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.

As an organisation that predominantly provides women-only services, we already work to a self-definition model. This works well for us and creates a space that is safe and welcoming for all women, cis and trans, which is very important to us. We welcome a move towards gender recognition laws that reflect our approach in recognising and validating trans people’s identities.

Our organisation supports survivors of sexual violence and as a result safe and supportive spaces are vital. We don't consider that to be at odds with inclusion of trans women. Our understanding of gender-based oppression is not rooted in biology as such but in understanding womanhood as diverse and varied, with trans women’s experiences holding an additional layer of bigotry and hatred in the form of transphobia as well as sexism.

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?

Don't know

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.

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.

We support young survivors of all genders in our service and consider that, if 16 and 17 years olds are old enough to vote and get married they are also capable of understanding their true identities.

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.

We do not believe that anyone should hold this level of power over a partner. It seems far too open to abuse and is unnecessary when an adult is fully capable of making that choice for themselves.

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
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?
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.: 
Many non-binary people struggle to access any support services - legal recognition of their identity may well be key to opening up support to a vulnerable group that so often slips through the cracks. Our all genders services support non binary survivors and we ensure that their identities are respected and understood, but we know that this is not always the case across the UK. We also run a non-binary and trans helpline for survivors and have regular feedback from non-binary survivors that they struggle to receive support and validation without it coming alongside transphobia or erasure of their identity. You could do something to help change this.

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.: 
We hear a lot of fear-mongering about changes to the GRA making women-only spaces unsafe for cis women or that there will be men trying to get into these spaces. We want to make it clear that we, in our provision of women-only spaces and services, already work to the self-definition model proposed for the GRA. We recognise trans women as women and also recognise the disproportionate levels of violence they experience due to their trans identities. This has in no way impacted negatively on our services or our service users.
It is obviously unacceptable for someone to impersonate another person to access services that are not open to them - but this is already the case and would not change under the alterations proposed to the GRA. To suggest otherwise is to show a willful ignorance of the significant hardship faced by trans women, and to undermine the skills and capacity of those creating women-only spaces to keep them safe.

We celebrate the fact that this consultation is happening, and are hopeful that this is the beginning of the Scottish Government leading the way in trans rights and recognition.

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:
Survivors' Network

We are the Rape Crisis Centre for Sussex, supporting people who have experienced sexual violence. We offer counselling, advocacy, a helpline, a drop in and a trans helpline, as well as groupwork and training.

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 only (without name)