

Consultation Response - Gender Recognition Reform (Scotland) Bill

Submission from Scottish Youth Parliament, March 2019

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) is the basis for the Scottish Youth Parliament's (SYP's) vision, mission and values. In particular, SYP embodies Article 12 of the UNCRC, which states that young people have the right to express their views freely and have their opinions listened to in all matters affecting them. As a completely youth-led charity, the words and sentiment of Article 12 have profound importance for our work.

Our Vision

The Scottish Youth Parliament (SYP) is the democratic voice of Scotland's young people. Our vision for Scotland is of a nation that actively listens to and values the meaningful participation of its young people. Our goal is to make this vision a reality, in order to ensure young people in Scotland grow up loved, safe and respected, and able to realise their full potential.

Our Mission

SYP is a rights-based charity, with members supported by all of Scotland's 32 local authorities and 11 National Voluntary Organisations.

SYP's mission is to provide a national platform for young people to discuss the issues that are important to them, and campaign for changes to the nation that they live in. We support our members in their work by training them, supporting their personal development and empowering them, using a youth work ethos.

Our democratically elected members listen to and recognise the issues that are most important to young people in every community across the country and ensure that decision-makers listen to their voices.

Our Values

- **Democracy** – We are youth-led and accountable to young people aged 14 to 25. Our democratic structure and the scale of our engagement across Scotland gives us a mandate that sets us apart from other organisations.
- **Rights** – We are a rights-based organisation. We are passionate about making young people aware of their rights, and ensuring that local and national governments uphold their rights.
- **Inclusion and Diversity** – We are committed to being truly inclusive and work tirelessly to ensure policymakers and politicians hear the voices of young people from every community and background in Scotland.

- **Political Impartiality** – We are independent from all political parties. By working with all stakeholders, groups, and individuals who share our values, we deliver the policies that are most important to young people.

Our approach

SYP welcomes the opportunity to respond to the Scottish Government's consultation on the Gender Recognition Reform (Scotland) Bill (hereafter referred to as 'the Bill').

This response is based on the following SYP Policy:

'The Scottish Youth Parliament supports the proposed reforms to the Gender Recognition Act 2004, and will work with other organisations to ensure that non-binary identities are recognised, self-declaration becomes the model for gender recognition, and the age restriction is reduced to 16.' – Policy Statement by Ezra Wilson MSYP, passed with 71% support on 17th March 2019.

This policy was passed by the SYP membership after consultation with young people across Scotland. Our membership is made up of a diverse range of young people – you can find further information on our diversity [here](#).

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

Yes.

We support the Bill's proposal to lower the minimum age at which a person can apply for legal gender recognition to 16.

As outlined in article 12 of the UNCRC, we strongly believe that young people have the right to have their voices heard in all decisions effecting them including legal recognition of their gender.

Furthermore, this provision would be in line with the rights of 16 and 17 year olds in Scotland to marry, gain employment, vote and be held legally responsible for their actions.

Any other comments

We **support** the Bill's proposal to move towards a **system of self-declaration**. By removing the need to gather evidence and gain medical reports, this proposal will relieve the cost, stress and physiological impact that the current system [can cause](#).

However, whilst this Bill does create improvements for the rights of many transgender people, by **not including a provision for the legal recognition of non-binary people these rights will not be realised by all of this community**. Without an option to have their gender legally recognised, non-binary people will still

face inconsistencies in important documents and face a lack of recognition in their day to day lives.

We recognise that non-binary recognition is a complex issue, requiring substantial changes to law and public-service provision. For instance, some services and legal entitlements will vary depending on a person's sex and/or gender such as the State Pension age, single-sex hospital or prison wards.

However, exclusions in cases like these will, of course, remain, if these amendments to the proposed Bill are made. Authorities will still assess risk and make the necessary adjustments based on individual cases.

This provision would however enable the voices of non-binary people to be actively heard in decision effecting them.

We therefore urge the Scottish Government to consider amending the proposed Bill to include legal recognition for non-binary people.

Contact us:

If you wish to discuss our response further, don't hesitate to get in touch.

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