



Gender Recognition Act 2015

Annual Report for 2022

(Prepared in accordance with section 6 of the Act)

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1. Introduction

This Annual Report is prepared to meet the obligations set out in section 6 of the Gender Recognition Act 2015.

The report provides information on the operation of the processes and procedures set down in the Act. Information on applications made for a gender recognition certificate, applications where an applicant already has recognition in another jurisdiction, applications to revoke a gender recognition certificate by the holder, revocations of gender recognition certificates by the Minister, and correction to a gender recognition certificate.

This is the eight report to be prepared under the Act and covers the period 1st January 2022 to 31st December 2022. Annual reports from previous years are available on the Irish Government website¹.

2. Background

The need to introduce legislation in this area stemmed from a High Court Order in March 2008. The Order declared that certain sections of the Civil Registration Act 2004 were incompatible with the obligations of the State under the European Convention on Human Rights by not providing for a gender recognition process. The Act addresses this by providing that a person's preferred gender is fully recognised by the State for all purposes. This is achieved through the issuing of a gender recognition certificate by the Department of Social Protection. More specifically section 18 of the Act states:

'Where a gender recognition certificate is issued to a person the person's gender shall from the date of that issue become for all purposes the preferred gender so 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.'

Other key effects of the legislation for those wishing to have their gender recognised include:

- The person whose preferred gender is recognised can 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 continuation and recognition of all rights, responsibilities, and consequences of actions by the person in their original gender prior to the date of recognition are unaffected.

¹ <https://www.gov.ie/en/publication/292d01-annual-reports-under-section-6-of-the-gender-recognition-act-2015/>

The principal features of the Act include provisions for:

- A self-declaration model for transgender people aged 18 or over to seek recognition of their gender;
- The use of the term ‘preferred gender’ in the wording of the Act;
- Arrangements for gender recognition for children aged 16 and 17;
- The registration of a person in a Register of Gender Recognition permitting the issue of birth certificates in the preferred name and gender of the person; and
- Alignment of legislation in relation to the issuing of passports and other aspects of citizenship.

3. Legislative amendments

The Act initially provided that an applicant for a gender recognition certificate must be unmarried. This requirement was removed by the Marriage Act 2015. The Government has also approved draft amendments in response to the recommendations of the Review² of the Act published.

4. Eligibility and applications

A person can apply to the Minister for Social Protection for a Gender Recognition Certificate if they are at least 18 years of age and are:

- registered in the register of births in Ireland, OR
- registered in the adopted children register in Ireland, OR
- registered in the register of intercountry adoptions in Ireland, OR
- recorded in a foreign births entry book or in the foreign births register maintained by the Minister for Foreign Affairs and Trade.

Any person born outside the State but ordinarily resident in the State may also apply.

Children

An application can be made on behalf of a child aged 16 or 17 years if a court order is

² <https://www.gov.ie/en/consultation/001721-review-of-the-gender-recognition-act-2015/>

obtained that exempts the child from meeting the age requirement. There is no provision for gender recognition for children aged under 16 years.

Registration of persons granted gender recognition in another jurisdiction

A person who has changed gender under the law of another state can apply to the Minister for a Gender Recognition Certificate.

Applications for a Gender Recognition Certificate

Applications for gender recognition are processed by the Department of Social Protection. Under section 8(3) of the Act, the Minister can decide to issue a gender recognition certificate or refuse to issue a gender recognition certificate. Where a decision is made to refuse an application, the Minister must, under section 8(5), inform the applicant of the reasons for the decision and inform the applicant of their right to appeal to the Circuit Family Court. An appeal must be made within 90 days of the date of notice.

Once the application is processed, a gender recognition certificate is issued within 2-3 working days of the decision to grant being made.

The total number of applications for a gender recognition certificate received by the Department of Social Protection in 2022 was 319. **Table 1** provides information on the number of applications for the years 2015 to the end of 2022.

Table 1 – Applications and outcomes for Gender Recognition Certificates

Year	Applications received in the year			Applications granted in the year [§]			Applications refused		
	Age 16/17	Age 18+	Total	Age 16/17	Age 18+	Total	Age 16/17	Age 18+	Total
2022	3	316	319	3	318	321	Nil	Nil	Nil
2021	1	194	195	1	194	195	Nil	Nil	Nil
2020	1	114	115	1	107	108	Nil	Nil	Nil
2019	2	166	168	1	159	160	Nil	Nil	Nil
2018	2	131	133	2	122	124	Nil	Nil	Nil
2017	3	96	99	2	95	97	Nil	1	1
2016	6	104	110	6	103	109	Nil	Nil	Nil
2015[∞]	2	87	89	2	87	89	Nil	Nil	Nil
Totals	20	1208	1228	18	1185	1203	0	1	1

[§] Applications received in one year may be granted in a subsequent year as applications await decision at the end of any given year.

[∞] 2015: From Commencement of Act on 4 September 2015 to 31 December 2015

An application can be refused if the applicant is not eligible to apply (as provided for section 9 of the Act); or the person's preferred gender is other than male or female which is not covered by the provisions of the Act; or the application is in respect of a person aged 16 or

17 years old and the court exemption required under section 12 has not been provided.

Table 2 - Gender Recognition Certificates granted - Male to Female & Female to Male

Year	Total Awarded	Granted: persons aged over 18			Granted: persons aged 16 & 17		
		Total	Male to Female	Female to Male	Total	Male to Female	Female to Male
2022	321	318	163	155	3	0	3
2021	195	194	90	104	1	0	1
2020	108	107	46	61	1	0	1
2019	160	159	80	79	1	1	0
2018	124	122	57	65	2	0	2
2017	97	95	55	40	2	2	0
2016	109	103	59	44	6	0	6
2015[∞]	89	87	58	29	2	1	1
Totals	1203	1185	608	577	18	4	14

[∞] 2015: From Commencement of Act on 4 September 2015 to 31 December 2015

5. Issue of a new birth certificate

The Gender Recognition Act 2015 amended the Civil Registration Act 2004 by requiring an tArd-Chláraitheoir (the Registrar-General) to establish and maintain a register of gender recognition. When a person has received a gender recognition certificate from the Department of Social Protection, they may apply to the General Register Office to be included in the Register. A birth certificate showing the new gender of the person and reflecting their new name can then be issued based on the information recorded in the Register.

Birth certificates issued from the Register are similar in appearance to certificates issued from the Register of Births and meet all legal requirements with respect to certificates.

Section 30D of the Civil Registration Act provides that an tArd-Chláraitheoir will maintain an index to make traceable the connection between each entry in the Register and the corresponding entry in the Register of Births or the Adopted Children Register. This section of the Act also provides that the index that enables the link between the registers is not open to public inspection, and no information from that index can be given to any person except by order of a court. These provisions are to ensure the privacy of the person concerned.

To further ensure confidentiality, the birth certificates showing the new gender and (if applicable) a person's new name can only be obtained from the General Register Office by the person to whom the birth certificate relates or, if they are deceased, their surviving family

members. **Table 3** outlines the total number of registrations by the General Register Office in the Register of Gender Recognition analysed by age.

A total of 165 registrations were made on the Register of Gender Recognition during 2022. Four were in respect of a person under the age of 18. Overall, more than three-quarters of registrations are in respect of person aged between 18 and 30.

Table 3 - Registrations on the Register of Gender Recognition by age

Year	Age Range						Total
	16-17	18-30	31-40	41-50	51-60	61+	
2015[∞]	1	16	11	12	8	8	56
2016	5	46	9	4	7	6	77
2017	2	37	7	7	3	4	60
2018	2	57	5	6	5	0	75
2019	0	82	8	4	4	4	102
2020	1	55	7	3	3	2	71
2021	0	85	15	6	1	1	108
2022	4	127	21	10	1	2	165
Total	15	505	83	52	32	27	714

[∞] 2015: From Commencement of Act on 4 September 2015 to 31 December 2015

Table 4 provides further analysis of this data by gender for records in the register.

Table 4 –Register of Gender Recognition 2015-2022 by gender and age

Age	Female to Male	% of total	Male to Female	% of total	Total
16 — 17 years	13	87%	2	13%	15
18 years	80	68%	37	32%	117
19 — 20 years	31	28%	81	72%	112
21 — 30 years	130	47%	146	53%	276
31 — 40 years	57	69%	26	31%	83
41 — 50 years	44	85%	8	15%	52
51— 60 years	1	3%	31	97%	32
Aged 61 and over	1	4%	26	96%	27
Total	357	50%	357	50%	714

6. Other provisions of the Act 2015

Non-Irish born residents

Under section 9(1)(b) of the Act a non-Irish born resident of the State may apply for a gender recognition certificate. Of the 321 gender recognition certificates issued in 2022, 71 were to non-Irish born residents of the State. All applicants were aged 18 years or over. A total of 240 gender recognition certificates have been issued under this section since the commencement of the Act.

Recognition in another jurisdiction

Section 11(2) of the Act allows a person who has changed gender in another jurisdiction to apply for a gender recognition certificate. No applications were received under this section during 2022. Since the commencement of the Act a total of 15 certificates have been issued under this provision.

7. Revocations

Under section 14 of the Act the Minister can revoke a gender recognition certificate where information is received that would have led to the refusal of the certificate, had it been received prior to its issue. No gender recognition certificates were revoked by the Minister in 2022 under this section.

Where the holder of a gender recognition certificate wants to revert to their original gender, section 15 of the Act allows them to apply to the Minister to revoke the certificate. During 2022, there were two applications to revoke a gender recognition certificate under this section. There have been five revocations made since the commencement of the Act, all from applicants aged over 18 years.

8. Amendments to gender recognition certificates

Under section 16 of the Act a gender recognition certificate holder can apply to the Minister to have the certificate amended if there is a clerical error or an error of fact in the content of the certificate. There were three (3) applications to amend a Gender Recognition Certificate received during 2022. Only seven (7) corrections have been made since commencement of the Act.

9. Passports and Citizenship

Passports

Section 38 of the Act amends the Passports Act 2008 so that a holder of a gender recognition certificate may apply to the Minister for Foreign Affairs and Trade and request a passport to be issued in the name and gender specified on the gender recognition certificate.

The Department of Foreign Affairs and Trade has issued 215 passports to gender recognition certificate holders during 2022 – 15 of these were issued to individuals aged under 18 years. Since the commencement of the Act, 560 passports have been issued to gender recognition certificate holders, including 26 passports to holders aged under 18 years.

Nationality and Citizenship

In order to allow a person on the foreign birth register to have their preferred gender recognised, section 31 of the Act amended the Irish Nationality and Citizenship Act 1956 to provide for the establishment and maintenance of a register of gender recognition of foreign births by the Department of Foreign Affairs. It was not possible to apply under this provision prior to 1 December 2017 when regulations giving effect to this section came into operation³. No applications were made or granted under this section in 2022. A total of 10 certificates were granted under these provisions since commencement of the Act.

10. Register of gender recognition of intercountry adoptions

Section 33 of the Gender Recognition Act 2015 amended the Adoption Act 2010 to allow the Adoption Authority of Ireland to establish a “register of gender recognition of intercountry adoptions”. No registrations were entered on the register of gender recognition of intercountry adoptions during 2022. A total of six applications were received under this provision since commencement of the Act.

11. Review of the operation of the Act

In line with the provisions of Section 7 of the Act, a review of its operation was completed over the course of 2018 and published with the Minister’s response published in late 2019. The recommendations of the review group are set out in appendix 1.

In November 2019, the Government approved the drafting of legislation that

³ S.I. No. 539/2017 Gender Recognition of Foreign Births Regulations 2017 refers. It is available here: <http://www.irishstatutebook.ie/eli/2017/si/539/made/en/print>

would:

- Simplify the path to legal gender recognition for children aged 16/17 years by introducing an arrangement for self-declaration, with parental consent; a simple revocation process; and by making family mediation support available on a voluntary basis.
- Identify clearly on a gender recognition certificate for 16 and 17 year olds that it is awarded on the basis of self-declaration only (in order to bring greater clarity to the fact that legal gender recognition is separate and distinct from any question of medical intervention).
- Provide that a gender recognition certificate may be used to provide proof of change of name as well as proof of change of gender.
- Provide that Irish citizens born outside the State and living outside the State (including Northern Ireland) would be allowed to apply for a gender recognition certificate.

Arrangements for children under 16 years are more complex and will require very careful consideration. There is a commitment in the Programme for Government to commence research to examine arrangements in other countries for children under 16. The intention of the research is to inform consideration of how the issue might be approached in Ireland by drawing on the experience in other countries. The research is currently underway.

Work on progressing the recommendations was paused due to the Covid-19 pandemic and recommenced in the third quarter of 2021. The following actions were in progress at the end of 2022:

- Work is ongoing on legislation with regard to the recommendation to make changes to the application process for person aged 16 and 17.
- Departments and other public bodies have been requested to take positive steps to improve the position of non-binary people and to assess the impact of making provision for persons who do not identify as either male or female.
- The scoping of research to examine international best practice with respect to the process of gender recognition for children under 16 in other jurisdictions was further progressed with the appointment of researchers to the project.
- Operational changes recommended by the review group which did not require legislative change continue to be implemented or were in the course of being progressed.

June 2023

Appendix 1 – Review Group Recommendations

Recommendation 1:

A system of gender recognition should be introduced for children of any age, subject to the following key principles:

- Parental consent required (with an appropriate legal process to address cases where there is not consent from both parents or it is not possible or safe to obtain same),
- Process would be administrative,
- Straightforward revocation process,
- Third party support for the child and family involved.

Recommendation 2A:

Legal gender recognition should be made available to people who are non-binary.

Recommendation 2B:

As part of cross Government departmental review of proposed legislative amendments an impact assessment may be considered.

Recommendation 2C:

In the immediate term, Government Departments and other public bodies should take any positive steps they can take to improve the position of people who are non-binary.

Recommendation 3:

All measures taken to improve access to gender recognition, both with regard to age and gender identity (either binary or non-binary), should also provide access for intersex individuals.

Recommendation 4:

That the Department of Social Protection, with the General Register Office, introduce a numbering system which looks identical to that used for birth certificates where the information is taken from the birth registers.

This should apply to new certificates and the option of a replacement certificate should be made available to people who already have a certificate with no reference number (and the fee for issuing a replacement waived).

Recommendation 5:

Section 10 of the Act should be used (either as currently enacted or by way of legislative amendment) to enable a legal change of name as part of the gender recognition process.

Recommendation 6A:

That arrangements be put in place to allow Irish citizens born in Northern Ireland and living outside the State, to apply for a gender recognition certificate.

Recommendation 6B:

That the issue of revised birth certificates be raised at official level with UK authorities.

Recommendation 7:

That departments and agencies examine ways of streamlining application processes; improving interconnection between Departments; and reducing costs for replacement of official documents such as birth certificates and passport.

Recommendation 8:

That each relevant Department/Government body examine how administrative processes, once a Gender Recognition Certificate is obtained, can be streamlined while maintaining a person's privacy.

Recommendation 9:

That a review of the Act and any impact assessment in relation to the introduction of legislation to provide legal gender recognition for non-binary people should be completed within five years of commencement of the provisions of any enacted amending legislation arising from this review. That review would cover any new provisions contained in any amending legislation.

Recommendation 10A:

That the Department of Social Protection publish an easy-to-read booklet setting out the steps involved in obtaining a Gender Recognition Certificate and an entry in the register of gender recognition. This should also include advice regarding next steps to be taken, listing other Government departments and State bodies that may need to be contacted to update personal records.

Recommendation 10B:

The group also recommends that a booklet be prepared for Government Departments, other State bodies, and private sector organisations, setting out how the Act applies to them