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.:
Self declaration will make it too easy for people who are not legitimately trans to access women's spaces. It will also make it too easy for people who are trans to access women's spaces whilst they still retain all of their biological characteristics. Women's spaces such as toilets, changing rooms in leisure centres and refuges must remain sex-segregated for women's privacy, dignity and safety.
This review has been put out for consultation without due regard for the rights of women.
We are concerned there has been no equality impact assessment.
If it goes ahead then there must be safeguards to allow some services to remain single sex.

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.:
This may provide some safeguard against trivial or opportunistic gender changes.

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:

C. Don't know

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.:
Affirming trans in children puts them on a pathway of medicalisation and puberty blocking that they may later regret and can have life long consequences.
Delaying legal recognition to 18 at least provides some safeguards.

Marriage and Civil Partnership

7 Should it be possible to apply for and obtain legal gender recognition without any need for spousal consent?

Don't know

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.

Don't know
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? 

No  

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? 

Don't know  

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? 

No  

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? 

No 

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

We believe we are all non binary to some extent, and the concept of gender (and "non-binary") simply enforces stereotypes. 

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. 

Yes 

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

Services may be forced to provide specific non-binary facilities for those who are traumatised by the idea of having to conform with a male or female service. Schools, for example may be required to provide a non-binary toilet and face legal challenges if they cannot do this. Refuges services may be required to provide "non binary" accommodation. It may also pave the way for further "gender identities"to be given legal status with similar consequences, we note there are currently 71 gender options on Facebook. 

Conclusion 

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

Yes 

If you answered Yes, add your comments or evidence.: 

We are concerned about the impact of this on the rights of women under the Equality Act. Women are a protected sex class and we do not think this legislation has given due consideration to the negative consequences and legal issues. 

E.g. 

In sport - where biological men who identify as women can join women's teams 

Care professionals - where biological men who identify as women can give and receive care to women who wish to be looked after by biological women 

and the following, in similar ways: 

prison services 

education 

women's refuges 

leisure facilities 

retail changing rooms 

equality statistics - because only by having statistics can we understand societal trends or crime trends
Do you have any further comments about the review of the Gender Recognition Act 2004?

Yes

If you answered Yes, add your comments:
we are concerned about the following.
The premise of the consultation is that gender is a real thing. Our understanding was that biological sex is a real thing, as evidenced by e.g., procreation and that "gender" is a social construct whereby biological men are masculine and e.g. wear trousers and are aggressive, and that women are feminine and e.g. have long hair and are submissive.

Biological sex has been cast aside. A man cannot become a woman based on an inner feeling. A man in a dress is not a woman, but if he says he is, then this legislation means women will have to agree with him and include him in her space, without him having gone through any process of medical assessment. Any man could do this in order to access a woman's space.

People should be allowed to act outwith the gender roles for their sex without being classed as trans or non binary. It's just their personality.

Affirming trans in a child of 13-16 will put them on a pathway of medicalisation such as chest binders and puberty hormones.

Ministers should note that this review in Scotland and UK wide has triggered an unprecedented upsurge in grassroots feminism by women who feel that they have been abandoned by mainstream parties over this issue. Public meetings to discuss the issue have been held in secret and transactivists have disrupted them and tried to have them cancelled.

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:
Midlothian Women's Spaces

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:
We are a local grass roots organisation who have come together on this issue through internet forums such as mumsnet and school runs.

Where are you resident?

Scotland

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

Publish response only (without name)