



Transgender  
Equality  
Network  
Ireland

# Legislating for Gender Recognition In Ireland

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*[www.teni.ie](http://www.teni.ie)*



## Irish Context

- Ireland is the only country in the European Union that does not provide legal recognition for transgender people.
- This is despite the fact that in 2007, the High Court held that Dr Lydia Foy's rights under the European Convention on Human Rights (ECHR) had been violated by the refusal to supply her with a new birth certificate.
- Dr Lydia Foy first asked for her birth certificate in 1993.



## Private Members' Bill

1. Deputy Aengus Ó Snodaigh's published 'Gender Recognition Bill 2013' (Private Members' Bill) in May.
2. Senator Katherine Zappone published 'Legal Recognition of Gender Bill 2013' (Private Members' Bill) in June.





## Government Heads of Bill

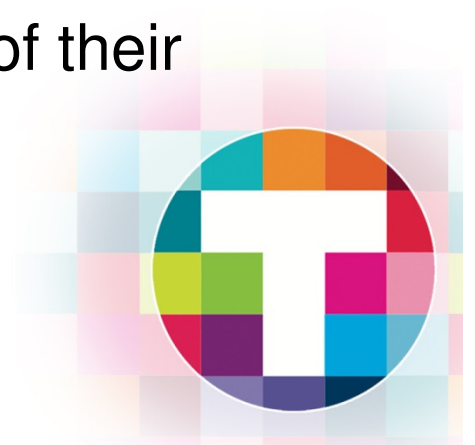
- In June 2014, the Minister for Social Protection, Joan Burton, published a Revised General Scheme of the Gender Recognition Bill.
- We expect the bill to be published before December.
- Important step forward but still many serious problems:
  - Recognition for young people
  - Single criteria ('Forced divorce')
  - Physician's letter





# Gender Recognition for Young People

- The age of recognition has been lowered to include 16 & 17 year olds.
- However, the process being proposed is onerous and time consuming. Needs: parental support, 2 letters from physicians & court order.
- This criteria also fails to acknowledge the existence of trans and intersex youth under 16 and the high levels of prejudice which they may encounter because of their gender.





## Forced Divorce

- Only people who are single will be eligible to apply for gender recognition.
- This means that happily married couples will have to get divorced before being recognised.
- This legislation will interfere with the civil rights not only of the trans person but also the rights of their spouse and children: leaving committed spouses without legal status and depriving children of formal recognition of their families.





## Physician's Letter

- TENI recommends that each person's self-defined gender identity should be fully respected and legally recognised by the State, and that the physician's letter requirement be removed.
- In 2014, Denmark became the first European country to introduce gender recognition legislation that had no requirement for a physician's statement, diagnosis or any other medical intervention.
- This solves many practical issues that are compounded by linking transgender identities with medical interventions.





# Overview

We expect the gender recognition bill to be published before Christmas

While this is welcome, the three main areas of concern are:

Age of recognition

Forced Divorce

Physician's Letter

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**Thank You**

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