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.

The Rainbow Project is a leading organisation in Northern Ireland working to promote the health and wellbeing of lesbian, gay, bisexual and/or transgender people through advocacy and service provision.

Over the past two years the number of trans people accessing our services has increased dramatically and we welcome this as a community emerging from decades of invisibility. However, we believe that the current legal framework for recognising the legal genders of trans people is no longer appropriate or sustainable and we support legislative moves towards self-identification, which is the law in the Republic of Ireland.

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.

While it is acceptable for government to require people to state their “intention” to remain in the same gender until birth, it will be necessary to ensure that people do not take this to mean that they will be sanctioned if they do not maintain the same gender until death.

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.

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?

We believe that this provision should be available for all residents of Scotland, with appropriate requirements on demonstrating that they are domiciled in Scotland.

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.

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

Not Answered

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.

We would support a suite of options that include options 2-5.

Marriage and Civil Partnership

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.
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?

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 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.

We believe that this is a complex issue and that government should empower a statutory agency to engage with trans populations and appropriate professional bodies to make recommendations to government on how to recognise non-binary people in law.

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 thank the Scottish Government for bringing the proposals to public consultation. We hope this statute will be amended and Scotland will continue to be a world leader in LGBT rights.

About You
What is your name?
Name: Gavin Boyd

What is your email address?
Email: [REDACTED]

Are you responding as an individual or an organisation?
Organisation

What is your organisation?
Organisation: The Rainbow Project

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.

The Rainbow Project is a leading LGBT health and wellbeing organisation in Northern Ireland. We provide a range of services, including, counselling, sexual health testing, hate crime and housing advocacy, family support, peer support groups as well as public policy advocacy and campaigning.

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]