



Transgender
Equality
Network
Ireland

Gender Recognition In Ireland

European Standards and Good Practice in Gender
Recognition

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Irish Context

- Dr Lydia Foy first asked for her birth certificate in 1993.
- In 2007, the High Court ruled that the failure to recognise Dr Foy in her female gender and provide her with a new birth certificate was a violation of her rights under the European Convention of Human Rights.



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.



Ó'Snodaigh & Zappone Bills

Ó'Snodaigh Bill

- Under 18 can apply with guardian/parental support or through District Court.
- Self declaration (no medical evidence required).
- Single requirement omitted.

Zappone Bill

- Under 18 can apply with guardian/parental support (some provision for 16+).
- Statutory declaration of 'permanent intention' (no medical evidence).
- Single requirement omitted.





Government Heads of Bill

- Government published draft Heads of Bill in July.
- Important step forward but still many serious problems:
 - Over 18.
 - Statutory declaration + Physician letter.
 - Single criteria ('Forced divorce').

Forced Divorce

- This requirement fails to acknowledge that trans families exist, and fails to offer their marriage the constitutional protection afforded to every other marriage in Ireland.
- The Irish Constitution safeguards the institution of marriage (Art 41.3.1). For divorce to be possible, according to the Constitution a couple must live apart for 4 of 5 years with no reasonable prospect of reconciliation.
- **Yogyakarta Principle No. 319** provides that ‘no status, such as marriage or parenthood, may be invoked as such to prevent the legal recognition of a person’s gender identity’.





The Solution

- In Ireland, it is important to note that the validity of a marriage is determined by reference to the situation that prevailed *at the time of the marriage itself*.
- The marriage was a validly contracted opposite sex heterosexual marriage (at the time) and should continue to be legally valid.





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Change Making

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1. Collaboration

- The Gender Recognition Legal Working Group worked directly with Senator Zappone on the Private Members' Bill.
- This Bill was 'by and for the trans community'.



Zappone Speaks

“A grassroots movement has built up around this issue. There are people up and down the country waiting for this legislation. This delay affects their lives on a daily basis and this is why I have brought forward this Bill.”

“This Bill is in line with international best practice in this area. Current Government proposals are outdated and do not respect the dignity of the person.”

- Senator Zappone, Press Release, July 2, 2013



2. Consensus Building

Uploads from TransgenderEquality by TransgenderEquality





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Consensus Building

- Joint Oireachtas Committee on Education and Social Protection to review Heads of Bill and make recommendations to Minister.
- Key moment of influence.
- Worked with Civil society on Committee submissions.
- Lobbied politicians on the Committee.
- Result = Strong consensus.



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Thank You

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