

# Give your views on the Scottish Government's draft Gender Recognition Reform Bill

## Summary of Bill proposals

- The Bill introduces a system of statutory declaration, whereby a trans person makes a formal legal declaration confirming that they are living in their acquired gender and intend to continue to do so for the rest of their life. The current system of Gender Recognition Panels and requirements for medical evidence will be abolished.
  - We **support** this move to de-medicalise the process. You can show your support for GRA reform by responding to Question 4 of the consultation, which asks for any other comments you have on the Bill.
- The Bill outlines that applicants should state in this statutory declaration that they have been living for at least 3 months in their acquired gender. After applying, applicants will need to reflect for a further 3 months before a gender recognition certificate would be issued
  - We **do not support** these time delays and will be calling on the Scottish Government to remove these requirements. You can give your views by responding to Questions 1 and 2 of the consultation.
- The Bill proposes to reduce the age at which people can apply for a gender recognition certificate from 18 to 16 to allow younger people to benefit from these reforms.
  - We **support** these proposals to extend access to legal gender recognition to younger people. **However**, we would like to see a system whereby trans children and young people under 16-years old can receive a gender recognition certificate with parental or guardian support. You can give your views by responding to Question 3 of the consultation.
- The Bill does not make any provisions to offer legal gender recognition to non-binary people.
  - We will be calling on the Scottish Government to include provisions for non-binary people so that every part of the trans community can benefit from this legislative change. You can give your views by responding to Question 4 of the consultation.



## Applications for Gender Recognition Certificates

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 for a GRC?

The draft Bill currently proposes that a gender recognition certificate will only be granted if the applicant states that they have been living in their acquired gender for 3 months prior to the date of application and intend to continue to live in their acquired gender permanently.

There is no evidence to suggest this arbitrary time period is necessary, and we do not support it. **We will be calling on the Scottish Government to remove this requirement.**

We encourage everyone to respond, and in particular:

- If you're a trans person you could talk about your experiences of changing various ID and the impact of having to wait longer to change your birth certificate than your other documents.
- If you're a trans ally, please talk about why you don't support making trans people wait 3 months between changing their other ID and applying for a gender recognition certificate to change their birth certificate.

## Period of reflection

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?

The draft Bill currently proposes that applicants must wait for 3 months after their initial application before confirming that they wish to continue with their application. They would then be granted a gender recognition certificate.

Similarly to Question 1, there is no evidence to suggest this arbitrary time period is necessary, and we do not support it. **We will be calling on the Scottish Government to remove this requirement.**

We encourage everyone to respond, and in particular:

- If you're a trans person you could talk about how much reflection trans people do before starting to transition and how you feel about being required to have a 'period of reflection' after applying for a gender recognition certificate.
- If you're a trans ally, please talk about why you don't support requiring trans people to have a 'period of reflection' as though they haven't already considered their decision.



## Extending gender recognition to young people

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

### What does the Bill say?

The draft Bill proposes to change the law so that 16- and 17-year olds will be able to apply for legal gender recognition. However, it does not propose a system to enable trans children and young people under 16 to apply for legal gender recognition.

This question is only about the age of legal recognition and does not affect medical treatment available to young people and children.

### What are we saying?

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.

However, we will be telling the Scottish Government that trans children and young people under the age of 16 should be able to update their birth certificates with aid of parental or guardian support. This would match with their existing ability to change their sex on their school records, medical records and passport. Often children and young people under 16 need to use their birth certificate more than adults do, so being able to change it is particularly important to protect their privacy.

We encourage everyone to respond, and in particular:

- If you're a young trans person, you could talk about the difference this would make to you and why this matters to you.
- If you're a trans person over 18, you could talk about the impact that getting legal gender recognition sooner would have had on you.
- If you're a trans ally, or a parent, you could talk about why you would support this for young people.

## Any other comments

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

The Scottish Government wants to know if you have any other comments on the draft Bill, including if you think there are any other issues which gender recognition reform should include. We will be telling the Scottish Government about our support for reforms to the Gender Recognition Act but calling on them to go further so that every part of the trans community can benefit from this legislative change.



## Support for Gender Recognition Reform

Making legal gender recognition a more straightforward process will relieve a lot of stress for many trans people, who will no longer need to gather evidence and medical reports to be recognised as who they are. Trans people will still be able to access medical care and social and psychological support as part of their transition, but that will be separate from their application to update their birth certificate.

We encourage everyone to respond, and in particular:

- If you're a trans person with a gender recognition certificate, you could talk about how this reform would have helped your experience of applying.
- If you're a trans person without a gender recognition certificate, you could talk about what difference this reform would make to your ability and willingness to apply.
- If you're a trans ally, please talk about why you support reform of the Gender Recognition Act.

## Non-binary people

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. We will tell the Scottish Government that this Bill is not a success for the whole trans community while it leaves non-binary people out.

We encourage everyone to respond, and in particular:

- If you're a non-binary person, you could talk about the impact that being able to access gender recognition would have on you.
- If you're not non-binary, you could talk about why you think it's important that non-binary people are recognised and treated with respect.

## Impact on other protected groups

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

The Scottish Government wants to know if you think the Bill could impact on anyone else.

We will be telling the Scottish Government that this Bill will not have a detrimental impact on anyone else's rights. The only thing that the Bill covers is how trans people's birth certificates are changed, which impacts the level of privacy they are entitled to, such as when getting a job or marrying, and how they are recognised after death.

Access to single-sex spaces and facilities, such as toilets, changing rooms, and women-only services will not be impacted. Nobody is required to show a birth certificate to prove their eligibility for these spaces or services now, and this will not change. In fact, 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.



Remember that 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.

**If you have any questions or would like more information, get in touch via email at [info@lgbtyouth.org.uk](mailto:info@lgbtyouth.org.uk).**