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.:
Galop, the LGBT+ anti-violence organisation, already provides services to trans people on the basis of their self-declared gender identity, and so we welcome gender recognition law being brought in line with our practice.

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?

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.:
Changing your legal gender should not be an irreversible decision. If somebody’s decision did change, they should be able to apply in the same way again to have their legal gender changed again.

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.:

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.:
Galop supports and advocates for young trans people. Not having their gender legally recognised means that they often have to out themselves as trans when starting a new job/university etc, as their gender and gender expression does not match their legal gender. This can cause unnecessary stress, limit life opportunities, and make them a target for abuse and discrimination.

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.:

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.:
The spousal veto can be dangerous for trans people in abusive relationships. The limited research available suggests that trans people are at a high risk of domestic abuse, a study published by the Scottish Transgender Alliance (Roch et. al, 2010) demonstrating up to 80% of trans participants had experienced domestic abuse from a partner.

Since 2016 Galop runs the national LGBT+ domestic violence and abuse helpline which receives enquires via a telephone, email and webchat. In 2017, 10% of callers were trans people. In analysis of our casework services in London for LGBT+ Survivors of Domestic Abuse between January 2013 - August 2017, 14.3% of survivors (n=595) identified as trans. 22 % of these survivors were under 24 years of age, 52% were from BAME backgrounds, and 62% had a disability.
Trans women report highest levels of physical (82.6%) and financial abuse (30.4%), whereas trans men report highest levels of harassment/stalking (11.8%) and psychological abuse (14.7%). Trans non-binary survivors report the highest levels of sexual abuse (41.7%), controlling behaviour (83.3) and emotional abuse (91.7%).

Between 60% to 80% of LGBT people who have experienced domestic violence have never reported incidents to the police or try to find advice, support, or protection from organisations and services (Fish & Hunt, 2008; Guasp, 2011; Stonewall Housing, 2014a). Reiterating significant underreporting of LGBT DVA, SafeLives estimates only 4% of MARAC cases and 1% of IDVA-supported victims identify as LGBT.

The level of power and control a spousal veto gives someone over their trans partner is very concerning. If their partner is abusive, they may use a veto to further ridicule, deny, and disempower. It would be a step back for Scotland to reintroduce a spousal veto.

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.

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?

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.

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.

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

Not Answered

If you answered Yes, add your comments:

About You

What is your name?

Name: 

What is your email address?

Email: 

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation: Galop

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.

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Galop is the LGBT+ anti-violence charity. We support LGBT+ people experiencing hate crime, sexual violence and domestic abuse.

Where are you resident?

Rest of the UK

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

Publish response only (without name)