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.

Disagree

If you want, you can give reasons for your answer, or make comments:

This would effectively change the meaning of the protected characteristic from 'gender reassignment' to 'gender identity,' protecting in law an unproven subjective 'sense' of being a man or a woman. It would mean that any member of the male sex would be able to 'identify' into the female sex class, thus rendering the protected characteristic 'sex' meaningless. The protected characteristic 'sex' is based on objective material reality - as are all protected characteristics - this proposed reform to the GRA would mean that for the first time a protected characteristic would be a subjective feeling in someone's head, no proof needed. Nobody is legally allowed to 'identify' into any of the other protected characteristics under the Equality Act. To make a woman (Definition: adult human female) into an 'identity' takes away women's rights and protections as a distinct group with boundaries, and would therefore be an erasure of the protected characteristic 'sex' and an act of direct discrimination towards women who are the sex that need this protection.

Legislating for the idea that one's sex may be chosen and is based on feelings, not biology, would be legalising a falsehood. It would have profound implications for all of society, including children. The results of this idea being taught to children in schools can be seen in the increasing number of children and adolescents who think they need to medically alter their bodies to 'match' their feelings. Although the proposed changes would de-medicalise transition, the message to children from activists pushes medical intervention as necessary to prevent suicidal ideation. The inherent contradictions of this ideology need to be examined and its teaching to children should be investigated. If being a girl is a 'feeling' or an 'identity' what is a 'girl'? This is causing confusion for children, promoting the idea of an 'authentic self' which is disassociated from the body, a recipe for mental ill health.

Changes in the GRA to make sex a choice based on identity validates the belief of a small group of people over material reality. This would leave children totally unprotected from those who want to teach children this belief as 'truth.' People are free to believe what they want to and identify as anything they choose, but law must be based on reality.

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:

This is difficult to say because under the proposed new system, anyone could exploit it for their own gain and then decide to 'change back' so a statutory declaration may dissuade some from doing that. On the other hand some people, particularly young people who are already being taught that 'gender identity' overrides biological sex, may be making a mistake they later regret under this new 'choose your sex' plan. It would not be fair on young people to teach them their sex is a matter of personal choice and not provide them with a way back when they grow up and realise that they made the wrong choice.

3 Should there be a limit on the number of times a person can get legal gender recognition?

Don't know

If you want, you can give reasons for your answer or make comments:

This question just shows how ridiculous this proposal is. How on earth can it be decided how many times it would be reasonable for someone to change from man to woman and back again?

4 If the Scottish Government takes forward legislation to adopt a self-declaration system for legal gender recognition, should this arrangement be open:

A. only to people whose birth or adoption was registered in Scotland, or who are resident in Scotland?

If you want, you can give reasons for your answer or make comments:

We oppose these changes in law in England so Scotland should not introduce it by the back door by allowing English people to simply cross the border to get a GRC.

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?

Disagree

If you want, you can give reasons for your answer or add comments:

Teenagers should be protected from legal recognition of gender laws. The teenage brain does not mature fully until the mid-twenties, teenagers are susceptible to indoctrination and peer pressure and they are not yet capable of making accurate benefit and risk calculations or mature enough to make life-changing decisions.
To allow teenagers to jump straight to hormones - an intrinsic part of teenage transition - with the associated serious and sometimes irreversible effects is a lack of duty of care. Adolescents should not be encouraged by legislation to believe that their sex is a choice, and should be given clear, factual information about the full effects of hormones and surgeries as well as being given access to alternative models of understanding ‘gender’ and full therapeutic support before any irreversible hormone treatment is considered.

This change would predominantly affect girls, as over 70% of adolescents referred to the Tavistock clinic in London are girls, and this pattern is being seen globally. This needs to be recognised when changes are proposed: ‘young people’ covers up the fact that it is predominantly girls who are seeking transition in this age group. The government should not be proposing any changes which would predominantly affect teenage girls without full clinical research into this recent and unprecedented phenomenon.

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

Option 1 – do nothing for children under 16

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.:

‘Nothing’ must include NOT teaching children anti-science ‘innate gender identity’ beliefs as fact. We strongly oppose the idea that children should be enabled to begin a process to change sex as young as 12 years old. There are many concerns amongst professionals about any treatments which are potentially irreversible (including puberty blockers) before a child's psycho-sexual development is complete. Before that time, a child has no real understanding of what it means to be male or female. Around 80% of children suffering gender dysphoria will outgrow it during puberty and the majority of these children will grow up to be gay or lesbian. Blocking puberty prevents this natural process. Over 90% of children on blockers at the Tavistock clinic in London progress to cross-sex hormones at age 16, leaving them infertile, with no or limited sexual function. It is irresponsible to offer to children a medical route which we know will have these effects when children are too young to understand what they will lose.

We do not yet understand the effects on adolescent neurological development, nor any other long-term health effects. When children start on this pathway, they rarely come off it, so we are setting them up for a lifetime as medical patients. For girls this will almost inevitably involve double mastectomy at age 18 and hysterectomy as a result of vaginal atrophy due to prolonged testosterone use. Testosterone has some irreversible effects on girls even if they stop taking it: increased body and facial hair, male pattern baldness and a deeper, hoarser voice.

We strongly oppose teaching children and young people the model of so-called ‘innate gender identity’ as a way of conceptualising their non-conformity, as it is a model which suggests that their bodies are ‘wrong’ and they need to pursue a medicalised pathway to be happy. We should be teaching children that they can be whoever they want to be in their own perfect bodies. Children and adolescents suffering gender dysphoria should be supported and offered therapeutic help to process their feelings, understand themselves and manage their dysphoria, not given blockers and hormones to change their physical bodies as a solution to painful feelings.

Marriage and Civil Partnership

7 Should it be possible to apply for and obtain legal gender recognition without any need for spousal consent?

No

If you want, you can give reasons for your answer or add comments.:

Women are currently most affected by a partner transitioning and need protection in law - much more needs to be done in terms of impact assessments on women who suddenly find themselves in a marriage they did not sign up to. The answer to this question needs careful consideration of competing rights. If the requirement for spousal consent is abandoned, gender transition must be legally allowed as grounds for divorce. When a woman marries a man, it is reasonable for her to be able to obtain a divorce on the grounds that she did not marry a woman and does not want to be married to a woman. When considering this question it is vital to take into account the impact on children whose health and well-being must be given the highest priority. Consideration also needs to be given to the financial implications for a divorced woman - many women cannot afford to divorce their husbands and take sole responsibility for children, women are more likely to be in part-time or lower paid jobs and may be faced with a partner using savings for gender reassignment surgery. The full impact on a wife and children needs to be seriously assessed before any decision is made.

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.

Don't know

If you want, you can give reasons for your answer or add comments.:

Either civil partnerships are for same-sex couples or they are open to all opposite-sex couples, this issue needs to be fully discussed with all stakeholders.

9 Should legal gender recognition stop being a ground of divorce or dissolution?

No

If you want, you can give reasons for your answer or add comments.:

Nobody should be forced to continue a marriage they did not enter willingly.

Other aspects of the 2004 Act

10 Are any changes to section 22 (prohibition on disclosure of information) necessary?

Yes
If you answered Yes, describe the changes you consider are needed:
It should be lawful to ask to see evidence of a GRC in any situation where it is important for security/women and girls’ safety. Otherwise what is the point of a GRC? How is it possible to tell the difference between someone who has legally changed their gender and a man in a dress trying to gain access to women and girls’ private spaces?

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?

No

If you want, you can give reasons for your answer or add comments:
Different circumstances need to be carefully considered, for example a sex offender who has transitioned in prison in another country. Should the identity of someone who committed an offense under a man’s name and subsequently obtained a GRC be protected when entering the country? The safety of women and girls obviously needs to be top priority when considering points like this, as well as national security. This is not to say that all transgender people are predators, but that this law would provide cover for any man wishing to hide his real identity.

Non-binary people

12 Should Scotland take action to recognise non-binary people?

No

If you answered No, and if you want, you can give reasons for your answer:
Recognised as what? We are all non-binary, nobody is 100% feminine or 100% masculine. Some people choose to use the label ‘non-binary’ which is their business, but it does not mean they are neither biologically male or biologically female. Males who describe themselves as ‘non-binary’ should not have the right to access women-only spaces. People who describe themselves as non-binary are still either male or female and should be legally recognised as such, not given legal recognition of their personalities in place of their sex.

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.

Yes

If you answered Yes, describe the impacts you have identified:
There are so many impacts in different areas if we give legal recognition to ‘gender’ rather than ‘sex.’ If people are given legal status as anything other than their sex we cannot accurately record important information for statistics, research and policy. It would affect everything. If used as a way of legally concealing which sex you are, this would put women and girls at risk. Women and girls need to know which sex someone is for reasons of privacy and safety.

Conclusion

15 Do you have any comments about, or evidence relevant to:

Yes

If you answered Yes, add your comments or evidence:
Full, exhaustive impact assessments need to be carried out before a change in law which erases any legal distinction between men and women and changes the definition of those words to be meaningless. Here are some impacts we are already seeing:

1. The pressure on parents to accept a trans diagnosis for a gender non-conforming child, based on gender stereotypes of clothing and toy preferences; or in the case of teenagers, to give in to the social media contagion to which they might be susceptible. The loss of protection for children and adolescents whose immature and developing identities will be affirmed without exploration because of the legal status of a personally-held ‘gender identity.’

2. The threat to current sex-based rights and protections, which keep males and females segregated in public places where women and girls might be physically vulnerable. These include single-sex facilities and services such as toilets, changing rooms, rape crisis centres, women’s refuges, hospital wards and prisons.

3. The inclusion of male-bodied, male-socialised and advantaged people, into areas of success and achievement where women currently have their own space in order to make competition fair or to level the playing field with men. These include women-only sports, prizes and awards, shortlists and quotas.

4. The negative effect on the lesbian community of the pressure on young women to identify as ‘straight’ trans men rather than as lesbian. There is also pressure and coercion to accept male-bodied self-identified ‘lesbians’ as sexual partners or be accused of ‘transphobia.’

5. The skewing of national crime statistics recorded by gender identity rather than sex, due to the higher rate of offending by male transitioners as opposed to women, with possible knock-on effects on funding for women’s services.
6. The effect on the 'trans widows' of men (and it mostly is men) who transition in middle age. There is nowhere for these women to turn: all the help and support is directed towards the 'trans' person.

7. The changing of language pertinent to women and girls in order to make it more trans-inclusive, thereby making 'women’s issues' impossible to talk about. This includes the use of such terms as ‘pregnant people’ and ‘menstruators.’

8. A whole new arena of bullying, intimidation and silencing of women who exercise their right to talk about female biological sex: including no-platforming, censoring of women's writing and online threats of rape with a 'lady penis' and new words to insult women: 'cis-scum' and TERF, a slur which stands for Trans Exclusionary Radical Feminist and is commonly used in the phrases "Die in a fire TERF" and "Kill all TERFS."

Impact on the rights of children:

- The diagnosis of children with what was previously considered to be an adult condition, based on a theory backed by no scientific evidence
- Negligence in terms of ignoring or discounting co-morbidities or underlying conditions a child may be suffering such as autism, psychological and emotional problems, troubled background, trauma or past sexual abuse if the only approach allowed by all professionals such as teachers, youth leaders and child protection agencies is "affirmation of preferred gender"
- The failure in protection of a child with parents who are homophobic, unable to accept a child who is unconventional, or Munchausen by proxy
- The failure to present children, adolescents or parents with alternative models of thinking about gender, to distinguish between ideology and facts, and to give access to factual research-based information
- The failure in duty of care towards 'gender dysphoric' children who are denied normal therapy/counselling to explore underlying issues: a failure in the principle "first do no harm"
- The failure to protect children who would grow up to be gay or lesbian as adults if left alone
- The failure to protect all girls from predatory males who may access their private spaces for any reason under guise of "identifying as a woman," especially the most vulnerable girls in care homes
- The erasure of normal established safeguarding procedures for girls based on the distinction between men and women as two distinct sexes
- The deception of girls in organisations which are for " girls only," which in fact include males
- The denial of all children's right to free speech; to name reality and to disagree with an ideology
- The erasure of the language girls need to talk about their female bodies and the erasure of the right to define themselves as the female sex

The grooming of girls to accept that they have no rights to their own boundaries with males, to accept that the feelings of a male are more important than her biology and to accept that males can have access to her private spaces without her consent

The impact on free speech for everyone who recognises biological sex as a reality. Any discussion of issues related to women as the female sex becomes 'hate speech' or 'transphobia' as it excludes males who identify as women. This means that women must only be recognised, discussed and treated as an 'identity' and not as the female sex, so 'transwomen' become the only legally, culturally and socially recognised women. This is erasure of the female sex as a distinct group with boundaries, along with any political representation for women as a distinct class.

16. Do you have any further comments about the review of the Gender Recognition Act 2004?

Yes

If you answered Yes, add your comments.

The proposed change to the GRA would be erasure of the female sex, taking away women's rights to their own boundaries and their own definition of the word 'woman.' It places internal feelings above biological reality. It makes sex discrimination impossible to measure or even recognise. This proposal in itself is proof of women's lack of status in society: women's rights have not even been considered. For a man to be able to legally self-define as a woman is not a 'right' but an unprecedented privilege. We do not have the legal right to self-define ourselves in any other area, the fact that this is being considered only for 'sex' is an act of direct discrimination against women, the class who are currently protected from discrimination under the protected characteristic 'sex.'

Legal recognition of personal 'gender identity' puts children at further risk of believing that internal feelings are the true marker of whether they are boys or girls, and validates the idea that children's bodies are 'wrong' if they do not 'match' their personalities. Normal safeguarding and protection of children would become impossible.

The proposed changes also take away protection for the distinct group the Gender Recognition Act was originally designed to protect: transsexuals who suffer genuine gender dysphoria and have been through a process of gender reassignment treatment. The changes would take away recognition for this group and replace it with the right to a simple legal identity choice for anyone, for any reason.

About You

What is your name?

Name: Stephanie Davies-Arai

What is your email address?

Email: [redacted]

Are you responding as an individual or an organisation?
Organisation

What is your organisation?

Organisation: Transgender Trend

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:

We are a group of parents based in the UK, who are concerned about the current trend to diagnose ‘gender non-conforming’ children as transgender. We reject current conservative, reactionary, religious-fundamentalist views about sexuality and we have no political affiliation. We are also concerned about legislation which places transgender rights above the right to safety for girls and young women in public toilets and changing rooms.

Our aim is to raise awareness of the teaching of reactionary and regressive ‘gender identity’ ideology in schools which reinforces harmful gender stereotypes of interests and behaviour. We provide information on the harms of the medicalisation of gender non-conformity and how this doctrine is particularly harmful for gay, lesbian and ASD children and adolescents. We campaign for open debate on an untested treatment for children which compromises their fertility, has some irreversible effects and leads to a lifetime of medicalisation.

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