

Trans Masculine 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 a community group, we support many trans people going through the administrative process of changing their documents to match their gender. The process of gathering the evidence required to prove an individual had lived in their gender for the 3 months is often arduous, time consuming, expensive and needlessly bureaucratic.

We therefore strongly disagree with the proposed 3 months period and ask the Government to remove this requirement.

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.:

We do not feel a 3 month reflection period is necessary as we believe trans people know their own gender without any timeframe to determine it. By the time most of us apply for the Certificate, we would have already spent years considering this step.

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.:

Trans Masculine Scotland welcomes trans masculine (including non-binary) folks of all backgrounds aged 16+ who were assigned female at birth or socialised as female.

This means we see a small number of under 18's who are unable to access legal gender recognition before applying to university, for example. This can be distressing and frustrating, as it means they have to disclose their trans status to potentially less-than-understanding staff members they have yet to meet.

We therefore strongly agree to reduce the age to 16. Furthermore, we support the removal of the minimum age, so that younger people also would be allowed to change their legal gender. Young people under 16 years can already change their gender, with parental support, on their passport, medical records and school records. Moreover, younger people are more likely to have to show their birth certificate for identity purposes, and so not allowing people under 16 to obtain a birth certificate that reflects their lived gender is unfair and puts them at risk.

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

Yes

If yes, please outline these comments.:

Although this Bill represents an improvement in trans people's rights, there are major gaps that will mean it only benefits some trans people. Non-binary people (those who don't identify as exclusively male or female) 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. We believe that this Bill is not a success for the whole trans community while it leaves non-binary people out. Non binary people deserve recognition and Scotland would be catching up with other progressive countries such as Australia, Canada, Germany, Iceland, Denmark and Austria, to name a few.

As a community group, we would like to express our concern about the Section 22 part of the draft bill. Privacy and autonomy of disclosure are important to our community, and we believe the current PVG checking system is dignified and rigorous in its implementation, and protects vulnerable groups well without the need for unnecessary disclosure of a trans persons private information. This private information about trans status could obviously put them at risk of discrimination and abuse, and as we have seen in the discourse around this consultation, discrimination against trans people is still a real concern in Scottish society.

On the subject of discrimination, we would also like to express our concerns about the "interested persons" part of the bill. The proposal that "a person who has an interest in a gender recognition certificate" could apply to the sheriff to have a GRC revoked on grounds of fraudulent application is concerning and alarming. We believe this could be open to abuse from unsupportive partners or family members. Unsupportive partners and family members is something we witness very regularly as a group, and often the most vulnerable trans people need more protection - rather than an opportunity for their autonomy to be removed. We would finally like to ask that no one will be unfairly refused ability to apply for a GRC based on their requirement for 'ordinarily resident' status. We have concerns for asylum seekers and refugees who may find it difficult to confirm or prove ordinary residency, or anyone without leave to remain. These people deserve to access their legal rights to changing their gender as much as any other resident of Scotland.

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

Yes

If yes, please outline these comments.:

This Bill will make the Gender Recognition process easier for people who can't afford to pay a fee or who are not able to put together all the paperwork they need to prove they lived in their gender for 2 years. In simple words, making the process easier and less expensive would help more vulnerable people.

As highlighted by both the Government assessment and statements from a predominant majority of Women's rights groups across Scotland, the Bill has no negative impact on the rights of women and girls - it will have a positive effect on trans people's legal status and well-being. Trans people have self-identified and used services matching their gender identity throughout history without any adverse impact on others using the services. Reforming this Bill will not make a difference to the numbers of trans people who self identify to use the gendered services they feel comfortable using, as they have been doing already for decades.