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.

We strongly agree that a system of self-declaration in Scotland would be vastly preferable to the dismal system in place at the moment, which we believe discriminates against trans people. Self-declaration is international best practice, works very well and without issue in countries which already have it, and has been endorsed by WPATH in their recent Identity Recognition Statement.

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.

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.

Yes. Scotland’s 16 and 17 year olds should be able to have their gender legally recognised, though a self-declaratory system. At the moment, the system discriminates against them, leaving them with their documents in disarray at a really important time in their life, when they need to be able to easily transition from school into college, work or volunteering opportunities. For young trans people, having conflicting documents is extremely unsettling.

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.

Parental application would seem a reasonable system which already exists for other administrative purposes. But not all parents of trans children would support a change of legal gender, so we would also want there to be a back up method by which a capable young person without parental consent can apply for gender recognition where this would be in their best interests.

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.

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.

Of course! Let's make Scotland welcoming and safe to people of all genders.

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.

Yes! We think this is extremely important. We have worked with nonbinary young people, and we have nonbinary people on our team of volunteers, as well as nonbinary friends. We recognise and respect their gender. Nonbinary identities are completely valid and should be certainly recognised in law.

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.

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:
Girls Rock Glasgow
What is your email address?

Email: [REDACTED]

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
Girls Rock Glasgow

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:

Our mission is to promote girls making music, art, change, kinship and space for themselves. Confidence, creativity and noise! We are LGBTQ friendly.

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

[REDACTED]