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. :
Self declaration is not a simple matter of streamlining administrative procedures. It has implications on the provision of single sex exemptions as guaranteed under the Equality Act 2010. Through a process of self declaration, men will be treated as women simply by filling in a form. They will be able to access women only spaces and services simply by declaring their acquired gender is now female.

The Scottish Government holds the view that self id is in line with best practice. However, it must be noted that the European Court of Human Rights (Garcon and Nicot v France [2017] ECHR 338) in a judgment which is legally binding, held that an ‘assessment model’ is compatible with human rights and thus with best practice. This is in contrast with the Yogyakarta Principles (November 2006) and Resolution 2048 of the Parliamentary Assembly of the Council of Europe (April 2015) neither of which is legally binding. Nowhere is the claim that they represent best practice justified.

Self declaration has huge implications for women, in terms of accessing single sex wards in hospital, requesting a female health care practitioner, in prison and in women's and girls sports, refuges etc. According to the British Association of Gender Identity Specialists in a report to the Transgender Equality Inquiry in the UK Parliament 2015, members "sounded the alarm over what they warned is an "ever increasing tide" of transwoman criminal sex offenders. They outline how sex-offending transwomen whom they describe as “pretend transsexuals” adopt a transgender identity for various nefarious purposes, often involving increased access to vulnerable women and child victims." https://gendertrender.wordpress.com/tag/british-association-of-gender-identity-specialists/

A man or a woman is not a gender identity but the name for a reproductive sex. Women have XX chromosomes and are discriminated on the basis of their biology. If a man can simply declare they are a woman, the word loses its meaning. Sex is a protected characteristic under the Equality Act. As the Scottish Government is now claiming sex, gender and gender identity mean the same, this has far reaching implications for the Equality Act. Sex becomes a feeling in a man's head, not a biological fact. Therefore any protections gained for women under the Act are eroded.

The Equality Act 2010 is an important piece of legislation. It recognises that women face discrimination in a number of fields and puts a duty on public bodies to promote equality. It acknowledges the need for privacy and dignity when women are in vulnerable positions e.g. in a state of undress or undergoing an intimate medical exam. It recognises the physical differences between men and women which means women can organise in their own sports teams.

Before any legislation is passed, the major impact on the sex based exemptions in the Equality Act must be researched thoroughly.

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.: A statutory declaration to one's gender identity is swearing to what one is feeling at that time. There is no objective test as to whether this is genuine feeling or not. How could it be enforced? What if someone feels like a woman one day and a man the next? https://www.fnlondon.com/articles/mistranslated-i-split-my-time-as-pippa-and-philip-20171002

Someone may well intend to live in their aquired gender until death, but what possible repercussions would they face if they changed their mind? They can't be forced to live in an acquired gender, which is really just a feeling they have anyway, it's not an obervable material biological fact.

Although, as no-one would be able to ask to see proof of someone's legal gender recognition, it remains unclear as to the status of this declaration. If a man says he is a woman where is there a right to challenge that assertion?

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.: As self id is based on a feeling one has, and feelings change, it would seem that someone should be able to make innumerable applications for legal gender recognition. As the law is not concerning itself with material, objective, observable fact but with someone stating what their intent is regarding their feelings, what could prevent this happening more than once? What repercussions would be imposed if someone gained a legal gender recognition, saying they would live as their acquired gender, then changed their mind?

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?
Surrounding growing up.

Gender is an oppressive construct which needs to be abolished, not affirmed and sold to children as a magic bullet to solve the very real emotional issues emotional, you must be female, they will believe us and want to fit in. Accepts that she is submissive, weak, over emotional. But if that's what we're saying to young people : that if you are strong you must be male, if you are girls at school, wanting to be male can be a way out coping with the stress of being a woman. Worryingly, many non conforming teenage lesbians will be told they must be male. There is an erasure of lesbianism with the rise of transgenderism.

There is no such thing as a male or female brain. There will be issues for any children on witnessing their parent deciding to live as a different legal sex which is not considered. Forcing a spouse to be in a same sex relationship when they were in a heterosexual one or vice versa is immoral and cruel. It fundamentally changes the nature of that relationship. Whilst any adult should be free to live in their acquired gender, it cannot be right that this is then imposed on a spouse. The rights of the transgender person cannot supercede those of the spouse. If both parties agree to staying i the marriage, fine. But there must be agreement. Any spouse must be able to divorce their partner if said partner acquires a different legal sex. They must be able to leave the marriage without it being a financial burden or to face accusations of bigotry. There will be issues for any children on witnessing their parent deciding to live as a different legal sex which is not considered.

Growing number of girls, young women and young people with autism are presenting at gender identity clinics. In 2009 -2010, there were 56 males and 40 females. In 2016/2017 the figures were 616 and 1400 respectively. With a notable increase in girls between 13 -16, and increasing number of children under 6.http://gids.nhs.uk/number-referrals. http://www.smr.jsexmed.org/article/S2050-0521(15)00004-9/pdf

There is reason to consider whether young women reaching puberty are trying to opt out of womanhood given the sexualised culture they are brought up in. We live in a society which objectifies women. With the increased availability of hard core porn online, young people's use of social media and the sexual bullying of girls at school, wanting to be male can be a way out coping with the stress of being a woman. Worryingly, many non conforming teenage lesbians will be told they must be male. There is an erasure of lesbianism with the rise of transgenderism.

Young people's brains are not yet fully formed. There is evidence that human brains may not be fully developed until 25. Young people explore themselves and find out about who they are through interactions with the world around them. What has been labelled gender identity, is simply young people doing what they have always done and trying out different personalities, wanting to find their tribe to fit in with. People have personalities and can express themselves in innumerable ways. Gender is a set of stereotypes which puts people into boxes based on their sex. It is a hierarchy, which makes men dominant. No woman accepts that she is submissive, weak, over emotional. But if that's what we're saying to young people : that if you are stong you must be male, if you are emotional, you must be female, they will believe us and want to fit in.

Gender is an oppressive construct which needs to be abolished, not affirmed and sold to children as a magic bullet to solve the very real emotional issues surrounding growing up.

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

None of these options

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.: No options for under 18s. Children and young people are discovering themselves over a long period. Research suggests that brain development continues up until age 25. Children and young people have always explored. We used to call it personality, now we call it gender identity. They will react to how adults frame the world. Finding out how you are is a normal part of development and children and young people must be allowed to explore themselves and discover who they are without it being defined in terms of gender identity. For which there is no evidence.

Children are already able to socially transition with the support of parents and schools and are protected from discrimination under the Equality Act. there should be more research undertaken on how social transition leads to puberty blockers then cross ex hormones. There are no long term studies on the effects of these drugs on children used for the purpose of transitioning them.

The development of a child into an adult is a complex process. Many children who are gender non conforming will not be transgender individuals, they may be gay or lesbians or bisexual. Or they may just be non conforming heterosexual individuals. Few people are gender stereotypes. Is there any evidence in the field of child development that giving credence to the idea that a human being can be born in the wrong body is good for a child?

There is no such thing as a male or female brain.

https://www.transgendertrend.com/brain-research/

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.: Forcing a spouse to be in a same sex relationship when they were in a heterosexual one or vice versa is immoral and cruel. It fundamentally changes the nature of that relationship. Whilst any adult should be free to live in their acquired gender, it cannot be right that this is then imposed on a spouse. The rights of the transgender person cannot supercede those of the spouse. If both parties agree to staying i the marriage, fine. But there must be agreement. Any spouse must be able to divorce their partner if said partner acquires a different legal sex. They must be able to leave the marriage without it being a financial burden or to face accusations of bigotry. There will be issues for any children on witnessing their parent deciding to live as a different legal sex which is not considered.

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.

No
If you want, you can give reasons for your answer or add comments.:
The same rules for marriage should apply.

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.:
A spouse changing legal gender must be seen as a profound change in the relationship. It must be made possible for the partner not undergoing any change to divorce without accusations of transphobia or hate or to face the financial burden of divorce.

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.:
If no-one can ask for someone's GRC, then what is the need to have one? Men can access women's spaces if they either don't need a GRC or even if they do have one, they can never be asked for it.

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.:
There are difficulties here as other countries enforce transgenderism on gay men and lesbians e.g. Iran because of homophobia. People who have undergone forced gender reassignment shouldn't be automatically recognised.

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.:
There is a deliberate effort on behalf of government to conflate the terms gender, gender identity and sex.

For the average person in the street, sex refers to biology. A penis is male, a vulva female. Human beings are sexually dimorphic, indeed, if we weren't we wouldn't be able to reproduce. Sex is a biological reality and is immutable. Woman = XX Man+XY (Intersex refers to a range of medical conditions a small number of people may have on birth. It doesn't negate the fact there are 2 sexes). When skeletons of humans thousands of years old are discovered, the sex can be determined. And will be regardless of hormones taken or surgery had.

Gender is a set of stereotypes based on sex. It is a hierarchy which places women in a box marked weak, submissive, maternal, emotional and men in a box marked strong, aggressive, dominant. No individual conforms to these stereotypes, we are neither barbie nor action man. We are all non-binary. But women face violence from me. Women are discriminated against in all walks of life. These facts are recognised in international, national and local laws, treaties and regulations. Sex is a protected characteristic under the Equality Act and sex isn't about how one identifies or feels, but is an objective, verifiable fact. Non-binary refers to people feeling they aren't stereotypes, but they are still male or female. The law needs to reflect the material reality of people's lives. Regardless of how a person identifies, if she is female, she is at risk of male violence, of discrimination in the workplace etc On the basis of biology, not feelings.

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.:
It will have huge implications on everybody and on service provision. If non-binary is a 3rd sex, will services specifically for non-binary people have to be established? Under the Equality Act there are single sex exemptions e.g. prisons, sports clubs, refuges. Will there be non-binary services set up? How will they differ from mixed sex services? How will single sex services for women be protected?

A non-binary person is still male or female. Regardless of how people feel, we know females can get pregnant, males can't. If non-binary is recongised as a 3rd sex, how will medical professionals know how to treat them? Treatments can vary depending on whether one is male or female.

How can we collect reliable data on the sexes if there is a third sex? How will we track if more women are entering STEM professions, or if the pay gap is closing if we can't collect statistics on sex?
Conclusion

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

Yes

If you answered Yes, add your comments or evidence.:  
There is very little evidence that there was serious work undertaken to measure the impact on women and girls. We need a full equality impact assessment on how this will impact on the single sex exemptions for women and girls with regard to health care, prisons, sport and all others. There needs to be an impact assessment for lesbians and gay men. Sexual orientation is a protected characteristic, if sex is the same as gender which is the same as gender identity - how can people be protected from discrimination on the basis of same sex attraction if anyone can id into an acquired gender? Lesbians already face threats and taunts of bigotry for refusing to have sexual relationships with trans identified males who have completely intact male bodies.

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

Yes

If you answered Yes, add your comments.:
There is a worrying confusion of terms throughout. A meeting with Scottish government officials established that this was deliberate, and has been since the introduction of the GRA 2004. According to the Scottish Government, gender, sex and gender identity are interchangeable. It is also unable to give a definition of man or woman - these terms having individual meanings to every person on the planet and no common objective definition. Sex refers to biological and physiological characteristics, for example, men have penises, women have vaginas. Human beings are sexually dimorphic, if we weren't, we wouldn't be able to reproduce. We are not assigned sex at birth. Our sex is noted. Actually, it can be noted using an ultrasound before birth. We are not randomly assigned a sex, whether a baby has a penis or a vulva is noted. Gender is a socially constructed set of roles, characteristics and behaviours. Women are caring, men are unemotional etc. It is a hierarchy which characterises men as superior. Gender is a tool used to manipulate and control women, to suggest our greatest achievement is looking pretty and being silent. Gender identity is a term used by some people to describe their feelings. It reduces the experience of being a woman to that of a feeling in a man's head. 'I feel like a woman'. How does one feel like a woman? No woman has to claim she feels like a woman, because the fact of her existence is testimony to that fact. How does one feel like a woman without thinking of woman as nothing but stereotypical behaviours, characteristics and outward expression through clothes, hairstyles etc? Any individual human can only feel as that individual, we don't have access to other's feelings, and certainly not to a whole reproductive class of people. For a government to seek to abolish the common understanding of man and woman without any explanation, never mind involvement of, its citizens cannot be right. It cannot be right to infer that human beings are not sexually dimorphic, that there may be in fact 3 sexes (and why just 3?) without any evidence. We cannot begin to challenge violence against women and girls if we cannot determine who is the perpetrator and who the victim. It is not an accident of fate that the violence is meted out by men on women. It is because we are women. The Equality Act recognises sex as a protected characteristic. Sex, not gender, not gender identity, and does so for a reason. If protection for women based on biological fact is to be erased, there has to be a lot more work examining the impact of this.

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:  
Women's Spaces In Scotland

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.:  
Women's Spaces in Scotland is a group interested in preserving the principle of women and girls centred services and provisions in Scotland, advancing the cause of women's rights, and encouraging the participation of women in public life

Where are you resident?
Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

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