

Chronic Sex

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.:

There is no evidence to suggest that trans people who are applying for a GRC to update the gender on their birth certificate need to wait any longer to be “sure”. There is no requirement trans people “live in their acquired gender” to change the gender marker on their other ID documents, so this requirement creates an arbitrary and unnecessary three-month gap between changing the gender marker on a birth certificate and any other ID document.

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.:

As with question one, there is no evidence to suggest this arbitrary requirement – that trans people be forced to wait three months after their initial application before confirming they wish to continue with it – is necessary. Trans people who’ve reached the point of applying for a GRC have already spent a long time thinking about their gender identity. There is no need to make us wait any longer.

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.:

I support the proposal to lower the age at which trans people can get legal gender recognition to 16. Sixteen and 17-year-olds in Scotland can marry, be employed, vote, and be held legally responsible for their actions. It follows that they should be able to change their birth certificate to reflect who they are. People under the age of 16 in Scotland can already update their gender marker on their school records, medical records and passports. Young trans people under the age of 16 should also be able to change the gender marker on their birth certificate – this protects their privacy, as having a birth certificate (which is needed to apply to university and enter school examinations) with the wrong gender outs you as trans.

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

Yes

If yes, please outline these comments.:

Non-binary people currently have no legal gender recognition in Scotland – we must go further with the proposed reforms and recognise that non-binary people exist, are valid, and should have the same right to documents that accurately reflect their gender as everyone else. The Gender Recognition Bill is not a success while it leaves non-binary people out.

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

Yes

If yes, please outline these comments.:

The Scottish government published the impact assessments alongside the draft bill in December 2019. The Scottish government's assessments flatly rejected claims that gender-recognition reform would impact women's rights or present a risk to single-sex spaces.

The Gender Recognition Bill (Scotland) only covers how the gender marker on transgender people's birth certificates is changed, which impacts on trans people's privacy when getting married, getting a job or applying for a pension, and how trans people are recognised when they die.