



PARTY RESPONSE

SCOTTISH GOVERNMENT CONSULTATION GENDER RECOGNITION REFORM (SCOTLAND) BILL

This Response was Submitted Online on
Wednesday 11th March 2020.

Consultation Questions

Question 1

Do you have any comments on the proposal that applicants must live in their acquired gender for at least 3 months before applying of GRC?

Answer: **Yes**

The proposed timeframe is too short. The current system allows for individuals to receive support from medical staff and we believe that this should continue, but within a reduced timeframe of one year.

We suggest that within this one year period the applicant must evidence their transitioning in relation to documentation and personal recommendations and that this would be aligned to continuous medical and emotional support.

Question 2

Do you have any comments on the proposal that applicants must go through a period of reflection for at least 3 months before obtaining a GRC?

Answer: **Yes**

The current proposal makes no mention of any support to be offered within the 3 month timeframe. We believe that this does not allow for critical discussions to take place with an applicant. We believe that the whole timeframe (covering questions 1 and 2) should be one year and within this period the applicant has to evidence their reflection with medical and or support staff.

Question 3

Should the minimum age at which a person can apply for legal gender recognition be reduced from 18 to 16?

Answer: **Yes**

Our current legislation allows for anyone to marry at 16 and to make other lifestyle changes. This proposal would be in line with current policy on other issues. Our only concern in relation to this question is, where a young person is deemed to be vulnerable, this vulnerability should be taken into consideration.

Question 4

Do you have any other comments on the provisions of the draft bill?

Answer: **Yes**

Existing legislation is fully compliant with European Law and Best Practice internationally. The draft bill does not appear to recognise this, and there is a question as to why any changes are needed to current legislation at all.

We take the view that the motivation for changing laws, making amendments to existing laws or introducing new laws should primarily be about righting social injustice, filling identified gaps in existing legislation and/or bringing laws into line with new modern definitions or lifestyles.

Under this general guideline there is justification to amend the existing 2004 GRA, but not to transform it in the manner being suggested by the Scottish Government.

The existing legislation is also ECHR compliant and to suggest the human rights of some are currently being denied, is simply not evidence based.

The draft bill does not outline what the penalties would be for anyone who would abuse their certification. It does not appear to recognise or define the differences between biological sex (Male and Female) as currently defined in law, and gender recognition/identity. It would appear that self-ID may run contrary to current legislation in respect to sex based rights for women and children, as outline in the Equality Act 2010.

The draft bill makes no mention of protecting children from medical intervention pre-sixteen. There must be transparent and robust policies and procedures that young people and their families must follow prior to any intervention.

Question 5

Do you have any comments on the draft Impact Assessments?

Answer: **Yes**

Given that many key organisations have not been consulted, due diligence has not been followed, rendering the IAs flawed, incomplete and of little value.

****ENDS****