



# Gender Rebels Cork

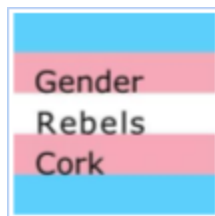
Gender Recognition Act (2015) Review

Submission | 5th February 2018

# Gender Recognition Act (2015) Review Submission

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### About Gender Rebels Cork

Gender Rebels Cork is a group based in Cork City which advocates and supports all transgender, non-binary, intersex and gender non-conforming individuals. This is the group's submission based on the opinions of our members on the Gender Recognition Act (2015), collated by our steering group.

## **Arrangements for children aged 16 to 17 years**

Gender Rebels Cork believes the current provisions for 16 and 17 year olds under the current legislation are insufficient.

Under current legislation, as part of the process for applying for a Gender Recognition Certificate, children aged 16/17 years are required to have an application presented on their behalf through the Family Circuit Court. This requires two forms to be completed, one by the child or young person, the other by their guardian.

This process is significantly more onerous than that of adults who wish to self declare their gender. The current process also makes this self declaration particularly inaccessible to children and young persons in care settings or those who are not in a supportive family environment.

Gender Rebels Cork would like to see provisions put in place so as to make the application process for a Gender Recognition Certificate, and self determination of gender, for young persons aged 16/17 years more accessible regardless of their background or circumstance.

## **Arrangements for children under 16 years**

Currently there are no legislative pathways in place for those under the age of 16 who wish to self declare their gender.

Being forced by the state to identify with a gender that no longer reflects who you are as a person has the potential to negatively affect a child's mental well being as they grow up.

It is Gender Rebels Cork belief that it is essential a pathway to gender self determination is established for children under 16 years of age, similar to that of young people aged 16/17 years.

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

Under current legislation individuals can apply for a Gender Recognition Certificate, with the current choice being either male or female.

Gender Rebels Cork believes this to be insufficient and discriminatory to those who identify outside of the gender binary and wish to have that reflected in an official capacity.

It is our belief that an additional option for those who identify outside of the gender binary is introduced. These additional options will further enable transgender and non-binary individuals to reflect their gender identity accurately. These options should be available to all potential applicants, including those who have already received a Gender Recognition Certificate as either male or female, but who may wish to avail of a non-binary or non gender specific option.

## **Arrangements for Intersex People**

There are currently no arrangements within current legislation that provide a pathway for people who are intersex to self determine or change their gender.

Due to a lack of understanding in the context of the community, health care and, other services many intersex people face undue ignorance, discrimination and loss of agency over their lives. This lack of a pathway for intersex people to choose for themselves the gender identity that resonates most with them is a prime example of this.

It is therefore Gender Rebels Cork belief that a pathway is introduced that will enable intersex people to self determine their gender, in the same way binary transgender people currently can.

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

I. Reissue of birth certificate

It has been noted that on receiving a new birth certificate, that reflects an individual's correct gender marker, the certificate in question does not contain a serial number that is usually found on most birth certificates.

This can cause an inconvenience to individuals when applying for a passport, driving license or any other form of identification that requires a valid birth certificate, as without a serial number the new birth certificate can be perceived as a forgery.

We would therefore ask that, all reissued birth certificates include a valid serial number.

II. Communication of information across public services

In the vent of successfully applying for and receiving a Gender Recognition Certificate. It is often left down to the individual to get in contact with relevant state services and departments to inform them of this change. This process can be incredibly tedious, time consuming and unnecessary.

We would suggest to counter this that a system is put in place wherein better communication between public departments and services (such as The Department for Social Protection and the HSE) is established insofar as once an individual has officially changed their gender marker that they are only required to inform one specific department of this change and that this is then communicated to other relevant departments or services where required.

III. Reapplication for Gender Recognition Certificate

In the event an individual, for whatever reason, decides to re-apply for a Gender Recognition Certificate (having requested their previous Gender Recognition Certificate be revoked) this should not negatively affect on the individual in question, their ability to apply or their individual application.

IV. Set Standard for gender markers on official identification

In the case of documentation, such as a passport, public services card or drivers license, there should be a set standard in place to reflect the gender of those who identify outside of the gender binary.

We therefore suggest the introduction of provisions such as those in New Zealand, where a third gender marker is introduced for those who identify as either male nor female, and have this reflected in official Irish documentation.

V. Amending or renewing official identification/documentation

When individuals are in the process of socially or medically transitioning it is often the case that official identification/documentation that once accurately reflected them may not do so as effectively.

This can lead to difficulties, especially in the case of photographic identification such as a passport or driver's license, as the individual's appearance may not reflect that of their picture. Oftentimes it proves costly to re apply for such identification.

We therefore suggest that a 12 month provisional period where following the issue of a Gender Recognition Certificate an individual can apply to have such identification corrected at no extra cost to the individual.

## Gender Rebels Cork Steering Committee

*Chairperson*      Jack Fitzgerald

*Secretary*        Niamh O'Reilly

*Public Relations*   Robert O'Sullivan

                         Hollifer Fogarty

                         Katie Browne O'Neill

                         Max Shanahan

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