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.

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

Edinburgh Frontrunners already operates on a purely self-declaration basis. The club’s membership form has an open field for gender identity to allow our members the maximum flexibility in declaring the identity they want to use within the club, and it is important to EFR to empower our members to represent themselves as fully as possible, even if they feel unable to be completely open outside the club.

Scottish Athletics and many race organisers have moved towards self-declaration of gender identity in recent years, and there is now an increasing number of races in Scotland which carry trans-inclusive statements on their websites encouraging people to sign up in the gender category that best matches their identity. EFR fully support this, and we try to support as many of these races as possible by attending as a club.

Self-declaration would bring the law into better alignment with the realities of everyday life and we fully support it.

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:

3 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:

Members’ experience shows that discovering your identity can be a many-staged process, involving intermediate identities which may feel final, and stages of comfort where being able to accurately reflect your identity relieves enough dysphoria to reveal more stages. Placing a limit (especially a low one) on the number of times a person can recognise their gender may make moving forwards more difficult by creating a fear of using up their opportunities.

4 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:

Edinburgh Frontrunners is affiliated to the International Front Runners movement, which aims to promote international relations between Frontrunners clubs around the world. EFR has members of many different nationalities, including all of the UK and Ireland, students both UK and international, and regular international visitors. We welcome all of them in their full diversity and encourage them to be open and comfortable in their identities.

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:

The age of responsibility for most major life decisions in Scotland is already 16, and there is no sensible reason not to bring Gender Recognition into line with things such as marriage, voting, joining the armed forces, and changing their legal name; and many Scottish students start university before 18. It would make some people’s lives a lot easier if they could have their gender legally recognised at the same time as embarking on major phases of their lives, so they are not forced to out themselves or delay life stages, purely because of outdated age rules.

Edinburgh Frontrunners is only open to people of 18 and over (or under 18s when accompanied by a parent or guardian) and we operate on a self-declaration basis anyway, but some members’ experiences show that early recognition of true gender is important for mental health reasons and simplicity of documentation.

6 Which of the identified options for children under 16 do you most favour?
Option 3 – parental application

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:

This is not relevant to club members as a current process, but members’ experiences show that early recognition of gender is important, and denial can have long term mental health impacts.

We agree with the Equal Recognition Campaign’s reasoning and guidance on this, with the caveat that there must also be options for children who are fully capable of making their own decisions but whose parents are not supportive. Members’ experiences show that not all trans people can rely on parental support of their gender recognition.

Marriage and Civil Partnership

7 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:

This is in line with the Marriage and Civil Partnership (Scotland) Act 2014, and to reintroduce the spousal veto would be a backwards step. Edinburgh Frontrunners has several members in same-sex marriages and civil partnerships, and several trans members. We believe that allowing anyone to veto another person’s gender identity is inherently unfair, and the effects of a GRC on a marriage are the business of the individuals involved. Reintroducing the spousal veto would carry an implication of stigma against trans people, and we would oppose it.

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 wishes to obtain a full Gender Recognition Certificate.

Yes

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

Civil partnerships should be open to mixed-sex (and mixed-gender) couples. To restrict them to same-sex couples only is to stigmatise them and same-sex relationships. Stigmatising and discriminating against LGBTI+ people (or cisgender straight people) is explicitly against the EFR Constitution and we oppose it.

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:

Allowing a GRC to be grounds for divorce or dissolution stigmatises trans people, and is therefore against the principles of equality that EFR stands for.

Other aspects of the 2004 Act

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

No

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:

This is entirely in line with a system of self-declaration, and in line with Article 8 of the European Convention of Human Rights: the right to respect for private and family life.

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:

Edinburgh Frontrunners has several non-binary members, and we have worked towards non-binary inclusion in running. Our non-binary members’ experiences show that being able use your true identity is empowering and validating, and beneficial to mental health.

It is a fact that non-binary people exist, and they have a right to legal and administrative recognition of their existence in exactly the same way that binary people do, whether trans or cis.

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.:
We believe full equality for non-binary people is the only reasonable solution. It may be reasonable to introduce administrative changes in stages, but there should be a legal commitment to progressing to full equality, to avoid the risk of time weakening non-binary people's rights before the process is complete.

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?

Not Answered

If you answered Yes, add your comments.:

The Edinburgh Frontrunners Constitution states that the Objects of the club are:
- to promote health and wellbeing through running among LGBTI+ people, regardless of race, religion, age, nationality, sex, gender, gender assignment, gender identity and expression, sexual orientation, physical ability, disability, marriage or civil partnership status, or political or other opinion (except where expression of that opinion incites discrimination, hatred, or violence);
- to combat discrimination, homophobia, and transphobia in sport, and to encourage LGBTI+ involvement in the sporting and local community; and
- to organise members’ participation in running competitions and social activities.

The club will always strive to achieve these Objects regardless of the current state of Gender Recognition systems in Scotland (and anywhere else our members race), but we know it makes a difference when our members are able to take part freely in their true identities, and when organisers state that LGBTI+ people are welcome at their events and to enter in the category that best matches their identity.

Binary trans people have long suffered discrimination in sport due to imperfect or obstructive rules at high levels of competition, even though their aim was always to ensure fair competition within sex categories. Even though the majority of our members have no aspirations to compete at international level, the stigma that results from such rules does trickle down to races at all levels, and attitudes of race organisers and other participants at all levels of competition (including fun runs). Running is generally an extremely inclusive environment, but every legal or societal step forwards to full inclusion makes our Objects easier to achieve, and has our support.

The club also has several non-binary members, who until recently were forced in all races to enter under the binary system, choosing male or female in the gender category (despite these being sexes not genders). This erases non-binary people and makes them feel invalid and excluded, and is still the case in the majority of races and forms, despite recent progress. There are inevitably mental health implications of this, and it can put non-binary people off entering races, or taking up sport in the first place.

Edinburgh Frontrunners have therefore worked towards non-binary inclusion in running. We were involved in the meeting with Scottish Athletics when the decision was taken to pursue non-binary inclusion in Scottish Athletics rule changes, and we were privileged to organise the first race to hold a Scottish Athletics permit that included the non-binary category (Edinburgh Frontrunners’ Pride Run 2017). There were several unofficial inclusions beforehand that demonstrated the need for the rule change, to whose organisers we are indebted.

The intermediate rule change promoted by Scottish Athletics in turn helped change the rules of UK Athletics to allow non-binary categories in sport, and this year there are expected to be at least 15-20 running races in Scotland including the non-binary category.

This demonstrates how small changes in one area can have a knock-on effect in other areas, and we are yet to see the full results of non-binary inclusion as it filters throughout running and into other sports and countries.

Our non-binary members’ experiences show that being able to sign up to races in a category that matches your true identity is empowering and validating, and beneficial to mental health. We anticipate the future effects of this to increase non-binary visibility in sport, with a resulting increase in the participation of non-binary people in sport, leading to long term mental and physical health benefits - which is exactly what the club’s Constitution aims to promote for all LGBTI+ people.

In conclusion: Edinburgh Frontrunners fully supports the most progressive options outlined in this consultation. The club has been operating on these principles since its foundation in 2013 and strives to make everyone welcome at all times, particularly those of minority sexes, gender identities, and sexualities. We welcome the reforms to the Gender Recognition Act and will be delighted when the law catches up to the level of inclusion we already strive to meet.
About You

What is your name?
Name: Al Hopkins

What is your email address?
Email: [Redacted]

Are you responding as an individual or an organisation?
Organisation

What is your organisation?
Organisation: Edinburgh Frontrunners

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:

Edinburgh Frontrunners is a running club for LGBTI+ people and straight friends. Membership is open to all, regardless of age, gender identity or expression, sexuality or running ability. Edinburgh Frontrunners is the UK’s seventh and Scotland's second Frontrunners club, and part of an international collection of Frontrunners groups with branches in over 100 cities around the world.

We run twice a week with a number of different distances on offer at each meeting, we have a walking group that meets alongside every club run, and we have regular Learn to Run programmes to maximise the accessibility of running to all. Socialising is a large part of club life, with food after every run, trips away for races (both local and further afield), and regular social events throughout the year.

www.edinburghfrontrunners.org

Where are you resident?
Scotland

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

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