

Sub001

I would like to submit the following comments for the consultation the revision of the GRA 2015.

1. **Children and Young People:** It is important to proceed with caution and give time for transgender children and young people to ensure they are aware of and sure of any decision to change gender, particularly involving treatment and surgery. In this time they should be able to live as whichever gender they prefer (with appropriate support from social services and education authorities), but permanent changes should wait until 16 (age of sexual consent at least). This does not stop a young person living as their preferred gender, but gives them time to explore and grow and change without any long-term mental or physical effects.

2. **Revoking a certificate** should be related to misuse of the gender designation for nefarious purposes, such as to rape or to gain access to (in particular) vulnerable women and their spaces for purposes of abuse or sexual gratification.

3. **Safety and Gendered Violence:** The revisions should make the process of identifying one's gender easier for genuine trans people. What it must not do is make it easier for violent male people to access vulnerable women (trans or not) while claiming a female identity. There need to be safeguards in place to protect women from predatory men who are just using the 'trans' label, and also from predatory trans-women. Concerning examples are: Murderer Ian Huntley who currently identifies as Lian, convicted rapist Martin Ponting who became Jessica Winfield and raped women when moved to an all-female prison, trans-feminine rapists Davina Aryton, Martin Eatough and Michelle Martinez. It must be recognised that many trans women retain the testosterone levels and genitalia of a man. The vast majority of trans women want to live as women and are not violent, of course.

4. **The safety of transpeople:** While the point above is concerned with protecting mainly ciswomen, the rights of trans people and the safety of women should not be compromised because of some violent people. For example, transwomen may need access to sanctuary for domestic abuse. It is important that many transwomen who commit non-sexually violent crimes are allowed into female prison as they are at risk, for example Vikki Thompson, Joanna Latham and Jenny Swift who all hung themselves in a male prison.

4. **The Fears of Ciswomen:** There are some biological women who have fear of even genuine trans-women having access to female spaces such as changing rooms, toilets, domestic abuse shelters etc. Even if these trans women have transitioned, the fear is that they have ostensibly lived as men for many years and so may retain undesirable male traits such as lechery and dominating attitudes. These women do not see transwomen as women, which is often seen as transphobic. While I do not agree with denying trans people their chosen identity, I feel such views need to be addressed and discussed publicly, rather than dismissed as 'transphobic' or 'TERFism' (often along with abuse/violence). Women are genuinely worried and there should be a conversation about this.

5. **Trans women in sports and jobs.** There is a concern about trans women competing in women's sports. If a transwoman has not transitioned with hormones and surgery she would have a male-

bodied advantage against biological woman. Even those who have transitioned may have increased strength and bone density. This should be considered and addressed, and in the case of the transitioned woman, research could be conducted into physical changes. Regarding jobs, women are concerned that trans women will be at an advantage in the job place due to having lived some of life as a man, particularly regarding progression and pay. This differences between trans women and women may not be reflected in statistics which could lead to issues with cis women in the workplace being erased. Transwomen themselves have varied views on this, some stating they have experienced no male privilege/socialisation and some saying they have. Trans experiences are all different, but this fear should be addressed.

6. **Trans men:** It should also be noted that some trans men and non-binary people operate with a vaginal opening as well as a penis, or with a vagina alone, which leaves them at higher risk of rape, sexual infections, pregnancy and miscarriage. They can also have periods. Trans men should be able to access services which cater to these needs.

If society is to become more accepting of trans people, it will take time, but it will also require that these difficult issues are addressed rather than swept under the carpet. This would be to the benefit of all.

Thanks

Sub002

Contains only a name and an address

Sub003

In relation to the upcoming Gender Recognition Bill I would like to suggest the following.

- Arrangements for children aged 16 to 17 years;

I would suggest that Schools are resourced to have clear and supportive policies to draw on which facilitate the best supports for their transgender and Intersexed students. I think legislation should be enacted to support these teenagers as they often do not have parental support in their challenges. The Suicide Prevention Office should also be included in any process as this population of teenagers are in a high-risk category for self-harm and suicidal ideation.

- Arrangements for children aged under 16 years;

I am not qualified to comment on this - however – I feel that the Government should set up a task force that can look at the research and best-practice across the globe to set in place policies and procedures for pre-pubescent children who identify as being mis-gendered so that they may be able to access appropriate services that could prevent the onset of puberty so that they can more easily physically develop into their correct gender. In relation to children in puberty, again, I would suggest that the task force obtain and instigate research in order to best support this population of people as the teenage years are extraordinarily difficult for trans-gender teenagers.

- Arrangements for persons who identify as neither male nor female (e.g. non-binary);

As some people do not identify as either Male or Female and I think there is a case for a third gender being introduced called "I" which can be used for both Inter-Sexed and Inter-Gender People.

- Arrangements for intersex people;

Nature has a way of creating human beings who do not fit within the binary parameters of Male and Female and so I would suggest that a third Gender called "I" be introduced which would recognise that the person is "Inter-Gender/Inter-Sexed".

- Any other relevant issues, including issues relating to the operation of the current legislative provisions.

Nature creates human beings whose physical gender does always align with their emotional gender and I feel that any process that respects their challenges and makes the transition process easier should be considered. While research in this area is relatively new in terms of longitudinal research data - I would request that the Irish Government put in place policies based on best-practice as outlined by global experts.

Regards,

NAME REMOVED

Counsellor/Psychotherapist
IACP Accredited

Sub004

Hello, my name is **REMOVED** and I am a queer cis man. I stand with my community to have trans, non binary and intersex peoples genders recognised by the state no matter what age they discover it- and by extension what age they decide to take action in amending it (be that age young or old)

Sub005

I came out as transgender at the age of 14. I am now 18 and have legally changed my gender but that does not change the fact that I had to wait for things that I now see as privileges.

I could not get a passport as it was too much for my mental health, I had to deal with being uncomfortable with hospital tags with the wrong gender, staring at me, making my skin crawl with discomfort.

I had to wait from the age of 14 til 18 to have basic human resources.

Those privileges that come necessary for any person in Ireland, I did not have. But, my brothers, sisters, peers, everyone that isn't trans had to wait. We had to wait so we wouldn't feel uncomfortable, so we wouldn't have to explain to people why our gender says one thing but you look like another, which can cause discrimination and unsafe situations.

We, as trans people, should not be denied the right to be ourselves and have basic human requirements.

Sub006

To Whom it may concern.

I welcome the recent Gender recognition act and the improved support for self declaration contained therein, however I do feel that some improvements could be made.

1. As an individual who has identified as trans for most of my life, I feel that the requirement within the self declaration process to be gender specific according to the male/female binary model does not allow people like me to adequately self identify. Some accommodation for gender fluid identity should be supported both for individuals who wish to identify as non binary or transgender but also to allow some support for those individuals who are in the process of transitioning. Transition is a process, not an event and is unique to each individual. Typically, part of a successful transition process includes a period where an individual may fluctuate between birth and assumed gender. The current act does not adequately support individuals during this stage of the process. For example, most employment contracts include requirements on attire that proscribe acceptable dress for male / female genders and so if a someone wishes to present as another gender at work, prior to undergoing a legal declaration of gender, they may find themselves at risk of being judged to be in default of their employment contracts. It is possible therefore that the current situation allows employers and other legal entities to discriminate legally against transgender individuals. Some accommodation needs to be in place for individuals who wish to express their assumed gender as part of their own journey without the requirement to legally change gender until it is appropriate for them. It would be helpful in such cases to include a third option within the gender declaration process which would offer some support in the legal sense, to those individuals.

2. The move away from the medical model, while a positive one, also risks the possibility of required medical support being unavailable to those who are in need of some medical or psychological support during the transition or discovery process. This includes, in no small measure any support for minors or those under the legal age of consent, which can a very difficult time for anyone who may have gender issues, including those who may suffer from other psychological conditions which present as gender dysphoria.

I hope that some accommodation for the above points can be made in any future update to the GRA.

with respect

Sub007

Ireland is a world leader in fostering the freedom that LGBT persons need in order to be able to express their true essence.

Arrangements for children aged 16 to 17 year: European youth need support in order to discover and express the truth of life that is in their being! This age group is particularly in need of support. It is in this bracket of life that courage also comes to youth and if they find support they may truly find their voice.

Arrangements for children aged under 16 years: Arrangements should be made for the direct support of the child but also the preparation for the family. Families need support to know "how" to accompany their child. There is no "hand book" to raise a human being, being that each is a unique thought of the creation. (the Creator)

Arrangements for persons who identify as neither male nor female (e.g. non-binary): the new sciences have taught us that creation is not linear or binary, but complex; complexity. The human being is "the most complex" creature of creation. Our sexuality and its "purpose" is still fundamentally a mystery to us. Culture must open its vision to those who represent the sexual "minorities".

Arrangements for intersex people: Arrangements should be made that intersex people should be welcomed as "differently developing people" but a "person" all the same.

Any other relevant issue: other relevant issues should be addressed in this moment.

Sub008

Dear Ms Griffith,

I am emailing you regarding the review of the Gender Recognition Act 2015.

The Gender Recognition Act 2015 was an important step forward in that it enabled trans people to achieve full legal recognition of their preferred gender and allows for the acquisition of a new birth certificate that reflects this change. It also allows all individuals over the age of 18 to self-declare their own gender identity.

I am aware that the review of the Gender Recognition Act 2015 is seeking submissions on arrangements for children aged 16 to 17; children under the age of 16; those who identify as non-binary and intersex people.

In any review of these matters I believe that any legislative changes must go hand in hand with sufficient and adequate supports for children and their families. Given the higher incidence of self-harm and suicide amongst trans and gender-variant individuals I believe it is essential that counselling and other services are readily available to those seeking such supports.

In addition, I believe that the review of the Gender Recognition Act 2015 should have a cross-departmental focus. There should for example be engagement with the Minister for Education and Skills to ensure that schools and staff have the resources and the know-how to be able to create an inclusive school environment which will contribute to achieving positive outcomes. Providing a fund to train staff and teachers and creating a code of good practice for all schools will help to create a

supportive and safe environment and should be considered alongside any legislative changes to the Act. Finally, I want to wish you well in your role as chairperson of the Review Group and I look forward to reading the review when completed.

Yours Sincerely,

Wille O’Dea, TD. Fianna Fáil Spokesperson on Employment Affairs and Social Protection

Sub009

I am a Biochemist, but I am not using my work details here as I am not making this submission on behalf of my workplace. Is there any consideration given to the fact that blood test results are accompanied by reference ranges which are in some instances gender specific.... Who will this work out if a person changes their gender Their results may appear normal / abnormal depending on their physical make up. Will this not cause confusion for the medical profession and for laboratory personnel if they are not aware of the gender change.

Regards

Sub010

- Referrals of children and adolescents with problems of sexual identity have exploded over the past three years. This is not surprising given the increasing sexualisation of young people and what has come to be known as “gender ideology”.
- Sexual identity problems are just one aspect of identity dysregulation, which has become statistically normal among young people as a result of sexual promiscuity, inadequate personality development, the spread of pornography through internet social media, and family and community breakdown.
- The development of sexual identity is but one aspect of personality development, and sensitively considering the whole person without moralistic condemnation allows problems to be patiently addressed in the context of the young person’s biological, psychological, social, and family development.
- Identity development is gradual, even fluid. Presentation with identity dysregulation does not confer a right to harmful psychological and biological mistreatment.
- The frequent statements of young people that “I’m neither male nor female”, “I don’t know my gender”, “I am both”, “I change from time to time”, are both meaningless and demonstrative of the real problem.
- “Transgender” is neither a criterion, a disorder, nor an illness – it is a label, often a political one. It can refer to a preference, a belief, a wish, or an aspect of identity dysregulation, depending on the circumstances.
- There are situations in which young people do not experience sexual attraction or are not sexually active. Young people with Aspergers Syndrome often shy away from intimacy. This is pathologised by gender ideology and by the sexualisation of young people in general. Lack of heterosexual (or homosexual) attraction is not a disorder or disease.
- Human sexuality is an objective biological binary trait: “XY” and “XX” are genetic markers of male and female, respectively – not genetic markers of a disorder. The norm for human design is to be conceived either male or female. Human sexuality is binary by design with the obvious purpose being the reproduction and flourishing of our species. This principle is self-evident. The exceedingly rare disorders of sex development (DSDs), including but not limited to testicular feminization and congenital adrenal hyperplasia, are all medically identifiable

deviations from the sexual binary norm, and are rightly recognized as disorders of human design. Individuals with DSDs (also referred to as “intersex”) do not constitute a third sex.

- No one is born with a gender. Everyone is born with a biological sex. Gender (an awareness and sense of oneself as male or female) is a sociological and psychological concept; not an objective biological one. No one is born with an awareness of themselves as male or female; this awareness develops over time and, like all developmental processes, may be derailed by a child’s subjective perceptions, relationships, and adverse experiences from infancy forward. People who identify as “feeling like the opposite sex” or “somewhere in between” do not comprise a third sex. They remain biological men or biological women.
- A person’s belief that he or she is something they are not is, at best, a sign of confused thinking. When an otherwise healthy biological boy believes he is a girl, or an otherwise healthy biological girl believes she is a boy, an objective psychological problem exists that lies in the mind not the body, and it should be treated as such. These children suffer from gender dysphoria. Gender dysphoria (GD), formerly listed as Gender Identity Disorder (GID), is a recognized mental disorder in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-5). The psychodynamic and social learning theories of GD/GID have never been disproved.
- Puberty is not a disease and puberty-blocking hormones can be dangerous. Reversible or not, puberty- blocking hormones induce a state of disease – the absence of puberty – and inhibit growth and fertility in a previously biologically healthy child.
- According to the DSM-5, as many as 98% of gender confused boys and 88% of gender confused girls eventually accept their biological sex after naturally passing through puberty.
- Pre-pubertal children diagnosed with gender dysphoria may be given puberty blockers as young as eleven, and will require cross-sex hormones in later adolescence to continue impersonating the opposite sex. These children will never be able to conceive any genetically related children even via artificial reproductive technology. In addition, cross-sex hormones (testosterone and oestrogen) are associated with dangerous health risks including but not limited to cardiac disease, high blood pressure, blood clots, stroke, diabetes, and cancer.
- Rates of suicide are nearly twenty times greater among adults who use cross-sex hormones and undergo sex reassignment surgery, even in Sweden which is among the most LGBTQ – affirming countries. What compassionate and reasonable person would condemn young children to this fate knowing that after puberty as many as 88% of girls and 98% of boys will eventually accept reality and achieve a state of mental and physical health?
- Conditioning children into believing a lifetime of chemical and surgical impersonation of the opposite sex is normal and healthful is child abuse. Endorsing gender discordance as normal via public education and legal policies will confuse children and parents, leading more children to present to “gender clinics” where they will be given puberty-blocking drugs. This, in turn, virtually ensures they will “choose” a lifetime of carcinogenic and otherwise toxic cross-sex hormones, and likely consider unnecessary surgical mutilation of their healthy body parts as young adults.

Dr. Ciaran Clarke MB, MRCpsych, PgDipCBT

Consultant Psychiatrist

Dublin North City & Co. Child & Adolescent Mental Health Service

Dublin 1

Sub011

Criminal offenses, usually sexual, where the gender of the offender and the victim are specified in the offence need to be clarified.

Irene Powis

Social Worker

Tusla Specialist Inquiry Team, Room 20, Community Services, James Green, Kilkenny

Sub012

Dear Sir \ Madam,

Regarding the implementation of the [Gender Recognition Act 2015](#) which facilitates a person change of gender, I would like some clarification regarding the following points:

Upon successful completion of the gender application and recognition by the state,

1. Does any other legislation pertaining to a particular sex apply to the person new gender recognition and precludes them for any other legalisation pertaining to their previous gender recognition ?
2. Access to toilet facilities or shower facilities that are gender allocated: which facilities should they now use or be allowed direct access to ?
3. Staff changing rooms that are gender segregated: which staff changing facilities should they now use or be entitled to use ?

Regards

Dermot Duke

Non Clinical Risk Co-ordinator

Quality & Safety Department

Connolly Hospital

Blanchardstown, D15

Sub013

I would describe myself as an interested Individual, and a member of the LGBTI community.

My thoughts:

Re: Intersex people: My own view is that "Intersex" be recognised legally as a gender, that the option be available to register a child at birth as intersex, and there be no need for one to be assigned a stereotype male/female gender for registration purposes. Should it be that person's wish, later in life to live in a male-only or female-only body, that is their prerogative, but legislatively, it should not be called for.

Re: Arrangements for those under 17 years old.

The section regarding application for exemption is currently limited to those who have already started to transition, which may appear like a "catch 22" to some. As long as the person has the intent to transition (and it must be considered that some hide their true identity due to bullying etc.), and has expressed such to parents/guardians, and their gp, this should be enough

The fact that the medical professionals in subsection 2 are limited to endocrinologists and psychiatrists further limits the numbers who may, or possibly would, apply. For one, these types of practitioners are costly - a welfare provision could be made to reimburse the cost of consultation to make this more accessible? Moreover, however, the opinion of a family GP who has known the child since their very early years, possibly since birth, should suffice in this instance. The very minimum the state could do is broaden the scope of medical professionals in subsection 2, in the absence of removing subsection 2. Perhaps it should be considered that a representative of e.g. TENI or BelongTo would be equally capable of providing the state with an adequate letter of "concurrence".

Re: Other relevant issues

The new certs issued currently do not have registration numbers on them, which, when presented to authorities, makes them appear as forgeries. This should be rectified by assigning new registration numbers in place of the old registration numbers, as leaving the system as-is both "outs" the people issued with new birth certs as trans, subjects people to abuse and defamation, and also opens the possibility of forgers abusing this fact to forge birth certs.

Kind regards

Sub014

As per your request for suggestions on the review of gender recognition policy.

- Arrangements for children aged under 16 years

For persons of any age group who are transgender, it is important to remember the perspective of their parents may not reflect the identity of that person.

I believe that it is wrong and unrealistic to demand of people that they seek authorisation of their identity from their parents.

Using the word 'people', as I have done here, is purposeful, as often in Irish cultural attitudes and legal definition of children and adolescents as 'infants' dehumanises them, and accepting this as a problem, the least that can be done to humanise a person is to accept their sense of self as valid.

It is my fear, that age restrictions on gender recognition manifest a design to contain transgenderism, as if it were a social ill, rather than the progression within modern society which it is.

- Arrangements for persons who identify as neither male nor female (e.g. non-binary);

- Where any person, who wishes to be referred to by pronouns not assumed by a binary gender identity, should be able to file their preferred pronouns, of which there may be a maximum of two third personal pronouns (e.g. they + them) and one possessive pronoun (e.g. their).

A field should be added to all identification cards, including: medical, public services and drivers licence cards, as well as passports, which contains in comma-separated format the above data.

Default, binary pronouns can be assigned to all persons on civic record, until a person requests a change to their official gender or a change to their preferred pronouns.

This why non-binary person will seem less out-of-place next to the rest of the public.

As a computer programmer and a former employee of the Citizens' Information Service, I think that the best logistical way of handing this would be via online submission, requiring credentials such as current passport number and date of birth, and a period of time for the pronouns to be reviewed, in order to prevent any offensive language being printed on state and personal identification.

Current Irish passports have room for this data.

E.g.

Passport

Country IRL	Passport number #####
Surname Y	Pronouns: they,them,theirs
Forename X	Date of Birth: ##/##/####

It would be nice to protect a non-binary person from any unnecessary embarrassment which they may face if questioned while they travel, if they fall ill, if they apply for social welfare or if they are involved in a road traffic accident.

This may be old-fashioned to say, but It is never honourable to add insult to injury.

- Arrangements for intersex people

At this time, there is a known best practice for the medical treatment of intersex neonates.

This practice is to not interfere with the anatomy of the person, until and unless they make a decision to undergo surgery.

Exceptional medical needs notwithstanding, this practice should be a legal requisite of all paediatric surgeons.

It is not possible to remove all of the difficulties from the life an intersex person, but we can and should as a matter of social and medical ethics, allow any intersex person the maximum autonomy to decide for themselves how they live.

- Any other relevant issues, including issues relating to the operation of the current legislative provisions.

It is appreciable that regarding the topic of bathrooms and women's hostels, that some cis-gendered women feel uncomfortable, but in all such objections which I have heard against permitting non-binary and tran-feminine persons into female spaces, not once has the opposition respected the discomfort transgender people feel at being so discriminated against, and forced to default to attending male bathrooms and not having protective hostels to go to when faced with a crisis.

We must take a balanced policy, with respect for the exclusion of persons known to be anti-social towards women, paired with the assumption of habeas corpus for all transpersons, and thus no oustrocision without due cause for any transperson.

To stress, this is not a defence of the reprehensible acts of a few, but the plea for personal liberty, contingent on personal responsibility.

Yours sincerely

Sub015

Dear Sir/Madam,

Following communication with Minister Regina Doherty I am enclosing a copy of two emails which refer to two issues which I wish to bring to the attention of the Review Group. The first issue is in relation to the acquisition of a passport congruent with the identified gender of a citizen who has secured a Gender Recognition Certificate. As you will see from the email from **NAME REMOVED** there is currently no facility or process in place to change the gender on the Foreign Births Register, which means that it will not be possible to secure a passport congruent despite being in possession of a Gender Recognition Certificate. This gap or hiatus in the law must be rectified in order for an individual to secure the correct passport for their recognised gender.

The second issue refers to the none birth mother of a same sex couple. When an Irish woman sought a passport for her two daughters, she secured a passport for one daughter because she was the birth mother, however the second child was refused a passport due to the fact that she was not the birth mother despite being registered on the birth certificate as the second child's parent. This anomaly also needs to be rectified and I would hope that the Review Group will suggest the necessary changes in order for this to be accomplished.

I look forward to hearing from you.

With best wishes.

Yours sincerely,

Senator David Norris

Sub016

I would like to make a submission as part of the review of the Gender Recognition Act 2015.

I believe provisions should be made for Non-Binary and intersex people to be able to choose labels besides M for Male and F for Female. Ideally they could choose a letter or two that suit, though I'm not sure how feasible that is. I do completely support the inclusion of non-binary people being recognised in the GRA.

Another provision I would like to see is in relation to trans healthcare. I don't know if the scope of the GRA covers healthcare, but I believe that GPs should be able to prescribe Hormone Replacement Therapies, and that treatments such as surgery should be made more easily available without having to wait for psychiatrists to tell you that you can get a procedure done, when you already have been okayed several times before.

I hope that you will take my submission into consideration.

Sub017

Personal submission - See attached pdf "Sub017"

Sub018

In regards the upcoming review under e.any other business, I have a gender recognition cert but cannot get an updated birth cert as I was born in Newry.

Sub019

INTO submission - See attached pdf "Sub019"

Sub020

To whom it may concern

I AM concerned about people who want to change from being man to being a woman..which seems to be the gender change mostly identified...these people need a lot of psychological help to accept who they are..it is wrong for specialists to commence a process of changing the physical features of a person just to accomodate their desire...I have watched a prgramme on tv showing doctors at work in gender change...men still looked like men despite efforts and hormones to transform their looks...just imagine the costs this is to our already stretched health services ...this gender change recognition should not be prioritised. ..it should not be a right

As a nation we are morally a chaotic mess.

REGARDS

Sub021

Hello,

I am writing as a private citizen to make a submission on review of the Gender Recognition Act. I am a cisgender woman resident in **ADDRESS REMOVED**, Dublin.

I would like to make a submission on the following headings: 1. "Arrangements for persons who identify as neither male nor female (e.g. non-binary);" 2. "Arrangements for children aged under 16 years;" and 3. "Arrangements for intersex people."

1. "Arrangements for persons who identify as neither male nor female (e.g. non-binary)"

There is currently no provision under the Act as it stands for persons who identify as neither male nor female. Australia, some Canadian provinces, Nepal, Pakistan, and the states of Oregon and California in the United States all in different ways provide for recognition of a "third gender." It should be entirely possible for Ireland to provide a Gender Recognition Certificate for nonbinary people here using the same criteria as the rest of the act - by way of self-determination. A significant number of people have determined that they are neither a man nor a woman, and the law should recognise their gender.

2. "Arrangements for children aged under 16 years"

There should be provision to recognise the self-determined gender of children under 16 years. As children are able to give, in certain circumstances, medical consent, they should also be able to affirm their gender and have it officially recognised. One recognises, however, that this is a complicated area in need of careful regulation to make sure that children who are not yet of age understand what their choice entails.

3. "Arrangements for intersex people."

There should be recognition of intersex people. This recognition should begin with recognising "intersex" as a category on their birth certificates.

Thank you for your time. Generally I believe the Gender Recognition Act works well, but I feel that its provisions could be expanded to cover more people.

Best,

Sub022

I had a few questions regarding the Gender Recognition Act.

Is someone who has committed a sex crime excluded from being able to get a Gender Recognition Certificate?

If someone has already received a Gender Recognition Certificate before being convicted of a sex crime, is the Gender Recognition Certificate revoked?

I would also like to ask regarding prisons, whether someone is housed with prisoners of the sex the person was born into, or prisoners of the sex they chose to identify as?

If they are housed with prisoners of the sex they chose to identify as, are there exclusions for those who have committed sex crimes (especially in the case of biological males who have committed sex crimes against women)?

If they are housed with prisoners of the sex they were born into, rather than that of their new gender identity, are there any changes being proposed to this?

I would also like to know what happens if there is a conflict between privacy rights based on biological sex, and gender identity rights.

For example, what happens in a situation where a transwoman (so biologically male) has a gender recognition certificate that recognises them as female, but they have not had penile surgery, and they want to access female changing rooms? Do the women's right to privacy, and desire not to share a changing space with someone with a penis, override the person's gender recognition certificate?

I don't know if you will be able to answer this last question as I don't know if it is a case of waiting until someone takes a case to court, but perhaps there is some law where this situation has been predicted and accounted for?

Thank you,

Sub023

Submission: Arrangements for children aged under 16 years

I am writing on behalf of my 11 year old transgender son on the importance for having gender recognition for young children.

He was born in Ireland but we now live in Canada where we have legally changed his name and are looking to update his Canadian and Irish passports.

However, as an Irish citizen living in Canada we can not do this because Ireland does not recognize gender change for children his age.

Having our son's documents match his identity is extremely important to him and supports his rights and freedoms as a human being.

I have included some supportive research which I hope you will take into consideration during your review of how transgender and gender variant children are treated in Ireland. I have great hope for a better world that includes all - including all children.

As far as gender markers are considered, I would like to see them removed from documents such as passports. Or at the very least reflect a persons gender identity - not their gender sex.

I would like the option to be able to change my son's birth certificate to reflect his identity and name.

I cannot imagine what it must be like for my child to live everyday feeling like he was born in the wrong body. He says he feels that God somehow made a mistake.

As a loving parent I will do everything in my power to help support my son, for healthy growth and development and most importantly a safe and happy childhood where people judge him for who he is on the inside and not as the sum of his parts.

We have much work to do.

My husband believes we're lucky to be living in Canada currently, as being a transgender child in Ireland would be much harder for him and barriers would be greater. I want to disagree and hope that both countries are working towards a more progressive, inclusive society for all.

Thank you for your consideration.

Kindly,

REMOVED on behalf of our son **REMOVED**

Sub024

hi i am transgender female to male and have issues with getting my name legally changed as i dont have the money it takes to change your name legally and i also think there should be another source for people using medical card can go to go for hormones or surgery like they have over in england they have a support network for transgender citizens and over here is crazy waiting 13 months just for hormones , 18 months for top surgery and another 18 months for bottom surgery. yes you can go private but not everyone has the money to go private there should be another source in dublin to hel this process instead of having so many people on waiting lists its crazy. im out 2 years now and im still waiting for my hormone treatment appointment.

Sub025

Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015).

Question 1: Do you think the current legislation needs to be changed?

Yes

If so, what changes do you think need to be made?

Local G.P's should be able to diagnose (accept) a person declaring themselves as Trans. There should be no need to go through the present process. It is negative to the health both physically and mentally to trans people. It is not a mental disorder, it is physical and should be dealt as so.

Question 2: What should the Review Group recommend in its final report?

That being Trans be recognised as a physical medical matter and not psychological.

Question 3: Is there anything else you would like to say on this topic?

I feel that I already have. Thank you for this opportunity to voice my view as a Transgender female.

Kind regards

Sub026

Dear BeLonG To Team,

My name is **REMOVED** and I'm a fourth year at **SCHOOL NAME REMOVED** in Cork. I was delighted to read through the letter that I was given by my teacher. I myself identify as non-binary and I strongly believe that this act is a great step forward for Ireland, especially as we're beginning to learn more about sexuality, romantic attraction and gender.

Arrangements for Children aged 16 to 17

In my opinion, these are very important ages for coming to terms with yourself, understanding who you are and figuring out how you may or may not identify as. I think when it comes to identity that people at these ages are old enough to know who they are and should not be treated as kids. I think the main issue when it comes to these topics are teachers. Teachers are not educated enough to properly treat young adults who are discovering themselves. I know in my school there are students who are transgender and are often faced with teachers misgendering them and using the incorrect names. I also think there should be gender neutral toilets in schools for students who feel uncomfortable using male or female toilets, the same goes for changing rooms. Teachers, particularly PE teachers should not divide classmates by male or female. As a student who identifies as neither male nor female, it can be annoying and even saddening. I think these points can also go for children aged under 16.

Arrangements for Children aged under 16

As well as creating a more gender-neutral environment for students I believe that Gender and Sexuality should be taught in schools. As Ireland is beginning to become more open in regards to the LGBTQA+ community we should be more open to learning and teaching about it too. I think that SPHE classes and even religion class (In my school religion isn't exactly a class on religion, it is more a class of self-learning) are great environments for students to learn about gender and sexuality. Teachers should be trained to provide the necessary information that isn't biased but is informative and encourages students to be proud of who they are. For students of all ages, I think it's important that they feel safe to be who they are, especially in a place they visit so often such as school. GSAs (Gay-Straight Alliances) should be welcome in schools, teachers should be taught about homophobia and give students the respect they deserve, teachers should also be told to stop people from using harmful slurs (it's painful seeing that teachers are angry about swearing but fine with slurs), guidance counsellors and not just career guidance counsellors should be present in schools to help those who may feel lost or alone. It's so important that students feel safe in their learning environment.

Arrangements for persons who identify as neither male nor female

This is a subject that is very important to me. From personal experience I believe the best thing to do for people like myself who identify as neither male nor female is recognition. Let people know that people like me exist. Teach people about gender and how it's different to sex. I believe that our greatest enemy in the LGBTQA+ community is ignorance. Let people feel like they belong. Again, teaching students about gender in subjects such as SPHE would be an amazing thing to see and happen. I think another thing that would help would be the normalisation of using They/them or any gender-neutral pronouns. I believe in some places you can use the title Mx to identify yourself as, rather than Mr or Ms. Places such as the United Kingdom. Let's surround ourselves with an environment where we are welcome.

Arrangements for Intersex People

I myself am not intersex, therefore I don't believe I have a proper say in this matter. What I will say is that intersex is something we should all be aware of and knowledgeable about. I didn't know intersex was a thing until recent years, perhaps people born intersex would feel safer and more comfortable in a place where people knew they exist and were understanding of them. I know very little still, and I know that non-intersex people know little to nothing about the sex, but we can change that. For almost everything, I'm suggesting this should be taught in health classes, but I do believe that if we want people to know about something, we should teach them. There's nothing wrong with teaching someone that it's okay to not be what is considered "normal".

I don't think that there is anything else I would like to state or talk about and I know that I've repeated myself many times. In fact, last year I went to a conference in the Clayton hotel I believe regarding LGBT youth in Ireland. I was sorted into a group of minors and we all said pretty much the same thing about LGBTQA+ issues in our experience and our ways of overcoming this was to create a safe environment for LGBT youth and adults and everyone. Some things I recalled us suggesting were, gender-neutral bathrooms, more awareness for LGBTQA+ people, proper counsellors in schools, GSAs in schools, LGBTQA+ matters being taught about in schools and that teachers and students should be taught to be equal and accepting.

Thank you so much for giving me this opportunity to write to you, I know this is a step in the right direction and we can only move forward.

Kind regards and best of luck,

Sub027

To whom it may concern,

Heading Three (Arrangements for persons who identify as neither male nor female (e.g. non-binary))

Question 1:

Do you think the current legislation needs to be changed?

Yes

If so, what changes do you think need to be made?

People who identify as neither male nor female should be able to legally declare their gender as such. No one should have to use binary language to describe their gender if they don't identify that way, and people should be allowed to exist legally with respect to this.

Question 2:

What should the Review Group recommend in its final report?

That people who identify as neither male nor female should be able to declare their gender as non-binary.

Yours faithfully,

Sub028

To whom it may concern

I am writing to give my view and concerns about the upcoming change to the gender recognition act.

First as a Trans woman who also happens to be Dyslexic I feel the current system is very convoluted and complex.

Also having to provide evidence to someone I have never met to prove the gender I already know I am is belittling frankly.

I am aware the system is a lot less complex in Ireland and other place in the world so why do we have to provide supporting evidence and meet so much criteria, we already have to do this just to get our health care need as Trans people met on an already burdened system.

So I please ask that this buracratic and uncaring legislation be brought in line with other countries.

Regards

Sub029

Arrangements for children aged under 16 years

Question 1:

Do you think the current legislation needs to be changed?

Yes

If so, what changes do you think need to be made?

A specialist service in Ireland

Question 2:

What should the Review Group recommend in its final report?

Arrangements for children aged under 16 years, there are needs to be further information for parents and children starting from as early as Age 10.

Question 3:

Is there anything else you would like to say on this topic?

My child feels at 11 the law does not recognise or provide service's to support the challenging issues faced by a trans child in school or provide specific medically trained specialists based in Ireland to help children sooner.

Sub030

Personal submission - See Attached pdf "Sub030"

Sub031

I am a Masters student in Gender, Culture and Society in the University of Limerick. Therefore, I have a particular interest in the process of Gender Recognition and all that it entails. I am a **PERSONAL DETAILS REMOVED** and have no personal issues in this regard, my interest is from a theoretical perspective.

I will look forward to reading the report from the Review Group when it is published in May next.

Who are the members of the Review Group?

Thank you.

Sub032

Any other relevant issues, including issues relating to the operation of the current legislative provisions. (I think)

My name is **REMOVED**, I live at **REMOVED**, Cork and I'm 14 years old. I'm genderfluid and these are some of the things I think are important to have.

- counseling for under 16 & parents
- to be taught school curriculum
- teachers to be trained properly on the subject
- easily accessible online services for support

The final thing is something that I know won't be changed just like that, but that maybe by telling you it would be more widely known. I saw a post online saying that the LGBTQ+ community name should be changed. This was because that name doesn't include everyone if you forget the '+' and it's just a mouthful a lot of the time.

So the person who posted said it should be changed to 'SAGA' which stands for 'Sexuality And Gender Alliance'. I think its good as it includes all sexualities and genders and also a saga is a telling of a dramatic or heroic story. I think it perfectly encapsulates the LGBTQ+ community.

So I hope that you will look at my points and do your best to make them heard.

Thank you,

Sub033

Gender Recognition act Review group: submission 03/02/18

NAME REMOVED age 15

ADDRESS REMOVED Co Cork

. Arrangements for children aged 16 to 17 years;

With regard to this heading I think the current legislation needs to be changed.

The changes I think need to be made:

Imagine getting two doctors, parental consent and a court order just to have people call you by your name. This is the reality for transgender people age 16 to 17 in Ireland. If you can leave school and make decisions which affect the rest of your life it seems a bit ridiculous that you cannot say whether you are a boy or a girl (or neither). It needs to be easier for transgender people between 16 and 17 to be legally recognised.

If you don't have your parents on board it must be pretty hard to get a doctor on board or to get a court order. I personally know young people who have told their parents about being transgender and have been told that this is a phase and it will "blow over" so none of those things would be possible for them. Maybe it would be possible living in Dublin but not in small town rural Ireland where you might have to walk 40 minutes to get to a doctor without your parent's support.

The Review Group final report should recommend

People should be able to self-declare their gender identity at 16. There needs to be confidential support available for transgender people who don't have parental consent, so they can access legal gender recognition. School Guidance Counsellors should be required to have training in this area.

Additional comments

Prof Donal O'Shea is an endocrinologist at St Columcille's Hospital, in Loughlinstown in south Co Dublin, which provides hormonal therapies for trans people. He is quoted in the Irish Times April 11th 2015 :

"In 2002 the average age at which people came for treatment was 34. Now it's 23 – and continuing to fall," he says. "I see people from the age of 16. I used to ask people if they had told their wife and children; now I'm asking secondary students whether they would rather transition during the year of their Leaving Certificate or wait till the exams are over. It is so much better if it can be addressed at an early age, before life becomes more complicated.

In an Irish Times article about Irish transgender children Parents of a trans girl describe her mental health improving when she was granted gender recognition - **"I hear about the overnight switch,**

where kids who have been self-harming for years just suddenly stop when they are afforded that recognition. That happened to Kelly,” (names changed for the purpose of the article).

Arrangements for persons who identify as neither male nor female (e.g. non-binary);

The changes I think need to be made:

The gender recognition act needs to be extended to include those who do not identify exclusively as either male nor female (e.g. non binary). I feel that excluding these people initially showed a lack of understanding of the transgender community. If you do not listen to all of us, you are essentially not listening to any of us.

The Review Group final report should recommend:

People should be able to self-declare their gender identity at 16 including declarations of gender fluidity and non-binary identity.

As before there needs to be confidential support available for transgender people who don't have parental consent, so they can access legal gender recognition. School Guidance Counsellors should be required to have training in this area.

Sub034

Submission to the Gender Recognition Act Review Group

For the consideration of the Department of Social Protection for the review of the Gender Recognition Act 2015, this submission recommends for legislative changes to be made in relation to the arrangements for persons who identify as neither male nor female (e.g. non-binary), and the arrangements for intersex people under the Gender Recognition Act 2015.

It is submitted that the arrangements for persons who identify as non-binary and for intersex people under the Gender Recognition Act 2015 needs to be changed. Firstly, it is submitted that the terms 'intersex' and 'non-binary' should be regularly used throughout the legislation to ensure that the right to self-determination and the ability to change one's gender is clear and accessible to all those who need it.

Secondly, it is submitted that the Review Group consider that an option outside the 'male' and 'female' dichotomy should be available on official identity documents. It is submitted that an 'X' marker be included on passports and official documents in order to provide an alternative option for both intersex and non-binary persons, other than the current situation where there is only 'male' or 'female' categories. This action has already been taken in States such as Canada, Nepal, Bangladesh, India, Malta, Denmark, and Australia. Importantly, this 'X' marker should be provided on birth certificates. This would be particularly beneficial for intersex children, as their parents would be provided with an alternative option instead of being forced to determine the gender of their intersex child, and therefore, allows the opportunity for the intersex child, when they wish, to decide their own gender, whether it be 'male', 'female', or to retain the 'X' marker. Also, it should be considered by the Review Group that the use of the 'X' markers option be afforded to parents who do not wish to determine their child's gender, and so they should be given the opportunity to avail of the 'X' marker on their child's official documents. This is currently an issue of discussion in Canada where a

parent did not wish to determine a child's gender and so wished to use the 'X' marker on the child's official documents to allow their child to decide for themselves. Hence, the Review Group should consider this situation.

In conclusion, it is very important for the Review Group recommends that an option outside the 'male' and 'female' dichotomy needs to be offered.

Sub035

Gender Rebels Cork submission - See attached pdf "Sub035"

Sub036

Dear Review Committee.

The issue I would like to raise with you relates to the operation of the Gender Recognition Act 2015.

I feel that it is of vital importance that front-line staff are given training in how to deal with transgender clients. My own personal experience will serve to illustrate this, and it is one that I have heard repeated regularly within the transgender community.

Having received an appointment to apply for my Public Services Card by post I attended the local Welfare public office in Store Street, Dublin. With me I had my PPS number, my newly issued Birth Certificate, my appointment letter and various bills etc showing my name and address.

The official who dealt with me, whilst initially pleasant and efficient, entered my PPS number onto her system and then asked me if I could possibly have been known by another name. I was embarrassed and somewhat upset, especially when it appeared that she had access to a copy of my original birth certificate showing my previous name. I asked to speak to her supervisor as I felt the line of questioning was inappropriate. She left the public counter for some 10 minutes before returning to say that her supervisor was unavailable. I felt at that point I had no choice but to confirm that I was in fact transgender and that she should not have been able to see my previous birth certificate and that all the documentation I had presented her should have been enough. She was obviously unsure of what she should do and, whilst she did not appear to doubt me or question the legality of any of the documents I provided, I nonetheless felt pressurised and very uncomfortable.

Thus, despite being a confident and mature transgender person I was, nonetheless, quite upset leaving the Welfare office. If this is my experience then I feel the effect on other, younger transgender people could be considerably more extreme. For this reason I feel that it is vital to

1. Ensure front-line staff who may have to deal with transgender people receive training (my own Civil Service office has a Diversity and Inclusion programme where issues like this can be raised and we are developing a protocol for dealing with transgender or non-binary clients)
2. Ensure that access to original birth certificates is strictly limited and not accessible without approval of the Registrar of the GRO.

Thank you for your time and consideration of this very important issue.

Sub037

Institute of Guidance Counsellors submission - See attached pdf "Sub037"

Sub038

Personal submission - See attached pdf "Sub038"

Sub039

To whom it may concern,

Please find below my submission of recommendations for the review of the gender recognition process in Ireland.

1. Arrangements for children aged 16 to 17 years;

- Currently, those between the ages of 16 and 17 applying to have their gender legally recognised must seek a court order before a family court, be assessed by psychologists, endocrinologists, and have their parents' approval. Arrangements should be made to remove these obstacles and provide for gender recognition applications identical to those of adults applying. There must be no medical barriers or need for parental/ guardian/ carer consent. These barriers disproportionately affect children from lower income backgrounds from being able to access legal gender recognition, and provide for cruel and unnecessary hoops to jump through across the board.

2. Arrangements for children aged under 16 years;

- Currently children under 16 cannot access legal gender recognition. Provision should be made for applications for gender recognition in line with that of those over 17.
- Children should be able to access full gender recognition with no medical barriers or need for parental/ guardian/ carer consent. Many parents/ guardians/ carers are transphobic, and would not allow their child to access gender recognition. It's important that autonomy is in the hands of the child in need of gender recognition.
- It should be an easy process to alter the gender marker as one feels suitable throughout their life.
- Lack of easy access to gender recognition has a detrimental effect on young people starting school and college, who are looking to have their gender acknowledged in these environments.
- Further, policies must be put in place to urge schools to provide for trans pupils in provision of safe and ungendered bathroom facilities, uniforms, and respect for name and pronouns.

3. Arrangements for persons who identify as neither male nor female (e.g. non-binary);

- Firstly, many non-binary people do identify as either male or female, or both. Non-binary doesn't mean not male or female.
- Many non-binary people use the title Mx instead of Mr or Ms, and this option should be available on all government issued documents, as well as the option to forgo a title.
- All gendered language must be removed from civil documents so as to provide for the inclusion of non-binary people, e.g. sex offenders legislation
- Gender should be removed as a category from state forms unless absolutely necessary.
- Neutral language must be used across state documents, e.g. 'they' instead of 'he/she'
- There should be access to an X marker for non-binary people, as well as the existing M or F.
- It would be useful for those using X on their passport as a gender marker to have a second passport with M or F for safety reasons when entering highly transphobic territories. I ask that this be created as an option. As a human rights journalist, for example, I wouldn't be able to use an X passport in some countries I travel to for work. But I also want my gender recognised, such as anyone else. For this reason, it would be useful to have the option of having two identical passports, one with X marker, and the other with either F or M.
- The X option should be accessible from birth. Many parents raise their children outside of the male and female gender binary, so as to allow the child to figure out their gender for themselves. For this reason, X should be available from birth, as an option through childhood, the teens, as well as for adults.

4. Arrangements for intersex people;

- The state's forcible gendering of children from birth puts pressure on parents to assign their child a sex for their birth certificate. In the case of intersex children, this can result in cosmetic surgeries being conducted on intersex children's genitalia so as to 'normalise' them into a male or female appearance. While some surgeries for intersex infants can be medically necessary, many, including clitorrectomy and the construction or closure of a vaginal canal, are often not medically necessary and should be determined by the child when an age of consent is reached.
- Having an X gender marker available from birth allows children to ascertain their gender for themselves when declared 'ambiguous' by a doctor. Parents are often coerced in this situation by doctors to raise their child as either male or female, which can be damaging to the child who may not identify that way. It's essential that X be given as an option for gender to people of all ages, from birth to adulthood.
- Further, the government must end 'normalising' surgeries and stop any supporting civil structures, such as gender markers from birth.

5. Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015).

- Due to the toxic nature of gendering in our society, the government must remove gender as an obstacle and defining aspect of personhood in Ireland. All people born would be given X gender and would be allowed to determine it as F, M, or keep it as X whenever they wish as they grow older.
- It should be an easy process to alter the gender marker as one feels suitable.
- Non-discrimination legislation must include transgender and/or nonbinary and/or intersex people.
- Also, the panel overseeing gender recognition should include the voices of openly non-binary people, as well as direct intersex and youth voices.

- It would be useful if the gender recognition certificate included provision to alter legal name, similar as to a marriage certificate, so as to bypass the need to apply for deed poll. Currently, there are only two days that the court is available for deed poll procedures, and those accessing them have to take the time off work and make the often lengthy journey to Dublin.
- Also, the gender recognition form should give the option of allowing the change of name and gender across all instances of it in all government departments. Currently, the gender recognition certificate seemingly only is seen before the passport department, however it also needs to be recognised by social welfare services, the health service executive, etc.

Sub040

Apologies for the rather odd formatting in parts of my email. It looked fine before I pressed send but for some reason there are changes in text size and unnecessary capitalisation. These are typos, here's a correctly formatted version below:

A chara,

I would like to make a submission to the review of the Gender Recognition Act, 2015 under the following headings:

1. Arrangements for children aged 16 to 17 years;
2. Arrangements for children aged under 16 years;
3. Arrangements for persons who identify as neither male nor female (e.g. non-binary);
4. Arrangements for intersex people;
5. Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015).

Heading One: Arrangements for children aged 16 to 17 years.

Question 1:

Do you think the current legislation needs to be changed?

Yes

If so, what changes do you think need to be made?

Children aged 16 to 17 should be able to access gender recognition on the same self-declaration basis as those aged over 18, without a court order, doctor's letter or parental permission.

Question 2:

What should the Review Group recommend in its final report?

That the 2015 Act be amended to allow those aged over 16 to have their gender recognised on the same basis as those aged over 18 under the current legislation.

Question 3:

Is there anything else you would like to say on this topic?

Requiring those aged 16 to 17 to get a court order and a doctor's letter creates additional and unnecessary barriers to accessing gender recognition. This has a disproportionate impact on people on lower incomes who have a harder time accessing the justice and medical system in a timely fashion. It will also delay access to gender recognition when young people are navigating environments like secondary school which are highly gendered (e.g. uniforms, sports teams, etc.). This may also prevent young people from having their gender recognised before beginning a new life in college, by which point they will want to register, get a college ID etc. with their correct gender on all documents.

Heading Two: Arrangements for children aged under 16 years.

Question 1:

Do you think the current legislation needs to be changed?

Yes

If so, what changes do you think need to be made?

Those aged under 16 who have parental support should be able to have their gender recognised on a self-declaration basis - without any unnecessary paperwork such as a court order, or pathologising/stigmatising requirements like doctor's letter, etc. However a mechanism should be provided for those under 16 who do not have parental support to also have their gender recognised. In some cases parents who are transphobic and don't support their child's gender identity may prevent them from having their gender recognised, even though it is in their best interests. This allows a parent's hostility and transphobia to negatively impact on their child's mental health, access to public services, etc.

Question 2:

What should the Review Group recommend in its final report?

Amend the 2015 Act to allow gender recognition for those under 16 who have parental permission, without any other requirements. For those who do not have parental support the review group should consider another mechanism, but one which does not place impractical or unrealistic requirements on children whose well-being may be at risk due to the lack of gender recognition in conjunction with a difficult home environment.

In addition the group should recommend that the Department of Education issue a circular to all schools and universities on the inclusion of transgender students. Currently the treatment of trans students varies widely from one institution to another (please see the attached Trans Youth Forum Report 2015). Therefore mandatory rules are necessary to ensure that students can participate fully in school life, have their gender recognised by the school, wear the correct uniform, be addressed by

the correct pronouns etc. Gender identity and expression policies already in place in some third level institutions like TCD may provide a starting point for such a circular. Access to gender recognition itself for school-age children will have a huge positive impact in this regard, since it will create a legal responsibility for the school to also recognise a student's gender. But it will not be enough on its own, especially for students who are not yet able to ready to go through the gender recognition process. Therefore mandatory instructions from the Department of Education are essential.

Question 3:

Is there anything else you would like to say on this topic?

The review group should give due consideration to the welfare of and impact on someone under 16 whose parents are hostile to their gender identity, and make recommendations that seek to lift that burden as much as possible.

Heading Three: Arrangements for persons who identify as neither male nor female (e.g. non-binary).

Question 1:

Do you think the current legislation needs to be changed?

Yes

If so, what changes do you think need to be made?

A third gender category, non-binary, should be created and non-binary people should be able to have our gender recognised on the same basis as men and women under the current legislation. An X marker should also be available on passports in place of an M or F.

In addition state agencies should seek to make their services and operations gender neutral. For example, by removing references to gender on identity documents where this is not necessary, e.g. on driving licenses, since the gender of the driver is redundant for identification purposes when the license carries a photo. State services should also begin using gender neutral pronouns (they and xe in English, siad and sian as Gaelige) when dealing with non-binary people, and seek to remove unnecessary gendering where appropriate, e.g. documents which ask a person's gender as a matter of form when this is not actually necessary for the purpose of the form.

Any references to gender in other legislation should be amended to make it gender neutral and, as a long term aim, references to gender in the constitution should be made gender neutral. In both legislation and the constitution special attention must be given to the Irish language versions of the texts as in some cases the English version is gender neutral but the Irish version is gender, e.g. the thirty-fourth amendment to the constitution, the marriage equality amendment.

Question 2:

What should the Review Group recommend in its final report?

In addition to the points outlined above the review group should examine the most recent international examples of non-binary gender recognition and seek to find a best-practice model to use as a basis for its recommendations. However it should be careful in drafting its final report that it

does not rely too heavily on older, outmoded examples from countries that introduced non-binary recognition some time ago and which have since been overtaken by countries with more progressive models.

Question 3:

Is there anything else you would like to say on this topic?

The lack of gender recognition as a non-binary person creates a great deal of anxiety for me in accessing some public services or public spaces. We use identity documents every day at the bank, on public transport, at the post office and when entering a nightclub. So long as my ID carries an incorrect gender someone might feel they have the right to challenge me on it, to ask why my appearance doesn't match the gender on my documents. Or it can mean I have to decide whether or not to correct someone who calls me sir, and what I can say if they insist on referring to me as male since that's what's on my passport.

If my ID is going to have a gender marker on it it's important that it is the correct gender for me. If I experience discrimination I don't have the assurance that I have a piece of ID in my pocket that says I'm non-binary that I can produce. I don't have the assurance that the state has my back, that I can prove to someone who wants to discriminate against me that I have a legal right to have my gender recognised and respected. Even if I don't encounter any discrimination I still have that cloud of anxiety hanging above my head, and the knowledge that when it comes to asserting my identity and calling for the same respect that anyone else is due I am on my own, without the recognition of my government.

Hopefully it will one day I won't need to have my gender on any ID, whether issued by the state or a private body. Or no one will want to discriminate against anyone because of their gender identity or expression. But until then having a document that says the state has my back, that I have legal protection and recognition would make life that little bit easier.

Heading Four: Arrangements for intersex people.

Question 1:

Do you think the current legislation needs to be changed?

Yes

If so, what changes do you think need to be made?

Gender recognition for intersex people should be available at birth, so as to reduce the pressure on new parents to decide for their child what their gender identity will be. As I am not an intersex person myself I cannot recommend what form this recognition should take, only that the group should instead consult closely with intersex people in Ireland as well as intersex rights organisations internationally to find the best model.

It is essentially that this consultation is undertaken and subsequent amending legislation passed, as this pressure on parents, with the encouragement of some doctors, leads to intersex infants having surgeries performed on them to 'normalise' their bodies. While surgeries are sometimes medically necessary for intersex babies - for example to create a urethra opening if one does not exist - many

surgeries are cosmetic and medically unnecessary - such as reducing the size of an infant's clitoris - and are based on stigma towards intersex people and physical differences. Since intersex people are not given the opportunity to grow up and decide for themselves if they want this surgery such procedures are known as intersex genital mutilation.

Question 2:

What should the Review Group recommend in its final report?

Amend the 2015 Act to allow for whatever form of gender recognition intersex people recommend, and outlaw intersex genital mutilation just as female genital mutilation was previously banned.

Question 3:

Is there anything else you would like to say on this topic?

No.

Heading Five: Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015).

Question 1:

Do you think the current legislation needs to be changed?

Yes

If so, what changes do you think need to be made?

Over the medium to long term gender should be removed as a legal category as far as possible. It should not be necessary to register one's gender with the state any more than it is to register one's sexuality, religion or ethnicity with the state. Doing so creates opportunities for discrimination, exclusion, a lack of gender recognition and data protection threats. So the state should only collect and store that information when there is a demonstrable use for it, not just because that's always the way it's been done. In the short term it is necessary to amend non-discrimination legislation to clearly protect trans and intersex people.

Question 2:

What should the Review Group recommend in its final report?

Remove gender as a legal category from as many identity documents, pieces of legislation and areas of interaction between the state and citizen whenever it is not necessary, and amend non-discrimination legislation to explicitly include gender identity, gender expression and sex characteristics as grounds for discrimination.

Question 3:

Is there anything else you would like to say on this topic?

No.

Sub041

1. Arrangements for children aged 16 to 17 years;

Access to the Gender Recognition Act should be given more freely to minors within this age range. With parental consent, there should be no difference between a 16-17 year old applying, and someone 18+ applying.

2. Arrangements for children aged under 16 years;

While this age is very changeable for gender non conforming people, a degree of support should be given to both child and parents/guardians, then, with support they should come to the decision with the child of what gender they wish to choose, or if they want to leave it for a later time.

3. Arrangements for persons who identify as neither male nor female (e.g. non-binary);

Non-binary identities should be freely accepted and allowed as a gender identifier. This includes variety within Non-Binary, such as Agender, gender neutral, gender fluid etc. While there could be a worry that there will eventually be too many genders to be used in documentation, a box for other and space to write one's own gender should prevent issues with documentation.

4. Arrangements for intersex people;

Intersex people should be allowed to identify as intersex rather than male or female if they so wish.

5. Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015).

Streamlining the process and making it easier overall would be of benefit to the trans, non-binary and gender non conforming community in Ireland.

Sub042

Gender Recognition Act Review

Please consider these suggestion during the review process -

1 Allow 16 & 17 year olds self declare/identify (currently over 18s can do this)

2 Make provision for the under 16s - currently not included and therefore have no rights when it comes to issues with schools, uniforms, bathrooms, preferred names and pronouns etc

3 Include provisions for Non-binary and Intersex persons who are currently not recognised.

4 Create an extra option - possibly X to facilitate those who do not identify as M or F

5 Remove the requirement for both parents/guardians/care givers to have to consent - maybe a 1 parent family, maybe 1 parent is not supportive, child may be in care, take the best interest of the child into consideration.

6 Remove the requirement to have 2 medical diagnosis and the need to go through the family courts - having to get 1 diagnosis can be intimidating enough without having to subject child to further stress by having to do it twice and then present at the law courts.

7 Include a policy to ensure schools play their part in educating children about what being Transgender means.

8 Remove the requirement that the person has to prove they have been living as this person for 2 years before passport can be changed to reflect this and remove the necessity to have Deed Poll name change done.

9 There should be no limit on the number of times a person chooses to change their gender marker.

10 Medical healthcare path ways need to be put in place for all Transgender, Non-binary and Intersex persons regardless of age.

Personal experience has proven to be very difficult for the under 16's. As a parent of a Trans young person I have faced many difficult battles in order to try to get paperwork sorted for the likes of bank accounts, passports etc

With my child being in Transition Year there are many trips to make abroad - as my child only turned 16 at the end of September and he was travelling at the beginning of February, we were unable to get his GRC due to the time constraints of needing a 2nd diagnosis (it took over a year to get his 1st one due to the complete lack of health care professionals in this country) never mind trying to get a Family Law court date, hence his gender marker had to remain F. The passport office also required 2 forms of proof that he had been living as this person for over 2 years before they would agree to change the name even though we had his Deed Poll name change done 2 years ago.

Having to travel with his passport showing a F gender marker leaves him at risk of having to 'Out' himself and be subjected to unnecessary invasive questioning. We had medical proof of his diagnosis but that wasn't good enough to have the gender marker changed.

Thank you for your time in conducting this review and I look forward to seeing the necessary amendments made.

We are all born equal and should be treated thus. We are all valid.

Regards

Sub043

Gendrjam NI submission - See attached .pdf "Sub043"

Sub044

I wish to support BeLonG To's Recommendations on the review of the Gender Recognition Act 2015.

1. Trans and non-binary young people who are 16 and 17 years of age:

To recommends that:

- a) Ireland follow the example of Malta and Norway and permit 16 and 17-year-olds to independently receive gender recognition (without needing to have the consent of their parents/guardians.)
- b) Trans and non-binary young people who are at least 16 years of age should have access to gender recognition certificates on the same basis of self-declaration and through the same process as over-18s.

2. Trans and non-binary young people who are under 16 years of age:

To recommend:

- a) Trans and non-binary young people under 16 years should receive gender recognition without needing any assessment by for example a medical or other professional.
- b) In most cases, trans and non-binary young people under 16 years will have the consent and support of their parents when they apply for gender recognition. In more unusual situations, when parents/guardians do not give consent, I recommend that Ireland follows the example of Malta:

- i. Malta allows a young person under 16 years to apply for gender recognition even if their parents/guardian do not give consent. The MGRM (the national LGBT organisation) is funded by Government to provide family support through MGRM's Rainbow Support Services.

Child Protection and Family Support

- c) BeLonG To is working to create a family support service for our youth members and their families in regard to gender recognition.
- d) To recommends that statutory services such as child protection and family support develop specialised internal expertise and resources regarding gender recognition and related issues and that they also provide the relevant awareness training to all staff who work with young people.

3. Non-Binary Young People:

To recommends that:

The Gender Recognition Act be revised to be inclusive of non-binary people and others who do not want their gender to be specified. To be inclusive, the following gender markers should be available on gender recognition certificates and other Government identity documents: M for Male, F for Female, X, and NB. NB would indicate Non-Binary and X would indicate Gender Not Specified.

4. Intersex young people

To notes that the *Organisation Intersex International Europe* states that the main problem faced by intersex people in Europe is that 'healthy intersex bodies' are seen as a 'medical problem' to be fixed by medical means, including 'normalising' surgery ILGA Europe and OII Europe (2015) *Standing up for the human rights of intersex people – How can you help?* Page9. Available from:

https://www.ilga-europe.org/sites/default/files/how_to_be_a_great_intersex_ally_a_toolkit_for_ngos_and_decision_makers_december_2015_updated.pdf

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To recommend that:

During the period of the review of the Gender Recognition Act 2015, Government initiate a Working Group focussed on examining the human rights violations that may be experienced by intersex children and young people in Ireland.

5. Equal Status Acts

To recommend that Ireland follow the example of Malta, and revise the Equal Status Acts to include the following grounds as protected:

Gender identity, to extend protection specifically to transgender and non-binary people.

Gender expression, to protect people in relation to their external expression of their gender identity (through, for example, their clothing, hair, voice or behaviour.)

Sex characteristics. The 'sex characteristics' ground would protect intersex people.

6. Other government identity documents.

To recommends that all other government identity documents be changed in line with the revisions to the Gender Identity Act.

7. Other government policies

To recommends that all government departments, especially Education and Health, develop policies to ensure the full implementation of the revisions to the Gender Identity Act.

8. No Financial Barriers

To recommends that the Gender Identity Act (and other Government identity documents) be financially accessible to all.

9. No Health Barriers

The lack of physicians willing to prescribe (Hormone Replacement Therapy) HRT in Ireland (only two)The extremely long waiting lists involved. Review the present situation whereby there is a requirement of psychiatric "diagnosis". Scientific studies are proving being transgender is of biological factors.

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Joan Collins TD

Sub045

Good Morning.

I would like to include my submission under section e.

My name is Paul Moran. I am a psychiatrist attached to the National Gender Service at St Colmcille's hospital. I took part in the consultation before the introduction of the current act (and argued

strongly then, in favour of separation of Gender Recognition from medical diagnosis of gender-related conditions).

Unfortunately, there have been some unintended consequences which have arisen, and pose risks to transgendered patients. I have just been made aware of this review this today, which is the closing date, and these medical issues would need more consideration (than the 10 minutes I've had this morning). Perhaps the Gender Recognition Act Review Group would consider from involving the clinicians working in this field directly. There are some important clinical issues which need to be addressed in this review, and I wonder if a request could be made on our behalf to extend the deadline to enable the clinicians working with transgendered people to contribute?

The two issues which spring to mind just now are unintended consequences of the current arrangement, and pose risk to transgender patients.

First is the risk of inappropriate treatment (including irreversible surgery) due to the difference between Irish and European law. In many European countries, a change of state documentation can only be obtained following a clinical diagnosis of Gender Dysphoria / GID. This means that the documentation is accepted as a clinical record by some surgical centres and SRS performed accordingly. Under Irish law, the change of gender in state documentation is a self-declaration requiring no clinical diagnosis. Unfortunately, this is not understood by surgical centres in Europe, who assume that the Irish documentation is as clinically valid as their own national version. Irish patients are now travelling to surgical centres in Europe and undergoing surgery without any assessment because of this anomaly. The wording in the email circulated (to which I am responding) "that their preferred gender is then fully recognised by the State for all purposes" is an example of how the current gender recognition could be misunderstood to include medical purposes.

The second is the problem of gender based medical records. There are multiple issues here including loss of previous medical records following gender change, Incorrect normal ranges in biological tests, etc. The full impact of the changes due to the act have not been scoped out yet.

Some solutions might include might include (1) having a statement on the gender documentation to the effect "this is not a medical diagnosis of GD/GID".

And (2) considering a change in the demographic elements of the MBDS (Minimum Basic Data Set – a European agreement covering medical and other state records) to change from using Gender as a data point to using Karyotype. This would mean better record integrity in many areas (medical and civic).

I am glad this is being reviewed, and would be happy to contribute further if possible.

Regards

Dr Paul Moran

Consultant Liaison Psychiatrist St Colmcille's and St Michael's Hospitals

Sub046

Personal submission - See attached .pdf “Sub046”

Sub047

Personal submission - See attached .pdf “Sub047”

Sub048

Sail NI submission - See attached .pdf “Sub048”

Sub049

BeLonG To Youth Services submission - See attached .pdf “Sub049”

Sub050

GOSHH submission - See attached .pdf “Sub050”

Sub051

Senator Fintan Warfield submission - See attached .pdf “Sub051”

Sub052

A chairde,

I am writing today in relation to the review of the Gender Recognition Act 2015, specifically the following heading:

c. Arrangements for persons who identify as neither male nor female (e.g. non-binary).

I identify as agender, one of many gender identities that fall outside of Western societies traditional binary of man/male or woman/female. Under the current legislation I can not apply for a Gender Recognition Certificate.

My recommendation to Review Group is to introduce a third category (e.g. non-binary or gender diverse) to the GRC1 form, and to create a new, gender neutral marker (e.g. X) on all forms and identity documents (such as Driver Licence and Passports) issued by the State.

I have tried, and failed, to find the words to express how much recognition of my gender would mean to me.

Is mise, le meas,

Sub053

Ombudsman for Children’s Office submission – See attached .pdfs “Sub053A”, “Sub053B” and “Sub053C”

Sub054

ShoutOut Submission to the Gender Recognition Act Review Group

ShoutOut is an organisation which works with schools to tackle the bullying of LGBTQ+ students, and those perceived to be LGBTQ+, across all of Ireland, as well as providing training which aims to improve the professional practice of teachers and social workers so that it is more inclusive of LGBTQI+ young peoples' needs. ShoutOut is committed to working with all agencies, departments and organisations to improving the lived experiences of LGBTQI+ youth in Ireland.

www.shoutout.ie

Do you think the current legislation needs to be changed?

The current legislation was a welcome development in 2015 and it has allowed a significant number of transgender people in Ireland access gender recognition. We believe there are a number of areas which need to be amended in order to improve accessibility for the rest of the Irish transgender community.

1. Arrangements for children aged 16 to 17 years:
 - The lack of self-declaration based access for young people aged 16 and 17 is of concern as it creates an ageist inequality in the community which leads to barriers in the areas of education and healthcare in particular.
 - The medical and psychiatric process which 16 and 17 year olds are currently forced to go through in order to access gender recognition is not fit for purpose. In the same way that these processes and assessments were considered inappropriate for transgender people over the age of 18 before 2015, they are inappropriate today for transgender people aged 16 and 17.
2. Arrangements for children under 16 years:
 - Children under the age of 16 are currently prohibited under the existing legislation from accessing gender recognition. This is unacceptable as it leaves the most vulnerable transgender people behind.
 - A lack of access to gender recognition for children under the age of 16 results in significant inequalities in education. This has a negative mental impact on the child if their wishes in school are not accommodated.
 - Families are not given the right to access gender recognition for children under the age of 16. This can cause families distress when they are engaging with schools, health care providers, etc.
3. Arrangements for persons who identify as neither male nor female (e.g. non-binary):
 - The current legislation accepts that people can be gender divergent and can identify as a gender which is different to their legal gender. However, it currently does not recognise those who identify as neither of the male or female genders. This is restrictive and unnecessary.
 - Currently, those who identify as non-binary, for example, are required to inaccurately declare as their legal gender assigned to them at birth. This is a result of the gender recognition being closed off to them.
 - Persons who identify as neither male nor female should be enabled to represent themselves with identification, government records and through the gender recognition processes. They should be legally recognised in their correct gender identity.

4. Arrangements for intersex people:
 - Intersex people can access gender recognition if they wish to change their assigned sex at birth from male to female or vice versa. However, if an intersex person identifies as non-binary, or an intersex person is under the age of 16, then they are excluded from the gender recognition process.
 - ShoutOut feels strongly that there needs to be an immediate ban of “normalising” surgeries on intersex young people. Intersex people in Ireland should be able to gain gender recognition at any age (as per points 1 & 2) and that non binary options should be available to them (as per point 3). We feel that protection of intersex people is not currently provided in the Equal Status Act and we ask that sexual characteristics be protected in discrimination legislation. We are aware this is outside the scope of this review, however, we feel it must be mentioned as a matter of urgency.
5. Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. Gender Recognition Act 2015):
 - As Irish citizens born in Northern Ireland are unable to register for Irish birth certificates, and the UK government does not currently recognise Irish gender recognition certificates, many transgender people living in Northern Ireland with Irish citizenship are unable to avail of gender recognition through this legislation. This is a serious breach of the Good Friday Agreement which guarantees equal access to rights and legislation guaranteeing rights.
 - As Northern Irish gender recognition is much more restrictive than in Ireland, transgender Irish citizens born in Northern Ireland are at a disadvantage with their right to gender recognition restricted or, in some cases, denied.

If so, what changes do you think need to be made?

1. Arrangements for children aged 16 to 17 years:
 - Children aged 16 to 17 years should be able to access gender recognition on the same basis as those aged over 18.
2. Arrangements for children aged under 16 years:
 - Children and young people aged under 16 should be permitted to access gender recognition on the basis of parental or guardian consent.
 - Where a child under the age of 16 does not have parental or guardian consent then the state should be allowed intervene, subject to existing children’s rights legislation, to vindicate the best rights of the child where appropriate.
 - There should be absolutely no medical criteria for trans young people.
3. Arrangement for persons who identify as neither male nor female (e.g. non-binary):
 - Legislation recognising gender neutrality or a third gender of non-binary should be brought forward. The existing gender recognition act should then be amended to allow for someone to change their legal gender to gender neutral or non-binary on all forms of identification including birth certificates, passport, licences, GRCs, etc.
4. Arrangements for intersex people:
 - Intersex people should be able to access gender recognition processes on the same basis as transgender people. Those intersex people who wish to identify and register as non-binary should be able to do so through the above suggested amendment.
5. Any other relevant issues, including issues relating the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015):
 - Gender recognition processes must continue to be available to people with non-Irish birth certificates. Irish transgender citizens living outside the state must not be at a

disadvantage – or excluded – by the legislation. Specific amendments to be more inclusive of transgender Irish citizens living outside the state should be made to the Act.

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What should the Review Group recommend in its final report?

- That the age for gender recognition on the basis of self-declaration be reduced to 16 years.
- That gender recognition be available to children under the age of 16 on the basis of parental or guardian’s consent, with a provision for the state to intervene without parental consent when it is in the best interests of the child. This should be on the basis of parental/guardian declaration on the child’s behalf. Medical and psychiatric assessments should not be used to establish gender identity.
- That legislation be brought forward to recognise a third gender (gender neutral or non-binary) outside of the binary system of male and female. This third gender should have an equal status to the other two genders, and access to this third gender should be available on the same basis within the context of gender recognition. This will also make gender recognition accessible to intersex people who identify as neither male nor female.
- That the Irish government officially request that the UK government recognise Gender Recognition Certificates issued by the Irish Department of Social Protection.
- That Northern Ireland-born Irish citizens have equal access under the law to Gender Recognition as per the Irish legislation.

Is there anything else you would like to say on this topic?

It is still our strong feeling that an expansion of the GRA to include trans young people and non binary individuals will have a positive impact on the daily lives of young trans people in Ireland, as the current GRA has already positively impacted trans adults in Ireland. It is imperative that we make the GRA fit for purpose by extending the provisions to include young people under the age of 16 and those who identify as neither male nor female.

The Irish government should be a government for all its citizens. Citizens who identify as non-binary should not be left out of legislation that aims to represent all people regardless of their sex or gender. At present this is exactly what the legislation does. Similarly, the Irish government needs to make provisions for all its citizens, including those living outside of Ireland. It is a failing of the government to enact legislation that excludes Irish citizens living in Northern Ireland and this needs to be addressed as a matter of urgency.

Declan Meehan
Chair, Board of Directors
ShoutOut

Bella FitzPatrick
Director
ShoutOut

Sub055

Amnesty International submission – See attached .pdf “Sub055”

Sub056

Fine Gael LGBT submission – See attached .pdf “Sub056”

Sub057

Youth Work Ireland Submission - Gender Recognition under the 2015 Act

Many of our thoughts on the question of gender recognition under the 2015 Act are informed by thinking on issues of consent for young people and best practice in terms of the law and childhood development. Generally, we believe this is well set out in the Law Reform Commission 2011 Report on Children and the Law: Medical Treatment. We do however emphasise that we do not in any way compare the civil registration process to any medical treatment and indeed this will be subject to separate professional codes and oversight.

The general schema of consent in the LRC report is well researched and can be applied to many issues concerning children and young people. In essence we have to look at age in association with other issues like maturity and self-understanding.

- a. Arrangements for children aged 16 to 17 years;

Generally, these arrangements can be provided for with the fully informed consent of the young person as per the LRC Report

- b. Arrangements for children aged under 16 years;

It would seem broadly appropriate that parental consent would be obtained for any arrangements in this field consistent with the LRC report and a test for maturity and understanding

- c. Arrangements for persons who identify as neither male nor female (e.g. non-binary);

This is less an issue of consent and more about the options offered. It would also be important that we assess what state services are in question in such arrangements. This is not clear at present and the question would be more usefully addressed in this context. The state may wish to offer and option of "other" but this needs to be explored related to the state services in question which is the main point of gender recognition in the civil registration process. Broadly speaking the registration system should seek to combat discrimination against people who identify as non-binary.

- d. Arrangements for intersex people;

The UN Commissioner for Human Rights has made specific mention of the needs of intersex people. These are quite a distinct group in terms of gender recognition. Intersex people can be subject to significant discrimination. Anti-discrimination legislation is critical here and recognition of the rights of intersex people in the registration process would be an important aspect of this.

- e. Any other relevant issues, including issues relating to the operation of the current legislative provisions.

As per the above the broad thrust of the arrangements for gender recognition relating to young people in the registration process should be consistent with the LRC 2011 report on consent and seek to combat discrimination against those who have gender identities which are in a minority.

Sub058

Dr Aoife Neary submission – see attached .pdf “Sub058”

Sub059

National Youth Council of Ireland submission – see attached .pdfs “Sub059A” and “Sub059B”

Sub060

St. Patrick’s Mental health Services submission – see attached .pdf “Sub060”

Sub061

Dublin Lesbian Line submission – see attached .pdf “Sub061”

Sub062

CESCA submission to Gender Recognition Act consultation

Officer: Tehmina Kazi, Policy and Advocacy Officer, Cork Equal and Sustainable Communities Alliance (CESCA)

Organisation: Cork Equal and Sustainable Communities Alliance (CESCA)

Address: Tehmina Kazi, Cork Equal and Sustainable Communities Alliance (CESCA), C/O Nasc Ireland, Ferry Lane, Cork.

Arrangements for children aged 16 to 17 years;

Do you think the current legislation needs to be changed?

Yes.

If so, what changes do you think need to be made, and what should the review group recommend in its final report?

The medical transition procedure for 16 and 17-year-old trans people must be shortened and made more efficient.

Comprehensive hate crime legislation should be introduced to ensure the protection of individuals based on gender identity.

Is there anything else you would like to say on this topic?

Trans young people aged 16 and 17 years must go through a much more complicated and arduous process than adults because they are required to obtain parental consent, two medical opinions and a court order, which can be a lengthy and prohibitive process. We note that nine out of the 277 applications to change gender in Ireland, between 2015 and 2017, have fallen into this age group.

During Senator Warfield's Gender Recognition Act review debate in Seanad Eireann on 10th May 2017, a letter by a young trans man was referenced: he stated that he was 17 when he received his first letter from a psychiatrist, but had still not received a second letter four years later. This is an unacceptable waiting time; leaving a person in limbo for this period runs contrary to medical ethics.

We note that cross-sex hormones are available for 16 and 17-year-olds with a medical card. However, there is only one public gender identity clinic in Ireland, at St Columille's in Dublin.

Names & personal details removed who grew up as brothers but are both now trans women, observed in a recent interview that due to the increase in people presenting as trans, waiting lists for treatment now stand at two years. This waiting time serves to increase the level of distress that people with gender dysphoria feel if they do not receive prompt and appropriate (including age-appropriate) treatment.

Arrangements for children aged under 16 years

Do you think the current legislation needs to be changed?

No.

If so, what changes do you think need to be made, and what should the review group recommend in its final report?

To uphold the status quo, until further research becomes available.

Is there anything else you would like to say on this topic?

To date, there has been no proper research carried out regarding pre-pubescent children with gender dysphoria in Ireland. However, studies carried out in Britain suggest that only 16% of pre-pubescent children with gender dysphoria continue into adulthood with the same feelings (albeit with a small total sample size of 246 children).

Regardless of the trajectory these children have going into adulthood, the advice from medical experts remains the same: many young people who make a social transition e.g. wearing the clothes of their acquired gender to school, are much happier and can function better, especially when they are in a supportive environment at home and at school.

That said, there is not enough evidence to reduce the age for medical and / or legal transitions to under 16. We note that the current legislative provisions relating to age were carefully considered, and that there is a balance to be struck between children's rights and protecting their interests at a tender age.

CESCA welcomes further research in this area. We note that in 2015, Leo Varadkar had written to the Minister for Children and Youth Affairs, Deputy Katherine Zappone, requesting that her Department undertake research on this matter.

Arrangements for intersex people

Do you think the current legislation needs to be changed?

Yes.

If so, what changes do you think need to be made and what should the Review Group recommend in its final report?

For a third category to be introduced onto birth certificates in Ireland: X for indeterminate or intersex. This follows good practice from countries like Germany and Australia.

Is there anything else you would like to say on the topic?

The Council of Europe committee on equality and non-discrimination has recently been working on a report looking at the experience of intersex people right across Europe, particularly on good legal practice in this area.

They have heard quite harrowing testimonies from those who have been asked to have one part of their identity disregarded, and those who have been forced through a variety of medical procedures with deleterious effects. This includes procedures that have introduced early menopause, because the intersex people in question were being pressed into one aspect of their biological identity, and having other parts repressed.

Further, in 2015, the European Union Agency for Fundamental Rights (FRA) found “intersex people experience fundamental rights ranging from discrimination to medical intervention without their consent.” The report advises that member states should avoid non-consensual “sex-normalising” medical treatments for intersex people.” These include surgeries and hormones, which can irreversibly impact the child.

CESCA notes that in Ireland, there is considerable pressure on parents to consent to such interventions. This is partly because of the strict deadlines on registration of births: births in Ireland must be registered within three months, and a child’s sex must be recorded. Late registration, of up to a year, is only permitted with the registrar’s consent. Another reason is the fact that only Male or Female categories currently exist on Irish birth certificates. There have been cases of Irish medical professionals “nudging parents of intersex children towards a decision” vis-à-vis one category or the other. For this reason, the UN Committee on the Rights of the Child sanctioned Ireland in 2016: they found that Ireland could not clarify how the state protects the bodies of children with intersex variations.

Any other relevant issues, including issues relating to the operation of the current legislative provisions?

Do you think the current legislation needs to be changed?

No.

If so, what changes do you think need to be made, and what should the review group recommend in its final report?

To uphold the status quo, but also conduct further research on the effects of the current legislative provisions.

Is there anything else you would like to say on this topic?

CESCA notes that as a result of the Gender Recognition Act 2015 (GRA 2015), Ireland is one of only four legal jurisdictions in the world where people may legally change gender by statutory self-declaration. Between September 2015 and September 2017, there were 277 applications to change gender in Ireland.

CESCA welcomes the Department of Social Protection review of this framework. Further, we urge thorough research into its effects on the mental health of the individuals who have legally changed gender.

We are encouraged by the fact that since the GRA 2015 was enacted, activists have reported a reduction in the mental distress of trans people in Ireland. We would therefore welcome a full academic study on the connection between these two developments.

Sub063

Jillian van Turnhout submission – see attached .pdf “Sub063”

Sub064

Personal Submission – see attached .pdfs “Sub064A” and “Sub064B”

Sub065

SpunOut submission – see attached .pdf “Sub065”

Sub066

ICTU submission – see attached .pdf “Sub066”

Sub067

Submission on Gender Recognition Act

Senator Grace O’Sullivan, Green Party, Seanad Civil Engagement Group

As a cosignatory of Senator Fintan Warfield’s Gender Recognition (Amendment) Bill 2017, I am convinced that amendment of the regulations that exist from the Gender Recognition Act 2015 would be of benefit to young transsexual and non-binary people, by giving them a greater sense of autonomy, independence and self-realisation.

a. Arrangements for children aged 16 to 17 years;

It is my belief that young people aged between 16 and 18 should have the right to self-determination, legal recognition and state assistance with regard to their own gender designation, without the current onerous special application procedure as laid out in the 2015 Act. This requirement for a court order, parental consent and the intervention of multiple medical professionals essential amounts to a prohibition, and it should be reduced so that 16-18 year olds need only comply with the existing obligations needed to obtain a gender recognition certificate.

b. Arrangements for children aged under 16 years;

The existing prohibition on the Circuit Family Court from making an exemption order under section 12 of the Act for the sole reason that the child has not yet reached 16 should be removed.

The role of medical assent in the process for under 16s should be reduced from compulsory in order to attain certification (subsection 4 (b) and (c) of section 12), but retain the compulsory parental consent.

At all times, the legal and medical process must take into account the views, experiences and thoughts of the young person in question, and ensure that they remain at the heart of decision making.

c. Arrangements for persons who identify as neither male nor female (e.g. non-binary):

It is my belief that the minister should explore the options regarding the provision of gender recognition certification to those identifying as non-binary, including through amendment of the existing Act, if necessary.

d. Arrangements for intersex people;

I do not have specific recommendations in this regard.

e. Any other relevant issues, including issues relating to the operation of the current legislative provisions.

I hope and trust that the review board will continue to put the lived experiences of Ireland's transgendered, non-binary and intersex citizens, both young and old, at the front of their review, and that the relevant stakeholder representative groups will be heard throughout.

Sub068

Submission to the Gender Identity and Expression Policy Review Group
UCD LGBTQ+ Society

Arrangements for children aged 16 to 17 years

The policy should treat 16-17 year olds the same way as over 18 year olds are treated. This is because they are at an age where they can reasonably be expected to make the right decisions for their own life, with or without their parents support. They should be allowed to use the model of self-determination.

Arrangements for children aged under 16 years

There should be no minimum age for exemption. Children under the age of 16 should be catered for by the same policy that 16-17 year olds are now. They should be allowed access to Gender Recognition Certificates with the consent of only one parent/legal guardian. There should not be a need for the intervention of medical professionals or the family court. If a child aged under 16 years has no parental support, they should be allowed access to a medical professional to be awarded competency, where they can decide their own identity.

Arrangements for persons who identify as neither male nor female (e.g. non-binary)

Non-binary people should be specifically mentioned in the Gender Identity and Expression Policy. The gender markers available to non-binary people on Gender Recognition Certificates should include "non-binary" specifically, and also "other" where people can specify their gender. On passports there should be two more gender marker options: X and NB. X would stand for other, please specify. NB would stand for non-binary. For other, please specify they should be allowed specify on their new Birth Cert.

Arrangements for intersex people

Unfortunately, we do not know anyone who is intersex (as far as we or they are aware) and don't feel qualified to speak on their behalf.

Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015).

There should be consideration into how to make the health service and government departments less binary in the future. Gender neutral honorifics should be introduced; in particular we endorse the use of Mx.

Sub069

Gender Recognition Review Submission

Mx. **NAME REMOVED**

3. Arrangements for persons who identify as neither exclusively male nor female (e.g. non-binary):

I am a non-binary person, and my name is **NAME REMOVED**. This means I am part of the transgender community that goes unserved by the current Gender Recognition Bill. Non-binary is likely a new word for some on the committee. It is not a word I grew up with myself, but the feeling is something that has always been familiar. At 20 I found the word non-binary to fit the way that woman chafed and man was just wholly incorrect. For me non-binary is a kind of spectrum on which I would locate myself at genderless, but with a masculine presentation.

My non-binary identity has given me a home in my own skin. But it means I am in transgender limbo. My deed poll has changed my name to something less feminine, but my gender marker haunts in all forms of bureaucracy and identification. The Gender Recognition Bill needs to be updated to include those in the transgender, intersex and gender non-conforming communities who do not identify as exclusively male or female because of this. These are not just small matters of administration, they are the lived experiences of non-binary, intersex and gender non-conforming people. Gender recognition would provide dignity and respect.

And how would this kind of gender recognition work? First the review committee should propose the adoption of a third gender marker, an 'X' to go alongside 'M' and 'F' (as is recognised as a third gender marker in EU passports). This proposed 'X' will not be specified so that it is available for those whose gender fall outside of exclusively male or female, as well as those who do not wish to declare gender. Having the 'X' marker as an unspecified gender marker is the only way that it will include all trans, intersex and gender non-conforming people who would look for Gender Recognition.

For the reason that 'X' is an unspecified marker there should be an option on the GRC application to specify a gender to be put on the birth cert, as a way of not only recognising that this individual falls outside of exclusively male or female, but of recognising what this specific identity is. This may seem superfluous but this is a way of taking back the power, and is the definition of self-declaration. With so many documents only needing a marker of M/F or the proposed X, the birth cert is the only place where the specific gender can be recognised, without the need for a different gender marker for each.

The next thing I would suggest is the shown at the top of this submission. Introduce 'Mx' as an official honorific/ title on government documents and forms just like 'Mr', 'Mrs', 'Ms'.

5. Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015):

The main focus of this review and bill should be the lived experiences of the people it impacts, enabling their dignity and autonomy instead of challenging them. With this in mind there are a few

things in the current bill that need reviewing. There needs to be clarification of name change/ use of new name documents that are needed, should not just be deed poll because this creates an undue financial burden, and in the long term it creates a public and traceable record of the pre-recognition identity. Currently the Gender Recognition Cert can produce a new birth cert to reflect the correct gender, but this is easily identifiable as an abnormal birth cert because it does not have a reg number, this was done so that the new one cannot be traced back to the old one, but can cause problems going as far as one person being accused of trying to forge a fraudulent document. As well as this there should be a provision in the bill to allow for people who have their Gender Recognition Cert to still be able to access body specific medical or health programs, for example a trans person may still be in need of free cervical cancer or breast cancer checks even though their gender marker is 'M' or 'X', as not all transitions take the same, if any, medical journey.

Sub070

Submission on behalf of 28 concerned citizens – see attached .pdf “Sub070”

Sub071

Do you think the current legislation needs to be changed?

The current legislation was a welcome development in 2015 and it has allowed a significant number of transgender people in Ireland access gender recognition. We believe there are a number of areas which need to be amended in order to improve accessibility for the rest of the Irish transgender community.

1. Arrangements for children aged 16 to 17 years:

- The lack of self-declaration based access for young people aged 16 and 17 is of concern as it creates an ageist inequality in the community which leads to barriers in the areas of education and healthcare in particular.
- The medical and psychiatric process which 16 and 17 year olds are currently forced to go through in order to access gender recognition is not fit for purpose. In the same way that these processes and assessments were considered inappropriate for transgender people over the age of 18 before 2015, they are inappropriate today for transgender people aged 16 and 17.

2. Arrangements for children under 16 years:

- Children under the age of 16 are currently prohibited under the existing legislation from accessing gender recognition. This is unacceptable as it leaves the most vulnerable transgender people behind.
- A lack of access to gender recognition for children under the age of 16 results in significant inequalities in education. This has a negative mental impact on the child if their wishes in school are not accommodated.
- Families are not given the right to access gender recognition for children under the age of 16. This can cause families distress when they are engaging with schools, health care providers, etc.

3. Arrangements for persons who identify as neither male nor female (e.g. non-binary):

- The current legislation accepts that people can be gender divergent and can identify as a gender which is different to their legal gender. However, it currently does not recognise those who identify as neither of the male or female genders. This is restrictive and unnecessary.
- Currently, those who identify as non-binary, for example, are required to inaccurately declare as their legal gender assigned to them at birth. This is a result of the gender recognition being closed off to them.
- Persons who identify as neither male nor female should be enabled to represent themselves with identification, government records and through the gender recognition processes. They should be legally recognised in their correct gender identity.

4. Arrangements for intersex people:

- Intersex people can access gender recognition if they wish to change their assigned sex at birth from male to female or vice versa. However, if an intersex person identifies as non-binary, or an intersex person is under the age of 16, then they are excluded from the gender recognition process.
- ShoutOut feels strongly that there needs to be an immediate ban of “normalising” surgeries on intersex young people. Intersex people in Ireland should be able to gain gender recognition at any age (as per points 1 & 2) and that non binary options should be available to them (as per point 3). We feel that protection of intersex people is not currently provided in the Equal Status Act and we ask that sexual characteristics be protected in discrimination legislation. We are aware this is outside the scope of this review, however, we feel it must be mentioned as a matter of urgency.

5. Any other relevant issues, including issues relating to the operation of the current legislative provisions (i.e. Gender Recognition Act 2015):

- As Irish citizens born in Northern Ireland are unable to register for Irish birth certificates, and the UK government does not currently recognise Irish gender recognition certificates, many transgender people living in Northern Ireland with Irish citizenship are unable to avail of gender recognition through this legislation. This is a serious breach of the Good Friday Agreement which guarantees equal access to rights and legislation guaranteeing rights.
- As Northern Irish gender recognition is much more restrictive than in Ireland, transgender Irish citizens born in Northern Ireland are at a disadvantage with their right to gender recognition restricted or, in some cases, denied.

If so, what changes do you think need to be made?

1. Arrangements for children aged 16 to 17 years:

- Children aged 16 to 17 years should be able to access gender recognition on the same basis as those aged over 18.

2. Arrangements for children aged under 16 years:

- Children and young people aged under 16 should be permitted to access gender recognition on the basis of parental or guardian consent.
- Where a child under the age of 16 does not have parental or guardian consent then the state should be allowed to intervene, subject to existing children’s rights legislation, to vindicate the best interests of the child where appropriate.

- There should be absolutely no medical criteria for trans young people.

3. Arrangement for persons who identify as neither male nor female (e.g. non-binary):

- Legislation recognising gender neutrality or a third gender of non-binary should be brought forward. The existing gender recognition act should then be amended to allow for someone to change their legal gender to gender neutral or non-binary on all forms of identification including birth certificates, passport, licences, GRCs, etc.

4. Arrangements for intersex people:

- Intersex people should be able to access gender recognition processes on the same basis as transgender people. Those intersex people who wish to identify and register as non-binary should be able to do so through the above suggested amendment.

5. Any other relevant issues, including issues relating the operation of the current legislative provisions (i.e. the Gender Recognition Act 2015):

- Gender recognition processes must continue to be available to people with non-Irish birth certificates. Irish transgender citizens living outside the state must not be at a disadvantage – or excluded – by the legislation. Specific amendments to be more inclusive of transgender Irish citizens living outside the state should be made to the Act.

What should the Review Group recommend in its final report?

- That the age for gender recognition on the basis of self-declaration be reduced to 16 years.
- That gender recognition be available to children under the age of 16 on the basis of parental or guardian’s consent, with a provision for the state to intervene without parental consent when it is in the best interests of the child. This should be on the basis of parental/guardian declaration on the child’s behalf. Medical and psychiatric assessments should not be used to establish gender identity.
- That legislation be brought forward to recognise a third gender (gender neutral or non-binary) outside of the binary system of male and female. This third gender should have an equal status to the other two genders, and access to this third gender should be available on the same basis within the context of gender recognition. This will also make gender recognition accessible to intersex people who identify as neither male nor female.
- That the Irish government officially request that the UK government recognise Gender Recognition Certificates issued by the Irish Department of Social Protection.
- That Northern Ireland-born Irish citizens have equal access under the law to Gender Recognition as per the Irish legislation.

Is there anything else you would like to say on this topic?

It is still our strong feeling that an expansion of the GRA to include trans young people and non binary individuals will have a positive impact on the daily lives of young trans people in Ireland, as the current GRA has already positively impacted trans adults in Ireland. It is imperative that we make the GRA fit for purpose by extending the provisions to include young people under the age of 16 and those who identify as neither male nor female.

The Irish government should be a government for all its citizens. Citizens who identify as non-binary should not be left out of legislation that aims to represent all people regardless of their sex or gender. At present this is exactly what the legislation does. Similarly, the Irish government needs to make provisions for all its citizens, including those living outside of Ireland. It is a failing of the government to enact legislation that excludes Irish citizens living in Northern Ireland and this needs to be addressed as a matter of urgency.

Sub072

TENI submission – see attached .pdf “Sub072”

Sub073

My name is Cecelia Gavigan. I am writing to you on behalf of the INTO LGBT Teachers’ Group. The INTO LGBT Teachers’ group is a sub-group of the wider INTO union and so consists of LGBT+ primary school teachers. One of the stated aims of the group is to work to ensure that primary schools are as inclusive as possible of LGBT staff, families and pupils. It is from within this remit that we are submitting to the review of the Gender Recognition Act. We feel that as front line workers with children from 4 to 13, we have a good understanding of the ways in which these issues can affect

this cohort (as well as their parents/guardians/carers).

As requested, we have written our submission under the given headings.

1. Arrangements for children aged 16 to 17 years

Under the Act currently, parents of children 16 to 17 years old have the right to apply for gender recognition for their children. We, as teachers, can understand the great benefits this right has afforded transgender young people and their families in post primary schools and hope the same right will be afforded to parents of transgender children who are under the age of 16.

2. Arrangements for children aged under 16 years

This is the cohort which relates most to our experience as primary school teachers. At the moment, parents have no rights to apply for gender recognition for their children up to the age of 16. This period encompasses all of childhood as well as a substantial chunk of adolescence. This is a formative time for young people and it is vital for their mental health, self esteem and happiness that they feel supported, accepted and free to be themselves during this period. The ability to have legal recognition of their gender would be an important component of this support and acceptance.

Under the Anti-Bullying Procedures for Primary and Post-Primary Schools (Circular 0045/2013), schools are required to implement education and preventative strategies to combat homophobic and transphobic bullying. These strategies include the creation of a positive school climate. This requirement, taken in conjunction with the Gender Recognition Act would mean that a school serving young people aged 16-17 would be heavily incentivised to have a policy in place to follow in the instance of a student transitioning (e.g. detailing how student should be supported, actions necessary to ensure the child's safety and security, how existing procedures may need to be adapted to accommodate the student's gender identity etc).

While the Anti-Bullying Procedures also require primary schools to engage in strategies to prevent transphobic bullying, we would like to see the same legal rights contained in the Gender Recognition Act afforded to children under 16 so that primary schools are similarly incentivised to create (and implement) good policies around gender diverse children and transitioning where necessary. Most schools would not have developed policies in this regard in response to the Anti Bullying Procedures alone.

If policy is in place PRIOR to a need presenting itself (rather than in response to a need), it will make life much easier for the child transitioning. As this can be a difficult time for the child anyway, we should ensure that potential challenges and obstacles are considered and dealt with preemptively insofar as possible. Therefore, we feel that the expansion of the age requirement in the Gender Recognition Act would ensure in better experiences for gender diverse youth and children. While this would be desirable for all schools, it is particularly important for single sex schools as these can be especially difficult environments for a child to transition in.

3. Arrangements for persons who identify as neither male nor female (e.g. non-binary)

Within the current act, there is no explicit recognition of non-binary identities. This is extremely problematic and needs to be rectified as part of this review. People should have the option to apply for recognition of their gender as 'non-binary' or 'other'. For the situation to be otherwise shows a lack

of understanding and respect for people who identify in this manner.

This current exclusion affects not only the children in our care, their family members but also primary school teachers working in classrooms every day. They are being forced to deny part of their identity when filling out forms, licences, certificates etc due to the limited options available for salutations. 'Mx' has been internationally recognised as a gender neutral salutation/title and should be offered as an alternative to Miss/Ms/Mr on all official government documentation. However, this will not happen until non-binary identities are recognised legally. Hence, the inclusion of non-binary identities in the Gender Recognition Act is a matter of the utmost urgency.

Once this happens, schools will need some guidance on how to be as inclusive as possible (e.g. including Mx as an option on enrolment forms, using the singular 'they' in official documentation over the gendered 'he/she', usage of gender free words to describe parents' relationship with children etc) and this is an area that the group will be happy to work on. However again, none of these inclusive practices will happen without legislative underpinning.

4. Arrangements for intersex people

Currently parents of intersex children cannot apply for gender recognition for their child until the age of 16. As intersex is something which is discovered at birth, it consequently affects a child throughout their lives. Similarly to transgender young people, this can have a negative impact upon their experiences of school and the education system (e.g. child may not be able to be enrolled in school as their own gender).

In other countries (e.g. Australia), children who are born intersex can remain gender neutral until they are old enough to make an informed decision regarding gender markers, transitioning etc. This seems like a sensible system and one that removes some of the pressure to 'choose a gender' while the child is still a baby and would therefore reduce unnecessary surgeries on healthy babies. However, in order for this to be the case, parents need to be able to advocate for their intersex children under 16.

5. Any other relevant issues, including issues relating to the operation of the current legislative provisions.

As a teachers' group, we are aware that change in schools usually in response to circulars from the Department of Education. We would ask the review group to ensure that whatever amendments are made to the act are communicated to schools via a Circular from the Department of Education. This should include specific details for schools regarding what changes they may need to make (salutations/gendered boxes on enrolment forms, description of each parent's relationship to child, policies required to support gender diverse or transitioning students, policies required to support gender diverse or transitioning staff members etc).

To conclude, we would first like to state that we welcomed the original introduction of the the Gender Recognition Act with open arms as an excellent first step towards creating a inclusive society. However, it was just that. A first step. We are now eager to see further steps in this regard and ones that ensure the protection and inclusion of the most vulnerable people in our midst. In summary, we would like to see:

- Inclusion of those under 16 within the Revised Act
- Explicit recognition of non-binary identities
- Explicit instruction to schools through Circular on how to best comply with the Revised Act (as

recently happened with enactment of the Children First Act)

Members of the group will be available for further discussion should you wish to contact us.

Kind regards,

Cecelia Gavigan, Chairperson
INTO LGBT Teachers' Group

Sub074

Gender Recognition Review Submission

Mx **NAME REMOVED**

Arrangements for persons who identify as neither male nor female (e.g. non-binary)

As a non-binary person, it is very important to me that a third category for gender is made available on birth certificates and other documentation.

I realised I was non-binary at 16, in 2010, and since then I have been trying to explain my identity and simplify it for those around me. I identify as a non-binary transmasculine person and I use a mixture of they and he pronouns, depending on the situation. Being non-binary and transmasculine means to me that I identify on a spectrum of masculinity but that I do not identify as a man. I have never felt connected or comfortable with being referred to as a man, and I definitely do not identify as a woman.

Non-Binary identities have existed for thousands of years in many different parts of the world, such as the Hijra in India and the Two-Spirit people in the First Nations peoples of America. Today, in Ireland we also have multiple terms to describe ourselves but we are no less valid because of that. I ask the Review Group to take the time to talk to non-binary people, to ask us about our experiences and try to meet our needs. We are not a homogenous group, but we are a group with one simple wish – to be granted existence.

I applied for gender recognition in 2015. I was granted a gender recognition certificate with male on it. However, I knew at the time that I was only applying for a certificate that said male because I would no longer be female in the eyes of the state. I am fed up of lying by omission, I want to be able to speak openly about my identity and for it to be recognised. Currently, I feel like I am unable to be honest on forms and on documentation as my identity displayed does not reflect the one I hold.

I ask the Review Group to recommend to the Minister that non-binary people be included in the full scope of the Gender Recognition Act. I want to have my identity written on my birth certificate, I want to have my identity marked on my passport with an X, and attached to my PPS number. I want to be able to navigate Irish society with my identity embraced and my needs met in light of that.

I ask the Irish government to enshrine in our laws the right to gender identity. Please allow the non-binary community to have recognition for the identities we hold. Currently we are circles being told to pick from either a square or a triangular hole, neither of which fit.

Sub075

NAME and ADDRESS REMOVED

Co. Cork.
05/02/2018.

Gender Recognition Act (2015) Review Submission

Arrangements for children aged 16/17 years:

The current legislation for minors aged 16/17 years is insufficient. Those in care situations, or with unsupportive parents, may have difficulty with the current requirements for them to self-declare their gender. Being unable to do so can be greatly distressing, and may mean certain important documents, such as for those sitting the Leaving Certificate, cannot be changed to match the person's identity, and changing past documentation when they turn 18 may be very difficult, if even possible. I believe it should be recommended that self-determination is accessible to all 16/17 year olds, regardless of such circumstances. A possible system may be that of Malta's self-determination for youth.

Arrangements for children under 16 years:

Current legislation allows no route for under 16 year olds to self-determine in any capacity. As there are many transgender youth in Ireland, and many who realise their identity at a young age, this can be quite distressing. Adolescents are also at great risk of bullying by their peers for their identity, and so being forced by the state to continue schooling etc. as the incorrect gender is not acceptable. While it is understandable that many are concerned about young people making such serious legal changes, a "confirmation" stage at 18 years could be implemented, so that youth may identify correctly, and then choose to re-affirm their gender, or not, as legal adults. This way, the legal change is not binding until the transgender individual confirms it as an adult, but they are allowed the freedom as youth to self-determine, and to live their childhood less restricted by the gender they were assigned at birth. This will benefit the mental health and experiences of Ireland's gender non-conforming youth and transgender adolescents greatly.

Arrangements for persons who identify as neither male nor female (eg: non-binary):

Current legislation needs amendment in relation to the legal recognition of non-binary gender identities. Only recognising male and female identities is discriminatory to non-binary people, and discredits their existence in society. An additional option should be made available to all potential applicants, so that non-binary people may accurately report their identity. Several countries have non-binary markers, often using X or NB. This pathway should also be available to any people who already received a Gender Recognition Certificate under the binary system, but wish to avail of the non-binary marker once it becomes an option.

Arrangements for intersex people:

While many intersex people may not wish to display their medical status on legal documentation, there should be better pathways for intersex people to self-determine their gender than are currently in place. This issue emphasises the importance of previous topics, as intersex people may confront their gender at an earlier age due to their circumstance, and many would benefit from an unspecified or non-binary marker. In an Australian study on intersex individuals, 19% of intersex participants identified as X/Other, with 7% unsure as to their gender identity [1]. This demonstrates that the binary system in law disproportionately affects intersex people, and alternate pathways must be made available to them. Legal recognition for intersex people as a natural variation of human biology may also help validate them in wider society, and may be a

first step to legal protection from unnecessary medical intervention, conducted to make them better fit binary gender constructions.

Any other relevant issues:

Communication of Information- When an individual is granted a Gender Recognition Certificate, many branches of the government must be informed individually as you avail of their services, such as the Passport Office, and the HSE. This is inefficient and taxing on the individual. A centralized system, which one could inform of a gender change, and have their details changed accordingly, would greatly simplify issues such as renewing your passport, or accessing medical care. These examples are particularly important, as identification documents such as passports and Public Services Cards must be replaced after receiving a Gender Recognition Certificate, and healthcare must be easily accessible, especially as some transgender people receive medical care for gender dysphoria.

Regards,

NAME REMOVED

[1] Intersex: Stories and Statistics from Australia- Jones, Hart, Lucke.

Sub076

A chairde

A short note to express my strong support for the GRA and its operation to date - my aunt was able to apply from the UK for a certificate and then passport with minimal stress- a remarkable development after too long.

One minor issue was with the instructions around applying for a passport from abroad- I clarified with client identity services that they would accept a UK deed poll on my aunt's name change, but the procedures were not clear in online instructions.

For what it's worth, welfare, dfa and other officials could not have been more helpful and supportive. That matters.

Best

NAME and ADDRESS REMOVED

Sub077

To whom it may concern,

The Gender Recognition Act is a progressive piece of legislation, and has provided hundreds of Irish transgender people with the recognition they require. I hope that the review of the Act results in recognition for those who are currently excluded, and that it reduces the barriers to recognition for all who need it.

Arrangements for children aged 16 to 17 years

Currently the process for obtaining gender recognition for 16 to 17 year olds is unnecessarily complicated. The majority of transgender people know they are trans by 16, and increasingly many trans people are out and wish to transition socially by 16. This is complicated by the difficulty of legally transitioning before the age of 18, and leads to distress for many.

The current process to have one's gender legally recognised when aged 16 to 17 is inappropriate, and children aged 16 to 17 should be treated the same as those 18 and over in regards to gender recognition.

Arrangements for children aged under 16 years

The lack of legal gender recognition for children under 16 does, as with 16 and 17 year-olds, significantly negatively impact those peoples' wellbeing, notably their experiences in the education and healthcare systems.

Transgender people under the age of 16 should have the option to self-declare their gender, with the consent of one of the following:

- One parent or guardian
- One relevant medical practitioner (GP, psychiatrist, endocrinologist, pediatrician etc)
- One social worker

It is impractical to require the consent of both parents for a child's gender to be legally recognised, as in many cases only one parent is in the child's life. The consent of a medical practitioner should not be required, however should be an option in cases where the parent(s)/guardian(s) do not consent.

There should be no lower age limit for legal gender recognition.

Arrangements for persons who identify as neither male nor female (e.g. non-binary)

The lack of gender recognition for persons who identify as neither male nor female not only impacts their lives as individuals, but also society's willingness to accept the reality that they exist. Legal recognition for persons who identify as neither male nor female would be a huge step forward in the journey to full social inclusion for those people.

The honorific 'Mx' should be a standard option for those who do not wish to use 'Mr', 'Ms', or similar gendered honorifics.

The gender markers available for legal documents and identification (for example birth certs and passports) in Ireland should include, as well as Male (M) and Female (F), Non-Binary (NB), and Other/Unspecified (X). In the case of an individual who has chosen 'X', the option to specify what 'X' represents in their case should be available, however they should also have the option to be listed as Other/Unspecified.

Other legislation will need to be changed to ensure the inclusion, and, where applicable, protection of those who are legally recognised as 'NB' or 'X'. An individual who is legally recognised as 'NB' or 'X' may face exclusion based on their gender if provisions are not made. Laws which are designed to protect women and promote their inclusion in society, politics etc should be extended to those who are legally recognised as 'NB' or 'X'.

Arrangements for intersex people

Intersex people should, as well as non-intersex people, have the right to be recognised as Male, Female, Non-Binary, or Other/Unspecified, and to change which gender they are legally recognised as if they wish. They also should not be denied access to legal gender recognition based on age.

There needs to be an immediate ban on cosmetic “normalising” surgeries, and other unnecessary medical intervention, on intersex young people. Intersex people are not currently protected in the Equal Status Act and I ask that this be rectified. I am aware this is outside the scope of this review, however, I feel it must be mentioned as a matter of urgency.

Any other relevant issues, including issues relating to the operation of the current legislative provisions

A number of issues with legal transition in Ireland have come to light since the implementation of the Act. Again, I am aware that some of these issues are not directly related to the Act, however if the Review is to have a meaningful effect for many trans people these issues must be considered.

Vitality, the cost of legal transition must be reduced. The Gender Recognition Cert, Deed Poll, and new documentation (birth cert, passport etc) are all costly, and this prevents access to legal transition for many people. Trans people often suffer significant financial constraints before even considering legal transition, due to the monetary cost of medical and social transition. This must be taken into account.

Clear guidelines as to what will suffice as proof of use & repute for change of name by Deed Poll must be provided, as many have experienced inconsistency in this area.

New documentation issued to trans people after legal transition must be indistinguishable from original documentation. For example, amended Birth Certs do not include a barcode as original Birth Certs do, which has led to false accusations of forgery against a number of trans people.

The ability to access information on trans peoples’ former identities must be restricted. There are very few cases in which it is necessary for trans peoples’ previous names and previous legal genders to be made available to officials, administrators, medical professionals etc. However they currently do regularly have access to this information, which can lead to uncomfortable and upsetting experiences for trans people. Upon obtaining legal gender recognition, trans people should have the option to update their information on all departments’ databases, and prevent those professionals from accessing their old information unless absolutely necessary.

Similarly, many would question the need for a public Deed Poll Register and the Register of Gender Recognition. The public availability of this information can, and does, pose a threat to trans peoples’ safety and wellbeing.

While this information should not be publicly available, trans people should have a universally recognised way to prove the connection between their current and former identities should they require it. Specific issues with regards to career development, savings accounts, claiming pensions etc have been highlighted as a result of trans people being unable to prove that they are who they claim to be.

Finally, there should be no restriction on the number of times an individual can change the gender they are legally recognised as. For many, identity and the way in which they describe their identity can change over a lifetime, and many would find it difficult to choose what they wish to be recognised as if they do not have the option to change it again. This is particularly important for

children and young people. Some may also have to change the gender they are legally recognised as for safety reasons, and this should not be prevented.

Thank you for taking the time to review this submission. I hope that you consider the issues raised above.

Sincerely,

Sub078

USI submission – see attached .pdf “Sub078”

Sub079

Dear Chair,

I am contacting you today as President of IT Carlow Students' Union to ask you to endorse the recommendations made by the USI and BelongTo in their submissions.

As the main spokesperson for the 7,500 students of IT Carlow, it would be remiss of me to allow this opportunity pass without putting forward our request. IT Carlow Students' Union is a member organisation of USI, and we very much support their submission.

If required, I can be contacted at the numbers below for further consultation.

Kind regards,

Lorna Fitzpatrick

Sub080

Dear Chair, Moninne Griffith,

My name is Roisin O'Donovan and I'm the Vice President for Welfare for the DIT Students' Union and we are members of the Union Of Students in Ireland.

Our institution represents over 20,000 students.

We would like to support the recommendations made by the USI and BelongTo in their submission to the Gender Recognition Act (2015).

I'm available for further consultation if needs be.

Thank you for taking the time to read this email.

Roisin O'Donovan

Sub081

Gender Recognition Act Review

Children have rights too.

It is commendable that we are reviewing the Gender Recognition Act (GRA). It would be a failing by us as a society if we simply 'tweak' the act in respect of those aged 18+, and aged 16-18. The act is silent in respect of those under age 16. In legislative terms that confers no positive rights, in fact it is an absence of rights, on those under age 16. Yet we undoubtedly all agree that children have rights too.

Love is love, equality is equality, and ageism or paternalism should be viewed with a dubious eye. Human Rights are a matter of law and of fact, not of opinion.

In health and education, as examples, provisions are made to allow for the rights of children to be managed by way of the best interests of the child. Professionals engage with their parent/s/guardian by way of 'consents' - conferring positive rights on children. And that is precisely what the GRA should do. It should be no more or less complicated by virtue of age - therefore the rights of children under age 16 should be provided for.

To quote from the below "For some children expressing gender-expansiveness may be a phase: for others, it is not. Only time will tell. We suggest using the concept of insistence, consistence, and persistence to help to determine is a child is truly gender expansive or transgender" .

For many adults guidance and support is required by and for them, in order for them to in turn support the child. The GRA can provide such guidance and supports, with the appropriate roles for professionals and parents/guardians.

<https://www.genderspectrum.org/explore-topics/parenting-and-family>

I have experienced second hand the practical difficulties that this gives rise to for my 9 year old son. He was assigned as gender female at birth. Since he could first speak (and for the doubters among you that was long before anyone he had contact with knew what transgender was, never mind influenced him) he sought to correct us all and advise us that he is gender male. 2 years ago at his behest and with the support, rather than encouragement, of the adults around him (thankfully including his parents, wider family, friends, neighbours, teachers, careers and clinicians) he socially transitioned and lives in his preferred gender, male. He says he is living as his 'real self'. His authenticity, his integrity, is inspiring. As his mum I am inspired to walk with him, and to ask that others pave a way for him to do so.

What can we/have we done to support him -

Deedpoll name change, passport application, links with dept of social protection, HSE for hospital care and for a renewed birth certificate.

Yet, there are limitations in the absence of the protections and rights conferred by the GRA.

- He is 'Miss' on all official state documents as the IT system can't be altered without reference to the GRA.

- His passport notes gender female. It gives rise to anxiety going through customs and passport control when traveling.

- form filling for all club/sport activities and camps require us to give a detailed rather than specific response.

- lack of clear professional direction and supports for his teachers, coaches, clinicians. They each have to rely on their professional code of practice and personal moral compass to assign his

preferred gender in their dealings with him. Support and guidance to them all, in line with that available for those 16+ would be most welcome.

My son and others under age 18 don't have the right to vote, and often have a limited voice to influence government or public policy direction or strategy. Please hear me on his behalf. Let the lawyers and legislative drafters do what needs to be done, let you as public policy makers direct them to do the right thing - Children's rights are equal rights.

I would be delighted to meet with the review group, and if appropriate for my son to attend also.

Sub082

Dear Chair,

I am the Welfare & Equality Officer for IADT Students' Union and am writing to you with regards to the Review of the Gender Recognition Act (2015).

IADT Students' Union is a proud member of the Union of Students' in Ireland and have been directly involved in the development of their submission to the review group.

We represent over 2500 students, many of whom identify as trans or non-binary.

Many of those students face daily difficulties in society simply for expressing who they are.

We would like to endorse the recommendations made to the review by USI and BeLonG To as we feel they are well presented and representative of the difficulties many of our members face.

We believe that people of all ages and gender identities should be able to access gender recognition and to be seen as who they are by the state.

We strongly support USI's recommendations with regards to Third Level Education as so many of our students struggle to navigate changing personal details in this system and difficulty accessing services they need as a result.

Something we feel gives both the BeLonG To and USI submissions strength is how personal they are, through both testimonials from students and working groups with young people in Individuality.

From a personal perspective, as someone who gained so much support from BeLonG To as a young trans person, I know the work they do in helping a person feel valued, recognised, and celebrated is invaluable.

It is absolutely heartbreaking to me that young trans and non-binary people cannot be legally recognised as who they are and as a result cannot feel that support from their schools, sports teams, etc.

That they should feel othered or punished for simply being who they are in a society that makes it so difficult is heartbreaking, and that our current legislation and systems makes them invisible, cannot continue.

I hope you will consider our endorsement of the two submissions mentioned above and I look forward to seeing what I'm sure will be even more inclusive and progressive legislation following the review.

If you require any further information, please do not hesitate to get in touch.

Thank you for your time.

Andrew Martin

Sub083

Chair Moninne Griffith,

I am mailing you today on behalf of 8 and a half thousand WIT Students' to state that we endorse the recommendations of USI in the below submission.

Thank you for taking the time to read this.

Michael Murphy
WIT Students Union

Sub084

LGBT Ireland submission – see attached .pdf “Sub084”

Sub085

Children’s Rights Alliance submission – see attached .pdf “Sub085”

Sub086

To whom it may concern,

Cairdeas Clubhouse is a mental health day service and we are part of the HSE-EVE network. Please see attached leaflet describing our services.

We have established contacts with TENI and the Trans Greystones group, a couple of whose members are also Cairdeas Clubhouse members.

We feel it important for us to make a submission on the Gender Recognition Act. I think this is a good opportunity to seek clarity on arrangements to be made by state bodies, particularly under the headings C and D, and apply them as best practice in our services.

The areas we feel are important for all services:

Bathrooms and signage in HSE locations to reflect and accommodate non-binary/ trans members.

Trans-friendly sticker or poster message in reception area.

Inclusion of Mx in all application forms.

A trans-friendly statement to be included in all official documentation of the service, such as Service Plans, strategy documents etc.

NAME REMOVED from Trans Greystones also made the following point to me in an email:

I think a submission from Cairdeas would be hugely impactful because of our HSE status. I believe the 3 points you have raised are sufficient, possibly backed up by the narrative of trying to

- 1. meet the needs of existing trans members and*
- 2. encourage trans people to feel welcomed and valued by the clubhouse community*

I think you have recognised that a person who is trans and also has a mental health difficulty may find it much more difficult to connect with a service like Clubhouse.. if there are barriers like use of binary gender markers and bathrooms or simple misgendering/lack of training will mean that trans people do not feel comfortable enough to stay to benefit from Clubhouse (model of service).

Regards,

Ronan Mulhern (Cairdeas Manager)

See also attached .pdf “Sub086”

Sub087

Submission on Gender Recognition Act 2015

by Helen Concannon, Chief Commissioner, Irish Girl Guides on behalf of Irish Girl Guides

The Irish Girl Guides wishes to make a submission in relation to: a) Arrangements for children aged 16 to 17 years and b) Arrangements for children aged under 16 years.

Irish Girl Guides has approximately 12,000 members. Guiding started in Ireland in 1911 and operates throughout the 26 counties with 1,800 volunteer leaders providing an informal educational programme of fun and challenging activities that foster confidence and leadership skills in girls and young women, enabling them to develop to their full potential and to become responsible citizens.

In June 2017, Irish Girl Guides confirmed membership is based on gender identity and IGG remains a space for all who live as girls and women, regardless of the sex they were assigned at birth. Irish Girl Guides’ Equality and Inclusion Policy states that “IGG respects and values the diversity of its members and of society. As an organisation we believe in being fair, open and inclusive, while still being committed to the concept of a girl-only organisation. IGG believes that valuing and managing diversity is about recognising and appreciating individual needs and differences and treating everyone with dignity and respect.”

Irish Girl Guides’ Membership Policy states that “membership is voluntary and open to all who live their lives as female and accept the Guide Law and Promise”.

The Equality and Equal Status Acts 1998 – 2004 provide guidance on how all people should be treated fairly and not discriminated against.

The Gender Recognition Act 2015 provides a process enabling transgender people to achieve full legal recognition of their preferred gender and allows for the acquisition of a new birth certificate that reflects this change. It allows all individuals over the age of 18 to self-declare their own gender

identity. Young people aged 16-17 can also apply to be legally recognised, though the process is more onerous.

In relation to transgender, Irish Girl Guides is seeking to become fully inclusive and accept any person who lives their life as female. This means people who may be born as male but are living their life as a girl or woman. There are no figures available in Ireland but in the UK, they believe about 1% of people are transgender, often referred to as being trans. A trans person is someone who feels that the sex they were assigned at birth does not match or sit easily with their sense of their own gender. Trans people include:

- those who were assigned male at birth whose gender is female are trans women or trans girls if under 18 years
- those who were assigned female at birth whose gender is male are trans men or trans boys if under 18 years
- those who do not identify as male or female are non-binary people.

Children as young as 5 years old can be aware of their gender identity though this awareness often comes to the fore as teenagers and adults.

In the spirit of the Act, the Irish Girl Guides decided in June 2017, membership is based on gender identity and IGG remains a space for all who live as girls and women, regardless of the sex they were assigned at birth. We would urge the Review Group to find a mechanism to allow children to live their lives as the gender they identify. We do not think a rigid structure is needed. I attach a copy of the Irish Girl Guides 'Guidelines for the Inclusion of Transgender Members' for your reference. These Guidelines aim to help Leaders, staff and volunteers to ensure they do not discriminate, intentionally or otherwise, against potential or current members of IGG. We would hope similar mechanisms can be developed to ensure children can participate in schools and other places without having to hide their identity.

Yours sincerely,
Helen Concannon

See also attached .pdf "Sub087"

END