

## TransActualUK

### 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.:**

The requirement for evidence of having lived in the acquired gender for two years is not fit for purpose - the evidence supplied by applicants doesn't reflect this, it reflects the name and title that they use with a range of organisations and says nothing about how they live their day to day life. It's an unnecessary burden.

Additionally, someone is no less trans two years into their transition than at the start of their transition. Trans people are able to change the gender marker on their medical records straight away and this should be the same for all other areas of their life. Living in limbo for two years or more is another unnecessary burden.

We would prefer trans people to be able to access legal gender recognition without the requirement to "live in their acquired gender" as this insinuates a stereotyped assumption of how men and women should dress and behave. We reject the gender stereotypes because of their negative impact on people of all genders. We don't believe that the Scottish Government should insist that trans people are bound by gender stereotypes.

**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 would prefer to see a one month period of reflection. Three months is arbitrary and is not deemed necessary in other areas of trans people's lives such as changing their NHS records, work personnel records or their legal name.

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

Yes

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

We welcome the move to allow 16 and 17 year olds access to legal recognition, but are disappointed to see that under 16s won't be able to obtain legal recognition at all. We propose that under 16s ought to have access to legal recognition with parental consent. As discussed below, under 16s without access to legal gender recognition

will continue to be placed at risk of transphobia by having documents that don't match their identity.

We welcome the news that you intend to offer guidance and support for schools with regards to trans children and young people.

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

Yes

##### **If yes, please outline these comments.:**

We welcome the move to a system of statutory declaration and the removal of the spousal veto.

It is important to recognise that non-binary people ought to have access to legal recognition, as this step would not only allow non-binary people access to self-determination (in line with the recommendations in Living Free and Equal) but also because it would help to break down some of the social stigma and discrimination faced by non-binary people in Scotland.

We agree that it should be a criminal offence to make a false declaration.

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

Yes

##### **If yes, please outline these comments.:**

Annex G does not sufficiently address the impact that lack of legal gender recognition will continue to have on under 16s. Children and young people do sometimes have to present their birth certificate as proof of ID, especially if they don't have a passport. Being required to produce their unchanged birth certificate means that they are placed at unnecessary risk of transphobic discrimination.

The fee must be significantly reduced or removed altogether so that nobody is left at a disadvantage. Due to discrimination and other barriers, trans people often struggle financially. The expenses associated with transition are often high (cost of prosthetics, travel to gender identity services, time on statutory sick pay whilst recovering from surgery) so a trans person's salary might not reflect their financial reality.

We were pleased to see the EQIA acknowledge that the reforms to gender recognition will have no impact on the provisions in place under the Equality Act. We welcome the statements which acknowledge that trans women as a subsection of the community pose no greater threat to other women than other members of society. We also welcome the acknowledgement that there is no evidence reforms to the act will have any impact on the behaviour of men with malicious intent.

It is important to also highlight that trans people who transition do not do so because they were unhappy homosexuals, they transition because they are transgender. It is also important to acknowledge that the majority of LGB people are supportive of trans rights.