



Submission on the review of the Gender Recognition Act 2015

Comhairle Náisiúnta na nÓg

National Youth Council of Ireland

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Background

The National Youth Council of Ireland (NYCI) is the representative body for 50 voluntary youth organisations in Ireland. Our member organisations work with and for up to 380,000 young people aged 10 to 24 years in every community in Ireland with the support of 40,000 volunteers and 1,400 paid staff¹. NYCI functions to represent the interests of young people and youth organisations. NYCI's role is recognised in legislation (Youth Work Act) and is represented on the National Economic and Social Council.

Introduction

NYCI welcomes the opportunity to make a submission to the Department of Employment Affairs and Social Protection on the review of the Gender Recognition Act 2015.

NYCI believes this review is a critical opportunity to afford increased rights to and positively impact on the lives of young transgender people in Ireland. Our views on this issue are informed by the work, research and consultation with young people undertaken by our member BeLonG To.

Submission

In relation to the specific headings cited as issues for consideration NYCI proposes the following recommendations:

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

NYCI recommends that:

Gender recognition be extended to young people aged 16-17

- a. Ireland to 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

NYCI recommends:

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.

- a. 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 those situations when parents/guardians do not give consent NYCI recommends that Ireland follow the example of Malta and allow a young person under 16 years to apply for gender recognition even if

¹ Assessment of the Economic Value of Youth Work, Indecon Economic Consultants, NYCI, 2012
http://www.youth.ie/sites/youth.ie/files/Economic_Benefit_Youthwork_2012.pdf

their parents/guardian do not give consent. To ensure the necessary support and to address any child protection issues NYCI recommends that Trans and non-binary young people have access to a skilled and knowledgeable service to support them in addressing family difficulties related to gender recognition.

- b. NYCI recommends that support services be made available to those under 16 year old identifying as transgender through dedicated youth organisations. NYCI also recommends that Tusla and other relevant statutory services be upskilled around addressing family difficulties and supporting young people under 16 years that do not have the consent of their parents to apply for gender recognition. NYCI recommends that Tusla develop a dedicated unit to provide support to young people regarding gender recognition. NYCI recommends that Tusla would partner with relevant youth organisations to facilitate the development of specialised expertise and to enable training of Tusla staff and staff of other statutory services.

3. Non-Binary Young People:

NYCI 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.

- a. 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

NYCI recommends that:

As part of the review of the Gender Recognition Act 2015, the Government initiate a Working Group focussed on examining human rights violations that may be experienced by intersex children and young people in Ireland².

5. Any other relevant issues including current legislative provisions

NYCI recommends that

1. Ireland 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.

² NYCI 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

2. NYCI recommends that all other government identity documents be changed in line with the revisions to the Gender Identity Act.
3. NYCI recommends that all Government departments, especially Education and Health, develop policies to ensure the full implementation of the revisions to the Gender Identity Act.
4. NYCI recommends that the Gender Identity Act (and other Government identity documents) be financially accessible to all.