Response ID ANON-ETBC-GNM9-S

Submitted to Review of the Gender Recognition Act 2004
Submitted on 2018-02-28 10:29:24

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. :
Trans and NB people should not have to undergo psychiatric assessment to legally affirm a gender they know to be true. ONLY the individual themselves can truly understand their own gender identity.

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.:
This area is especially important for those who come to Scotland from other countries, where gender identity laws and protections are not as progressive. If we are to appeal to trans and NB people in other countries as a ‘beacon’ of equality, we should also allow those who choose to come to Scotland the same rights.

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. Doyou agree or disagree?

Agree

If you want, you can give reasons for your answer or add comments.:
This move would significantly improve the lives of trans young people and is a vital step in any change to the gender recognition regulations.

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.:

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.:
In many cases, there may be significant pressure on the relationship and marriage where one party decides to legally change their gender - this will undoubtedly be difficult for some people and cause friction and a range of emotions. However it should not be possible for that spouse to ‘veto’ the right of their husband or wife to continue with the legal process. Marriage should not be a barrier to achieving legal gender recognition.

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
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:

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:

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: Pink Saltire

What is your email address?
Email: [redacted]

Are you responding as an individual or an organisation?
Organisation

What is your organisation?
Organisation:
Pink Saltire

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.:

Where are you resident?
Scotland

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

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