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.

Self-determination in legal recognition of gender is extremely important, since we all have right to our bodily and identity integrity, and not be required to prove our identities or undertake processes such as forced sterilization in order to be legally recognized. Improving legal procedures in a way that is most respecting and not pathologizing is an act of respecting human rights not only of trans persons, but all citizens of Scotland. It can send a powerful message that Scotland is a country which respects human rights, human dignity and life, and that it is not being led by outdated and conservative opinions and attitudes.

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?

Yes

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

In general, the model of “informed consent” is a good and progressive model which provides respect to the person who is changing their gender mark in personal documents. However, if we take into consideration that gender identity is changeable, fluid, and a broad spectrum of different identities, I believe that there is no need for the statement that obliges person to live in the preferred gender until the rest of their life.

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

No

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

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

B. to everyone?

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

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.

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.

Marriage and Civil Partnership

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

Yes

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

Legal gender recognition is a personal matter, not being a matter of discussion with spouses or family members, specially when different transphobic attitudes are still present in general public.

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 wishes to obtain a full Gender Recognition Certificate.

Yes
If you want, you can give reasons for your answer or add comments.:  
Civil partnership should be open for everyone.

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

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?  
Yes

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 Scotland without having to make an application?  
Yes

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.

Option 4: Full recognition using proposed self-declaration system, Option 6: Amendment of the Equality Act 2010

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.:  

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.

No

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

Conclusion

15  Do you have any comments about, or evidence relevant to:  
No

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:  
Jovan Ulicevic

What is your email address?
Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
Association “Spectra”

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.

“Spectra” is only trans-led organization in Montenegro, founded in March 2017. Our vision is a society where all persons enjoy equal rights and treatment, where all identities and bodies are respected and all of our differences celebrated. Our mission is to create a strong, visible and influenced in decision making movement which will aim to bring a complete respect of human rights of trans and intersex persons in Montenegrin society. Our key activities include:
1. Social services and community building: self-support group, peer to peer consultations, support to victims of violence, workshops, community events
2. Access to healthcare: facilitating access to trans friendly health care providers, HIV prevention and support to trans people living with HIV/AIDS
4. Raising visibility
5. Advocacy for legal gender recognition based on self-determination, depathologization and body integrity: Together with Queer Montenegro, Juventas and Institute for Legal Studies, we presented draft of the “Law on gender and sex identity”, which will provide right to LGR to trans persons without medical requirements, prohibit unnecessary surgeries on intersex people and arrange several rights concerning family life and discrimination based on gender and/or sex characteristics
6. Education for institutions on trans issues: medical practitioners, psychologists, police officers, social workers

Where are you resident?

Rest of the World

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

Publish response with name