

Edinburgh Frontrunners

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.:

Members' experiences show that people take years (often decades) of thought to get to the point of making major changes such as coming out or changing names/pronouns/presentation etc. The GRC is usually later in this process, by which time they have been living with the effects for some time, and we know the social costs of this process can be significant. Most trans people will have been living in their acquired gender for years and a GRC application is often the last piece of documentation to be aligned.

This proposal also suggests a requirement for evidence, which is inherently subjective. There is no one way to be a man, or woman, or non-binary person, and to insist on proof assumes a level of gender stereotyping that is harmful.

Members' experiences of gender are extremely varied: as a club EFR works constantly to break down all stereotyping, particularly of gender. Women and men come in thousands of different sizes, shapes, presentation styles etc. and no group knows this better than the LGBTI+ community. For example, at present, non-binary people make up 12% of our membership, use 8 different ways of describing their gender, and use many different combinations of pronouns. What evidence could work in every case? Evidence is subjective, and often subject to opportunity. It costs money and emotional energy to acquire a new wardrobe of clothing to represent a different gender, or change hairstyles, or get names changed on passports, driving licences etc. Trans people are more likely to be subject to health and poverty issues that prevent them holding driving licences or passports in the first place, and may restrict the choice of other IDs they have access to.

We oppose the requirement for evidence on the basis of subjectivity and opportunity, and the 3 month period is superfluous in the context of lived experience and life journeys and implies a lack of trust in trans people to know their own identity.

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.:

A period of reflection suggests that people will make applications without adequate thought, and that the process does not trust them to know their own minds.

This is patronising and unnecessary, and reinforces the stigma and pathologisation of their identities.

Periods of reflection are not required for similarly significant documentary changes, so requiring one here would imply trans people are less competent to know their own identities than other people.

The longer trans people are forced to live in partial transition, the greater the risk of them being put in unsafe situations where they are forced to out themselves when showing documents that disagree on their gender or with their presentation. At Edinburgh Frontrunners we have always worked on the principle of self-ID.

We believe that the individual knows their body and gender better than anyone else, and no-one else has the right to contradict them, whether verbally or with documents

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.:

The age of responsibility for most major life decisions in Scotland is already 16, and there is no sensible reason not to bring Gender Recognition into line with things such as marriage, voting, joining the armed forces, and changing their legal name; and many Scottish students start university before 18. It would make some people's lives a lot easier if they could have their gender legally recognised at the same time as embarking on major phases of their lives, so they are not forced to out themselves or delay life stages, purely because of outdated age rules.

Edinburgh Frontrunners is only open to people of 18 and over (or under 18s when accompanied by a parent or guardian) and we operate on a self-declaration basis anyway, but some members' experiences show that early recognition of true gender is important for mental health reasons and simplicity of documentation.

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

Yes

If yes, please outline these comments.:

This draft of the Bill fails to make any provision for the inclusion of non-binary people, and Edinburgh Frontrunners are hugely disappointed by this. We have been pioneers in including non-binary people in running and we urge Parliament to reconsider their decision to exclude non-binary people from this Bill.

The Edinburgh Frontrunners Constitution states that the Objects of the club are:
-to promote health and wellbeing through running among LGBTI+ people, regardless of race, religion, age, nationality, sex, gender, gender assignment, gender

identity and expression, sexual orientation, physical ability, disability, marriage or civil partnership status, or political or other opinion (except where expression of that opinion incites discrimination, hatred, or violence);

-to combat discrimination, homophobia, and transphobia in sport, and to encourage LGBTI+ involvement in the sporting and local community; and

-to organise members' participation in running competitions and social activities.

The club will always strive to achieve these Objects regardless of the current state of Gender Recognition systems in Scotland (and anywhere else our members race), but we know it makes a difference when our members are able to take part freely in their true identities, and when organisers state that LGBTI+ people are welcome at their events and to enter in the category that best matches their identity.

Binary trans people have long suffered discrimination in sport due to imperfect or obstructive rules at high levels of competition, even though their aim was always to ensure fair competition within sex categories. Even though the majority of our members have no aspirations to compete at international level, the stigma that results from such rules does trickle down to races at all levels, and attitudes of race organisers and other participants at all levels of competition (including fun runs). Running is generally an extremely inclusive environment, but every legal or societal step forwards to full inclusion makes our Objects easier to achieve, and has our support.

The club has several non-binary members, who until recently were forced in all races to enter under the binary system, choosing male or female in the gender category (despite these being sexes not genders). This erases non-binary people and makes them feel invalid and excluded, and is still the case in the majority of races and forms, despite recent progress. There are inevitably mental health implications of this, and it can put non-binary people off entering races, or taking up sport in the first place.

Edinburgh Frontrunners have therefore worked towards non-binary inclusion in running. We were involved in the meeting with ScottishAthletics when the decision was taken to pursue non-binary inclusion in ScottishAthletics rule changes, and we were privileged to organise the first race to hold a ScottishAthletics permit that included the non-binary category (Edinburgh Frontrunners' Pride Run 2017). There were several unofficial inclusions beforehand that demonstrated the need for the rule change, to whose organisers we are indebted.

The intermediate rule change promoted by ScottishAthletics in turn helped change the rules of UK Athletics to allow non-binary categories in sport, and as of 2019 the category has been available to all athletics sports in Scotland and a mandatory condition of event licences for ScottishAthletics Championships events.

This demonstrates how small changes in one area can have a knock-on effect in other areas, and we are yet to see the full results of non-binary inclusion as it filters throughout running and into other sports and countries, although many other countries have been watching our progress keenly.

Our non-binary members' experiences show that being able to sign up to races in a category that matches your true identity is empowering and validating, and beneficial to mental health. We anticipate the future effects of this to increase non-binary visibility in sport, with a resulting increase in the participation of non-binary people in sport, leading to long term mental and physical health benefits - which is exactly what the club's Constitution aims to promote for all LGBTI+ people.

In conclusion: Edinburgh Frontrunners fully supports the most progressive options outlined in this consultation.

The club has been operating on these principles since its foundation in 2013 and strives to make everyone welcome at all times, particularly those of minority sexes, gender identities, and sexualities. We welcome the reforms to the Gender Recognition Act and will be delighted when the law catches up to the level of inclusion we already strive to meet.

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

No

If yes, please outline these comments.: