

Lighthouse - Edinburgh's Radical Bookshop

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.:

I support making the process simpler and fairer for trans people but I do not believe that this arbitrary 3-month time period is necessary, and furthermore I think it would add to the mental anguish and challenges of transition in our current society. There is currently no such requirement to do this for any other form of ID.

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.:

I appreciate that the suggested reforms of the Gender Recognition Act make the overall process of obtaining a Gender Recognition Certificate more straightforward for trans people but there is no evidence to suggest that a 3-month reflective period is necessary, nor does it recognised the lived reality for trans people, who have a life time of 'reflecting' on their place in our society.

I therefore do not support this requirement and would advise for its removal.

I believe that a person applying for a gender recognition certificate and changing all other forms of ID would have already considered their decision and should not have to go through a so-called 'period of reflection'. There is also no requirement to do this for any other form of ID.

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.:

I support your proposals to lower the age for gender recognition to 16. This is in line with rights of 16 and 17-year olds to marry, work, vote and be held legally responsible for their actions. They should be able to change their birth certificate to match who they are.

I also believe that trans children and young people under 16 should be able to update their birth certificate with the aid of parental or guardian support. This would

match their existing ability to do this on school records, medical reports and passport. Often under 16s need to use their birth certificate more than adults do so it is important to protect their privacy.

In my interactions with young trans people I have become increasingly aware of how challenging the current landscape is for them. With all the other concerns of a teenager, the ability to be legally recognised as who they are means a huge weight lifted. I believe it will allow trans youth who feel trapped and hopeless, especially in unsupportive or transphobic homes, to see a future for themselves.

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

Yes

If yes, please outline these comments.:

I would like to take this opportunity to express our support for the Bill and the measures it would put in place to improve the lives of trans people in Scotland. The current process is hugely stressful and onerous for trans people.

I fully support the removal of the need to gather evidence and medical reports for individuals to be recognised as who they are. Trans people will still be able to access medical care and social and psychological support as part of their transition, but this should be separate from their application to update their birth certificate, in line with practice for all other forms of ID.

The lack of legal recognition for non-binary people is a glaring omission from the proposed bill. If the Bill passes, non-binary people will still not be legally recognised which will leave them with inconsistencies in important documents as well as a lack of recognition in day to day life. Non-binary people deserve to be recognised and treated with respect. This Bill is not a success for the whole trans community if it leaves non-binary people out.

The consultation document suggests that there may be additional exceptions introduced to Section 22 of the Gender Recognition Act which protects people's privacy and governs the rules about disclosure of information about people who have a Gender Recognition Certificate. The existing exceptions seem sensible and we do not believe there is need for any additional exceptions. Upholding trans peoples' privacy is a key principle of a legal recognition process and additional exceptions undermine this!

Finally, I am concerned that the requirement for someone to be "ordinarily resident" in Scotland may prevent some people from being able to apply for a Gender Recognition Certificate. I want to ensure no one, such as asylum seekers, refugees or others without current, valid leave to remain in Scotland, are unfairly blocked from being able to apply.

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

Yes

If yes, please outline these comments.:

I do not believe that this Bill will have a detrimental impact on anyone else's rights. I agree with chapter 5 of the Scottish Government's consultation paper, and with the Equality Impact Assessment, that this Bill will not have a detrimental impact on women's rights.

This Bill only covers how trans people's birth certificates are changed. This then has a positive impact for trans people as they will receive a higher level of privacy in situations such as getting a job, marrying and being recognised after death.

This Bill will have no impact on single-sex spaces and facilities. There is currently no need in Scotland for anyone to show a birth certificate to prove eligibility for these spaces or services and this will not change. Trans people can already change the sex on their passports and medical records by statutory declaration as soon as they start living as who they are.

As a cis woman I feel very strongly that my trans siblings should have equal legal protections and that my own safety and wellbeing is in no way threatened by upholding and protect trans rights - quite the opposite.