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A monumental change': how Ireland transformed transgender rights

Since 2015, Ireland has allowed people to change gender by self-declaration. Now Holyrood and Westminster are considering following suit

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[\[Photo\]](#)



Toryn Glavin was 17 when she began to live the life that she wanted to, as a woman. The transgender teenager, still feeling her way in a public female identity, found it easier not to engage with the cumbersome bureaucracy involved in legally changing her documents.

But this had practical consequences. The Dublin-based office administrator and activist explains: "I was once stopped at the airport for two hours because they weren't convinced that I was who I said I was. I didn't apply for any internships at the end of college because I was so worried about not having the right documents."

Two years later, in 2015, transgender rights in Ireland evolved dramatically when the country became one of four legal jurisdictions in the world where people may legally change gender by statutory self-declaration. The gender recognition bill was passed months after the [people of Ireland backed same-sex marriage by a landslide vote in a referendum](#) that marked another significant social shift in a country that had decriminalised homosexuality only two decades before.

At the age of 19, Glavin was able to undertake a simple legal process to declare herself female. “It was a monumental change for me personally,” she says. “It made me feel that I had the right to identify as a woman, especially because nobody else had a say in that or a veto.”

Last November, the Scottish government launched its own plans to introduce more progressive gender recognition legislation to Holyrood. The proposals, which include a self-declaration system based on the Irish model, would remove the current requirements to provide medical evidence of a diagnosis of gender dysphoria and to live in an acquired gender for two years. The Westminster government is expected to bring forward a similar consultation this spring.

There were 277 applications to change gender in Ireland from September 2015, when the legislation came into force, until September 2017. The figures have grown steadily month on month, and activists believe that this gradual increase rather than a sharp spike indicates that people are accessing the facility as they need it along their coming out journey.

According to the legislation, younger people, aged from 16 to 18, still require court approval to change gender, and only nine out of the 277 have fallen into this age group.

Two years on from its introduction, a review of the framework is now being conducted, which is also tasked with considering arrangements for younger teenagers and those of non-binary identity. No quantitative research has been completed on the effects of the legislation but activists report that it has had the significant knock-on effect of a reduction in mental distress.

Among those the Guardian spoke to, there was no evidence of the legislation leading to individuals – in particular teenagers – being pressured to undertake medical transition, or men falsely declaring themselves female in order to invade women-only spaces, as some feminist activists have feared.

Critics of self-declaration have also raised concerns about the impact on the monitoring of sex discrimination and the provision of sex-segregated services, such as refuges or prisons, but, with relatively low numbers of applicants in Ireland, no such conflicts have been initially reported.

It is, says Sara Phillips, chair of Transgender Equality Network Ireland (TENI), foremost a user-friendly system that is easy to navigate. It requires an individual to apply to a specialist government unit, to complete a simple application form and then to sign a statutory declaration before a legal official that they understand the consequences of their actions, and

intend to live in their acquired gender for the rest of their life.

For Senator Kevin Humphreys, who guided the legislation through when he became minister of state for social protection in 2014, the effect on the wider community has been profound.

He freely admits that the bill began its process as a far more conservative document. “There was a certain amount of nervousness at first about where I was going, and a real concern about going too far too quickly for under-16s.”

But the equal marriage decision caused a sea-change across the country, as well as in cabinet, he says. “Irish people always were very private about their personal lives. This debate has allowed people to open up and do so respectfully in their own families and we are now so much the richer for that.”

His advice to politicians in Holyrood and Westminster is simple: “I’d say to them to actually go out and make contact with trans people. One thing I learned was that this is a matter of equality and should be done in full consultation with the trans community.”

While political consultation is key, according to James Morton, manager of the Scottish Trans Alliance, another feature propelling reform in Scotland has been the close collaboration between feminist and transgender activists. This has been far less apparent in the debate around Westminster reform.

“In Scotland there’s really strong communication between women’s equality organisations, trans equality organisations, politicians and civil servants. Scottish Women’s Aid and Rape Crisis Scotland have become trans-inclusive without any problems occurring, demonstrating that improving trans equality is fully compatible with improving women’s equality, and avoided misunderstandings about legal reform.”

England’s equality sector is more fragmented, Morton suggests, and it is harder to communicate with politicians in Westminster. “Sadly, this can create fears and myths about trans equality but constructive discussions are making positive progress. As people look into the facts and speak in depth with trans people, they start to appreciate the need to improve trans equality.”

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