

Foreningen for kjønns- og seksualitetsmangfold and the Norwegian Patient Group for Gender Incongruence

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.:

Answering as an employee for FRI, the national Norwegian organisation for LGBTQIA rights, 3 months living as one's acquired gender seems unnecessary. 3 months may seem shorter given the current waiting period of 2 years but we strongly encourage the Scottish Government to see the transgender community as a group of individuals going through shared similar experiences than a monolith group. One person may have already self-imposed a waiting period on themselves out of caution whereas another may suffer additional dysphoria and anxiety because of it. In addition, the reasoning behind a period of reflection is rooted in thinking that transgender identities are a symptom of mental illness, that our sense of identity is mercurial or precarious. The depathologisation of gender dysphoria in 2019 reinforces that this is not the case. If anything, most transgender people have already gone through lengthy periods processing who they are and what is right for them. Additionally, having to document this process for the benefit of both individual and state adds to unnecessary bureaucracy.

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.:

3 months of living as one's acquired gender with an additional 3 month reflection period seems like a more palatable attempt to say that transgender people must wait 6 months. Once again, I would implore the Scottish government to consider the transgender community as a group of individuals going through shared similar experiences than a monolith group. One person may have already self-imposed a waiting period on themselves out of caution whereas another may suffer additional dysphoria and anxiety because of it. Once again, I would like to call attention to how the reasoning behind a period of reflection is rooted in still thinking of transgender identities as a symptom of mental illness, that our sense of identity is mercurial or precarious. The depathologisation of gender dysphoria in 2019 reinforces that this is not the case. If anything, most transgender people have already gone through lengthy periods processing who they are and what is right for them.

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.:

This is something that makes little sense considering Scots law states two people can marry at 16, begin to work full-time, leave home and school, in some cases begin university, or vote in the Scottish Parliament elections. It is contradictory that a 16-year-old be trusted with such measures of responsibility, but not with this. In Norway, the minimum age stands at 16-years-old, with a guardian's permission if younger. We feel this reflects our laws and the responsibilities already given

to citizens at this age.

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

Yes

If yes, please outline these comments.:

One point where both Norwegian and Scottish transgender rights campaigners agree upon but where our respective governments have failed to make provisions for are the rights of non-binary people to legal recognition. This is something that the transgender community in Norway continues to lobby for. We believe it is necessary to put in place not only for the benefit of non-binary nationals, but because we believe it is simply a matter of time before this becomes due process, given the growing number of countries turning towards a third-gender option in official documentation. It would send a strong message to the world if Scotland was to take this step towards equality and show that transgender issues are to be met with respect and empathy.

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

Yes

If yes, please outline these comments.:

The comparatively easier way of changing legal gender in Norway has greatly improved the quality of life for most transgender people. From 1963 to the 1st July 2016, circa 500 people changed their legal gender in Norway owing to mandatory sterilization. Between 2016 to the first quarter of 2019, 1185 people have changed their legal gender. That's more than 1000 people in 3 years compared to 500 in 50 years. As one of the first country's in the world to change to a model of self-determination, Norway is often held up as an example to others. Considering that the Norwegian population stands at circa 5.36 million to Scotland's 5.47 million, I feel we have a great model for comparison.

FRI can also say that, to our knowledge, this change in policy has not impacted on anyone's safety or rights when accessing single-sex services in Norway.

Transgender people have found it affirming when able to use the single-sex services that match their acquired gender. There have been no incidents within Norway where transgender people have been reported harassing anyone else while using those spaces. Unfortunately, there is at least one instance where a transgender person has found themselves on the receiving end of harassment or violence for accessing single-sex spaces.