

**Tuesday 26 April 2022 – EHRCJ Private Informal Engagement Session –
Session 1 (people with lived experience), 9:30-10:45.**

Witness A

I applied for a GRC a year ago and the process was a fiasco. The process was made difficult by the significant evidence requirements and by hidden costs.

To get a GRC, you need a diagnosis of gender dysphoria, and things that help your application like having an updated passport incurs hidden costs, which are prohibitive. Upfront fee is only £5 but there are other costs like renewal of passport, which costs £70, Statutory declaration witnessed by notary public which costs £50, and paying for a GP letter.

I found the experience to be like doing a second job. I wanted a birth certificate which reflected my experience, but I was unable to do this through the National Records of Scotland. I don't believe that such a high burden of proof should be needed.

Maggie Chapman MSP: Can you tell us about psychological impact of gathering evidence and document yourself in that way?

A: I found the process upsetting and invasive. I am not sure why a panel of doctors who I will never meet need to see details such as my original deed poll, two years of bank statements, employment contracts, letters from doctors etc. Having to go through lots of old information, with my old name on it was upsetting. It is not something I show anyone else.

In the chat function, **B** provided details of the list of evidence required for a GRC: "Evidence could take a variety of forms. The following lists some examples:

- Official documentation e.g. driving licence and passport
- Payslips or HM Revenue & Customs (HMRC) documents such as a P60 or P45
- Department of Work and Pensions or HMRC benefit or tax letters or documents
- Bank or other financial institution documents or statements
- Letters from official, professional, or business organisations such as from solicitors, accountants, dentists, doctors, employers, or letters from people who know you on a personal basis
- Utility bills
- Academic certificates or documentation
- Health Care or identity cards including photo ID issued by an official organisation.

This list is not exhaustive and is only intended as a guideline."

Pam Duncan-Glancy MSP: What was your experience working with the NRS for changing the name on your birth certificate vs the GRC process?

A: Changing your name with the National Records of Scotland is simple compared to Gender Recognition Process, as it only requires paying £30 to update your birth certificate.

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However, when I tried to update her information using this service, I received a call from the National Records of Scotland, telling me that I needed to go through the GRC process instead. I was confused that it was so much more complex for the gender recognition process. If you get married or change your name you just send the form and don't think about it.

Alexander Stewart MSP: What advice and support did you receive to assist you? What could be done differently to improve the process?

A: There was pretty much zero support. I found information by going on the government website and reading through the appendices about how to update the info and what you need. I found that GPs and staff at gender identity clinic don't always know how the process works. This meant that I had to show them the form from the government website that they needed to fill in. My one ask would be to pass the Bill. The process took a very long time. I was a member of a transgender youth group when the first consultation happened, and I have now aged out of that group.

Joe FitzPatrick MSP: How much better would it have been to do things earlier rather than after you had aged out of the youth group?

A: Things would have been much easier. I received her GRC recently. However, prior to this, people (including employers) could look up my birth certificate, and I would be "outed". Trans people need to be afforded some level of privacy. I felt I did not have much of a choice.

Pam Gosal MSP: If you had to pick, which was the most upsetting part: the process or the hidden costs?

A: The process.

There should not be hidden costs involved. One part cost around £200. While I managed this cost, many others cannot.

It was horrible having anonymous doctors poring over years of private information. This was the most stressful aspect for me, and it felt arbitrary. I am not sure why this random panel of doctors is involved. The process felt like throwing your private documents into a hole in the ground and then waiting. The process took about 8-9 months, and there is no feedback until you get the decision.

Karen Adam MSP: There has been a rise in hate crimes and in misinformation about acquiring a GRC. How has that impacted you in your life?

A: It is horrible to open front pages and see coverage depicting trans people as predatory. The delay in progressing the reform has left a huge space where 'hate speech' can occur and has allowed hateful conspiracy theories to germinate.

The hate passes into everyday life: I have heard people in public discussing how self ID is allowing predatory men to access single sex spaces. The references to transwomen as 'predatory men' etc represents a worrying direction of travel for the discourse.

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Witness B

I have not applied for GRC. I looked into it, but I was put off by the process. There are a number of issues with the process, including costs and evidence requirements. The decision panel is sometimes made up of lawyers, not just doctors. I want to avoid having to out myself.

I do not think I should have to give details of my genitalia to a panel of lawyers.

I believe the process is backwards. Ireland, Malta, Argentina already have self-declaration systems.

The current system also has terminology issues, including the use of the outdated term 'transsexual'. There is no functional process for appeals in the system, as the only option is to go to the High Court and claim that the panel acted unlawfully. In its current form, the system is unnecessarily traumatising for trans people. The suggestions made for the reform are a positive step forward.

Joe FitzPatrick MSP: Will you apply for a GRC under the new system?

B: Possibly. Under the current system, the process takes years. In reality, you are not talking about 2 years - it can be 5 or 6 years before you have had an appointment with the Gender Identity Clinic and have collected the required amount of evidence. It is a bureaucratic nightmare. Most GPs don't have relevant knowledge, such as understanding what a Gender Identity Clinic is. There is a need to fix the current healthcare system which contributes to why so few trans people have a GRC.

Maggie Chapman MSP: In terms of self ID and proposals, are there things that you think are problematic/unnecessary? What more do we need to change now or in future?

B: Need to include nonbinary people and allow for nonbinary identification. Their existence has been recorded for over 5000 years. After that would be changing the requirement to live in your gender identity for 3 months and then waiting the 3 months processing time. Trans people don't need this additional reflection time, and the same requirements do not exist for other bureaucratic processes such as marriage (despite divorce rates being much higher than detransition rates).

Regret measures are not supported by evidence. Rates of 'regret' among trans people are lower than among those who have undergone knee surgery.

[A in the chat function]: "don't want to interrupt B's excellent contribution, but other countries let you void your own application if you later regret it - seems less insulting than a 'reflection period'"

Maggie Chapman MSP: If including nonbinary people would delay the Bill, what are your views on that?

B: The Bill has been delayed several times already and should not be delayed further, but nonbinary people must be included afterwards.

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Alexander Stewart MSP: Do you see there being negative impacts from the Bill?

B: Aside from the failure to include nonbinary people, I believe the Bill represents a positive step. There are a number of people who are worried about how this will affect sports and single sex spaces, but the Bill has nothing to do with this. The discourse has become misinformed. Hate crimes against trans people are getting worse. Trans people make up less than 1% of the population. It needs changing and it impacts only us.

From a legal perspective trans people have a right to privacy, and people cannot out them. Within the law, they have the right to declare themselves as they see fit. Human rights trump people's emotional reaction to something that doesn't affect them. The only negative consequence would be the public reaction of this government not acting, seeing as all except the Conservatives had pledged to reform in their manifestos.

Karen Adam MSP: How does the process of having a panel validate you affect you?

B: The panel is unnecessary. To get a GRC, a person must make a legal declaration, so if they are applying for a GRC for a nefarious reason they will face consequences. Therefore, the panel's purpose is unnecessary bureaucracy.

All the panel does is read over my history and add 2 years more bureaucracy. I don't understand what qualifications they have. I can validate my own identity.

Pam Duncan-Glancy MSP: What would be most useful for the registrar to provide to applicants?

B: General legal advice and follow up would be helpful. If there was signposting to emotional support available that would be a bonus, but legal clerks should not be expected to give out counselling.

Fulton MacGregor MSP: Any constructive advice what you would say to people who are opposed to the Bill?

B: Research indicates that trans people make up 0.6% of the population, although UK statistics are lacking. I don't understand why I, simply by being a trans person, is so interesting. The degree of scandal surrounding something as simple as changing your details is part of a culture war.

Witness C

I am 70, and have been transitioned for a short time though I have always been trans. The GRC process makes me wonder if I want to go there and if it will benefit me. I might want to get married again and would have issues doing so without a GRC. It needs to be a process of self-declaration.

It is disturbing that the debates around GRR are actually about the Equality Act. The GRC is such a minor thing and is just bureaucratic. Trans people can change

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everything else with self ID, and the idea that trans people are going to self ID to attack women is misinformation. Men do attack women but what does this have to do with trans people?

I am visible and I have changed all my documents. I have never had an issue with the public. They either don't care, or they support us. Apart from this very small but very vocal group who have made it a big issue. Trans women use women's toilets, and many have never had an issue. It can be dangerous for trans women to have to use men's toilets. It is upsetting.

Trans people know what healthcare they need (e.g., prostate exams, breast screening). It's very disheartening seeing hate groups attacking online all the time. I do not see this in public everyday life. I am unsure whether I would apply for a GRC.

Karen Adam MSP: How do you feel the GRR will be for younger people, with regards to the age being lowered?

C: It would be great for younger folk. It is really important that the age is lowered – people can do lots of things at 16 and make many important decisions at young ages. 16-year-olds are mature enough. The debate on that has been weaponised. I remember Section 28, and recall hearing the same arguments being put across then.

Pam Gosal MSP: Do you really feel a 16-year-old is responsible enough to make such a big decision?

C: They can with proper support and advice. The main thing is taking the nasty debate out of it. It's not true that young people don't know their own minds.

I would prefer to see the age lowered. Young people experience difficulties because they don't have agency and because of the atmosphere created.

Identity is not a phase: I knew about my gender identity. I fought it in the 50s and 60s. But I knew. You could as easily ask how can someone decide that they are cis? Identity is felt and known within oneself.

[**B** in chat function]: "The average 16-year-old is not applying for this. The reality again is that if they are not able to get a diagnosis until they are over 18, they will have to still wait years for this service. This means they do not have the same legal rights as their cis peers and can create barriers for trans adults entering the workplace. In reality waiting years for bureaucracy. This will only apply to a tiny % of people. Instead of the panel you can have a Clerk that can then give proper legal advice to participants"

[**A** in chat function]: "excellent contribution from **C**. I just wanted to flag up that 16-year-olds can vote in Scotland, leave school, start work, etc. I definitely agree that the vast majority of trans people of any age applying for gender recognition will be certain of their identity"

[**D** in chat function]: "I would strongly advocate all the points **B** made. On the age thing, you can vote, join the forces etc. Ended transition approx. 10 years ago and received my GRC a couple years after that. A lengthy awkward process that was not

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at all enjoyable. I winged it because there was no proper support to ensure you got it right first time.”

Pam Duncan-Glancy MSP: Can you say a bit more about single sex spaces/changing rooms/toilets and what your experience is like to date. What you do now and what would change with this Bill?

C: You don't need a GRC to get into a toilet and no one has ever asked me. My experience is that I use the toilet and have never had any issue. GRC is being used as a magnet around all these issues.

In women's refuges etc there are measures in place to deal with these situations. Assessments are made on the basis of the person, not on whether or not they are trans. It is a non-issue. Most trans people are very aware and considerate of single sex spaces. For example, I would not use a communal changing room.

Witness D

I would like to say that at 16 you can join the army, have sex, become a parent, vote - but you can't decide on your gender identity. You could die and kill for your country but can't identify yourself in a legal sense.

I transitioned about 10 years ago and got my GRC a couple of years after that. I do recall it being a lengthy and awkward process. I didn't know what I was doing and there wasn't support available. It was expensive.

I figured out 20 years ago I was trans. I remember section 28. My dad was a minister and got horrible things sent to him by the Christian Institute. Due to a lack of visibility back then, I thought I was gay rather trans at the time. It was friends online who helped me realise my gender identity and come to terms with who I was. I remember saying the word trans out loud and the realisation and relief was almost instant. I thought that I could never come out as the world was so hostile. It took me another 10 years to come out and I regret that. Coming out was like having a millstone taken from round my neck. I can be myself now I am no longer hiding. I wish I had done it sooner. People don't tend to regret receiving a GRC, it's just the bureaucracy around it.

I am a work in quite a macho environment, and I am not out at work. I don't want to be the butt of the joke. It bothers me that I am still hiding. I have been there for 10 years.

If there was a centralised service that would be good. With a digital service we could make it easier to do than it is currently.

There is a campaign of disinformation not misinformation. There is a movement who call themselves gender critical – I followed them in the US 15 years ago and they have made a move to the UK. I believe they want to splinter the LGBT community. The movement has grown and accessed funding and has become outwardly legitimate organisations. They are actively recruiting people to their ideology and are supported by social media and effective campaigning. The overarching issue is that

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there are legal challenges being brought under the guise of curtailing the rights of trans people (such as removing their medical competency). This is a slippery slope which could begin to affect other groups in society.

[A in chat function]: I forgot to bring this up during the session, and realise we're nearing time up, but I was concerned by Section 8C (?) of the Bill - mostly fine with the rest, but this seems to give license to 'interested parties' to legally harass trans people and challenge their GRCs. Almost like a spousal veto by the back door. Seems overly broad, and don't see why it's necessary when it's already illegal to make a false statutory declaration.

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Witness E

I have experienced humiliation and shame about who I am since childhood. I have known who I am since I was a child. I knew I should have been born a girl, and this made school very difficult. I went to the GP at 15-years-old and was told that if I ever brought the issue to him again, he would have me committed, and threatened me with conversion therapy and institutionalisation. I struggled with addiction and mental illness for a long time after this, and my dysphoria became increasingly difficult to deal with. After countless GP appointments and prescribed many anti-depressants, I eventually told a new GP, and got help for gender dysphoria. My problems began to disappear as soon as treatment began.

I met my partner when transitioning and we set up home in the 1990s. All the bills were in my name, but when we moved to Scotland everything went into my partner's name and that was a problem for the Gender Recognition Panel. I tried several times to apply but each time didn't have what was needed. I couldn't afford it the first time. The second time I didn't have the proof. Then my partner had a stroke. We wanted to marry. We were together for 20 years but couldn't do it because I didn't have a GRC. He died in 2013 and I lost everything because we weren't married. I had no legal right to everything that we had built up together, including his pension. I could have been put out of the house. So, I looked into GRC again, and found out that all my doctors would not qualify anymore as they were all retired or dead. I looked into what was required now but the panel require you to have one of their approved doctors. So, I would have to go back to a gender identity clinic to get another diagnosis.

Maggie Chapman MSP: What do you think about the context of the proposed changes to the process/the wider misinformation and being a trans person in Scotland just now?

E: It is like being given a life sentence without committing a crime. We feel constantly under attack. Things are really difficult for trans people. I think the reforms are badly needed. The process is over complicated, especially if you fall outside the remit. My history goes back so far that I fall through the cracks. It is a grossly invasive and very tiring having people think they have the right to ask about your personal and medical information. I wish it could be put to bed.

Pam Duncan-Glancy MSP: What about the proposals do you think would have changed your experience?

E: My partner and I would have been able to have married and I could have taken his surname. It would have allowed me just to be ordinary, which is all we ever wanted. And we would have liked to have been able to start a family.

Karen Adam MSP: How do you feel about the lower age of 16 for gaining a GRC?

E: For me the problems arose from the age of 5 when I started school. By the age of 8 I knew who I was. By 15 I had gone to the GP. I feel 16 is a fine age. I knew who I was. I knew my situation at the age of 8 and that didn't change. Had the GP helped

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me at 15 instead of scaring me, my life would have been so much different. You can't penalise a whole community for one or two who go wrong. It would have helped me if I had been able to transition at 15 or even 18. If someone is trans or nonbinary, they know who they are.

Alexander Stewart MSP: Do you anticipate there being any negative impacts from the Bill?

E: You should be able to apply for a GRC as soon as you swear the oath to the Registrar General. That is binding, and it should be the point at which you can get a GRC then. Trans people have already had to wait a long time. Their struggles start long before they begin the process of making these legal changes.

Witness F

I have my GRC. I started transitioning in 2003 when I turned 18. I was fortunate my family were supportive, and we went the private route. By 2004 I was on hormones and by 2005 I had had my first surgery. It went quickly. The doctor I was with is now retired. When interviewing for jobs, I had to show my birth certificate as I don't have a driver's license and they always ask for two forms of ID. I had my passport in my current name and my birth certificate with my name change deed. This meant that I had to immediately disclose to potential employers that I am trans at the interview. When the GRC came in it was an amazing step forward, but it was an intimidating and huge process. I met my wife and I was under the impression that I needed a GRC to get married rather than getting a civil partnership. We were engaged for 7 years waiting on the process. I was rejected initially as there was a 2-year gap in my 10-15 years of evidence. I had to reapply, and I got my GRC just before lockdown.

Pam Duncan-Glancy MSP: Could you tell us about the importance of having a birth certificate that recognises who you are?

F: It is very important. Job interviews were the big one for me. You shouldn't have to make yourself so vulnerable from the outset of an interview. You don't know the person interviewing you, or their views on trans people. They may not be openly transphobic but their opinion of you might be influenced if they, for example, think you are going to need time off for medical appointments. It is invasive, as you are having to share a very private part of your life. You feel vulnerable and it is scary – you don't know how they will react. But it is also embarrassing as it is a personal and intimate part of your life and the birth certificate has a different name and sex marker. Having the GRC and not having to show my birth certificate is a huge relief for things like interviews and applying for education. It has taken 90% of the anxiety out of it.

Maggie Chapman MSP: What is your experience of living as a trans person today?

F: It's a scary world for trans people at the moment. My family were initially supportive, but we moved my mum to live nearer to us recently and realised that she is now a TERF (Trans Exclusionary Radical Feminist). It's a sign of things going on in the rest of the world. She talks about how trans women are predatory, and are

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going to go into toilets and commit sexual assaults. I remember the repeal of section 28 and this is what it feels like. Like we are demonised by society and are portrayed as threats. And people with loud voices on social media and in mainstream media are saying that we want this to sexually assault people when that is illegal anyway. There is so much very loud hate and demonisation. We are people. If someone wants to sexually assault people, they are going to do it. They are not going to bother getting a certificate first. They would just be doing something illegal but with a certificate. Getting a GRC should be akin to changing your name. But because we're trans our word is not good enough.

Witness G

I am new in my transition – I started 3 years ago. I am in the process of seeing the gender clinic. In the past 2 and a half years I have not seen any of the doctors who are approved to make the decision about granting a GRC. They would have to speak about me without ever meeting me. One of the reasons why I haven't applied is because it's so convoluted. I don't need a GRC as I am not planning to get married. It is something I would like to do at some point, but it is not a priority as there are so many hoops to jump through.

I don't think there are more trans people, it's just that they are more open. I kept trying to escape the inevitable and waited until I was in my 30s. I think there are more examples of trans people who are now living their lives instead of hiding who they are.

Alexander Stewart MSP: Do you believe that amending the process will give you the rights you are seeking?

G: Yes, I would definitely apply for it if it was a simpler process. It would give me more confidence. For example, I would feel uncomfortable going to a spa without a GRC. I still have fears around using public toilets, as I am always worried that someone will question me.

Karen Adam MSP: What would you like to be done to help alleviate the rise in hate?

G: Alleviating the hate will be difficult unless the media changes. It is toxic. A lot of people don't realise the effect that the media they consume has on others. When it doesn't affect them, they don't see it. They are saying that trans people will get a GRC to enable them to go into single sex spaces, but I don't need a GRC to do that. The GRC is not actually changing people's access to single sex spaces, it's just an admin process (basically births, deaths, and marriages). Nothing is changing. People commit crimes, but it is not a result of their identities. Do they want it to be stricter and for people to be inspected before they go into a toilet cubicle? I use women's spaces and did that before I changed my documentation.

Pam Duncan-Glancy MSP: What do you do now with toilets and what would you do differently after the reform? What are your thoughts about the age being lowered to 16?

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G: The reform won't change my use of toilets. For changing the age, you can vote/get married at 16 and that is a huge responsibility. People know who they are at that age. They are telling you the truth about who they are. Who they were before was the lie, but the process makes you think it's the other way round.

Pam Gosal: Do you think the information around the Bill could have been better in its introduction? What about the religious aspects?

G: Media comms could have been better. There's a need for education about what people can do. There are negative rile-up stories out there in certain newspapers, and few positive stories out there. I don't come from a religious background, so I don't feel I can comment on that aspect.

F: With regard to public spaces, transition and life are made a lot easier for trans people who can "pass". I don't experience people calling me out, because I don't look the way that people expect a trans person to look. You can't always know if someone is trans. If someone enters a toilet and you question them, you are basically saying that you don't think they look like a woman. That is a media thing. There are all types of women. You are saying the difference is knowing and not knowing but you are assuming based on looks. In Australia, there were cis women being called out for being trans because of the way they look. It's a media thing. You can't always tell. If you are uncomfortable that may be a cis woman.

E: Re people accessing toilets who for medical reasons cannot have surgery. It would make it difficult if they made it that only post-operative people who could access them. Religion should not impact on someone's practical need to use services, facilities, or the toilet.

Witness H

I am non-binary and have been out for 4 or 5 years. I have done a lot of work trying to raise the visibility of non-binary people. Growing up in the 80s and 90s under Section 28 was hard. There was lots of misinformation and misrepresentations of queer people in the media. I first came out as gay before I knew that trans people existed, at a time when the three big disasters were 'your house will burn down; you'll be in a plane crash; you'll be gay'.

When the first consultation came out, nonbinary people were included and there were comprehensive things to be enacted. Then the second consultation came out, and they decided not to include nonbinary people. This has set things back years and it feels like erasure. Non-binary people have existed throughout history. Most pre-Christian cultures recognised and validated non-binary people, and many do today - not recognising us puts Scotland behind. I wouldn't want this to hold back the Bill though, as the reform is so long overdue. I would like to see recognition that non-binary people are currently excluded and a commitment that it will be addressed quickly. Ideally, I'd like to see a clause in the Bill that sets a timescale of a few years. I am constantly misgendered by people who are just trying to be polite but don't know we exist, and it's exhausting. I can't get a GRC because I am non-binary. At some point I would like to get married. My partner is trans and he doesn't have a GRC either because the current system is too long, expensive, and invasive. Toilets

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are difficult for nonbinary people. I will often use the men's toilet as that is where people expect to see me. But this can be a very scary and difficult experience, especially depending on how I am presenting at that time. I would like to see non-binary recognised and then look to see it included quickly.

Joe FitzPatrick MSP: Should we go ahead with the legislation as it is, and then very quickly look to including nonbinary people?

H: Yes. If it could be amended now, that would be ideal, but not if it is going to delay the process by another year or more. That's not fair on trans men and women. It's not fair on non-binary people either to exclude us, but it's not fair for trans men and women to be held back on something that could have been fixed years ago.

Fulton MacGregor MSP: What difference will the Bill make to you?

H: The Bill won't make much difference to me in its current state, as nonbinary people aren't included. But for binary trans people there are points in their life where it will make a huge difference. We need to do it to make society fair and inclusive. Media reactions will be difficult, but changes need to happen for equality's sake. The sooner the process is over, the sooner the media will get bored and move on. So, we need to get through this.

Karen Adam MSP: What do you feel would be the next steps for non-binary people we could look at as a Committee?

H: The nonbinary working group have provided a comprehensive set of recommendations. A lot of it is to do with healthcare and education. Recognition that we exist in society is one of the biggest things, and education, so that people understand us and know we are not a threat. Many cultures gave nonbinary people a position of privilege historically, as we are able to see things from both sides.

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Witness I

I came out as trans in 2018. I have not applied for GRC because the current process is intrusive, bureaucratic, and over-medicalised. I hope that the GRA can solve some of these issues.

Currently, a diagnosis of gender dysphoria is needed to qualify for a GRC, but this does not match up with the experience of every trans person.

There are wider issues surrounding trans healthcare, such as long waiting lists. I have been on a waiting list for a Gender Identity Clinic since 2018, and I don't expect to get an appointment this year. It is difficult to even get the diagnosis of gender dysphoria in the first place. The whole process can take much longer than the currently required two years of lived experience.

With regards to the Panel, it is strange to have to prove your gender (an innate part of you) to a panel. The process is invasive and difficult. It is disproportionate.

I do want a GRC, but I haven't gone through the process yet because it is so difficult and has so many problems.

Witness J

I absolutely agree with everything **Witness I** just said. I am a 67-year-old trans man, and I have decided not to pursue getting a GRC.

When I was 19, I spoke to a psychiatrist about my belief that I 'should have been a man'. He told me that this was 'part of my mental illness' and prescribed electro convulsive therapy (ECT). I was subjected to what was basically conversion therapy under the NHS. This has had a significant and long-lasting toll on my mental health. I endured decades of deep pain.

I repressed my true nature for four decades and severely struggled with mental health as a result. I was very wary of opening up to psychiatrists again about my gender. Then when I did come out after turning 60, I was met with extensive waiting lists. I took out a loan and sold my car to fund my transition privately. The NHS made such a mess of my top-surgery/hormone referrals that my mental health struggles worsened, and I saw a return of suicidal thoughts. It was a horrible, humiliating, and disempowering process.

Now I am living as a man, and all my documents have been changed (except birth certificate). I am more content than I ever have been, and do not believe that I would attempt to follow through with suicidal thoughts these days. I am not prepared to put myself anywhere near the cliff edge by applying for a GRC, however, as I am afraid that it will reawaken suicidal thoughts.

Witness K

I am a 57-year-old trans woman. I went through the process of being diagnosed with gender dysphoria about 5 years ago. I waited 'only' 18 months for appointment (a relatively short time compared to the length of time others are made to wait). I was diagnosed with gender dysphoria, and I was put on hormones.

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Getting a GRC is a massive faff, and I can't contemplate going through the process. Not having a GRC does not stop me from carrying out my day-to-day activities (job, sports, etc.). I might want to get one eventually, but it is not worth the hassle at the minute.

I grew up in the 70s, and it was a very different time, people didn't know what being trans was. But I knew that something about me was different. I was later able to understand that I am trans, and I am now able to live the life that I was always meant to live.

I do not want to undo my previous life, I have family and children, but I had to move on and to do what is best for me.

Witness L

I have lived as a man for about a decade, and I don't have a GRC. I know what my gender is. To get a GRC I would have to apply to a panel to have them to tell me what my gender is. This is infantilising. The Scottish Government is telling me that I don't have the capacity to make decisions for myself, and this has had a big impact on me.

Having a GRC can be very important, for example when living abroad, where a birth certificate is required for employment, documentation etc. There is a huge level of uncertainty, and I don't feel confident about this. Also, whenever I am required to undergo a background check for employment, I am forced to out myself.

The amount of admin currently required is ridiculous. Trans people spend so much time being told that they cannot live as the gender that they are - I don't want to spend any more time doing this.

I do want a GRC. Future generations of my family may look back and find records of me as a woman (birth certificate, death certificate). This would be an inaccurate record of who I am, as I am a man.

Pam Duncan-Glancy MSP: Why is it important to you to have a GRC, and do the current proposals make it something you're more likely to apply for?

Witness I: Having a GRC is important for marriage certificates, death certificates, and for some people it's the final step in their transition: it can be quite cathartic for some people to have this final documentation. Getting a GRC is not the most important thing for me as a trans person. The GRC and GRR have become proxy debates for wider discourses about trans people in society. People who disagree with trans people's right to exist in society will use the GRC, or how trans people are 'legally recorded' as a weapon against trans people. Getting the Bill through parliament is important to end the proxy debate, as this debate is resulting in misleading conversations that aren't about what we are actually trying to discuss. Discussions around the Bill are increasing transphobia. A GRC is important for some trans people, and less so for others. However, the symbolism of the Bill is really important.

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Maggie Chapman MSP: Why are self-identification mechanisms so important, rather than medical or other forms of proof/diagnosis?

Witness J: Having a panel make the decision for you is ridiculous. How much time do these experts spend with you to reach such a massive decision? Psychiatrists ask formulaic and gatekeeping questions. They want to hear that trans people want hormones and surgery. You have to act the part in order to get access. It is absurd and Kafkaesque. Who can tell you what your deepest self is apart from yourself?

Witness L: I received a diagnosis of gender dysphoria a few years ago. I was asked strange questions by psychiatrists, about what toys I played with as a child and about my sex life – these things are not determinants of a person's gender. The people who know me see that I am happy and self-assured, it makes sense to them. For the situation to be that people look at my paperwork declaring myself to be a man, to then confirm that he is a man seems an unnecessarily long process. In all other aspects I'm judged to be responsible enough to deal with things myself.

Witness I: There is a reliance on gender stereotypes, for instance, trans women get told to wear a dress or skirt to their first appointment at the GIC. What does this say to society more widely? It's absurd. When people get married, they aren't asked to prove that they are in love to a panel of experts, so why do we do it to trans people?

Pam Gosal MSP: Should the minimum age for applicants be reduced from 18 to 16? Are 16 year olds responsible enough to take these decisions?

Witness K: When I was 16, I didn't know anything about this. The world was a different place. If I was 16 now, I would say yes, let's go ahead, let's do it, because I knew who I was. Yes, 16 is fine – you know who you are at 16.

Witness J: At that age I didn't have a word for how I felt, it's hard to know something for which there is no concept available. I couldn't have told anyone I was trans, but I did know that I felt different, and like I was in drag when I wore girls' clothes. Had I had the words and the proper support I would have gone ahead at 16. The current culture with all the information and support available does enable 16-year-olds to make these judgements.

Witness I: I agree. I came out at 18 because I wasn't in a comfortable environment at 16, but I knew what my gender was when I was 16 and regret not coming out earlier. Having a GRC doesn't allow 16 year olds to operate heavy machinery or drink alcohol. What is the worst that could happen if a 16 year old gets a bit of paper that changes their gender on their birth certificate? It just confirms who we are. The impacts would be minimal, but the Bill would mean the world to young trans people. Young trans people have lots to offer in terms of their perspectives, and they know what their gender is.

Witness L: I have worked with young trans people (aged between 13 and 18), and a lot of them knew exactly what their gender was as children and did not waver as teens. But, because of transphobic commentary, they didn't feel able to be open about it. Practically, having a GRC will allow 16 year olds to have confidence in who they are, rather than being yet another thing they have to wait to get access to.

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Young people have often known for a very long time what their gender is but will often feel that they aren't allowed to express it, or feel that they are 'wrong' in some way. Accessing healthcare around puberty (a traumatic time for many trans people), recognition of their gender, support etc. will mean the world to them while they begin the very long process of becoming who they are.

Karen Adam MSP: Thoughts on improving the process going into the future? The panel of experts vs Registrar General. Do you feel that this new proposed process will help?

Witness K: About self-identification: I play sports regularly, and nobody cares. It's my business. The league, the union, and the players do not care. I would have more issues playing internationally, but for now this is not an issue. Why doesn't this self-identification apply across society? I know who I am.

Witness I: We kind of have self-identification currently, but with so many extra layers of bureaucracy. Trans people know what the panel are looking for (stereotypes etc), and the outcome we want, so we will jump through the hoops and put on the necessary performance. Going through the panel process doesn't add anything to the process, it just puts people off. I believe this is deliberate – making it as difficult and unappealing a process as possible to put people off going through with it. The Bill would improve things for binary trans people, but it's really important that we acknowledge that this will not help a lot of nonbinary people. Some will identify more closely with one of the binary genders, and will go through the process anyway, but we are forcing nonbinary people to pick a binary gender. We need to make sure we are building blocks to providing nonbinary recognition in Scotland in the near future.

Witness L: Being trans means that there a lot of delays in just getting on with your life. The reduced 3 months period will improve this. Before applying for a GRC, trans people first have to sort out the important things in their life – telling people, any medical treatment etc – this takes preference over GRC application and takes a long time. Nobody is going to go through the process of a GRC and legally claim to be a different gender, unless they are trans.

Witness J: The 3-month reflection period undermines the seriousness of the lifelong commitment you are making, by implying that you might change your mind ...but there is no reflection period after taking marriage vows.

Alexander Stewart MSP: Are there any missed opportunities/negative parts of the legislation?

Witness J: I haven't been able to think of any negative consequences, apart from the exclusion of nonbinary people. The exclusion makes nonbinary people seem less legitimate.

Witness I: It is important that the requirement for a diagnosis of gender dysphoria is removed, these are good things currently in the Bill, but they must make their way into the final Act. There is a need to get rid of the excessive bureaucracy, infantilisation etc.

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Witness L: There is an ongoing issue of trans people being abused by partners who do not accept them. The right to revoke a GRC by a 'person of interest' in the Bill could be abused by a partner or family member who doesn't agree or wants control over a trans person, this needs to be thought about.

Alexander Stewart MSP to Witness K: Regarding misleading information about trans people in sport, do you see hostility/recognise misleading information at the minute?

Witness K: There is a growing trend of hostility, mostly from those who are ignorant to the situation. I play a sport which is completely inclusive, but I don't know how long this will last, or what the governing bodies will move to in the future. There are many sports where it is starting to become a real issue. This will be stopping a lot of people from getting involved in playing sports.

Pam Duncan-Glancy MSP: Do you think that people will start to care if the Bill is passed, or is the debate an unnecessary proxy?

Witness K: Nobody knows my situation in terms of whether I have a GRC or am on hormones. Fundamentally they aren't interested. If the current trend continues, this may not be the case.

Witness L: All of the debate and increase in anti-trans hostility in Scotland has meant that there are other things such as mental health care for trans people that have had to be put on the backburner because of the huge debate around GRA and trans people, which often has little to do with the Bill.

Witness I: The significant degree of media attention on the Bill leads to misinformation. Hostility increased during section 28, equal marriage debates etc, because people don't want these Bills to pass. Once the Bill is passed, and the negative impacts proposed are not arising, I think people will cease to care.

Maggie Chapman MSP: Are the 3 months requirements unnecessary?

Witness I: Yes.

Witness J: Yes.

Witness K: Yes.

Witness L: Yes.

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Witness M

I haven't applied for a GRC because of how difficult it is. I have a new passport etc, and I am planning on getting a GRC under the new system.

Witness N

I considered accessing the GRC process but didn't because of financial implications, and because of the possibility of rejection without recourse. I was able to update my driving licence and passport, but my documents not matching my birth certificate has caused issues when applying for education/jobs. The age should be lowered to 16, as this would help young people start their adult life properly.

The requirement to have supporting medical documentation should be removed. The current procedure is invasive. I also disagree with the three-month reflection period. It doesn't consider the reflection journey that trans people go through prior to coming out.

One of my biggest concerns with the current proposal is the right of a person of interest to revoke a GRC. The ability of a person to challenge another's trans identity is undermining, and it opens up the possibility for abuse and harm to trans people.

The reflection period should be removed for terminally ill people, so they can be properly recorded when they die.

We should all be able to access documents that accurately reflect who we are and how we live our lives. The Bill would be an improvement on current legislation.

Witness O

I have not applied for a GRC, as the process is invasive and overly bureaucratic, and there are too many barriers to accessing healthcare. Applying for GRC would destabilise the progress I have made with my mental health and self-confidence. The process involves unnecessary scrutiny, harm, and financial strain, just to be recognised as who you are.

There have already been compromises, but I support the Bill.

Regarding the requirement for a medical diagnosis of gender dysphoria: I no longer wish to be defined by the severity of the suffering I experience as a trans person. There is financial strain when diagnosed privately, or huge waiting lists otherwise. Setting a precedence of the de-medicalisation of trans identities is important.

The three-month living and three-month reflection requirements are not beneficial to trans people. We need to look beyond misinformation and fearmongering.

I have been out since I was 14. I had already gone through a very introspective assessment of my own identity before ever telling another person, because of the hate trans people experience. The current process is condescending to trans people: our experiences are based off lived experience and self-reflection.

Witness P

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I have identified as trans since I was 15, I am now 23. There is a waiting list issue: I have been on an adult waiting list since 2019. The current system requires psychological assessment and a diagnosis of gender dysphoria before applying for a GRC. Reform will save the NHS and trans people time and money.

Not all trans people have the means to change all their documents, afford private care etc.

Name changes can be done through the Registrar General. Their current system could be replaced with one, all-encompassing process.

At 16 you can make big, life changing decisions, such as getting married, taking out loans, and entering the military. The Reform would bring gender identity into line with these decisions and would also stop the of trans people from being pathologized.

I very much support the reform and the de-medicalisation.

Witness Q

I am a 19-year-old nonbinary person. I came out at 15. The lack of access to GRC was difficult. I couldn't access a GRC because of my age and nonbinary identity.

We treat 16-year-olds as though they should act like adults, but also as if they are still children. 16 is an adult in Scotland, so gender should be in line with other legal documents as people are old enough to know their gender.

The changes to the Bill will have huge impact on so many people's lives. Many wait a long time before coming out: I thought about it for years before ever telling another person. A lot of time and processing goes into deciding you are trans. Being told you need another three months to reflect doesn't take into account the reflection you have already done.

The lack of opportunities not being able to access a GRC means oftentimes people aren't comfortable applying to jobs etc as they know they'll have to apply under their legal gender or will be outed due to their documents. This can lead to people not pursuing things that they want to do. Also, being outed can mean some people's transphobic views will cause them to prevent people from partaking in things.

End of life provisions are essential to ensure that people are not misgendered after death.

There are improvements to be made, but I support the Bill.

Accessibility is key. Trans people already go through a lot of hardships, so being able to access processes to allow us to live as who we are is important.

Maggie Chapman MSP: Do you all agree that the reflection period is unnecessary but that the three month living period is necessary? What do we need to do and change to improve GRC process and the debate around it?

Witness N: The wait periods aren't particularly useful, especially the reflection period. What should the three month living period look like? What is a social transition? Is it telling people? Changing the how you look? What if you don't change

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looks? Paperwork? There is no clarification in the Bill as to what this should look like. Strong support of the Bill would help reduce toxicity. Toxicity, misinformation, and polarisation has been able to grow because of time taken to pass Bill. In reality, a very small number of people are affected by this Bill. It would be great for trans people, but it doesn't affect anybody else. There is need for a unified position.

Witness P: The three month reflection period has no real value. There is no reason for paperwork to be held in offices for three months before being filed. A GRC is just changing one thing on some identification, it doesn't mean trans people can or cannot access spaces or do certain things. The Scottish Government should produce something outlining what the Bill actually does and means, to combat misinformation.

Witness Q: There is little evidence to support the waiting period. People wait years or their whole lives only to be told that they have to wait even longer. What is the use in a three month reflection period for adults who have been out for years? Some trans people are out in some spaces, but not in others because they may not be safe to do so: how will this affect their ability to provide the necessary evidence? There is misinformation (e.g. about predatory men) and a lack of information, and it is important to make it clear that the Bill does not impact on other rights.

Witness O: The committee is aware that, as the GRA currently stands, many trans people are not willing to participate in the system. Many have been out for years, and the reflection period removes their autonomy. The reflection period is pandering to misinformation about the trans experience and doesn't help trans people. The Scottish Parliament needs to produce clear info on what the Bill is actually about.

Witness M: I don't agree with the reflection period, I've known I was trans my whole life and have been living as myself for years, I don't see why I have to reflect on that for three months more.

Pam Gosal MSP: Will more people apply for a GRC following the reform?

Witness P: Yes, it will be easier, and trans people will not be forced to go through huge years-long waiting lists. The reform would open it up to people who are terminally ill, who don't have the funds or a safe environment to go through the current process. The trans community is so small, and not all will apply for GRCs (especially nonbinary people).

Witness M: I think a lot of people will apply. I've been held back by the waiting process and trying to gather documents etc.

Witness Q: More people will apply. There is a backlog of people who didn't want to apply under the current system. More people will know what their options are. It is the best feeling in the world to know that you are going to be able to live as who you are. Gender affirming things (healthcare, legal transitions etc) are enormously beneficial to trans people and have positive mental health impacts.

Witness N: More people will apply, but there won't be huge deluge on the Registrar General. I've had problems with employment because I didn't disclose that I was trans and it became an issue. Once my passport was updated, I felt much safer.

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However, when checks are made on a birth certificate, it is difficult, so the new GRC process will help change this. I might apply for a GRC mainly to avoid being outed to potential employers and to travel.

Karen Adam MSP: How could the GRR create life/societal changes to create a better atmosphere for people's mental health?

Witness P: when trans people are accepted and believed, rates of suicide and self-harm drops to the same levels as other people their age. Even if home environments aren't supportive, to have the recognition and validation from the government would be amazing. I don't think the Bill will have a huge impact on society, it will just be a win for the trans community.

Witness N: Poor mental health outcomes for LGBT people are a result of 'minority stress' (occurring from persistent social stress and stigma). To have government validation will reduce the stigma people feel and will have positive health outcomes. I am not sure it will cause societal change, but it is important for trans people.

Witness Q: There would be lots of mental health benefits. Suicide and self-harm rates are huge among trans people. Making the process more accessible, supporting, accepting, and believing trans people is huge. In terms of social change: it is part of a long process. Changing assumptions that trans people want surgery etc will help with stigma.

Witness O: Obtaining a GRC is seen as last hurdle for trans people because the process is so difficult. Misinformation and a lack of education has meant that systems that are supposed to support trans people have been damaging and exhausting roads to endure. If the Bill was reformed to be more accurate and understanding of trans people's lived experiences, it could have a trickledown effect on how other services treat trans people, such as changing the discourses around healthcare and mental health care.

Alexander Stewart MSP: Do you see any missed opportunities/negative aspects of the Bill?

Witness N: The biggest potential missed opportunity is the absence of nonbinary recognition. I do appreciate the potential ramifications nonbinary inclusion would have on other parts of Scots law, and perhaps shouldn't be included in this iteration of the Bill but being able to include nonbinary people would be great. Also, there are no provisions for young people until they turn 16, even though they may have been out since childhood.

Witness Q: The lack of nonbinary inclusion. However, the impacts the Bill will have means that there is no use in delaying it. There are people who come out in childhood, they should be supported and respected too. Also, there needs to be end of life provisions. Even with reduced waits, some people are still going to struggle to access a GRC before they die.

Witness P: The omission of provisions for under 16s is missed opportunity. We can make medical decisions for ourselves much younger than 16. Younger people will be making decisions (course selections etc.) that will define their university degrees,

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career paths, life. If people have support and systems around them, they should be able to attain a GRC. By the time you are 16, you already have a lot of important documentation.

Pam Duncan-Glancy MSP: How do you access sport/toilets/changing rooms now? And how will this change/not change in the future? And regarding terminal illness, should there be provisions for post-mortem GRCs etc?

Witness N: End of life and post-mortem provision is a huge oversight. If you have made an application and then passed away, there should be provisions for that. Also, if you die, and your partner confirms you lived a lot of your life as trans, but your parents deny this, there should be provisions. Applications for terminally ill people need to be able to be fast tracked – they have more to worry about. With regards to spaces, I had to stop using women’s bathrooms because I was assaulted by adult women. I asked my parent if I could start using men’s bathrooms, as people pay less attention to me there. I have used men’s facilities for everything since, because it’s not safe to use women’s spaces if you look like a butch woman or androgenous. I would prefer that non-gendered spaces were available.

Witness P: I’ve used both men’s and women’s spaces as I’m nonbinary. I have always done this, even as a child. Generally, people don’t care. They tend to assume they’ve gone into the wrong bathroom. You don’t need any ID to enter a bathroom, having a GRC wouldn’t affect this at all. People’s fear is that cis predatory men will use the GRC as an excuse to access a space and assault people. This is already a crime and has nothing to do with trans people. People are scared of predatory people, not trans people.

Witness Q: I don’t feel safe going into men or women’s bathrooms. People are so worried about cis people feeling safe, that they forget about making trans people feel safe. There is so much talk around bathrooms, and about cis men pretending to be trans, but it doesn’t reflect lived experience. You are never asked to show your birth certificate when trying to access a toilet.

Witness O: As a young trans person, my education has never mentioned trans people or trans history. This has resulted because of a lack of provisions to acknowledge trans identities. It is so important that trans people can be properly legally recorded. I have supportive parents, but experienced awkwardness and fear from lack of support from systems such as school. I experienced harassment from kids and adults who did not understand me (mostly verbal abuse/being made to feel uncomfortable/targeted with inappropriate questions). The connotations of the debate around protecting single sex spaces suggests that trans people pose a threat here, but it is an entirely different issue - there is a distinction to be made.

[**Witness P** in the chat function]: The criminal actions of one group should not encroach on a minority's access to rights.

Fulton MacGregor: What do we need to do with the Bill? Do we keep the three month reflection period? Do we replace it? Do we get rid of it?

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Witness N: The three month reflection period should be scrapped. I'm not aware of any other legal process that has this provision. It is unnecessary after you've already gone through the process. The requirement for three months of lived experience could be retained, but we need to see more clarification of what this means/should look like, and there needs to be alternatives for people who don't have three months left to live.

Witness Q: Removing the three month reflection period is best case. There are much older trans people, people who received diagnosis under an old system, who cannot access the proof they need to receive a GRC, and so are made to wait even longer. The three month period feels like a means of appeasing people who don't support the Bill. People who de-transition often do so out of safety concerns, or transition from being binary trans to being nonbinary. But it should be acceptable for people to acknowledge that they were mistaken.

Witness O: The reduction from 2 years felt like a massive step, but the reflection period doesn't feel like a compromise – it feels condescending, especially as there is already a three month living period requirement, with proof needed that someone is living in their trans identity. The reflection period disregards the reflection done privately by trans people, and it seems like a reaction to misinformation/people who are concerned about the Bill.

[Witness N in chat]: I think it also doesn't consider how unsafe social transition is before you have access to supporting legal documents.