

Fringe of Colour

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.:

Remove the requirement for living in your acquired gender for at least 3 months. This time period is too long and has been traumatic for many trans people.

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.:

Remove the requirement to go through a period of reflection for at least 3 months. There is no evidence to show that this is necessary - trans people will have already considered their decision deeply. The beginning of this designated "self reflection" process is an arbitrary marker of time.

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.:

My opinions on this are in line with Stonewall's mandate:

This would be in line with the rights of 16- and 17-year olds in Scotland to marry, gain employment, vote, and be held legally responsible for their actions. We think that 16- and 17-year olds should also be able to change their birth certificate to match who they are.

The Scottish Government should go further and include trans children and young people under the age of 16. They should be able to update their birth certificates with aid of parental or guardian support.

This would match with their existing ability to change their sex on their school records, medical records and passport. Often children and young people under 16 need to use their birth certificate more than adults do, so being able to change it is particularly important to protect their privacy.

Children and young people have more agency and sense than we give them credit for.

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

Yes

If yes, please outline these comments.:

I support Gender Recognition Act reform but that the Scottish Government must go further, so that every part of the trans community can benefit from this legislative change.

Making legal gender recognition a more straightforward process will relieve a lot of stress for many trans people, who will no longer need to gather evidence and medical reports 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 that will be separate from their application to update their birth certificate.

This Bill is not a success for the whole trans community while it leaves non-binary people out.

There are major gaps that will mean it only benefits some trans people. 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.

As a non-binary person, this directly affects me and gives strength and power to the people with bigoted views who fight to leave people like me out on the margins. With transphobic discourse on the rise in Scotland, we need support from the Scottish Government now more than ever.

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

Yes

If yes, please outline these comments.:

This Bill will not have a detrimental impact on anyone else's rights. The only thing that the Bill covers is how trans people's birth certificates are changed.

This Bill will not have a detrimental impact on anyone else's rights. The only thing that the Bill covers is how trans people's birth certificates are changed, which impacts the level of privacy they are entitled to, such as when getting a job or marrying, and how they are recognised after death.

Access to single-sex spaces and facilities, such as toilets, changing rooms, and women-only services will not be impacted. Nobody is required to show a birth

certificate to prove their eligibility for these spaces or services now, and this will not change. In fact, much of the women's sector in Scotland has been including trans women in their women's services for a decade, with no reported difficulties.

Remember that how someone applies for gender recognition – or whether their birth certificate matches who they are - does not impact on their access to single sex spaces, or anything else that does not require a birth certificate. 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.