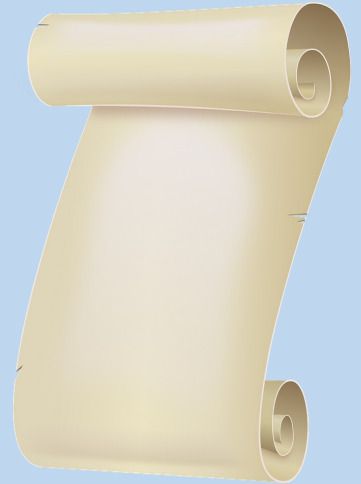


GENDER RECOGNITION — THE FACTS

The Gender Recognition Act 2004 allows an individual to have their change of gender recorded for statutory purposes.

A Gender Recognition Panel, consisting of lawyers and medics, meets once or twice a month to consider applications. These applications must:

- ✓ be from adults aged 18 or over;
- ✓ contain proof that the applicant has lived in their new gender role for at least 2 years;
- ✓ contain a detailed psychiatric report from a designated gender specialist as well as a second medical report from a recognised medical professional;
- ✓ if the applicant is married, include a statutory declaration from the applicant's spouse that they consent to the change of gender, except in Northern Ireland where an applicant must be single.



An applicant does not need to have undergone any surgery or hormone treatment to gain gender recognition.

The Panel never meet the applicant but decide on the basis of the paperwork in front of them. There is no right of appeal.

The sole purpose of a gender recognition certificate is to allow a new birth certificate to be issued with the new gender marker on it. Birth certificates are currently deemed by UK law to be the primary document that identifies the gender of an individual.



Other countries have introduced legislation using different mechanisms:

- ✓ Ireland introduced a system of self-declaration in 2015, where no panel exists and the individual sends in a statutory declaration of change of gender.
- ✓ Malta, Norway and Argentina also have self-declaration systems. Belgium is about to introduce such a system.
- ✓ Several countries, including Denmark, Malta, Australia and India, all allow non-binary (neither male nor female) birth certificates, passports or other official documentation. There is no provision for non-binary people in UK law.

The UK Government has indicated it is looking at moving to a system of self-declaration, and wishes to de-medicalise the process.

Gender recognition is a devolved issue. The Scottish Government has committed to making gender recognition in Scotland in line with international best practice by 2021.

The benefits of gender recognition are limited but important to those who apply.

- ✓ It changes the status of a marriage from a same-sex to opposite-sex marriage (or vice versa) which may affect benefits for spouses.
- ✓ It allows individuals who are old enough to apply for gender-specific pensions. This doesn't apply for those born after 1953.
- ✓ It provides improved privacy of a trans person's gender history.

Gender recognition **does not** affect:

- ✗ which toilets or changing facilities a trans person can legally use. This has already been determined by the Equality Act and case law;
- ✗ which prison a trans person would be committed to. Instructions issued in early 2016 use other forms of identification to determine this;
- ✗ which gender marker is used on your passport, driving licence or medical records. These can be, and are, amended under self-declaration processes;
- ✗ the categorisation of people for sporting purposes. Sports authorities have their own rules.

