

CILIA-LGBTQI+: 'Comparing Intersectional Lifecourse Inequalities among LGBTQI+ Citizens in four European countries'

Questions

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

Yes

If yes, please outline these comments.:

We do not support the imposition of an arbitrary time-scale upon those applying for a GRC.

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?

Not Answered

If yes, please outline these comments.:

We do not support the imposition of an arbitrary 3 month minimum 'period of reflection' upon those applying for a GRC.

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

Not Answered

If you wish, please give reasons for your view.:

The minimum age should be 16 as this is concurrent with the age threshold for other rights such as marriage and voting.

Furthermore, we ask the Scottish Government to consider legal provision to enable youth aged below 16 to access legal gender recognition.

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

Not Answered

If yes, please outline these comments.:

• Support within the LGBTQI+ community

As our current and past research demonstrates, within lesbian, gay, bisexual, trans, queer and intersex (LGBTQI+) communities, there is broad support for trans equalities and for reforming the Gender Recognition Act 2004. We note with concern attempts to infer that advancing trans equalities and associated legal

reforms manifest a threat to the rights and freedoms of (non-trans) lesbian, gay and bisexual people.

- Impact of consultations and public debate

We wish to note the palpable negative impact of the GRA consultation(s), media discourse and public debate upon trans and gender diverse people, and upon LGBTQI+ people more broadly.

- Contextualising legal gender recognition

Trans people are already able to change their gender marker on a wide range of documentation – including passports, driving licenses, CHI numbers and NHS health records, banks and building societies, student and staff records – without a Gender Recognition Certificate (GRC). We believe it is vital to contextualise current discourse about the GRA within the legal and administrative realities of gender and how it is assigned, recorded, etc.

- Simplifying the process

The administrative burden placed upon those seeking to change records, documents, identification etc. is immense. The process of applying for a GRC is costly, bureaucratic, invasive and pathologising.

- Gender recognition of third gender category

We are concerned and disappointed by the Scottish Government decision to no longer consider legally instituting a third gender category as part of the Gender Recognition Act reforms. We question how this decision aligns with the Scottish Government's policy to 'preserve and advance Scotland's reputation as one of the most progressive countries in Europe in terms of lesbian, gay, bisexual, transgender and intersex (LGBTI) equality'. It is difficult to understand how the proposed legislation will align with European or international best practice (as is intended) without provisions for a third gender category.

We notice the regressive terminology in the proposed Bill, including s.2.8A(1) 'persons of either gender may apply... on the basis of living in the other gender'.

We wish to note the impacts of the proposals on non-binary and gender diverse people, who do not identify or experience their gender as women or as men. We note, also, the impacts upon those who visit, study, work, move to or return to Scotland from countries where their gender is legally recognised and the impossible situation this would create.

We also wish to note the impacts upon the intersex people and people with variations in sex characteristics who do not identify as women or as men. While many I/VSC people identify as women or as men, the lack of a third gender category excludes and invalidates those who identify in other ways.

5 Do you have any comments on the draft Impact Assessments?

No

If yes, please outline these comments.: