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.: Freedom of expression without forced medical procedures, which include stigmatising diagnosis are a fundamental human right, indeed forced medical intervention to access human rights is considered as torture by the UN. Putting rights first allows us to understand that any medical need is a consequence of social discrimination, namely discrimination on the grounds of gender identity and sexual violence.

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.: Who can be certain of the future or predict evolution? Would we require a politician or anyone else to predict the future until their death?

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.: All people should be recognised without discrimination on the grounds of gender identity at all times. Making any legal exception implies not recognising rights equally.

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.: Scotland can't legislate beyond its own borders.

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.: People are aware of gender as soon as they have any idea about a man and a woman, and have an idea of self. Most children have a concept of gender well before the age of 5... Waiting until 16 or 17 seems to ignore children's rights.

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.: Don't impose gender on children. They can make up their own minds as to what they themselves think, with help if necessary.

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.: Individual identity ultimately comes down to the individual, whatever anyone else may think.
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.

Yes

If you want, you can give reasons for your answer or add comments.:
Making civil partnerships open to all irrespective of sex helps combat sexism, sexist stereotypes and sexual violence.

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?

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 Scotlandwithout having to make an application?

Yes

If you want, you can give reasons for your answer or add comments.:
Of course, if we wish the Scottish courts to be progressive.

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.:
The idea of a minority legal gender category is implicit to legal discrimination, which will reinforce stereotypes and exclusion.

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 recognitio

Not Answered

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.:
This is highly desirable as key to gender equality.

About You

What is your name?
Name: Emma Smith

What is your email address?

Email: 

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation: Support Transgenre Strasbourg

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:

An end to sex discrimination and discrimination on the grounds of gender identity stereotypes.

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