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.:
I am not comfortable with the notion of applicants being charged a fee although I am not sure how this works in other countries. Legal recognition of one's identity is a fundamental human right and should not come at a cost.

I wish to see the same extended to trans people of NON-GENDERED IDENTITY and hope that the needs of this significant and overlooked section of the trans population will feature further on in the consultation.

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.:
Statutory Declaration is a straightforward approach although the administration must recognize that a small minority of trans people will change their mind. The legal process should not be irreversible.

3 Should there be a limit on the number of times a person can get legal gender recognition?

Don't know

If you want, you can give reasons for your answer or make comments.:
I am hesitant to answer this question. I'd like to say 'No' but some people are opposed to trans people having ANY rights and these individuals could deliberately abuse the system in order to create difficulties for lawful [trans] users.

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.:
Although I am not sure how it will work in principle. I'm a UK national, born and resident in England, therefore my response is motivated in terms of that recognition to everyone in Scotland is the only way I am going to achieve legal recognition of my NON-GENDERED status unless there is a change of UK Government. I would be prepared to move to Scotland in order to achieve legitimate identity that I am being denied in England, however moving hundreds of miles away from my current location is not possible within the immediate future due to overarching practical concerns.

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.:

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

None of these options

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.:
I am really not sure how to answer this question. This is not my area of expertise.

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.

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:
The rights of partners need to be considered alongside rights of the trans person. No one should be forced to remain in a marriage.

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?

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:
The correct definition for neither male nor female is NON-GENDERED. I have campaigned and fought for the legal recognition of my identity for more than 25 years on a principle of legitimate identity as a fundamental human right. For most of the time I've worked to raise awareness of the issue, the subject was completely under the radar and even those in support would be wary about expressing their support for my cause in a public statement. My campaign was responsible for the issue gaining a platform within the political arena in the UK through relentless lobbying of MPs over a number of years. I presented evidence to the Women and Equalities Select Committee in person as part of its inaugural trans equality inquiry. Terminology is important and my firm belief is that NON-GENDERED is the correct definition for individuals of neither male nor female identity.

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 1: Changes to administrative forms, Option 4: Full recognition using proposed self-declaration system, 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:
I refer to comments made in response to the previous question with regards to definition.

The Scottish Government is currently hamstrung in that areas that are not devolved remain under the jurisdiction of the UK Government.

The currently UK Government is vehemently opposed to the issue of recognition and the granting of civil rights to NON-GENDERED people.

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?

Yes

If you answered Yes, add your comments.:

The Gender Recognition Act 2004 [GRA] is an extraordinarily discriminatory piece of legislation that failed a number of sections of the trans population. The GRA ignores completely the lived experience - and the EXISTENCE of trans people who define their identity as neither male nor female.

Equality for NON-GENDERED trans people MUST be at the very heart of anything that replaces it in Scotland and in the rest of the UK when there is a change of government.

About You

What is your name?

Name:
Christie Elan-Cane

What is your email address?

Email: [Redacted]

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
NON-GENDERED - Fighting for Legal Recognition

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.: My campaign 'NON-GENDERED - Fighting for Legal Recognition' is a personal campaign that began more than 25 years ago as a desperate bid for survival within a gendered societal structure that failed to acknowledge my existence.

At that time there was no awareness and no real comprehension of the issue and I was having to educate myself as I was trying to educate others when there was no internet and I was entirely dependent on a media that sought to sensationalize what I was saying and everything that I represented.

From an unpromising beginning, and over the course of several years, my campaign was directly responsible for elevating the issue to reach the consciousness of MPs in the UK Government.

I am currently in the process of taking legal action against the UK Government and the case [the judicial review of the UK’s discriminatory passport policy] will be heard in April of this year.

My/my campaign's aim is the full legal recognition of NON-GENDERED IDENTITY and associated provision as accorded the gendered majority [eg. non gender-specific option on forms where sex/gender is required, gender-neutral public bathrooms etc.]

I campaign upon the principle of legitimate identity as a fundamental human right.

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 with name

[Redacted]