



**SUBMISSION  
TO THE REVIEW OF  
THE GENDER RECOGNITION  
ACT (2015)**



**Union of Students in Ireland**  
*Aontas na Mac Léinn in Éirinn*

## The Union of Students in Ireland: Overview

The Union of Students in Ireland is the national organisation which represents 374,000 students attending third level institutions across the Island of Ireland.

The USI runs an annual 'Pink Training', which was established in 1992 and has since expanded to a three day residential training event for over 300 students. This year, modules specific to non-binary and trans students included:

- Trans Feminism
- Trans 101
- Being a Trans Ally
- Trans & Non-Binary sexual health
- Dating as a Trans Person
- Trans Rights - Next Steps
- Non-Binary 101 Ally Workshop
- Gender Expression
- A-dressing the body: Gender, Dress Codes and the Community

Safe 'reflection' style spaces were offered for a spectrum of sexualities, as well as Trans, Non-Binary & Genderqueer.

Apart from running Pink Training, USI has received a GALA in November 2017 for LGBTI+ student activism, and is at the forefront of calls for improvement to LGBTI+ rights, services, supports and public education/awareness.

The Vice President for Equality & Citizenship of USI sits on the steering committee for the National LGBTI+ Youth Strategy, which began it's work in 2017.

The following submission was prepared by consulting with students and asking for their personal submissions and the affect gender recognition legislation has on them. We have a picked out a number of personal testimonies for inclusion below with their permission.

We would like to endorse the submissions made to the committee to date made by **BelongTo & ShoutOut**.

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# 1. Third Level Education

**Name-Changes:** USI recommends a system-wide agreement from CAO level upwards, regarding the facilitation of name-changes as well as the inclusion of non-binary identities.

**Working Group:** USI recommends that the HEA (Higher Education Authority) sets up a working group with the USI, THEA (Technological Higher Education Association), the IUA (Irish Universities Association) and the Department of Education to identify a robust and agreed system-level framework, so that applications for name-changes while the student is attending their third level institution is met with a consistent response regardless of institution, rather than a case-by-case, ad-hoc, and discretionary reaction that often depends on the staff member the student speaks to.

It is regularly pitted by institutions that it is the lack of clear law in this area that inhibits them from addressing a name change.

**Retrospective change:** USI recommends that state documents like the CAO have the capacity for retrospective change, particularly if they are ones which will be likely required for use again. For instance, a student who is a current third level student, and has received their gender recognition after they did their leaving cert, may not be able to engage with their leaving cert results presently or in future as they are tied permanently with the name and gender that the student legally was at the time of sitting the state examinations.

Accessing gender recognition doesn't have an easy process of changing name and gender on other documentation or databases, but can actually make it more difficult and make one feel more exposed due to miscommunication and a lack of education in administration. There is no straight forward process of how to do so, the systems themselves do not always allow for that information to be changed, and it is not always clear who has access to the previous information. I've found this particularly difficult in dealing with the revenue, healthcare, and the education system.

There seems to be no set way in which to change records completely and they are very restrictive as a binary system. I cannot use previous examination results if I need them, cannot access healthcare without experiencing uncomfortable questions relating to my gender/name, and constantly need to explain myself to different departments that require a PPS number as there is no communication between them.

There needs to be an easy process to change names and gender on college rolls, identification, results, degrees, correspondence, etc. I would often fear who has access to my previous information which causes extreme discomfort and extra stress which makes it hard to focus on study.

Andrew, Dublin, 24

"As a trans person in Ireland right now, still financially reliant on my non-accepting parents means that my access to getting my name changed by deed poll is currently is little to none, as any income from my past work is spent on college materials. This puts a longer wait on my process to getting a GRC, as getting a GRC without my name having been changed by deed poll would leave me with non-correlating documents.

This leaves me stuck, and feeling like my gender is being ignored and is not and will not be taken seriously, both for college, and any future work places. This tension makes daily life, especially as an extremely busy student, more difficult for me; I feel like the government is working against me as much as possible. Also, the current difficulties with the lack of education around transgender subjects in colleges, workplaces and especially healthcare, means that even if I were able to obtain a GRC today, I would still fear the confrontation of gender in any areas of my life.

For the parts of me that still struggle with the binary system of male/female also leave me restricted with the two options available on the GRC, as non-binary people receive even less recognition than binary trans people. Having changes made to the certificate process, and for me to be able to access the changes I need means the difference of good and bad mental health at all points during my current life.

E.M., Dublin, 22

## 2. Arrangements for children aged 16 to 17 years

**Recognition Process:** 16 and 17 year olds should have access to gender recognition certificates through the same process as those who are over 18. They should be able to independently determine and receive their gender recognition, without parents or guardians.

**Medical Diagnosis:** The requirement for medical opinion/diagnosis for under 18s presently implies that being trans is a medical condition, and not something a young person can know for themselves. This is incredibly damaging on a young person's mental health and often results in unnecessary stress.

**Barriers:** Waiting lists of up to 18 months and financial strain is a significant source of difficulty for the majority of young trans people who seek out treatment or support, and acts as a barrier for many to any progress.

**Consent:** The requirement for parental consent of two parents is not appropriate in 21st century Ireland, and simply doesn't represent single parent families. Where one parent refuses to engage with the young person's gender identity, it can become seriously contentious within families and leads to severe breakdowns in family relationships.

**Family Court:** Having to apply through the family court is an intimidating and stressful experience for a young person and this process requires reviewing.

"The current standing of the Gender Recognition Act, with its ambiguity of translation into sports has left me torn between my identities as a transman and as an athlete. Both are core to my person, and I feel greater work should be put in for sporting bodies to be knowledgeable of the Act, as in my experience I have found very few male teams that are accepting of a transman even when he is legally recognized as male.

I also strongly believe a revision should be made to acknowledge those under 18 who are trans, and to recognize all people who identify with non-binary genders (and therefore should be able to have more than just male/female options"

**Michael, 22, DCU**

### 3. Arrangements for children aged under 16 years

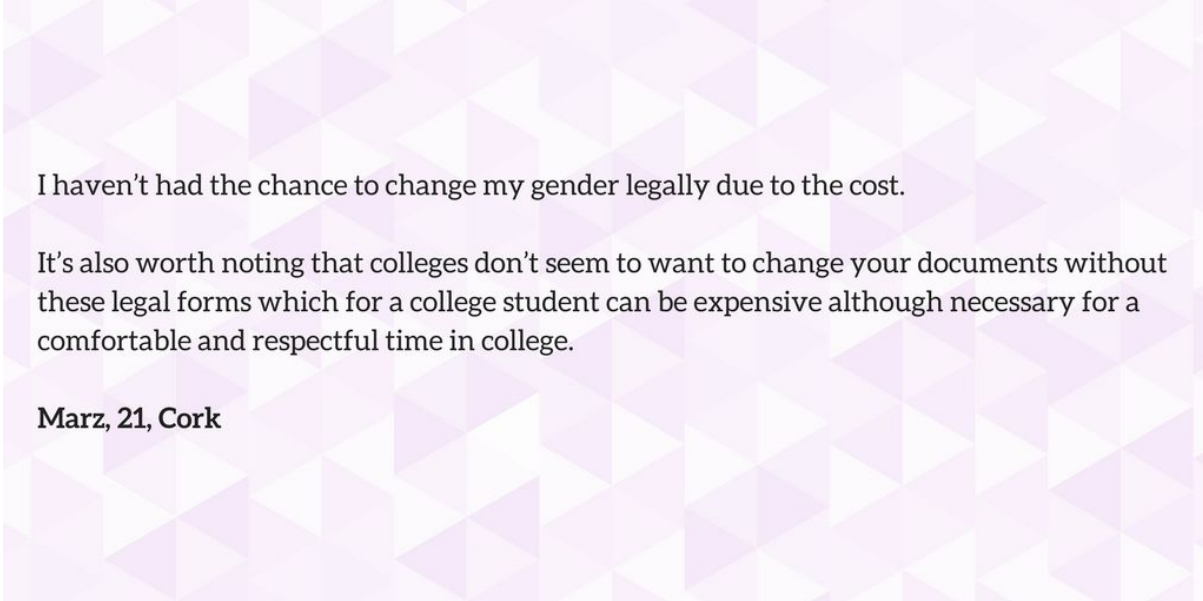
**Recognition Access:** Young people under 16 years currently have no access to gender recognition. Gender recognition should be accessible to everyone.

To not have it so, suggests to young people that they must be adults to be able to know who they are and to be able to access the supports they need. Not having access to recognition for transgender and non-binary young people restricts their ability to access school as who they are, their access to playing on sports teams, wear a uniform they are comfortable in, have a passport stating their gender allowing them to travel without fear of having to come out, and overall can have a negative impact on their mental health.

**Consent:** Young people under 16 should be able to make an application with parental consent, which they would commonly have if applying at this age. In the instance a young person does not have the support of a parent or guardian, the state should be able to intervene in the best interests of the child, or direct them to a support agency who will assist them.

**Medical Assessment:** Those under 16 years should be able to access gender recognition without the need for medical assessment, as this causes unnecessary stress to the child.





I haven't had the chance to change my gender legally due to the cost.

It's also worth noting that colleges don't seem to want to change your documents without these legal forms which for a college student can be expensive although necessary for a comfortable and respectful time in college.

Marz, 21, Cork

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

**Recognition:** Non-binary people are not currently recognised by the state - this is outrageous. USI 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.

**Gendered Language:** USI recommends that gendered language within the act and words that relate to a binary system should be removed from the act (eg. 'opposite gender')

**Documentation:** The gender markers on gender recognition certificates should be more inclusive (eg. M, F, NB, and X or Mx). These gender markers should also be available on other government identification and documentation. If there is not a system wide recognition, non-binary young people are regularly outed through different interactions with the state and live in fear of being outed.

The Gender Recognition Act has affected me as an intersex person primarily because it leaves us out in the cold. Doctors were forced to place me into one box (female) or the other (male) as soon as I was diagnosed, in my case at birth. I was deemed 'close enough' and called female. Now I know that this makes me extremely lucky.

Too many intersex people have invasive and unnecessary surgery because their intersex traits prevent them from being 'close enough' to one of the two available options. A review of the Gender Recognition Act can go a long way toward changing that; it can give parents and doctors options further than male or female for birth certificates and other official documents so that they do not have to pick a box, and it can give protection of sexual characteristics in discrimination legislation which prevents doctors from carrying out these unnecessary surgeries because they have the preconceived notion that an intersex child will be less confused about their gender and happier with the aesthetics of their body if they have genital mutilating surgery.

An Intersex option also gives intersex people the invaluable word that is 'intersex' itself. Intersex is a word I only discovered as an adult and had I know sooner that I was part of large and varied community, rather than being told that my intersex traits mean there is something medically wrong with me, I strongly believe it would have had an enormously positive impact on my mental wellbeing.

Clara, Dublin, 22


## 5. Arrangements for intersex people

**Additional Identifier:** Intersex people should have access to the act so they can be recognised by the state. USI recommends an additional identifier for birth certificates especially, but also passports etc.

[ShoutOut Submission, 2017]: 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.

**“Normalising” surgeries:** USI recommends an immediate and outright ban of “normalising” surgeries on intersex young people. USI supports BelongTo’s call for a Governmental working group to be set up to examine the human rights violations that may be experienced by intersex children and young people in Ireland.

**Equal Status Act:** USI contends that the protection of intersex people is not currently provided in the Equal Status Act. Sexual characteristics should be protected in discrimination legislation. This must be looked at by the committee.



I think Non Binary genders need to be accounted for. It's ridiculous in 2018 that people can't self identify their gender and can't use their identity on passports and other forms of ID.

**Alex, 18, Carlow College**

## **6. Any other relevant issues, including issues relating to the operation of the current legislative provisions:**

**Concern:** If this review of the 2015 act concluded in proposals for legislation to recognise non-binary people, USI notes with concern that there is a possibility that young people who have applied already for gender recognition under 18 may be excluded from re-applying as non-binary, as the system, as currently set up, only allows one successful application of gender recognition.

**Northern Irish Anomaly:** 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. This means that there are transgender people living in Northern Ireland with Irish citizenship unable to avail of gender recognition.

**Deed Poll Process:** Those wishing to change their name must currently apply separately through the deed poll process which is financially inaccessible, in particular if a person doesn't live in Dublin and needs to travel. The name change process should be included within the application process for gender recognition.

**Data Processing & Sharing:** There is a lack of understanding or protocol for how information is to be changed within different systems such as social welfare, revenue, etc.



### **Equal Status Acts:**

USI recommends 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.

### **Government Policies**

USI supports BelongTo in recommending that all government departments, especially Education and Health, develop policies to ensure the full implementation of the revisions to the Gender Identity Act.

### **Financial Barriers**

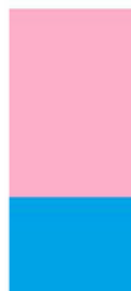
USI supports BelongTo in recommending that the Gender Identity Act (and other Government identity documents) be financially accessible to all.

Why do we need Gender Recognition Reform? To ensure that trans people across Ireland never have to come out in a world that even their government doesn't believe in them. I came out in 2013, a full 2 years before Gender Recognition was enacted. I navigated a mine field of shut doors, mis information and apathy. The Irish state who was supposed to "cherish all the children of the nation equally" simply didn't care about the struggles of trans people for the basic right of recognition.

You can simply never explain to someone what it is like to make such a brave step, to share who you are with the most important people in your life, but to be faced with the uncertainty of ever have that recognised in the place you call home.

We need reform to ensure we empower and cherish our trans community, to ensure they feel the full weight of the Irish government behind them, to feel respected and most importantly to feel they can live their most authentic life.

**Cameron, Sligo, 23**



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