The Gender Recognition Act 2004

1 The initial view of Scottish Government is that applicants for legal gender recognition should no longer need to produce medical evidence or evidence that they have lived in their acquired gender for a defined period. The Scottish Government proposes to bring forward legislation to introduce a self-declaratory system for legal gender recognition instead.

Agree

If you want, you can give reasons for your answer, or make comments:

Unanimous agreement. Comments from the group (who are mostly aged under 18):

'Well, needing medical evidence for gender is equating it with sex. I mean, you can’t really say that your place in society can be sussed out by a doctor. So... I mean, it’s a much more personal thing and I’d say self-declaration would be the only respectful way to go.’

'I think it would make a lot more sense, it shouldn’t be something that people should have to pay for'

'Self declaration would be much less degrading than the current system'

'And it’ll be more meaningful tbh'

'When I changed my name, there was definitely a “wow, it’s over” sense when I came out of the solicitors’, and it’d be real nice for that to happen with legal gender too.’

'The current system is just silly. Having to pay only makes it easier for rich people ‘/ It’s so off-putting'

'I can’t believe the current system, it’s completely ridiculous’

'I remember spending ages filling out the form once and then at the end realised I had to pay a stupid amount so I just left it’ (thoughts on the current system)

'Ew I can move out, drive and get married first’ (thoughts on the current system)

2 Should applicants to the proposed gender recognition system in Scotland have to provide a statutory declaration confirming they know what they are doing and intend to live in their acquired gender until death?

Not Answered

If you want, you can give reasons for your answer or make comments:

3 Should there be a limit on the number of times a person can get legal gender recognition?

Not Answered

If you want, you can give reasons for your answer or make comments:

4 If the Scottish Government takes forward legislation to adopt a self-declaration system for legal gender recognition, should this arrangement be open:

Not Answered

If you want, you can give reasons for your answer or make comments:

5 The Scottish Government proposes that people aged 16 and 17 should be able to apply for and obtain legal recognition of their acquired gender. Do you agree or disagree?

Agree

If you want, you can give reasons for your answer or add comments:

Unanimous agreement. Comments from the group:

'As someone in that age bracket... I mean, yeah.’

'Yeah absolutely, I mean if we can get married and drive at those ages then why not?’

'Of course!’
People can vote in certain elections in Scotland at the age of 16, so they can decide how the country is run, but can't decide their gender?

'Not being allowed to change gender until older reminds me of when the age of consent for homosexual sex was 21. It implies that there's something more illicit or adult about it... or that it's more likely to be a mistake and therefore can only be decided upon when one is older than for most things.'

'It's weird that people are old enough to decide how the country is run... but don't know themselves well enough to decide on such a simple thing as gender?'

'It'd mean I could change my name and gender at the same time'

'It would make the whole process a lot easier'

'Well, I'd be able to change legal gender right now rather than have to wait.'

'But it's silly that you can change your gender for certain things but not others, like birth certificate. They should all just be the same'

'Yikes, just now it's too complicated. I hate to think of my info being different and all over the place.'

'You could move on as soon as you've done it and put it behind you sooner'

6  Which of the identified options for children under 16 do you most favour?

Option 5 – applications by capable children

If you want, you can give reasons for your answer, add comments, or describe your preferred option if none of the options given reflects your views.:  
'I don't think it should be managed by parents, because that could easily go wrong if there's something wrong with the parents.

'I'd be concerned about transphobic parents not giving permission...'

'If they're not capable of managing the application, then they might not be serious enough to go through with it... does that sound discriminatory? The children, I mean. But if it's the simple proposed process, it seems easy enough.’

'I think applications from very young children should be considered more carefully (and care should be taken that it's definitely what the children want and not what the parents want), but I'm not sure if there should be a lower age limit.’

Marriage and Civil Partnership

7  Should it be possible to apply for and obtain legal gender recognition without any need for spousal consent?

Not Answered

If you want, you can give reasons for your answer or add comments.:  

8  Civil partnership is only available to same sex couples. This means that the civil partners cannot remain in their civil partnership if one of them wishesto obtain a full Gender Recognition Certificate.

Not Answered

If you want, you can give reasons for your answer or add comments.:  

9  Should legal gender recognition stop being a ground of divorce or dissolution?

Not Answered

If you want, you can give reasons for your answer or add comments.:  

Other aspects of the 2004 Act

10  Are any changes to section 22 (prohibition on disclosure of information) necessary?

Not Answered

If you answered Yes, describe the changes you consider are needed.:  

11  Should a person who has been recognised in their acquired gender under the law of another jurisdiction be automatically recognised in Scotlandwithout having to make an application?

Not Answered

If you want, you can give reasons for your answer or add comments.:
Non-binary people

12 Should Scotland take action to recognise non-binary people?

Yes

If you answered No, and if you want, you can give reasons for your answer:

13 If you answered Yes to Question 12, which of the identified options to give recognition to non-binary people do you support? You can select more than one option.


If you want, you can give reasons for your answer, add comments or, if you think none of Options 1 to 6 is suitable, describe your preferred option:

The group was very enthusiastic in their support of legal gender recognition for non-binary people: ‘YES!’ ‘Of course’ ‘Absolutely’ ‘YES YES YES YES YES’ ‘Yes’ ‘Yeah’.

‘I think it’s important that no one should be forced to legally be a gender that they’re not’

‘I like “X” actually, it sounds extra awesome.’

Some comments on the options:

‘Option 2 sounds like a children’s picture book.’

(On option 2): ‘Um. No. That’s like the Superhuman Registration Act. OR like having to tell people you’re a Jew. Either way, imminent war.’

(On option 5): ‘That... sounds unnecessary and also lazy.’

(On option 5): ‘Needlessly complicating things and leaving nonbinary people with half their documents in order... sounds awful. So no.’

(On option 6): ‘It’d be silly to want non-binary people legally recognised but not legally protected.’

14 At paragraph 7.26. and in Annex J we have identified the consequential legal impacts if non-binary people could obtain legal gender recognition using the proposed self-declaration system.

Not Answered

If you answered Yes, describe the impacts you have identified:

Conclusion

15 Do you have any comments about, or evidence relevant to:

Not Answered

If you answered Yes, add your comments or evidence:

16 Do you have any further comments about the review of the Gender Recognition Act 2004?

No

If you answered Yes, add your comments:

About You

What is your name?

Name: Katrina Mitchell

What is your email address?

Email: 

Are you responding as an individual or an organisation?
Organisation

What is your organisation?

Organisation:
A&B Hangouts group (a group supported by Waverley Care)

If you are responding as an organisation and want to tell us more about your organisation’s purpose and its aims and objectives, you can do so here.

If you are responding to this consultation as an organisation and want to tell us more about your organisation’s purpose and its aims and objectives, please do that here.:
A&B Hangouts group is an online group of trans and gender-questioning young people who live throughout Argyll & Bute. The young people are individually supported by Waverley Care, and the online group is facilitated by Waverley Care. The group met to discuss their response to this consultation on 25th February and seven young people took part. They are aged between 15 and 23.

Where are you resident?

Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name