

Western Isles Presbytery of the Free Church of Scotland

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.:

As Christians, we firmly believe that changing our God-given gender undermines the love, care and compassion of God towards us as our Creator (Gen 1:26-27).

We oppose this move towards a self-declaration model, not because we endorse the assessment model in its current form, but because we believe that the proposed change would lead to a worse outcome. Nowhere in the consultation document, is a rationale provided for the three-month requirement. Why not three weeks or three days? If the reasons for reducing the current two-year requirement are to protect applicants from prejudice or abuse, and to avoid problems created when an individual's personal documents are inconsistent or do not match the gender presented, then why accommodate a delay at all? For in reality, what this reform proposes is that for an individual seeking to change their birth-sex all that's required is a written and signed statement.

A Mature Decision Needed

Like marriage, legally changing gender should be entered upon carefully and thoughtfully; three months is not a sufficient timeframe. We believe that the existing safeguard of living in the acquired gender for two years reduces the risk of legally changing sex frivolously or with malicious intent. The proposed law provides no definition of what it means to 'live in the acquired gender' and requires no proof that an individual has been living in their 'acquired gender' for the proposed three-month period. Moreover, there is no evidence given in the consultation document for reducing the timeframe to a three-month period.

For consent to be valid it must be fully informed. Recent discoveries in developmental psychology suggest that the capacity to make fully informed decisions

about one's own gender identity is not reliably mature before one's mid-twenties.

Removing the two-year period as a requirement will mean that more people make an immature decision to transition, and more will live to regret their decision.

In addition, we believe that this reform completely undermines the purpose of the GRP, making the proposal for a three-month period living in your acquired gender, meaningless. We affirm that a two-year period, not only allows some time for reflection, but also provides the GRP evidence that an individual has a sincere intention to permanently live as the opposite sex.

A Medical Certification Required

If the transition process is intended to avoid 'frivolous' or 'malicious' applications, then there must be some means of confirming that the requirement has been met. If an individual is genuinely seeking to change their sex, then we believe that the current legislation of providing two medical reports to the GRP, confirming a diagnosis of gender dysphoria prior to a legal sex change, is an imperative safeguard.

The current legislation is in place because 46% of those diagnosed with gender dysphoria had mental health conditions, most commonly found with those suffering with PTSD. Self-declaration would deprive such individuals of contact with mental health professionals at the time when their assessment and advice

could be crucial. There is a real risk that individuals who require psychological support and specialised psychiatric treatment will not receive it. This reform would be a grave mistake and a failure to help and protect vulnerable individuals suffering with mental health.

Therefore, shortening the transition period from two years to three months will mean that many young people, whose dysphoria could have been alleviated by treating co-existent mental health disorders or by giving appropriate support where family breakdown/social isolation are factors, will instead pursue transgender recognition and reassignment for which evidence of effectiveness is completely lacking. For consent to change legal gender to be valid we suggest that the process must involve expert medical and psychological assessment. By reforming the legislation to a self-declaration model, would fail to provide the necessary support from health professionals for those affected by gender dysphoria.

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.:

Period of Reflection

As stated in Question 1, many of those applying to legally change their gender will be either too young, too uninformed or both to be able to make the decision safely, and a reflection period of three months is not what is needed. For anyone, at any stage of maturity, to be able to give fully informed consent to a legal change of gender, more than time is required. They need to understand the consequences of the decision. They need to be able to make a settled and sober decision that will last a lifetime. They need to make the decision of their own free will, free of duress arising from peer-group pressure or co-existent mental health issues.

Changing the law to make gender recognition dependent only upon self-declaration would thus seriously undermine the importance of valid consent as an essential precondition to all forms of treatment. A three-month 'period of reflection' without mandatory professional assessment may sound like a safety measure, but it will certainly fail to be adequate in practice.

De-transitioners

The fact that a 'period of reflection' should be present at all implies that the Scottish Government is aware that there may be people who will come to regret legally changing their birth-sex. There is evidence of a fast-growing number of 'de-transitioners' who regret changing their birth-sex and seek to change back. A lot of data has been provided by the Government and other sources for those who wish to 'transition' and those who are happier after their gender reassignment surgery. However, very little data is provided by the Government or other sources for those who regret their decision to change sex and now wish to 'de-transition.' This is very misleading and should certainly be investigated prior to any reforms being made.

Furthermore, many of those who wish to 'de-transition' - even after a two-year 'period of reflection' - have come to realise that their distress and gender dysphoria has not been alleviated and have consequently sought to return to living as their birth sex. The recent BBC documentaries of "She2He2She" proves and reemphasizes that the existing two-year 'period of reflection' should remain in place in order to prevent GRC's being given out to people who will eventually

change their mind. It is also our opinion that if young people are unable to make fully informed decisions to change their gender while shortening the 'period of reflection' required, this will minimise the seriousness of their decision and remove a helpful safeguard against premature transitioning, which will inevitably increase requests to de-transition at a later period.

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.:

Immaturity

In Scotland, 16 and 17-year-olds are considered too immature to legally buy cigarettes or tobacco, purchase or consume alcohol in licensed premises, get a tattoo, buy fireworks or possess them in a public place, have a credit card or place a bet. Therefore, how can they be considered legally mature to change their gender? The United Nations Convention on the Rights of the Child defines children as those who are under 18 years of age. The Scottish Government's Bill for Reform makes no mention of parental consent for children aged 16 and 17, whereas every other country mentioned in the consultation document makes parental authorisation a requirement when a minor is seeking to have a legal sex change. To pass this reform would be a breach of children's rights. Moreover, given the rapid developmental changes and the extent of social pressures experienced by children of 16 and 17 years of age, it would be inappropriate to allow them to commit to such a radical course of action, by making a self-declaration about their sex. In fact, The Scottish Sentencing Council looked into brain development in young people and concluded that the adolescent brain continues to develop into adulthood and does not reach full maturity until approximately 25-30 years of age. This clearly underlines the point that children require special protection, as it would be reckless to allow changes in gender to prior to adulthood.

Gender Dysphoria in Children

As many as nine in ten children who experience feelings of gender dysphoria do not have gender dysphoria as adults, with a majority ceasing to desire to be the other sex by puberty. Research has also shown that peer pressure, You Tube, social media outlets and the promotion of transgender issues in schools have had a significant influence upon a large number of young people with mental health problems claiming to have gender dysphoria. Such issues need to be identified and responded to appropriately and compassionately, instead of failing the next generation by encouraging them to consider whether or not they have gender dysphoria and rushing children into life-changing decisions. We believe that it would be irresponsible to allow our young people to legally make life-changing decisions without the proper care, compassion and protection in place.

Access to Treatment

Extending the legal right to change gender to teenagers will increase their ease of access to puberty blockers and trans-sex hormones. The long-term effects of puberty blockers in this clinical situation are largely unknown – it is an experimental treatment without any evidence base in science. It is known that puberty blockers lead to stunted growth and subfertility, and impair normal neurodevelopment affecting, among other things, the developing sense of identity!

Cross-sex

hormones may produce permanent infertility, bone changes, clotting disorders, raised blood pressure and more. It is impossible for teenagers to give informed consent to medical transition when even the doctors don't know what the consequences might be.

Impact of Surgery

It is impossible for anyone to make a settled, permanent decision to change gender when they can have no idea how they will feel as a result of medical and/or surgical transition. Indeed, a strong voice among transgender activists insists that gender identity is flexible – a settled and permanent decision is impossible according to this view. It is impossible for someone with symptoms that suggest gender dysphoria to know how much of their distress is due to co-existent mental health conditions without assessment by qualified practitioners and a satisfactory period of treatment for those conditions.

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

Yes

If yes, please outline these comments.:

Mental Health

In 2006, the Scottish Government published *Delivering a Healthy Future: An Action Framework for Children and Young People's Health*. This was geared to improving the quality, sustainability and access to health care services for young people in Scotland, prioritising mental health. It was welcomed to the extent that the WHO recommended other nations follow suit.

For the Scottish Government to now support a Bill that is based on an ideology and lacks a sound basis in science, would not only be a contradiction, it would be a complete failure to protect the health and wellbeing of the vulnerable. Furthermore, a recent (2019) Scottish Government report reveals that the mental wellbeing of Scotland's youth, particularly girls, is deteriorating. It is possible that these figures reflect the sudden surge in the number of adolescents being referred to GIDCs with gender dysphoria. It is imperative that the coexistence of psychopathology and gender dysphoria needs in-depth research. Mood disorders, anxiety, depression, and stresses associated with family breakdown or dysfunction, all need to be assessed; rather than assuming that gender dysphoria with 'minority stress' is necessarily the root issue.

Protection of Women

Removing the protections and safeguards which exist in current legislation would also create the opportunity for serious harm, both to individuals and wider society. In particular, this will endanger vulnerable women and girls who could be prevented from challenging men using women-only spaces. If there is no requirement for medical or other evidence, there will be huge potential for sham sex-change declarations by those with malicious intent. This is not just theoretical nor an isolated incident, as the rate of men identifying as women is 350 times higher amongst the prison population, than it is in the general population.

There are also concerns regarding the safety and wellbeing of female school children if biological males are to be allowed to occupy female only changing facilities and toilets in schools. A self-declaration system could allow a biological man to claim he is a woman and have access to female facilities without any objective assessment, because his Gender Recognition Certificate allows that person is treated as the opposite sex in all instances. Therefore it cannot be

overstated that, under the Equality Act 2010, the importance of single-sex spaces and services provides a vital protection for women and girls.

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

Yes

If yes, please outline these comments.:

False Declarations

A survey quoted in the Draft Impact Assessments (DIAs) shows that of those giving reasons for not trying to change legal sex, 35% of males and 51% females said they 'did not meet the current requirements.' This proves that the protections and precautions in place are already working; it also affirms that many of potential applicants for a GRC have been refused because their self-declaration was not compatible with a medical diagnosis of gender dysphoria. In relation to this, the DIAs also state that the penalty for a 'false declaration' could be up to two years imprisonment and a fine. However, if this proposal is to carry any weight and prevent ill-considered applications, it must be highlighted that such a penalty will surely threaten those who come to regret making a declaration and want to de-transition. Will they be prosecuted?

GRC - A Remedy to Mental Health?

The DIAs worryingly suggests that high levels of mental health problems among trans people may be remedied and alleviated by surgery. Conversely, UK research shows that even one year after starting the transition process, teens report a renewed increase in mental health problems, including body dissatisfaction. It is evident that allowing someone to change their sex legally doesn't deal with any underlying psychological problems. In fact, the suicide rate of post-transition transgender people is high, which ought to draw attention to the fact that they need help and compassion pre or post transition, in order to come to terms with their body as their true identity.