

Written evidence submitted by Mr Phillip Dundas [GRA1448]

Question 1

There is no limit to how much 'kinder' and more sensitive the GRA should be. In fact, built into the legislation should be an ongoing commitment to pursue continual reviews, pertaining to developing social norms and thought. As trans culture grows more confident and develops its stronger and rightful place in our society, we should be ready to extend the support offered by legislation so that it will embrace the needs of all trans people, their friends, families and communities. It is already a difficult and challenging journey for many people and the emotional and psychological obstacles should not be exacerbated by clumsy legislation.

Question 2

There should be no charge for the GRC just as there is no charge for registering at birth. It is a right of all citizens of our nation to be registered at birth. For trans people it should be no different. Because a society is slow to catch up with the full rights of its citizens, doesn't give it the right to penalise those who are long overdue full recognition of their status.

Question 3

There should be no requirement for a trans person to be 'medically diagnosed'. A person's basic human rights should affirm them the freedom to identify as they choose. Being trans is not simply the physical condition of dysphoria or feeling that you are in the wrong body. As such would be to assume that human beings are only made up of the physical matter of their body. Being trans or having any 'other' identity comes from as complex a set of conditions as it is possible for the law to imagine. Therefore the process whereby a person seeks the right under the law to be legally recognised as such, should not be complicated by unnecessary medical diagnosis requirements. It should quite simply be the right of anyone to be recognised legally as their chosen identity.

Question 4

The legislation needs to be able to embrace all conditions of gender, including those who choose to live in as non-binary. To this extent, any legal condition that is based on providing evidence of living a particular way for a specific time period fails to meet any useful objective for the law.

Question 5

A statutory declaration for everyone covered in this legislation would be the fairest and most inclusive way that gender recognition could begin to be protected and supported in our society and by law. This should be a simple declaration, agreed by all as a useful mechanism for a simple and effective recognition of gender.

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Question 6

Spousal consent (or the 'spousal veto' as it is in Scotland) in and of itself should be removed as grounds for divorce.

Question 7

Ultimately the legislation should recognise that the age when someone can apply for a GRC should at least be in line with the time when a person is able to make autonomous decisions which have legal authority. At present that should be a minimum of 16 years old.

Question 8

The proposed changes to the the GRA are simply paying lip service to the Minister's personal and political intentions. They go no way to embracing and supporting the needs of trans people. In fact, they demean the status of trans and 'other' identities rather than bring them closer to the heart of our society.

Question 9

As previously stated, the legislation should be framed in such a way that supports a process to a full acceptance of difference in gender and other identities. These are not reforms, they are minor changes which offer no real reassurance to trans people, who are often struggling more because of the divisive and negative media attention which leads to further exclusion. A modern forward-thinking nation should be represented by a government which recognises the rights of all of its citizens and crucially is seen to be taking a progressive approach to the rights of those on the margins of our society. It should be taking a lead in the positive positioning of trans rights. and countering the whims of public opinion.

Question 10

The Scottish government's Bill seems to be a far better considered and fairer piece of legislation. Perhaps some lessons can be learned from the way they consulted with the trans community and the way the legislation is framed.

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