

# Speak out against sex changes on demand

*Responding to the Equalities, Human Rights and Civil Justice Committee inquiry into the Gender Recognition Reform (Scotland) Bill*

## INTRODUCTION

The Gender Recognition Act 2004 allows someone to obtain a Gender Recognition Certificate (GRC) to change their legal sex. Obtaining a GRC means a person is legally recognised as the opposite sex and can receive a new birth certificate showing that sex. Currently, a person must be diagnosed with gender dysphoria by two independent clinicians and live as if they were 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 minimum age of applicants will be dropped from 18 to 16;
- The requirement to live as the opposite sex will be shortened from two years to merely three months, with another three-month reflection period before a GRC is granted.

The Bible is clear that we are made in the image of God as male and female (Genesis 1:26-27). Deliberately denying our God-given body defies our Creator. For more information on this issue, see [the.ci/trans](https://the.ci/trans)

The existing law already distorts God's good design, but a self-declaration system would make the situation far worse. More people, already suffering a psychological problem, will be affirmed in their distortion of reality. It would also risk giving sexual predators unrestricted access to facilities for the opposite sex.

## KEY ISSUES

**The deadline is 16 May 2022.**

Respond online at [the.ci/grarespond22](https://the.ci/grarespond22)

You can read the Gender Recognition Reform (Scotland) Bill at [the.ci/grabill22](https://the.ci/grabill22)

You do not have to answer every section of the form. Questions that you must answer are marked "Required". Below are brief comments to help you form your own answers to the key issues. **Please use your own words in your comments** – this will make your response far more effective.

## The removal of the requirement for a medical diagnosis of gender dysphoria and supporting medical evidence.

- A 'de-medicalised' system endorses a radical new approach. 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. Now the Scottish Government wants legal sex to even be disconnected from medical diagnosis. In the eyes of the law, sex will become a matter of personal choice alone. The Government is knowingly emptying the very meaning of male and female.
- A self-declaration system would make it even easier for biological men to claim they are women to get access to female facilities without any objective assessment. There is already growing concern for patient safety at the NHS policy allowing male sex offenders self-identifying as women onto female-only wards.<sup>1</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 increased opportunity 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>2</sup> In Fife, an 18-year-old male identifying as a woman assaulted a ten-year-old girl in a supermarket toilet.<sup>3</sup>
- People who believe they 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 problems. Suicide rates of post-transition transgender people are high.<sup>4</sup> Instead, they need help to come to terms with their body as their true identity.
- The UK Equality and Human Rights Commission has said the current law provides "the correct balanced

legal framework that protects everyone” and that “more detailed consideration is needed before any change” to the Gender Recognition Act.<sup>5</sup>

### **Provisions enabling applicants to make a statutory declaration that they have lived in the acquired gender for a minimum of three months (rather than the current period of two years) and that they intend to live permanently in their acquired gender.**

- Changing legal sex 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 nearly long enough to demonstrate this.
- The existing requirement for two doctors to confirm a diagnosis of gender dysphoria at least means that there is some medical scrutiny before a change of legal sex 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 referred to genuinely helpful treatment. The proposed system will not have this check.
- The Bill 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.

### **Proposals that applications are to be determined by the Registrar General after a further period of reflection of at least three months.**

- Three months is not nearly long enough to be a meaningful reflection period. The Government should provide as much time and opportunity as possible so that fewer people 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>6</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 reduces the number of GRCs being given to people who later change their minds.

- Three months is not long enough to prove permanence. Research shows that even the year following medical transition is a short-lived “honeymoon period” which does not represent a permanent contentedness.<sup>7</sup> Most detransitioners stop transitioning after an average of four years of transition.<sup>8</sup>

### **Whether the minimum age for applicants for obtaining a GRC should be reduced from 18 to 16.**

- The UK's Gender Identity Development Service has seen more than a 3,000% increase in young people referred for gender dysphoria in the last decade.<sup>9</sup> Reducing the age limit for legal sex change opens the door to a surge of confused young people.
- A growing body of research has shown that peer influence, YouTube and social media play significant roles in a large number of cases of young people claiming to have gender dysphoria.<sup>10</sup>
- 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. They should not be able to make life-changing decisions like changing legal sex.
- The Bill makes no mention of parental consent for children aged 16 and 17.
- Around nine in ten children who experience feelings of gender dysphoria do not have gender dysphoria as adults.<sup>11</sup>

#### **References**

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3. *Metro online*, 16 March 2019, see <https://metro.co.uk/2019/03/16/transgender-woman-18-sexually-assaulted-girl-10-morrisons-toilet-8914577/> as at 22 April 2022
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5. Letter from the Equality and Human Rights Commission to the Cabinet Secretary for Social Justice, Housing and Local Government, 26 January 2022, see <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-equalities-human-rights-and-civil-justice-committee/correspondence/2022/gender-recognition-act-2004-reform> as at 22 April 2022
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11. 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