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: A medicalised approach dependant on psychiatric diagnosis is not in line with international best practice or human rights standards. Individuals should be able to self declare.

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:

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: This is in line with legal age for voting in certain elections, getting married, serving in armed forces etc.

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: If no parental support, option 2 may be appropriate.

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: Spousal lack of consent can cause delay and cost in obtaining full GRC.

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: Yes – couples may elect to enter into a CP (if same sex) who object to the historical trappings of marriage. They should not be forced to convert this CP to a marriage. We are also supportive of extending CPs to opposite sex couples.
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:

What is your email address?

Email:
Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
SWAN Networking for LGBT People

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.: SWAN aims to provide unrivalled networking services for professional LGBT people and promote the interests of the LGBT community.

Current Mission

• To provide space and facilitate business networking within the Scottish LGBT community
• To bring together public, private, and third sector organisations through networking events.
• To support employees of smaller organisations or the self-employed through networking events and guidance.
• To strengthen the position of LGBT people within the workplace.

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)