

The National Autistic Society Scotland

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 National Autistic Society Scotland welcomes the proposal by the Scottish Government to reduce the timescale and intrusive nature of the current system. Autistic people in Scotland already face the stress and anxiety of lengthy timescales when seeking their original diagnosis and attempting to access particular post-diagnostic support services, so we support steps to ensure this is not compounded for those with gender dysphoria with further unnecessarily lengthy, intrusive and expensive processes around obtaining a Gender Recognition Certificate. In addition, as a trans equality supporting charity, we fully back these steps to reduce the stress and difficulties associated with the current system for all trans people, whether autistic or not.

However, we are unsure as to why the timescale of three months has been proposed by the Scottish Government. This seems to be an arbitrary and unnecessary time period that is being proposed and, unless the Scottish Government can provide evidence as to why this particular time period should be implemented, would suggest that this time period is removed.

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.:

Similarly, we are unsure as to why this particular timescale has been proposed by the Scottish Government and would suggest that a three month "period of reflection" is unnecessary.

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.:

16-year-olds in Scotland already have the rights to do a multitude of vital and life-changing things, such as paying National Insurance, getting married or registering a civil partnership, having sex, recording a change of name officially, and consenting to surgical, medical or dental procedures and treatments.

Allowing 16-year-old trans people to apply for a Gender Recognition Certificate would be fully in line with the sort of rights we already bestow upon 16-year-olds in Scotland. Therefore, we would support the reduction in age from 18 to 16 proposed by the Scottish Government.

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

Yes

If yes, please outline these comments.:

The National Autistic Society Scotland welcomes the opportunity to respond to this consultation on the Gender Recognition Reform (Scotland) Bill. We are pleased that the Scottish Government has recognised that the current system, which is viewed by many as demeaning, lengthy, stressful and expensive, requires reform to bring it more in line with approaches in a number of other countries. We at the National Autistic Society Scotland feel duty-bound to respond to this consultation for two specific reasons: firstly, we will always seek to represent autistic people who live in Scotland, including many autistic transgender and non-binary people, and acknowledge recent studies which show a link between gender dysphoria and autism (further information below); and, secondly, National Autistic Society Scotland fully supports trans equality, undertaking our own internal procedures to ensure that we are as fully inclusive a charity as possible both in terms of our staff and volunteers, and those that we support, and therefore wish to publicly voice that support at an important procedural stage.

Despite being an area that requires further research, there does appear to be growing evidence to show a link between gender dysphoria and autism, and that autistic people may be more likely than other people to have gender dysphoria. Past research has included a study which found that, while the prevalence of autism in the general population is thought to be around 1%, up to 7.8% of adolescents with gender dysphoria were autistic. Similarly, a separate study recently found that 5.5% of adults attending gender clinics were autistic. We are encouraged to note that similar evidence has been referenced in the Scottish Government's EQIA and hope that this knowledge and understanding will allow the GRA process to be made as autism-friendly as possible. Unfortunately, there remains a lack of evidence on the reasons behind this link at present, with numerous hypotheses having been formed, but such studies are crucial in allowing us to ensure that we are able to effectively support and campaign for all autistic people.

Autistic people in Scotland continue to face a number of challenges every day of their lives, from a lack of support and inability to access efficient services, to problems with communication, increased social isolation and higher rates of depression and anxiety than the wider population. For autistic people with gender dysphoria, it seems rational to expect these challenges to be greater and more difficult to overcome, in particular when seeking to obtain a Gender Recognition Certificate via the current system. For example, for autistic people who struggle with communication or may have difficulties articulating their inner experiences relating to gender identity, the current intrusive and medicalised system can be traumatic and potentially even unsuccessful, as clinicians struggle to differentiate

gender dysphoria from other possible causes of the person's concerns and difficulties.

As a charity that supports trans equality and with specific reference to the growing evidence around a link between autism and gender dysphoria, the National Autistic Society Scotland believes that making legal gender recognition a more straightforward process will relieve a lot of undue anxiety and stress for many trans people, including autistic trans people who may face additional barriers. We believe that the draft Bill sets out clearly and definitively the fact that these proposals are entirely about reducing the stress, expense and timescales faced by trans people seeking to obtain a Gender Recognition Certificate and we find no reason not to fully support these proposals in principle. We would, however, reiterate our confusion around the timescales that have been proposed and would expect these to be reconsidered following the consultation process.

We would also urge the Scottish Government to consider how this Bill can be extended to ensure that non-binary people can also be legally recognised. If non-binary people are excluded from such reforms, the result will see an undoubted improvement in trans people's rights but one which does not achieve success for the trans community as a whole.

The National Autistic Society Scotland continues to fight every day to better the lives of autistic people in Scotland by working to create a society that works for them. This includes autistic trans people, particularly at a time when growing evidence is showing a link between gender dysphoria and autism. But in addition to this, as a charity that proudly supports trans equality we also want to see a society that works for trans people, autistic or not, and therefore fully support the principles and objectives of the Gender Recognition Reform (Scotland) Bill.

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

Yes

If yes, please outline these comments.:

The National Autistic Society Scotland does not see any reason why this Bill will have a detrimental impact on anyone else's rights, given its sole intention of rightfully ensuring that the process with which trans people's birth certificates are changed becomes more efficient and less traumatic. The proposals will impact the level of privacy a trans person is entitled to and how they are recognised after death. We are not aware of any evidence which suggests that access to single-sex spaces and facilities, such as toilets, changing rooms, and women-only services will be impacted. At present, nobody is required to show a birth certificate to prove their eligibility for these spaces or services, and so it seems implausible to expect the draft Bill to have any negative impact in this regard.