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.

Disagree

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

Currently, lesbian groups and organisations are inundated by would-be members who are male.

The definition of lesbian is an adult human female who is attracted to, and has relationships with other adult human females.

If male humans can identify as women and lesbians, the reality of being a lesbian is erased.

Therefore it affects lesbians as a group.

If we can't name ourselves, we can't act in unison.

Self-identification means it's easier for males to do this.

Sex is based on a biological reality, and this applies equally to being a lesbian.

Women-only spaces are important to lesbians.

This legislation will make it harder to establish and maintain such groups.

Someone with XY or XYY chromosomes is not a woman nor a lesbian.

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?

No

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

Many women in lesbian communities are detransitioners who speak out against transition to a trans identity.

Lesbians are hated and mocked in society, including by trans people, for being gender non-conforming.

Therefore we often feel pressure to transition.

Detransitioners should not feel pressured to remain in a legal identity they no longer agree with.

We do not agree with self-identification, but if it does go ahead, it should be made clear that many formerly trans-identified people, especially women, will detransition.

https://www.transgendertrend.com/lesbian-detransitioner-must-question-primary-solution/ This is the testimony of a lesbian woman living in Scotland who detransitioned.

Please bear our voices in mind.

As lesbians we are part of the LGBT community too.

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.

If we go down the road of self-declaration, this will mainly be people who don't wish to transition surgically, and may not wish to take hormones. Their identity will be based solely on their sense of internal gender, and this may change often.

As lesbians we believe in a lived reality of female experience. We do not believe in an internal gender identity.

Those who do seem to change identity quite often. Therefore no limit should be imposed.

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.

We currently lack resources for basic functions such as healthcare and education.

We should conserve our resources for people resident here - whether they were born here, or adopted our country as their own later in life.

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.: Children this age are entitled to human rights but they are young and also have the right to counsel from their elders and caregivers. Many young women who express themselves as lesbians are pressured to identify as transmen or nonbinary. The pressure and bullying is huge and is heartbreaking to witness. If someone detransitioned, as is common, they also face bullying and isolation. We do not wish to make the process of transition so easy for a young person that they succumb to pressure quickly and later regret it.

We realise it is out of step with current thinking to say that many transmen and non-binary female people might actually feel comfortable as lesbians, and we do not wish to speak for others. We only speak from our experiences as women who grew up gender non-conforming, some of whom have detransitioned, and some of whom have daughters who detransitioned.

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

Option 2 – court process

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.: We would prefer children of this age not to have to go through this process. Children should be allowed to express themselves without fitting into a rigid gender role.

However, a court process would be able to investigate whether this was the least worst option, and would have the most oversight and accountability.

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.: Lesbian and gay civil partnership, and marriage are hard-won institutions. We believe that no lesbian should be forced into a defacto 'heterosexual' union. It would be crushing for a lesbian woman's sense of self. Marriages and civil partnerships should be able to be dissolved without the expense and emotional upheaval of divorce. This would also result in lower need for legal aid.

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 wishesto obtain a full Gender Recognition Certificate.

No

If you want, you can give reasons for your answer or add comments.: Lesbian and gay people fought hard for civil partnership. It's unique to lesbian and gay culture and should be preserved as such. No lesbian should be forced into a 'heterosexual' relationship with a partner who has officially changed their gender presentation and registered gender.

9 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.: This is a change to the nature of a marriage, and is likely to be linked to a distressing and sudden change in character of one partner. Lesbian women should be able to seek dissolution of their marriages if this happens, without the expense of divorce. Otherwise, women with lower incomes will be disadvantaged.

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.: More exemptions are needed. We need to acknowledge that female bodies and male bodies have different capabilities with regard to sport. Lesbian women have a lot of role models within the world of sport. Sadly this may change if those achieving the highest results have a male physique.

To protect victims of crime, it is crucial that the current exceptions remain.

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?

No
If you want, you can give reasons for your answer or add comments:
Gender seems to be defined in different ways depending on the country.
Which makes sense, as it's socially constructed.
This is why we need to retain the knowledge of someone's sex.
This matters more when it comes to statistics, for example.

Non-binary people

12 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:
It would be better to allow all gender-non-conforming people to access hate crime legislation, rather than privileging only those who agree with the concept of gender identity.
Many lesbians are gender-non-conforming and experience gender dysphoria, and we are frequently 'misgendered'.
It would help us if there were less occasions when our sex or gender was asked for.
However it's important to keep track of male and female people so that everyone can retain their dignity and safety in situations such as prison, or single-sex support services.

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 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:
Please ensure the Equality act is amended so that all gender non-conforming people are protected. We exist because mainstream LGBT charities do not always understand that lesbian women are targeted due to their gender non-conformity as well as our sexuality.
Gender non-conforming lesbians are brave women who deserve support.
Changing the wording of the Equality Act would ensure that all non-binary and gender-non-conforming people are protected at work as well as in public and private spheres.
We should be protected whether or not we believe in internal gender identity.

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.

Yes

If you answered Yes, describe the impacts you have identified:
Please think about the effect on women in prison. Scotland is becoming so much more progressive in so many ways relating to women in prison. We shouldn't have to share space with etc as it places us at risk.

Conclusion

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

Yes

If you answered Yes, add your comments or evidence:

a) Lesbian-owned businesses will be affected. Lesbians will have to explain to service-users and clients why they now have to share space and services with male people. Self-ID will impact negatively on the current courtesies extended by lesbians towards transsexual males who wish to share lesbian spaces.

b) As a group of lesbians, we wish it noted that the concept of gender identity, of transitioning etc have the effect of erasing us, our actual identities and our safe spaces. This will impact on our ability to cope with societal oppression we face.

c) see previous response re: young lesbian women being pressured to transition.

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

Yes

If you answered Yes, add your comments:
It is being claimed that LGBT groups who are pressuring for this change are representing lesbians.
Please note that there are many, many lesbians who self-exclude from these groups as we are ignored at best, or called slurs such as terfs at worst.
Lesbians exist and we are proud. We base our identities on our lived experiences of being female - we are not a fetish nor a costume.
When 'identifying' as a lesbian goes unchallenged, rape culture is promoted.
You can see this manifesting with ‘cotton ceiling’ pressure for lesbians to consider partners who could impregnate them, for example.
Lesbian Strength Scotland exists because lesbians are underrepresented at best, or misrepresented at worst. LGBT organisations exist but they rarely consult with lesbians outwith their own circles. Currently, lesbians are being demonised in a moral panic that exists to pressure us to consider male partners, or partners who can impregnate women. Our self-definition is not accepted widely.

We support lesbians to report hate crime to police.
We offer support and signposting by e-mail.
We offer training to organisations.
We keep lists of solicitors who can help when lesbians face issues with the courts eg when their male ex-partners use their sexuality in bids to obtain residence of their children.
We have a lending library.

We exist to demonstrate that lesbians are still here, and still proud.