

Feminist Think Tank UK

Questions

1 Do you have any comments on the proposal that applicants must live in their acquired gender for at least 3 months before applying for a GRC?

Yes

If yes, please outline these comments.:

Firstly we reject the idea of living as an acquired gender. As women the only thing we have in common is our biology. There is no feeling, costume or essence that define us as women. The world over women and girls are oppressed on the basis of our sex alone. We find the idea that a man can legally appropriate that oppression and the few special exemptions designed to mitigate it abhorrent. We are dismayed that the Scottish government want to make this easier and more open to the abuse we have seen time and again.

In relation to the specific timescale we feel that 3 months is not enough time. The NHS say that a diagnosis of gender dysphoria is made after a thorough assessment over several months. This would not be possible in a 3 month period and it would not be advisable. Adolescents would be at particular risk from this shortened timescale, their brains and lives are often going through huge changes, and we have seen so many heartbreaking cases of transition regret that we feel a two year period gives time for reflection on what is a potentially life limiting decision.

2 Do you have any comments on the proposal that applicants must go through a period of reflection for at least 3 months before obtaining a GRC?

Yes

If yes, please outline these comments.:

We believe the proposed timescale is far too short. Obtaining a GRC has huge ramifications not only for the person but for everyone in their 'acquired gender'. We, along with many women and men are deeply disturbed by the idea of natal men accessing women's services and spaces. By shortening the timescale you are further reducing any barriers we have to predatory men identifying as women in order to access them. We would suggest a much longer period of reflection for people to consider why exactly they need to obtain what amounts to a legal lie in order to feel validated in their gender identity. We do not subscribe to the idea that gender identity exists and so do not welcome natal men into the few exceptions we get as women aimed at mitigating our oppression.

We have also been dismayed at the number of young lesbians who have gone through transition - influenced by Internet pressure and are now suffering health problems as a result of their transition. A shorter period will be disastrous for adolescents, and prohibit them from getting the mental health support they so often need (there is a high incidence of eating disorders and autism in young girls

transitioning) and due to the irreversible treatment these young people are embarking on- which will be legitimised by a GRC - may amount to sterilisation and early death of lesbians and gay people.

3 Should the minimum age at which a person can apply for legal gender recognition be reduced from 18 to 16?

No

If you wish, please give reasons for your view.:

Young people who wish to be the opposite sex are frequently placed on an experimental medical pathway which leads to loss of sexual function, infertility, and lifelong medication. Current research shows that, for the vast majority of children, these feelings of gender dysphoria resolve with maturity. The causes for both the rapid increase in children seeking medical help and detransitioners (those who return to their original sex having been through the medical route) needs to be investigated before any law change extends the right to legally change sex to young people.

In Scottish law a 16 year-old is not permitted to buy or consume alcohol, buy cigarettes, buy or possess fireworks or get a tattoo and yet they are deemed mature enough to make a statutory declaration that they “intend to continue to live in their acquired gender permanently.” A tattoo is a body modification for life. Taking testosterone has much more serious and irreversible life-long consequences. The government should not be encouraging adolescents to cement their beliefs about their identity at an age when identity is still forming, especially not when their beliefs may lead to lifelong medicalisation with physical and psychological effects they are not equipped to fully understand.

The Scottish government must recognise young people are bombarded with the message that medical transition is as simple as changing clothes and pronouns and that accessing blockers and hormones is ‘life saving.’
<https://www.bbc.co.uk/news/av/health-51698261/gender-transitioning-saves-lives-says-charity-chief>

Young people may be encouraged to access hormones from online sources if application for a GRC is no longer dependent on a diagnosis of gender dysphoria and no evidence from a medical professional is required. The consultation document states: “The draft Bill does not affect the professional responsibilities of those offering treatment and support to those distressed or concerned about their gender identity, nor does it otherwise affect the right to access such services in Scotland.”

We believe there would be a significant impact on clinicians and medical professionals. If a young person has legal status as the opposite sex and a diagnosis of gender dysphoria is no longer required, does the NHS become an on-demand service providing cosmetic procedures to young people who simply want to change their bodies, even if the professional considers it to be the wrong decision? A 16 year-old girl with a birth certificate which states that she was born male, or a 16 year old boy with a birth certificate stating that he was born female, are putting themselves at risk in general healthcare services. No legal change should be

contemplated until the NHS sorts out its confusion between sex and gender in the way it collects personal data.

4 Do you have any other comments on the provisions of the draft Bill?

Yes

If yes, please outline these comments.:

We are in agreement with For Women Scot that the Bill should be rejected in its entirety as the consultation paper (section 2.13) states our current legislation fully meets European law and there is no requirement for it to be reformed.

Women experience disadvantage in so many areas of life, we can only try to mitigate this disadvantage if we can correctly identify it. GRCs make any data collected unreliable - a 50 year old man who has enjoyed male privilege suddenly becoming a woman will skew average earnings, career progress and pension pot. An increase in GRCs will falsely show male privilege in women's oppression, as well as falsely increase the number of violent crimes attributed to women. That the government are backing this is a betrayal of women.

Further we are exceptionally concerned that the bill will further damage the ability for service providers to exclude natal men from women's services. We seek clarification that the government intends to uphold the single sex exemptions for biological females.

5 Do you have any comments on the draft Impact Assessments?

Yes

If yes, please outline these comments.:

The Impact Assessments have not been completed correctly and should be reviewed. This bill will affect women negatively, and as a protected group under the equality act, this should have been highlighted and actions planned to mitigate the negative impact.

Young women in education will face risk from having to share accommodation and facilities with natal young men. Current safeguarding guidelines require single sex provision in schools.

Women of all ages face risk when natal men are able to access toilets, changing rooms. We know this from covert filming ending up on online porn sites. Women in prison face risk when natal men are allowed into women's prisons. There have been notable cases of harm.

Women who have survived male violence are at risk when natal men are allowed to enter refuges. Aside from the risk of abuse, the mere presence of a natal man is traumatic for these women.

These repercussions are widely known, so to suggest that there is no impact on women is at best disingenuous and a serious dereliction of duty to protect women.