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 well as making gender recognition very unwieldy, I find the fact that the opinions of 'medical experts' are required is wholly inappropriate. I welcome any move to de-medicalise the process.

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.
I would welcome this, not least to 'pacify' any anti-trans people who would seek to raise ethical concerns.

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.
Any transition is a journey, and the individual should be supported in any way possible to explore and reflect upon their journey. It is perfectly legitimate for a divorced couple to remarry - why should we impose limitations on our trans citizens?

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.
I see here the opportunity for Scotland to lead in good practice. Our nationalities are based wholly on where we happen to have been born, and in terms of human rights, we are all equal.

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.
I would argue that a 16-year old who identifies as trans will have had a childhood and adolescence that has required thought and reflection that have nurtured a very good degree of maturity. If a 16-year old has come to the conclusion that they aren't cis, then we should not stand in their way.

6  Which of the identified options for children under 16 do you most favour?

Option 2 – court process

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 both child and parents support the transition, the Court would be a tick-box exercise, i.e. support the process. If the parents do not support the transition, the child should be able to seek the Court's support in fulfilling their wishes.

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.
I don't underestimate how traumatic a spouse seeking to transition could be for the cis-spouse. However, just as we make divorce less complicated to obtain, we should offer consent-free gender recognition. The transitioning person has so many barriers to overcome - this would be one less (although still potentially very traumatic for all concerned).
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.:
In my experience of working with trans people, some couples still want to maintain a formal relationship (e.g. panamorous). If two individuals want to have a civil partnership, who are we to stand in their way?

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.:
Again, let the couple decide.

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.:
Happy with all disclosure reasons except 'minister of religion'. I believe the State should be run on an entirely secular basis.

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.:
Again, in my experience (I am cis and a social science researcher) working with trans people, I see younger people being more likely to identify as non-binary than older people. I would imagine that we will be seeing an increase in people identifying as non-binary. Taking early steps to recognise these people would be very good practice for Scotland.

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: Christine Dobbs

What is your email address?

Email: [redacted]

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation: Swansea University

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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We are undertaking a piece of research funded by the Dunhill Medical Trust, entitled Trans Ageing and Care (TrAC): Dignified and inclusive health and social care for older (50+) trans people in Wales.

Find out more from our web-site: http://trans-ageing.swan.ac.uk/

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

[redacted]