

# Speak out against sex changes on demand

*Responding to the Scottish Government's consultation on gender recognition*

## INTRODUCTION

The Gender Recognition Act 2004 (GRA) allows someone to apply for a Gender Recognition Certificate (GRC) to change legal sex. This includes obtaining a birth certificate 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 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](http://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 17 March 2020.**

You can respond online at [the.ci/grarespond20](http://the.ci/grarespond20)

You do not have to answer every question. Below are brief comments in response to the questions, to help you form your own answers.

**PLEASE USE YOUR OWN WORDS** in your comments – this will make your response more effective.

## 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?*

- Changing legal sex is not like changing address. It is a life-altering step that should not be quick or easy so that it is not undertaken lightly.
- The existing safeguards reduce the risk of people changing legal sex frivolously or with malicious motives. It is a mistake to abolish them.
- The current two-year wait helps to reflect the seriousness of the legal change. Someone seeking a GRC should have to prove, over time, a genuine intention to live permanently as the opposite sex. Three months is not long enough to demonstrate this.
- The existing requirement for two doctors to confirm a diagnosis of gender dysphoria at least means that

there is medical scrutiny before a legal sex change can take place. It means there is an independent assessment of the individual's claims, as well as providing an opportunity for them to be given a referral to genuinely helpful treatment. The proposed system will not have this check.

- The proposed law provides no definition of what it means to 'live in the acquired gender'. This makes the requirement meaningless.
- The proposed law requires no proof that a person has been living in the acquired gender for three months. All that is needed is a formal statement. This is much weaker than the current requirement for evidence, and again makes the requirement meaningless.

**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?*

- Three months is not long enough to be a meaningful reflection period. The Government should provide as much time and opportunity as possible so that people don't make decisions they come to regret.
- The fact that the Scottish Government wants to introduce a reflection period shows it realises that some may regret a legal sex change. As well as conceding this point, Ministers should also realise that three months is not long enough.
- There is a fast-growing number of 'detransitioners' who deeply regret changing sex.<sup>1</sup> Even after two years of transitioning, many realise their distress has not been alleviated and so return to living in their birth sex. The existing two-year wait helps stop GRCs being given to people who will change their minds.
- Three months is not long enough to prove permanence. Research shows that even the year after medical transition is a short-lived "honeymoon period" which does not represent a permanent contentedness.<sup>2</sup>

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

**NO.**

- The UK's Gender Identity Development Service has seen a 2,590% increase in young people referred for gender dysphoria in the last decade. Reducing the age limit for legal sex change opens the door to a surge of confused young people.
- There should be an inquiry to investigate possible reasons for this rise, including the influence of social media and the promotion of transgender issues in

schools. There should be no changes to the Gender Recognition Act until the inquiry is over.

- Since 2016, there have been 35 clinicians who have resigned from the Gender Identity Development Service because of their concerns that this is a phenomenon that is not being handled properly.<sup>3</sup> It is reckless to make changes to the legal framework in this context.
- Changing legal sex is a life-changing decision. In Scotland, 16 and 17-year-olds cannot buy cigarettes, get a tattoo, buy fireworks or possess them in a public place, have a credit card or place a bet.
- The draft Bill makes no mention of parental consent for children aged 16 and 17. Every other country mentioned in the consultation document makes additional requirements upon minors seeking legal sex change, such as parental authorisation.
- As many as nine in ten children who experience feelings of gender dysphoria do not have gender dysphoria as adults.<sup>4</sup>
- Research has shown that peer pressure, YouTube and social media play significant roles in a large number of cases of young people claiming to have gender dysphoria.<sup>5</sup>

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

- A mere formal declaration that one intends a legal sex change to be permanent will not prevent frivolous applications. Many serious intentions made in youth will be seen as frivolous in maturity.
- A 'de-medicalised' system endorses a radically new approach that demotes gender dysphoria to 'one of many possible reasons' for applying for a legal sex change. It removes the need for any medical basis for the change, and reduces gender recognition law to the recognition of a mere wish.
- The Gender Recognition Act 2004 disconnected legal sex from biological sex. But now the Scottish Government even wants legal sex to be disconnected from medical diagnosis. In the eyes of the law, sex will become a matter of choice alone. The Government is knowingly emptying the very meaning of male and female.
- There is a growing number of 'detransitioners' and some have expressed fears at the draft Bill, wondering whether detransitioning would become a punishable offence.
- Having a GRC means that a person is treated as the opposite sex "for all purposes". A self-declaration system could allow a biological man to claim he is a woman and have access to female facilities without any objective assessment. 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.<sup>6</sup> Groups such as 'Transgender Trend' have warned of these public safety concerns.<sup>7</sup>
- The Scottish Government says that Equality Act exceptions will still protect single-sex spaces. But it is unrealistic to expect these exceptions to survive for long if the proposed changes to the Gender Recognition Act are made, because the distinctions between men and women will be completely blurred.
- Self-declaration would be wide open to abuse.

If there is no requirement for medical or other evidence, there will be huge potential for sham sex-change declarations by those with malicious intent. This is not just theoretical. A male sex offender identifying as a woman was placed in a women's prison, where he abused more women.<sup>8</sup>

- People claiming to have gender dysphoria often suffer from a range of mental health problems. Such issues need to be identified and responded to appropriately and compassionately, instead of rushing people into life-changing decisions about legal sex.
- Allowing someone to change legal sex doesn't deal with the underlying psychological problem. Suicide rates of post-transition transgender people are high.<sup>9</sup> Instead, they need help to come to terms with their body as their true identity.

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

- The Draft Impact Assessments (DIAs) state that the penalty for a 'false declaration' could be up to two years imprisonment and a fine. If this is to mean anything at all, and really prevent ill-considered applications, surely it will also threaten those who come to regret making a declaration.
- The DIAs suggest that high levels of mental health problems among trans people may be remedied by surgery. But UK research shows that a year after starting the transition process teens report renewed increase in such problems, including body dissatisfaction.<sup>10</sup>

#### References

- <sup>1</sup> For example, *Transgender Trend*, see <https://www.transgendertrend.com/detransition/> as at 25 February 2020; *The Guardian*, 16 September 2017
- <sup>2</sup> 'Transition as Treatment: The Best Studies Show the Worst Outcomes', *Public Discourse*, 16 February 2020, see <https://www.thepublicdiscourse.com/2020/02/60143/> as at 25 February 2020
- <sup>3</sup> *The Telegraph online*, 12 December 2019, see <https://www.telegraph.co.uk/news/2019/12/12/childrens-transgender-clinic-hit-35-resignations-three-years/> as at 25 February 2020
- <sup>4</sup> See e.g. Drummond K, D, Bradley S, J, Peterson-Badali M et al, 'A Follow-Up Study of Girls With Gender Identity Disorder', *Developmental Psychology*, 44(1), 2008, pages 34-45
- <sup>5</sup> Littman, L, 'Rapid-onset gender dysphoria in adolescents and young adults: A study of parental reports', *PLoS ONE*, 13(8), 2018
- <sup>6</sup> 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.nbclosangeles.com/news/local/Secret-Recording-Store-Mall-Antelope-Valley-Palmdale-Restroom-207541101.html> as at 25 February 2020
- <sup>7</sup> See e.g. <https://www.transgendertrend.com/transgender-law-concerns> as at 25 February 2020
- <sup>8</sup> *The Daily Telegraph*, 7 September 2018
- <sup>9</sup> 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
- <sup>10</sup> *Board meeting agenda and papers*, 23 June 2015, The Tavistock and Portman NHS Foundation Trust, pages 53-54, see <https://tavistockandportman.nhs.uk/about-us/governance/board-of-directors/meetings/> as at 25 February 2020