

Speak out against sex changes on demand

Responding to the Scottish Government's consultation on gender recognition

INTRODUCTION

The Gender Recognition Act 2004 allows someone to change legal sex, including obtaining a birth certificate saying they were born in the opposite sex. A person must receive a diagnosis of gender dysphoria from two doctors and live as the opposite sex for at least two years.

The Scottish Government plans to introduce a system of 'self-declaration' instead. Someone would be able to change legal sex without having to show any medical or other evidence. The consultation also asks about changing the law to recognise people who claim they are neither male nor female ('non-binary').

The Bible is clear that we are made in the image of God as male or female (Genesis 1:26-27). Deliberately denying our God-given body is defying our Creator. For more information on this issue, see bit.ly/transsexualism_scot

The existing law already allows terrible distortions of God's good design. But a self-declaration system will make the situation far worse. It would entrench more people suffering a psychological problem in their distortion of reality. It would also risk giving sexual predators unrestricted access to facilities for the opposite sex.

The deadline is **5pm** on **1 March 2018**.

You can respond online (email address required) at bit.ly/reviewgra

You do not have to answer every question. Below, we give our suggested answers to the key questions. We have excluded some questions that are too technical or problematic for a simple response.

You can make further comments to explain your answers – at the end we have included suggested themes for you to use where you feel appropriate. It will be helpful to read through these points before you begin your response. **PLEASE USE YOUR OWN WORDS** in your comments – this will help to make your response more effective.

QUESTIONS

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

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

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

YES (Suggested comment: Limit should be TWO.)

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

(A) Should only be open to those who are Scottish or are resident in Scotland.

5 The Scottish Government proposes that people aged 16 and 17 should be able to apply for and obtain legal recognition of their acquired gender. Do you agree or disagree?

DISAGREE

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

OPTION 1 – Do nothing for children under 16

7 Should it be possible to apply for and obtain legal gender recognition without any need for spousal consent?

NO

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.*

NO

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?*

NO

12 *Should Scotland take action to recognise non-binary people?*

NO

MORE INFORMATION AND THEMES FOR COMMENTS:

- ▶ Self-declaration would be wide open to abuse. If there is no requirement for medical or other evidence, there will also be huge potential for sham sex-change declarations by those with malicious intent.
- ▶ Having a gender recognition certificate means that a person is treated as the opposite sex for all purposes in law. A self-declaration system would allow a biological man to claim he is a woman and have access to female facilities without any objective assessment.
- ▶ Allowing someone to change legal sex doesn't deal with the underlying psychological problem. Suicide rates of post-transition transgender people are still high.¹ Instead, they need to be helped to come to terms with their body as their true identity.
- ▶ There have been cases in the US and Canada of predatory men pretending to be women to get access to women's toilets, changing rooms or refuges.² Groups such as 'Transgender Trend' are warning about these public safety implications.³
- ▶ Many people across society disagree with this approach, including feminists such as Germaine Greer and Julie Bindel, mainstream religious groups, and some LGB rights advocates.
- ▶ The medical requirements and two year wait under current law help to reflect the seriousness of the legal change.
- ▶ Changing legal sex should not be frivolous. Applicants should have to affirm that they understand what they are doing and that they intend it to be permanent.
- ▶ Changing legal sex should be restricted to the lowest possible number of changes. This cannot be one, because of those who regret their decision to transition and want to return to identifying as their birth sex.⁴ The maximum number of changes should be two.
- ▶ There would be the danger of 'sex-change tourism' if the plans were open to people from other countries. Any residency requirement should be a minimum of two years.
- ▶ Under-18s are not adults and do not have the maturity to make this life-changing decision.
- ▶ Many adults who change legal sex come to regret their decision.
- ▶ As many as 90% of those who experience feelings of gender dysphoria as children grow out of it if puberty is allowed to progress naturally.⁵
- ▶ It is shocking that some of the options consulted on would allow under-16s to change legal sex against the wishes of their parents. Parents are responsible for their children.
- ▶ If one party to a marriage changes legal sex, the legal relationship will change fundamentally, e.g. from a heterosexual into a homosexual marriage. Spousal consent must be required.
- ▶ Heterosexual civil partnerships must not be permitted. Having civil partnerships as a competitor to marriage will further undermine traditional marriage. It will be seen as a lower commitment alternative to marriage.
- ▶ Scotland cannot control the laws other jurisdictions use to recognise changes in legal sex. They might have even lower thresholds. Scottish legislation must be the standard in all cases or there could be huge confusion.
- ▶ There is no biological basis for a 'third gender'. Biologically, we are either male or female.
- ▶ There will be enormous practical and legal difficulties in creating rights for a third sex. So much in our society is based on the biological reality that there are only two sexes.
- ▶ If a third sex can be artificially created without an objective basis, where will it end? Some transgender activists claim that gender is a spectrum, with apparently infinite options.

¹ Dhejne C, Lichtenstein P, Boman M et al, 'Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden', *PLoS One*, 6(2), 2011

² See e.g. <http://torontosun.com/2014/02/15/a-sex-predators-sick-deception/wcm/127b4003-d06d-489d-9679-861651dd3160>; <https://www.nbcwashington.com/news/local/Man-Dressed-as-Woman-Arrested-for-Spying-Into-Mall-Bathroom-Stall-Police-Say-351232041.html>; <https://www.nbcalosangeles.com/news/local/Secret-Recording-Store-Mall-Antelope-Valley-Palmdale-Restroom-207541101.html> as at 8 February 2018

³ See e.g. <https://www.transgendertrend.com/transgender-law-concerns> as at 8 February 2018

⁴ See e.g. <https://www.theguardian.com/lifeandstyle/2017/sep/16/transition-caused-more-problems-than-it-solved> as at 8 February 2018

⁵ See e.g. Drummond KD, Bradley SJ, Peterson-Badali M et al, 'A follow-up study of girls with gender identity disorder', *Developmental Psychology*, 44(1), 2008, pages 34-45