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Press For Change



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<http://www.pfc.org.uk/>

Transsexual leaders welcome draft Bill to allow legal change of gender

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Leaders of Press for Change, the UK's transsexual rights campaign, warmly welcome the draft Gender Recognition Bill published today by the Department of Constitutional Affairs (DCA).

The draft Bill, unveiled this morning by DCA Minister Lord Filkin, will allow transsexual people to apply for legal recognition of their change of gender, which will allow new birth certificates to be issued.

Claire McNab, vice-president of Press For Change, said today:

"Thirty-three years after the High Court made us non-people, the end of our legal nightmare is now in sight. The draft Bill is a carefully considered and well-balanced proposal, which will allow transsexual people the same legal status as everyone else in the country – a legal gender which matches our actual gender.

"The bill will benefit only a few thousand people, but it is an important measure to restore the human rights of a vulnerable minority in our society. We congratulate the government for their efforts to right a serious injustice.

"We are particularly pleased that change of gender will be recognised for all purposes. The government's own working group recognised three years ago that half-measures would be unworkable.

"We hope that the final bill is placed before Parliament early in the next session. We've waited long enough already."

The draft Bill proposes that transsexual people who are already married will be required to dissolve their marriages before completing the legal recognition process.

Claire McNab added:

"We are deeply disappointed that married transsexual people will have to choose between legal recognition and keeping their families together. No-one should be required to choose between their right to privacy and their right to have a family, and no-one else in the UK faces such a choice.

"This is a heavy blow to those families where a marriage has survived gender transition, and we hope that ministers will remove this provision before the bill is finalised."

The draft bill sets out a clear process to assess applications for recognition, based on medical and social criteria. It also contains provisions to protect the privacy of transsexual people, and to allow Anglican Ministers the right to refuse to marry transsexual people.

Claire McNab concluded:

"We will be examining the bill carefully over the summer, but it appears to offer well-developed and fair solutions to all the issues raised. It clearly reflects the hard work which government has done to understand the needs and circumstances of the diverse transsexual population."

“We particularly welcome the bill’s ‘conscience-clause’ to allow church ministers to refuse to marry transsexual people. Freedom of religion is an important human right, and we hope that the churches will now support this long-overdue measure to protect the rights of transsexual people.”

BACKGROUND INFORMATION:

The UK remains one of only four out of 40 countries in the Council of Europe which fails to provide full legal recognition in their new gender for transsexual people: the others are Albania, Andorra, and Ireland. This failure causes countless problems for transsexual people in their everyday lives.

Despite being issued with corrected passports and driving licenses reflecting their true gender, transsexual people remain legally in the gender assigned to them at birth. Apart from being unable to conduct a valid marriage, their tax and social security records retain the original gender, and insurance policies may be invalidated if they do not declare their legal status. If convicted of a crime, they risk being sent to a prison for the opposite gender. Any situation requiring the production of a birth certificate guarantees a breach of personal privacy.

The government insists that a birth certificate is not an identity document, yet civil service and public sector employers insist that it accompanies job applications. In 1999, ministers confirmed to parliament that most government departments use the birth certificate as an identity document.

In April 1999, Home Secretary Jack Straw established an inter-departmental working group "To consider, with particular reference to birth certificates, the need for appropriate legal measures to address the problems experienced by transsexuals, having due regard to scientific and societal developments, and measures undertaken in other countries to deal with this issue." The working group’s report was published in July 2000. It recognised that we face serious legal difficulties, and concluded that full legal recognition was the only workable solution.

In July 2002, the European Court of Human Rights unanimously ruled that the UK’s failure to recognise change of sex contravened our Convention rights. In December 2002, the government announced its intention to publish draft legislation to implement the judgment, and in April 2003 the House of Lords ruled that the Marriage Act 1973 was incompatible with the Human Rights Act because it failed to allow transsexual people to marry.

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