

LGBT+ Liberal Democrats

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.:

This is arbitrary: all that should matter is that people intend to live in their "acquired" gender.

If they have already gone to the time, effort, and expense, of changing other documents, this should be evidence in and of itself regardless of whether it was done 1 month, 3 months, or 2 years before application.

In addition, this is reliant on other organizations such as banks, workplaces, and membership groups being willing to change the applicant's gender identity and details prior to the issue of a GRC.

The LGBT+ Liberal Democrats submit that individuals wishing to apply for a GRC should be able to do so at any point, with no arbitrary pre-requisites.

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?

Yes

If yes, please outline these comments.:

Again, this time period is entirely arbitrary and implies people who apply for a GRC haven't already considered the implications when this is patently not the case.

Trans people will typically have agonised for years over their identity before having taken any action, and long before they apply for a GRC.

The LGBT+ Liberal Democrats submit that there is no requirement for such a period, and this should be removed.

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

Yes

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

Yes - Scots are often justly proud that those aged 16 have greater rights than their peers in other parts of the UK: giving 16 year olds the ability to legally change

their gender would be in line with their ability to wed without parents permission, vote, and join the army.

Furthermore, children under the age of 16 have the ability to use their "acquired" gender on school and medical records and passports. They should not be left in a position where their birth certificates are of a different gender, putting them at risk of "outing".

The LGBT+ Liberal Democrats believe that all individuals, regardless of age, should be able to apply for a GRC to allow them to live in security, without fear of having to 'out' themselves as trans.

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

Yes

If yes, please outline these comments.:

Whilst these proposed changes are a step forward for many members of the trans community, relieving the stress of gathering medical reports and other evidence, these proposals do not go far enough, leaving out those who identify as neither male nor female.

The reforms should include provisions for those with non-binary identities by allowing them to legally identify as non-binary. The current lack of legal recognition for the non-binary community creates many difficulties in everyday life which could be mitigated by including them in these reforms and allowing them to legally identify as non-binary.

The LGBT+ Liberal Democrats fully support reforms of the Gender Recognition Act to improve the process for the trans community and implore the government to extend recognition to the non-binary community. We as an organisation believe in the strongest possible terms that trans men are men, trans women are women, non-binary individuals are non-binary and all deserve to live and be legally recognised as such without undue or unnecessary bureaucracy in declaring their valid identity.

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

Yes

If yes, please outline these comments.:

The only thing that the Bill covers is how trans people's birth certificates are changed, allowing them to go about their lives without having to 'out' themselves whenever they are required to present their birth certificate. Nobody else's rights will be detrimentally affected by this.

This bill will have no impact on the use of single-sex spaces and facilities, such as toilets, changing rooms, and women-only services. It is not the case in Scotland that anyone is required to present their birth certificate to use a single-sex space or

service, and this will not change. Much of the women's sector in Scotland has been including trans women in their women's services for a decade, with no reported difficulties.

How someone applies for gender recognition – or whether their birth certificate matches who they are - does not impact on their access to single-sex spaces, or anything else that does not require a birth certificate. Trans people can already change the sex on their passports and medical records by statutory declaration as soon as they start living as who they are.

The LGBT+ Liberal Democrats submit that trans women are women and have a right to inhabit women-only spaces, much as trans men are men and have a right to inhabit male-only spaces. None of the changes proposed by these reforms will change this.