

Forth Valley Student Association

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.:

- FVSA strongly oppose the proposed requirement for applicants to live in their acquired gender for at least 3 months as it creates an unnecessary barrier for people to feel recognised and have a fair opportunity against discrimination.
- Our student members find waiting 3 months for changing their identification documents poses a risk when applying for their course places and funding as they feel it would mean delays or unintentionally outing themselves.

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.:

- Our student trans members are experts in knowing their own gender and we feel this proposed period of reflection undermines the period of time spent already considering and potentially facing barriers.
- Denying the opportunity for our trans members to legally change their gender when they feel ready, will directly affect their wellbeing and ability to thrive in their course and future employment.
- The delay in the legal recognition can put our members in precarious situations if they are forced to out themselves when providing identification documents which do not match their gender identity.
- Currently, our student members do not require a reflection period and instead our organisation implements a policy of self-declaration, which other members and staff are expected to respect.

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.:

- We support the Scottish Government's proposals to lower the age for gender recognition to 16. This would be in line with the rights of 16- and 17-year olds in Scotland to marry, gain employment, vote, and be held legally responsible for their actions. We think that 16- and 17-year olds should also be able to change their birth certificate to match who they are.
- Our members will be asked to disclose their gender at birth when applying to study, so this can result our members aged 16-17 registering under the wrong gender if they are unable to access legal recognition.
- At the moment, our student members can simply advise the College of a change of gender/name and at that point, the College will clarify with the student if they wish their certificates to be issued in their new name as some students don't if they have live in the family home and their parents/guardians don't know of the change. If they express their certificates are to be in their new name then the College will update their College record and with SQA to ensure their certificates are issued in the new name and don't require to obtain evidence of name change just that the request is submitted via virtual learning environment or by e-mail so

that they know the request is coming from the student personally.

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

Yes

If yes, please outline these comments.:

- Although this Bill represents an improvement in trans people's rights, there are major gaps that will mean it only benefits some trans people. Non-binary people (those who don't identify as exclusively male or female) will still not be legally recognised, which will leave them with inconsistencies in important documents as well as a lack of recognition in day to day life.
- The underlying principle of Gender Recognition is to allow trans people to be recognised as who they are and this must be extended to non-binary people
- We are strongly opposed to the proposal within the draft Bill to introduce an additional offence specific to the context of gender recognition as this could be used in a malicious manner by anti-trans groups or individuals to harass trans people.

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

Yes

If yes, please outline these comments.:

We feel that access to single-sex spaces and facilities, such as toilets, changing rooms, and women-only services will not be impacted as we currently have not received concerns or complaints from our student members.

Nobody is required to show a birth certificate to prove their eligibility for these spaces or services now, and this will not change.

We welcome further consideration be given to the impact of pregnancy and maternity characteristics.