no right to see original birth certificates. They no longer have the right to know whether the individual they are marrying, baptising or admitting into church membership is a transsexual.
- Transsexuals have already made legal threats and even taken court action against churches. Under the Bill this will be much easier. A transsexual could combine the provisions of this Bill with the Human Rights Act to sue a church. The Bill offers churches and religious employers virtually no protection.
- Registrars who oppose marrying a transsexual could lose their job if they refuse to do so.

A criminal offence to tell the truth

- Once a transsexual has a gender recognition certificate there will be Soviet-style secrecy thrown over the person's true sex. A maximum fine of £5,000 is the penalty for anyone in an official capacity (such as a church minister) who discloses the individual's true sex to another person.

European Court of Human Rights

- The Government claims it has to change the law because of rulings in Europe.
- In July 1998 the European Court of Human Rights in Strasbourg judged that UK law did not breach a transsexual's right to privacy or to marriage.⁵ Then in July 2002 – just four years later – it found that UK law did breach those rights.⁶
- The Gender Recognition Bill goes a long way beyond any legal ruling given by Europe. In any case the Government has already ignored two other precedents from Strasbourg.

'Sex change' operations

- A painful, irreversible operation can never deal with a psychological problem.
- 'Sex change' operations are highly controversial amongst medical professionals. In a letter to the *Daily Telegraph*, eight medics from the world-renowned Portman Clinic warned, "Unfortunately, what many patients find is that they are left with a mutilated body, but the internal conflicts remain."⁷

Changes needed to the Bill

- All church ministers and registrars need the legal right to refuse to conduct a wedding service involving a transsexual.
- Churches and religious organisations need clear legal protection from future legal actions by transsexuals, including the right not to employ them.
- Church ministers need access to the original birth certificates of all candidates for marriage, membership, ordination or employment.
- They also need a right to disclose a person's true sex for important pastoral reasons.

A fuller briefing is available from The Christian Institute website (www.christian.org.uk)

¹ van Niekirk, W A, 'True Hermaphroditism', *Am. J. Obstet. Gynecol.*, 126(7), 1976, pages 890-907

² House of Commons, Hansard, 26 February 2003, col. 616w

³ *Transsexuality- a report by the Evangelical Alliance Policy Commission*, 2000, page 22

⁴ *Report of the Interdepartmental Working Group on Transsexual People*, Home Office, April 2000, paragraph 5.1, page 25

⁵ Case of Sheffield and Horsham v. the United Kingdom, 31-32/1997/815-816/1018-1019, Judgment, Strasbourg, 30 July 1998

⁶ Case of Christine Goodwin v. the United Kingdom, Application no. 28957/95, Judgment, Strasbourg, 11 July 2002

⁷ *Daily Telegraph*, 15 July 2002