

## **Gender Recognition Act 2015**

### **Background Note**

#### **Current Provisions**

The purpose of the Gender Recognition Act 2015 is to allow a person to legally change gender. For those aged 18 years or over this may be done by applying for a gender recognition certificate on the basis of a statutory declaration to live in their preferred gender for the rest of their life. This means that if the preferred gender is the male gender the person's sex becomes that of a man, and if it is the female gender the person's sex becomes that of a woman. Once a gender recognition certificate is issued, the person's gender becomes the preferred gender for all purposes, including dealings with the State, public bodies and civil and commercial society. The person can, if they wish, obtain a new birth certificate from the General Register Office which shows the preferred gender and new names (if names are also changed) where their birth is registered in Ireland.

The Act provides that a person aged 16 and not yet 18 years old may apply to the Court through a parent, or next friend, for an exemption from the requirement of a minimum age for gender recognition of 18 years. An application to the Court must be accompanied by a certificate from the child's primary treating medical practitioner and also a certificate from an endocrinologist or psychiatrist who has no connection with the child.

There are currently no provisions in legislation for persons under the age of 16 years to legally change gender nor are there any provisions to allow a person to apply to live in a preferred gender other than that of male or female.

#### **Statistics**

Applications for gender recognition certificates are processed by the Client Identity Services division in the Department of Employment Affairs and Social Protection. Since commencement of the Act, in September 2015, to the end of 2016 there have been just under 200 gender recognition certificates issued (see table below).

<b>Year</b>	<b>Applications Granted</b>		
	<b>Age 16/17</b>	<b>Age 18+</b>	<b>Total</b>
<b>2016</b>	6	103	<b>109</b>
<b>2015</b>	2	87	<b>89</b>

Other statistical data and information on the operation of the Act are available in the most recent annual report (covering the year 2016) a copy of which has been forwarded with this note.

## **Review**

In November 2017 Minister Doherty launched a statutory review of the operation of the Gender Recognition Act 2015. The review will assess the operation of the current legislation and will also examine future policy considerations concerning:

- a) *(i) Children aged 16 to 17 years,*  
*(ii) Children aged less than 16 years,*
- b) *Persons who identify as neither male nor female (e.g. non-binary), and*
- c) *Any other issues such as intersex conditions.*

A copy of the full terms of reference is available in the attached appendix. The Review Group is due to report to the Minister by end May 2018.

Further information on gender recognition in Ireland, including the review of the Act, can be accessed at:

[www.welfare.ie/gender](http://www.welfare.ie/gender)

**GRO Policy Unit,  
Department of Employment Affairs and Social Protection.**

**08 February 2018**

## **APPENDIX**

### **Gender Recognition Act 2015**

#### **Review**

##### **Terms of Reference**

1. To report to the Minister for Employment Affairs and Social Protection on the operation of the Gender Recognition Act 2015 since its commencement.
2. To review the current arrangements under the Gender Recognition Act 2015 including, but not confined to, the following:
  - a) (i) Children aged 16 to 17 years,  
(ii) Children aged less than 16 years,
  - b) Persons who identify as neither male nor female (e.g. non-binary), and
  - c) Any other issues such as intersex conditions.
3. To look at the arrangements in other countries.
4. To consult widely with relevant stakeholders, including those who were consulted in the preparation of the Gender Recognition Act 2015 and to report to the Minister on the consultation process.
5. To make any recommendations to the Minister, which arise as a result of the Group's review of the Gender Recognition Act 2015 in relation to the operation of the Act.
6. The report of the review group should be completed and presented to the Minister for Employment Affairs and Social Protection, ideally by end May 2018.

The Minister may request the Chair for periodic updates of the work of the review and these will be provided.

The Secretariat will be provided by the Department of Employment Affairs and Social Protection.