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:
We support the response submitted by the parliamentary office of the Catholic Church and have additional comments that specifically express our questions and concerns as parents of children currently within the Scottish schools system.

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:
However, we would be concerned that some young people would not have the capacity to do this. Indeed even if this were any individual’s current intention they may later change their mind.

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:
This could act as a disincentive to those who might make frivolous applications. Young people should be given additional opportunities to change their minds, however.

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:

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:
The UN Convention on the Rights of the Child defines children as those under the age of 18 years. We would question whether every 16 and 17 year old would have sufficient maturity to make such a decision. The teenage years in any case is a testing time in the life of a young person and they experience confusion in many areas of their life. Allowing children and young people to legally change their gender in the midst of such confusion seriously fails the child.

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:

A parent’s right to decide what is best for their child should be respected.
Children aged 12 to 15 years should not usually be able to make an application.
There would be doubt as to a child’s capacity to understand the nature and consequences of their decision and moreover, a child’s view of themselves and their body will evolve through puberty and may change markedly when they reach physical maturity.

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:
The current arrangements should remain. Neither party should be permitted to re-frame the marriage in such a radical way potentially leaving the other partner in a same-sex marriage to which they did not consent.
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.

Not Answered

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 issue of a gender recognition certificate (GRC) does not indicate that the relationship has irretrievably broken down but that a marriage or partnership is no longer appropriate so it should remain a separate ground for divorce or dissolution.

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?

No

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

We would emphasise the importance of possibility to refuse recognition where the process is less robust than in Scotland or where there are concerns in relation to a specific case. For example, it should not be possible to take a child to another country to obtain a GRC and then return for automatic recognition in Scotland.

Non-binary people

12 Should Scotland take action to recognise non-binary people?

Don't know

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

It is far more important to take steps to support people who are intersex. This could ultimately reduce the number of people wishing to obtain a GRC.

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?

Yes

If you answered Yes, add your comments.:

As parents who have chosen a Catholic school for their children we fully support the position expressed by the parliamentary office of the Catholic Church that, for the sake of the Common Good of society, gender cannot be reduced to a mere construct that is fluid and changeable. Common Good requires that we are unwavering in love and acceptance of those who experience gender dysphoria and ask that the government provides appropriate support to those who need it.
The rights of conscience and freedom of religion must be protected for those who do not subscribe to the idea that gender is fluid. This is particularly important for those who work in education, for healthcare workers, marriage celebrants, religious representatives and parents who retain the right to bring up their children according to their conscience and beliefs.

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:
Scottish Catholic Education Service's Parent Involvement Working Group

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.

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The Parent Involvement Working Group was set up by the Catholic Education Commission in 2013 to improve parental involvement in Catholic schools in Scotland. It is made up of parent volunteers from dioceses across Scotland who represent parents who have chosen a Catholic school for their child.

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)