

Young Scots for Independence

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 draft Bill currently proposes that a gender recognition certificate will only be granted if the applicant states that they have been living in their acquired gender for 3 months prior to the date of application and intend to continue to live in their acquired gender permanently.

There is no evidence to suggest this arbitrary 3-month time period is necessary, and so the Young Scots for Independence call on the Scottish 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.:

The draft Bill currently proposes that applicants must wait for 3 months after their initial application before confirming that they wish to continue with their application. They would then be granted a gender recognition certificate. Similarly to Question 1, there is no evidence to suggest this arbitrary 3 month reflection period is necessary, and the Young Scots for Independence do not support it. We call on the Scottish Government to remove this requirement.

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.:

The draft Bill proposes to change the law so that 16- and 17-year olds will be able to apply for legal gender recognition. The Young Scots for Independence support the Scottish Government's proposals to lower the age for gender recognition to 16. 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.

However, it does not propose a system to enable trans children and young people under 16 to apply for legal gender recognition. We believe that trans children and young people under the age of 16 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.

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

Yes

If yes, please outline these comments.:

The Young Scots for Independence support the reforms to the Gender Recognition Act but calls on the Scottish Government to 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.

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

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

Yes

If yes, please outline these comments.:

The Young Scots for Independence believe that 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. 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.