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.

Disagree

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

In addition to compromising rational sex-based protections for females, “gender identity” legislation incorporates stereotypical ideas of “what is female” into law. I am concerned about the impact of this legislation on our community, and our community’s ability to meet free from male influence and involvement. More importantly, as a female, I am concerned that in the attempt to provide protections for a few, we will compromise the protections of the many.

Specifically, the proliferation of legislation designed to protect “gender identity” and “gender expression” undermines legal protections for females vis-à-vis sex segregated spaces, such as female-only clubs, public restrooms, public showers, and other spaces designated as “female only.” Females require sex-segregated facilities for a number of reasons, chief among them the documented frequency of male sexual violence against females and the uniquely female consequence of unwanted impregnation resulting from this relatively common form of violence. Public policy, therefore, rationally permits sex segregation in certain settings where a reasonable expectation of privacy exists.

You cannot deny the implications of this legislation – and the radical shift in priorities it represents for females. Female reproductive vulnerability has a long history of exploitation by males in the form of sexualized violence.

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?

Yes

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:

A. only to people whose birth or adoption was registered in Scotland, or who are resident in Scotland?

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?

Disagree

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

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

Option 1 – do nothing for children under 16

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?

No

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

No

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

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

No

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

Other aspects of the 2004 Act

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

Don’t know

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

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?

No

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

Non-binary people

Should Scotland take action to recognise non-binary people?

No

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

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.:

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.

Don’t know

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

Conclusion

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

No

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:
Catherine M Brennan
What is your email address?

Email: [REDACTED]

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation: Gender Identity Watch

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:

Gender Identity Watch is a blog devoted to tracking legislation and case law that attempts to codify “gender identity” into law and to override protections based on sex. Contributors to Gender Identity Watch are lawyers who apply a radical feminist analysis to gender, but who also are aware of the compromise that comes from interaction with legislatures and the courts.

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