

Glasgow and Clyde Rape Crisis

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 stated rationale for changing from the existing GRC application process is that it reduces distress, takes account of international developments and simplifies the law. Given the limited information provided in the draft bill, we would welcome further clarification on:

- The evidence base informing the rationale for the proposed changes
- The process for determining that the existing transition process of 2 years should be reduced to 6 months
- An assessment of international developments to date
- An assessment of the impact of the GRA on the Equality Act 2010

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 in Question 1, it would be helpful to have further information on the evidence underpinning the proposed changes to the current process.

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

No

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

Given our long standing work around trauma, we are aware of the evidence that young people's brains do not fully mature until they are into their 20s. Studies include:

- Giedd JN, Blumenthal J, Jeffries NO, Castellanos FX, Liu H, Zijdenbos A, et al. Brain development during childhood and adolescence: a longitudinal MRI study. *Nat Neurosci.* 1999;2:861–3.
- Shaw P, Kabani NJ, Lerch JP, Eckstrand K, Lenroot R, Gogtay N, et al. Neurodevelopmental trajectories of the human cerebral cortex. *J Neurosci.* 2008;28:3586–94.
- Lebel C, Beaulieu C. Longitudinal development of human brain wiring continues from childhood into adulthood. *J Neurosci.* 2011;31:10937–47.

In view of this and the current lack of evidence on the long term impacts of transitioning, we have reservations about reducing the age from 18 to 16 years.

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

Yes

If yes, please outline these comments.:

Glasgow and Clyde Rape Crisis (GCRC) has provided services to survivors of rape, sexual abuse and sexual exploitation across the West of Scotland since 1976. During those 44 years, we have provided support and advocacy services to a tiny number of trans women who have fed back to us that they were treated with dignity, respect and that they valued the support they received. GCRC provides trauma specialist support and advocacy services to survivors via a range of services.

Our Connect Live service is commonly the entry point into the organisation providing a range of ways in which to access our service i.e. telephone helpline, email support, text, skype and facetime support, instant messaging via our website and drop in facilities. We provide longer term trauma specialist one to one therapeutic support, survivor support groups, trauma recovery groups, art therapy groups and outreach services across our catchment area. Additionally, we deliver prevention programmes for schools, colleges and universities as well as on-campus survivor support services in both the University of Strathclyde and the University of Glasgow. Our training programme is also wide ranging.

As an organisation that operates within an equalities and human rights framework, GCRC is fully supportive of women from all backgrounds, regardless of age, sexual orientation, dis/ability, ethnicity, religion, culture or socio-economic status accessing the support services they need. We support the rights of trans individuals where there is incongruence between their natal sex and their gender identity, and continue to promote inclusive, respectful, safe and appropriate service responses to all survivors.

In line with the Scottish Government's Equally Safe Strategy, GCRC adopts a gendered analysis of sexual violence. This is fundamental to our values and principles, built into our governing documents and evidenced by the distinction that sex is a biological fact and gender is a social construct.

The draft bill does not include definitions for sex or gender and does not define 'trans' which we consider would be helpful in clarifying this for anyone seeking a GRC, especially given the huge increase in gender identities.

All of our practices reflect a gendered analysis and although there are times when our premises may be accessed by men (for work purposes, meetings, family members, carers, police officers and some survivors), we recognise the need for dedicated women only spaces that can be accessed safely by survivors who are unable to use a service where men may be present.

Given this, we are concerned that self identification as proposed within the draft bill could impact negatively on our women's services and women only spaces. At the moment we uphold sex-based protection for women and girls by exercising Paragraph 28 of the Equality Act 2010 to ensure that single sex exceptions can be applied to trans women who are no longer legally men but remain biologically male, in a proportionate manner and in keeping with the guidance. The Equality Act single sex exemptions exist to uphold women's rights to privacy, dignity, safety, recovery from trauma and equality. Upholding women's rights does not prevent trans equality. Trans women should be able to access services, however this must be balanced at times against the rights of other women to access their human rights in accordance with the Equality Act 2010.

Although we understand that there are no plans to change the Equality Act, it is vital that we are able to risk assess based on a commitment to trans inclusion that does not in any way compromise the safety of women and girls who have experienced the trauma of sexual violence, abuse and exploitation at the hands of men.

Sex is also a protected characteristic under the Equality Act 2010 and it has long been recognised by both government and women's organisations that there is a clear need for single sex spaces and employment exemptions to offer safety and protection for survivors of sexual violence.

Across the country we are promoting the adoption of trauma informed services and practice to ensure that in providing services, public, private and third sector agencies do not risk retraumatising survivors of trauma, including the trauma of sexual abuse. By moving towards self identification we are concerned that we risk ignoring the needs of women survivors to be seen in a safe space.

GCRC also believes that it is crucial to continue to gather data in a way that clearly reflects the gendered nature of sexual violence, abuse and exploitation so that the risks to women and girls from biological male perpetrators can be considered when developing policy, strategy and laws across Scotland.

Although GCRC fully supports trans rights, as a rape crisis centre it is important to understand that we are fully committed to maintaining safe spaces for women and girls while recognising that women and girls may have a range of different gender identities.

For the reasons outlined above, we believe that the proposed changes to the Gender Recognition Act could have a negative impact and we therefore support maintaining the Act in its current form.

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

Yes

If yes, please outline these comments.:

Given the gaps in the current evidence base, as highlighted in our response to Question 1, we would support a government led, more robust equality impact

assessment process which strengthens the evidence, assesses the implications of the likely increase in GRC applications and considers any potential unintended consequences i.e. the risk to the rights and protections of safe spaces for women and girls, the impact on our access to robust data on the incidence of violence against women, and potential exploitation of the application process by predatory males.