

## **National Gender Identity Clinical Network Scotland (NGICNS)**

### **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.:**

We would expect it to be common for someone to have lived in their acquired gender for at least three months prior to applying for a Gender Recognition Certificate.

We are hopeful that the government will make available materials and support to ensure that people are confident that they are applying for a GRC at a time that is right for them.

**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.:**

NGICNS would not support the requirement for a period of reflection prior to obtaining a GRC, not because we feel reflection isn't useful, but because we do not believe that legislating for this is the way to promote consideration of the issues. Individuals who attend the NHS gender identity clinics and access associated support across Scotland are already assisted in a careful consideration of their gender identity.

Formal consent processes are part of any decision to undergo any stage of medical treatment.

We do not think that this additional three month period of reflection is required for the purposes of a GRC.

**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.:**

Reducing the minimum age to 16 would place this in line with legislation which allows people to marry, apply for a passport, vote or register a civil partnership. NGICNS would support this reduction.

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

Yes

**If yes, please outline these comments.:**

NGICNS would support simplifying the process of application for a gender recognition certificate, and would therefore support this reform.

NGICNS would welcome the opportunity to work with Scottish Government to improve the provision of care at gender identity clinics and to reduce waiting times. NGICNS would like to draw attention to the World Professional Association for Transgender Health (WPATH) Identity Recognition Statement:

“WPATH recognizes that, for optimal physical and mental health, persons must be able to freely express their gender identity, whether or not that identity conforms to the expectations of others.

WPATH further recognizes the right of all people to identity documents consistent with their gender identity, including those documents which confer legal gender status. Such documents are essential to the ability of all people to enjoy rights and opportunities equal to those available to others; to access accommodation, education, employment, and health care; to travel; to navigate everyday transactions; and to enjoy safety. Transgender people, regardless of how they identify or appear, should enjoy the gender recognition all persons expect and deserve.

Medical and other barriers to gender recognition for transgender individuals may harm physical and mental health. WPATH opposes all medical requirements that act as barriers to those wishing to change legal sex or gender markers on documents. These include requirements for diagnosis, counselling or therapy, puberty blockers, hormones, any form of surgery (including that which involves sterilization), or any other requirements for any form of clinical treatment or letters from doctors.

WPATH argues that marital and parental status should not be barriers to recognition of gender change, and opposes requirements for persons to undergo periods living in their affirmed gender, or for enforced waiting or 'cooling off' periods after applying for a change in documents. Further, court and judicial hearings can produce psychological, as well as financial and logistical barriers to legal gender change, and may also violate personal privacy rights or needs.

WPATH advocates that appropriate gender recognition should be available to transgender youth, including those who are under the age of majority, as well as to individuals who are incarcerated or institutionalized. WPATH recognizes that there is a spectrum of gender identities, and that choices of identity limited to Male or Female may be inadequate to reflect all gender identities. An option of X, NB (non-binary), or Other (as examples) should be available for individuals who so choose.

WPATH urges governments to eliminate barriers to gender recognition, and to institute transparent, affordable and otherwise accessible administrative procedures

affirming self-determination, when gender markers on identity documents are considered necessary.  
These procedures should be based in law and protect privacy."

<https://www.wpath.org/media/cms/Documents/Web%20Transfer/Policies/WPATH%20Identity%20Recognition%20Statement%2011.15.17.pdf>

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

No

**If yes, please outline these comments.:**