

Scottish Government Overview

The Gender Recognition Act 2004 allows a transgender person to change their legally recognised gender. This consultation seeks views on whether and how the Gender Recognition Act 2004 should be amended in relation to the law in Scotland.

It covers establishing new arrangements for dealing with applications for legal gender recognition, the minimum age at which applications for gender recognition could be made and related matters.

Consultation Questions and Answers

Question 1 - The initial view of Scottish Government is that applicants for legal gender recognition should no longer need to produce medical evidence or evidence that they have lived in their acquired gender for a defined period. The Scottish Government proposes to bring forward legislation to introduce a self-declaratory system for legal gender recognition instead. Do you agree or disagree with this proposal?

Disagree - We believe that this proposal would be harmful not only to the wider society but also to those who suffer from gender identity disorder and especially to the children of Scotland. As a church we are involved with a wide variety of people throughout Scotland – and this includes those who are transgender or have been impacted by transgender issues within their own families and communities. Our response to this consultation is not in the form of the various technical issues – as we believe that these will be covered by other responses - especially that of the Scottish Council on human bioethics. However we would like to share some of the human stories which show why we regard this measure as at best ill advised.

Question 2 - Should applicants to the proposed gender recognition system in Scotland have to provide a statutory declaration confirming they know what they are doing and intend to live in their acquired gender until death?

Yes – although we regard this as a rather pointless procedure. Who is to assess whether they know what they are doing? If you accept the concept that gender is fluid and that people may legally change gender, then there is no logical reason why people should be required to live in an acquired gender until death. This seems a somewhat arbitrary qualifier which cannot be properly enforced. Therefore it is meaningless. We have come across people who at one time thought they were different from their biological gender and in some instances have even been treated medically for such, and yet he later on in life have wanted to revert back. The psychological damage and harm that has been done to them through a too hasty acceptance of what they felt at the time is enormous. This rather strange idea appears to equate gender identification with getting married – complete with

public vows. Its almost as if it is a self marriage ceremony where the sole participant declares to themselves and the State - 'until death us do part'!

Question 3 - Should there be a limit on the number of times a person can get legal gender recognition?

Yes - given that we believe that gender is something that is clearly linked with biological sex we do not think that anyone should be able to perpetuate a lie by stating that they are a different gender from the one that they were born into. Again if we accept that gender is fluid and can change then there would be no reason to limit the number of times that someone could change. But we do not accept this.

Question 4 - If the Scottish Government takes forward legislation to adopt a self-declaration system for legal gender recognition, should this arrangement be open: (A) only to people whose birth or adoption was registered in Scotland, or who are resident in Scotland? or (B) to everyone? or (C) Don't know

If the system was to go ahead it would make sense to restrict it to those who are registered in Scotland or who live in Scotland. Why should the Scottish government allow a self declaration system for those who are not under their jurisdiction? One concern we have is about the consultation process itself. We have come across material encouraging various activist groups outwith Scotland to take part in this consultation. We are not sure why a transgender activist in California should have as much say as someone who lives in Scotland. For that reason, unlike some of the activist groups, we are not asking people outwith Scotland, who this legislation does not affect, to seek to influence this consultation. This should be something for the Scottish parliament to decide – in consultation with the Scottish people – not activist ideological groups from throughout the world.

Question 5 - This question relates to the reduction of the minimum age of applicants for legal gender recognition to those aged 16 and over from the current age of 18.

The Scottish Government proposes that people aged 16 and 17 should be able to apply for and obtain legal recognition of their acquired gender.

Disagree – given that a considerable number of those who identify as transgender in their teenage years revert to their biological gender in later years, it seems unwise to encourage young people to make such a drastic decision which given the proposed legislation, would be irreversible. We are aware of teenagers who have been struggling with mental health issues, who have been advised that perhaps this is because they were "trapped in the wrong body". We believe that there is considerable pressure placed upon young people and in the midst of a confused and often dysfunctional society, transgender-ism is far too often presented as an attractive alternative to the reality of their lives.

Question 6 - Which of the identified options for children under 16 do you most favour? Please select only one answer. Option 1 – do nothing for children under 16 Option 2 – court process, Option 3 – parental application, Option 4 – minimum age of 12 Option 5 – applications by capable children None of these options If you want, you can give reasons for your answer, add comments, or describe your preferred option if none of the options given reflects your views.

We would certainly choose option one. It is irresponsible to help children to make such an irreversible decision at such a vulnerable time of their lives. It will cause considerable distress in many families, disruption in schools and above all confusion amongst children. Young minds are very open to suggestion. We are aware of schools that have been covered in posters which talk about "celebrating transgender" and "respecting the personal pronouns that people wish to use". Children as young as six have come home from school asking their parents what transgender is and in some instances have been upset because the teacher has told them they can choose whether they wish to be a boy or a girl. We regard this as manipulative and an abuse of power.

Question 7 - Should it be possible to apply for and obtain legal gender recognition without any need for spousal consent? Yes No Don't know If you want, you can give reasons for your answer or add comments.

No. If there is no spousal consent then almost by definition the marriage becomes defunct. The pain that is caused by those who find that their partner now wishes to be considered the same sex as them is very real.

Question 8 - Civil partnership is only available to same sex couples. This means that the civil partners cannot remain in their civil partnership if one of them wishes to obtain a full Gender Recognition Certificate. Should they instead be allowed to remain in their civil partnership? This would mean that a woman and a man would be in the civil partnership. Yes No Don't know If you want, you can give reasons for your answer or add comments.

This question only illustrates the mess that the Scottish and UK governments have got into since they took it upon themselves to change the definition of marriage and to introduce civil partnerships. If the state is to have civil partnerships then it is up to the state to determine what those should be. We do not believe that the state has the right to redefine or to make all marriages into civil partnerships.

Question 9 - Should legal gender recognition stop being a ground of divorce or dissolution? Yes No Don't know If you want, you can give reasons for your answer or add comments.

No. Marriage is a covenant between a man and a woman. If someone chooses to change their legal gender they have broken the covenant and this should be grounds for divorce.

Question 10 - Are any changes to section 22 (prohibition on disclosure of information) necessary? Yes No Don't know If you answered Yes, describe the changes you consider are needed.

Yes. Section 22 should be removed altogether. Police forces and others should record the birth sex and the transgender status if applicable of anyone who was arrested, charged and convicted in Scotland.

Question 11 - Should a person who has been recognised in their acquired gender under the law of another jurisdiction be automatically recognised in Scotland without having to make an application? Yes No Don't know If you want, you can give reasons for your answer or add comments.

No. The standards and requirements in another jurisdiction may be very different and therefore cannot be directly linked to Scotland.

Question 12 - Should Scotland take action to recognise non-binary people? Yes No Don't know If you answered No, and if you want, you can give reasons for your answer.

No. Non-binary is one of many cultural terms. Is there any reason why the Scottish government should recognise this term but not Polygender or Gender Queer, or Genderfluid? Gender is not determined by how we feel. The Scottish Government seems to be proceeding on the basis of an unscientific political ideology which has no basis in reality.

Question 13 – ANSWER LEFT BLANK

Question 14 - At paragraph 7.26. and in Annex J we have identified the consequential legal impacts if non-binary people could obtain legal gender recognition using the proposed self-declaration system. Are you aware of other impacts we have not identified? Yes No Don't know If you answered Yes, describe the impacts you have identified.

In terms of legal impact what does this mean for those who apply for a job which is gender specific? What does it mean for gender specific sports? Are the Scottish government proposing that such sports should be open to all?

Question 15 - Do you have any comments about, or evidence relevant to: (a) the partial Business and Regulatory Impact Assessment; (b) the partial Equality Impact Assessment; (c) the partial Child Rights and Wellbeing Impact

Assessment; or (d) the partial Privacy Impact Assessment? Yes No If you answered Yes, add your comments or evidence.

Question 16 - Do you have any further comments about the review of the Gender Recognition Act 2004? Yes No If you answered Yes, add your comments.

Yes. According to the government's own figures, the number of people who have identified as transgender is tiny. Perhaps one in 10,000 adult males and one in 30,000 adult females identify as transgender. We are not sure why this particular ideology has been pushed with such vehemence. The cost to the state is substantial - for example the consultation paper suggests that a special unit for transgender prisoners will cost between £8.7 million and £10.7 million. There are issues concerning NHS wards. The NHS currently aims to accommodate all patients in hospital in single sex wards - there will be women who will be uncomfortable at a man who self identifies as a woman, but is clearly a man, being accommodated in a female ward.

We are deeply concerned at the indoctrination and potential abuse that is occurring within Scottish schools. A teacher wrote and told us of a teenage girl with known mental health issues who had, as her latest 'self-identification', announced she was now a boy. The teaching staff had hoped to deal with this discreetly and try to help her - but the head staff of the school were desperate to be seen as a 'trans-friendly' school and get their Stonewall award, so this was publicised both in the school and in other media. Other teachers have contacted us and said that they are concerned but cannot speak out in case they will be labelled as 'transphobic' and lose their careers.

And its not just in schools. We are aware of University staff who are being asked to sign up to a policy which requires them all to accept the philosophy known as Queer Theory. One scientist, when he pointed out that this was unscientific, was told just to be quiet and sign. We have many other instances of teachers, medical staff, media and politicians being intimidated and bullied to accept this false ideology. It is a mark of the bullying and intimidation involved that we cannot divulge the identities of the people involved, because they are scared to make their complaints in public. The proposed gender self-identification will not help these situations and indeed make them worse.

It is for those reasons that we quite simply would plead with the Scottish government not to go down this damaging route and for the sake of all involved, hold back from passing a law which will have damaging consequences for decades to come.