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, TIGER already allows individuals to self-identify their gender. We welcome the law being brought in line with our practice.

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.:
As with any life commitment, circumstances can change, an individual may feel differently in the future to how they expect to at the time of applying for gender recognition. For this reason, just as with a commitment such as marriage, TIGER does not believe that there should be a limit on the number of times a person can get legal gender recognition.

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.:
As an organisation which works specifically with young people, we feel that this is an important issue. At age 16, young people in Scotland are allowed to vote, get married and consent to medical treatment. We feel that legal gender recognition should be brought in line with these other rights and responsibilities for 16 and 17 year olds.

At this age, young people are often making new and exciting starts in life. We want these starts to be as free and empowering as possible. Having to navigate disclosing your legal gender if it is different to your gender identity in new work places, universities etc. can create highly stressful and complicated life experiences. Allowing 16 and 17 year olds the right to legal recognition of their gender is an important step in alleviating these disadvantages that young trans people often face.

As an organisation that works with young people in schools and youth groups, we are keen to dispel the idea that giving young people the right to apply for and obtain legal recognition may force young people who merely want to explore gender expressions but are not trans to transition. Week in, week out, we work with young people, teaching them about gender stereotypes and gender norms. The young people we work with are grateful of the opportunity to critically explore gender and talk about the ways they like to go against many different gender stereotypes - be that by having particular hobbies, sports interests or subject choices at school. In addition to this, some of the young people we work with are trans and feel that their gender identity does not align with that assigned at birth, so may wish to apply for and obtain legal recognition. From our work with young people, we do not see how giving these individuals the rights they deserve to apply for and obtain legal recognition could have a negative impact on those who are not trans, but wish to challenge gender stereotypes.

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.

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.

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: [Redacted]

What is your email address?

Email: [Redacted]

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation: TIGER Bristol Co-op

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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TIGER: Teaching Individuals Gender Equality and Respect is a not-for-profit feminist cooperative that works with young people in schools and youth groups.

Our work focuses on educating young people about gender equality and gender identity. We feel that understanding and gaining rights for trans people is an important aspect of modern feminism and a vital element of achieving gender equality.

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)