

Edinburgh University Students' Association

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 that trans people wishing to get a Gender Recognition Certificate must present evidence that they that they have lived in their acquired gender for at least 3 months before applying simply acts as an additional barrier in what is already a long, complicated and costly process. There is no single, universal way of living in a particular gender, and even trans people who wish to live in their “acquired gender” before receiving a Gender Recognition Certificate may struggle to do so if their gender presentation does not match the gender on their legal documents. This requirement poses a particular challenge for many of our members who are in their late teens and early twenties, and who many only now have the option of beginning their transition due to a lack of family support or financial resources. We would like to see a simple administrative process based on self-determination in line with best practice in other countries, such as Ireland, Malta, Argentina and Norway.

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.:

The requirement that trans people must complete a “period of reflection” before being “awarded” a Gender Recognition Certificate would simply act as an additional barrier in what is already a long, complicated and costly process. It would also reinforce the narrative that trans people cannot be trusted with self-determination, which is particularly harmful given the fact that many similar changes – including legal name changes – have no such waiting period. The vast majority of trans people who apply for a Gender Recognition Certificate will already have contemplated the consequences of legally changing their gender for many years, so this additional period of reflection is unnecessary and can feel punitive.

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 believe 16 and 17 year-olds should have the same access to recognition. In Scotland 16 and 17 year olds have many legal rights and we believe that denying trans 16 and 17 year olds would be arbitrary and unfair. We believe that allowing young trans people to access the same recognition would ease their transition into further education or employment, which occurs for many around 17 or 18 years old. Allowing them to have their gender recognition certificate prior to beginning full time employment or further education protects their privacy and removes the need for them to disclose personal information.

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

Yes

If yes, please outline these comments.:

In it's current form we are dismayed by the omission of non-binary people. Individuals who identify as non-binary are valid and deserve the option to receive legal recognition of their gender. We would strongly encourage the government to use this opportunity to follow the lead of countries across the globe including Austria and Malta , in providing formal recognition of non-binary genders, particularly as the number of non-binary individuals increases. Enabling non-binary people to access legal recognition of their identities would improve an important first step in causing institutions and laws to move forward in recognising and providing opportunities for non-binary people.

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

Yes

If yes, please outline these comments.:

The extension of legal rights to trans people does not negatively affect any other people's rights. The rights of women are not threatened by the rights of trans people. The proposed reforms only impact trans people's ability to access privacy regarding their gender identity. This privacy is key for our members especially as they transition from one type of education to another.