Integrating Transsexual and Transgendered People (Part 3 of 3)

The Amicus brief from Liberty, Part 3 of 3

Integrating Transsexual and Transgendered People

A Comparative Study of European, Commonwealth and International Law

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Research results

Commonwealth Countries

40. Canada

40.1 Legislation was passed in Alberta and British Columbia (1973); Saskatchewan (1975); Quebec (1977).

40.2 The Ministry of Attorney General of British Columbia, Canada is currently undertaking a comprehensive review of all legislation passed that provides human rights and protection for transgendered people. The AG is considering further enhancing legislation to legally protect transsexuals in British Columbia.

40.3 In British Columbia under the *Revised Statutes British Columbia 1974*, *Chapter 66 s21a* an unmarried transsexual may apply to have the Director of Vital Statistics

change the sex designation on the registration of birth of such a person in such a manner that the sex designation is consistent with the intended results of the transsexual surgery

[R.S.B.C., 1974, s21a, ss1]

40.4 The evidential requirements are that either a doctor licensed to practice in Canada certifies that they have performed the surgery; or, where a transsexual has received treatment outside Canada, evidence that the doctor who performed surgery was licensed to practice medicine in that jurisdiction, and a certificate from a doctor licensed to practice in Canada that they have examined the patient and the surgical results are those required by the regulation. However, the actual requirements for surgical procedures or results are not detailed at all.

40.5 The regulation then provides that:

Every birth certificate issued after the registration of birth is changed shall be issued as if the original registration had been made showing the sex designation as changed under this section

- Vital Statistics Act 1974, s21a, ss3

40.6 This, as in the South African Act noted below, creates what some would refer to as a legal fiction - that is, it is as if the transsexual had always been the gender they had now been reassigned to. However, according to the testimony of many transsexuals and of the doctors who treat them, this "legal fiction" is an appropriate recognition of a psychological and social reality.

40.7 In Alberta, Canada, the birth certificate can not only be changed but according to the regulations (*Revised Statutes Alberta, 1973* chap 384, s21.1):

if the sex of the person is registered outside Alberta [then the Director shall] transmit to the officer in charge of the registration of births and marriages in the jurisdiction in which the person is registered, a copy of the proof of the change of sex produced to the Director

RSA 1973, chap 384 s21.1, ss2

40.8 This suggests that a transsexual of any nationality can apply in Alberta to have a change of sex recorded, and can expect the Director to inform the state in which their birth was registered, and can hope that as a result that state will automatically reregister their birth details. No doubt the situation was only meant to apply to Canadian states, but it does provide food for thought.

40.9 Quebec (which unlike other Canadian states has a system modeled on the French codified law), has followed the German model; the transsexual becomes of their new gender at a specific point in time, generally after surgery. [*revised Statutes Quebec Chap 10, s16-22*]. Their life in their former gender remains intact.

41. New Zealand

41.1 The social constructionism of Martens J. in his dissenting judgment in *Cossey* in the European Court of Justice has now come to constitute the prevailing order and opinion in New Zealand.

41.2 Transsexuals in New Zealand can now change all their documents, including passports and birth certificates following the Transgender (Anti-Discrimination and Other Acts Amendment) Act 1996 - No 22 Transsexuals in New Zealand can also marry and foster or adopt children. Simply, a transsexual in New Zealand is regarded as female or male as far as the law is concerned.

41.3 The necessary precondition to amend a birth certificate is "medical intervention" - and the definition of this is very flexible. It could be argued that pre-operative transsexuals could be covered by the new legislation in New Zealand.

42. Australia

42.1 Laws dealing with transsexuals on a federal basis consider the following:

i. the issue of passports which is done by the Department of Foreign Affairs;
ii. privacy laws which state that government departments or agencies are not permitted to collect or hold unnecessary information.

42.2 Federally, the Australian legislature's attitude can be seen in the Sexuality Discrimination Bill of 1995.

42.3 On a federal basis, pre and post-operative transsexuals can change their sex on their passport as long as they can provide the following documentation:

For a post-operative transsexual:

- change of name deed;
- letter from surgeon stating sex has been correctly reassigned.

You will then have your new sex and name on your passport with no reference to your old details.

For a pre-operative transsexual:

a limited validity passport is issued (for one year) if a change of name deed and a letter from your doctor saying you intend to have gender reassignment surgery is provided.

42.4 Queensland:

In Queensland the Human Rights Commission has been addressing the issue of transsexuality and the law and their initial report recommends full protection for transsexuals. John Briton, the Anti-Discrimination Commissioner in Queensland, has recommended to the State Attorney- General that the Queensland Anti-Discrimination Act 1991 be amended to include discrimination on grounds of "sexuality" with sexuality defined to include heterosexuality,

homosexuality, bisexuality, transsexuality and transgenderism [taken from a letter dated 5 September, 1995].

42.5 South Australia:

In the South Australian legislation, the provisions for transsexuals are included with the provisions to alter the sex of a child who has undergone some medical intervention to clarify their sex status [*Sexual Reassignment Act 1988*]. The Act provides that a recognition certificate can be issued for an adult who has undergone reassignment treatment in South Australia, or for an adult who was born in South Australia. Unusually, the Act requires that an adult must have "received proper counselling in relation to his/her sexual identity" (Part III, s8, ss iii), or in the case of a child that the "magistrate is satisfied that it is in the best interest of the child that the certificate be issued" (Part III, s7, ss9b).

42.6 Such a certificate is conclusive evidence that a person has undergone reassignment and is now of the sex stated in the certificate, and it will allow the Registrar of Birth to register the reassignment of sex. This procedure is the same as an amendment rather than a re-issue of the certificate.

42.7 However, although the registrar can issue a copy from the register showing the new sex, it cannot be used for legal purposes in another place unless the laws of that place expressly allow it and the relevant authorities are informed of the reassignment of sex (Part III. s9. ss4). Because of this, the transsexual cannot get married in another state where the marriage would not be recognised because of their transsexual status.

42.8 The South Australian legislation also provides regulation for those hospitals providing reassignment treatment (Part II of the Act). The requirements are that they must be licensed under the Act and that transsexuals who seek a recognition certificate must have undergone assessment at a licensed clinic, even if they have obtained treatment elsewhere.

42.9 South Australia's Equal Opportunity Act 1984 covers discrimination on the ground of sexuality (section 29(3)). This ground was included when the Act commenced in 1986. "Sexuality" is defined to include transsexuality. A "transsexual" is defined as a person of the one sex who assumes characteristics of the other sex. The definition includes presumed sexuality as well as actual sexuality. Therefore, it would be unlawful, for example, to discriminate against a person because that person was thought to be of a particular sexuality, regardless of whether that was the case or not.

42.10 Victoria:

In Victoria, the Law Reform Commission recommended in 1990 that sexuality and transsexuality be included as grounds of discrimination. However, the Victorian Equal Pay Opportunity Act 1995 has not given effect to this recommendation, as it could have done in section 6. In Victoria transsexuality is therefore considered "legal", but is not seen as a legal change of sex. However, documents can be changed.

42.11 New South Wales:

The New South Wales Anti Discrimination Act 1977 which deals more fully with discrimination in State areas covers discrimination on the ground of homosexuality but does not cover discrimination on the ground of transsexuality.

42.12 In March 1994, the Anti-Discrimination Board of New South Wales recommended to the New South Wales Government that the Act be amended to include the ground of "gender orientation". Both direct and indirect discrimination would be covered. In its submission to the New South Wales Law Reform Commission the Board stated:

…Transsexuality cannot be included in a ground of sexuality or sexual orientation because transsexuality is a question of gender identity not affectional relationship… The term "transsexual" is arguably inappropriate because it implies that a person's sexuality rather than their gender has changed or been re-orientated…

42.13 The Anti-Discrimination (Transgender) Amendment Bill 1994 covers discrimination in the areas of work -employment, partnerships, trade unions, education, accommodation, services and registered clubs.

42.14 Northern Territory:

The Northern Territory's Anti-Discrimination Act 1992 prohibits discrimination on the ground of sexuality (sl9(1)(c)). Transsexuality is covered under the definition of "sexuality".

42.15 Australian Capital Territory:

In the ACT, the Discrimination Act 1991 prohibits both direct and indirect discrimination on two separate grounds of sexuality and transsexuality (section 4 (1)). Discrimination on a person's passed transsexuality is also illegal.

42.16 Western Australia:

The Western Australia Commissioner for Equal Opportunity released a Discussion Paper entitled *Discrimination on the Basis of Sexuality* on 4 October 1994. It recommends that direct and indirect discrimination against a person on the grounds of his or her sexuality or imputed sexuality be unlawful. "Transsexuality" is covered in the definition of sexuality.

43. Namibia

43.1 Namibia is the first black African state outside South Africa to acknowledge transsexuals. The Namibian Ministry of Justice say that there will be full acceptance and change of documents on social acceptance.

44. India

44.1 Hijari can now ask for their identity cards to be changed to recognize their female status.

45. Pakistan

45.1 In 1973 a case was heard in Germany which dealt with a marriage between a German male and a foreign male-to-female transsexual. The transsexual was from Pakistan where her gender reassignment had been recognised. Pakistan had also recognised her subsequent right to marry.

[OLGPras. Hamm, 3.12.1973 - Das Standesamt (StAZ) 1974, 69]

Remaining jurisdictions

46. U.S.A.

46.1 All but two of the 50 US states have some form of amendment process through which an amended or new birth certificate or birth record will be issued. Tennessee and Ohio are the two exceptions, where no alteration to birth certificates are allowed.

46.2 Each state has a process and procedure of its own, and processes vary greatly between states. For example, in Pennsylvania an individual having received reassignment surgery and who has petitioned the county court for a name change may petition the Department of Health, Division of Vital Records, to change their birth certificate. To amend, Vital Records requires a medical affidavit (stating irreversible as M>F or F>M), and the Court Ordered name change. Vital Records will then issue a new certificate indicating only the new name and gender. At no time will it be apparent that there was reassignment surgery.

46.3 Another example is the state of Mississippi will amend the birth record by striking through the name and sex, and annotating the new name and gender and the effective date. Mississippi will then issue a photostatic copy of the birth record (including the handwritten amendments) in miniature form as a birth certificate.

46.4 In all of the following states a completely new birth certificate will be provided on production of a certificate from the surgeon who carried out reassignment surgery: Illinois, New Jersey, Alabama, Hawaii, Maryland, North Carolina, Pennsylvania and Virginia. In all other states, apart from Tennessee and Ohio, an amended birth certificate will be issued, which shows that the sex has been changed.

46.5 One of the many hurdles that transgendered people face is the challenge of getting their legal documents in order. These documents are important because they are most often used in everyday commerce as identification for cashing cheques or verifying ownership of credit cards. Because of immigration laws, these legal documents are now being used in commerce as identification for job applications. They are often required to obtain a marriage license, and if a person wishes to leave the country for travel they must present these legal documents.

46.7 The most common document is the state driver's license (or state ID card if the person cannot drive or is not permitted to do so) that is routinely issued by the Department of Public Safety in each state. This usually shows the legal name, address, date of birth, sex a photograph and a section on whether the individual would like to be an organ donor. This

state issued document is the most commonly used identification within the United States. It is used for almost everything, including job applications.

46.8 Generally in the US, changing name is quite easily done and a new "name permit" is issued. With this name change permit or court order, the name on the drivers license is easily changed by the state's policing agency. However, until recently, the gender marker "M" for male and "F" for female remained unchanged on that identification. There is little case law on this issue. All of this is being done very much on an ad hoc basis.

46.9 The birth certificate is the second most altered document in the US. As noted elsewhere, only two US states refuse to change the sex on a birth certificate

47. Malaysia

47.1 In 1983 a case was heard in Germany (on similar grounds to the case referred to in the section on Pakistan) which dealt with a marriage between a German male and a Malaysian male-to-female transsexual. Similarly to the situation in Pakistan the gender reassignment was recognised under the law as a change in sex, but its legal order denied the right to marry.

[AG Hamburg, 17.3.1983, StAZ 1984]

48. Singapore

48.1 Proposals are currently being considered by the Parliament to provide full legal recognition of transsexual people's new status.

49. Egypt

49.1 According to the Ministry of Justice, judicial procedures exist whereby a transsexual's new status will be recognised after an application to the court with appropriate medical evidence.

50. Panama

50.1 Legislation was passed in Panama in 1975 which recognised the gender reassignment of transsexuals in Panama. Very little is know of any actual procedures.

51. South Africa

51.1 The new South African constitution has reinstated pro-transsexual legislation from the early 1970s.

51.2 An early example of legislation dealing with rights of transsexuals is the *South African Births, Marriages and Deaths registration (Amendment) Act 1974*. This short Act allows that the

Secretary may on the recommendation of the Secretary for Health alter, in the birth register of any person who has undergone a change of sex, the description of the sex of such person (s1,ss1)

51.3 The Secretary may call for any medical reports, and instigate any investigation necessary to support this action. Thus the transsexual will from the point of alteration have a birth registration certificate as if they had always been of their new gender. There is no other transsexual-specific legislation and it is therefore presumed that for pension rights etc. the transgendered person will be treated like any other man or woman.

51.4 The Act also allows that

Any alteration of the sex description of a person who has undergone a change of sex, which has been effected in the birth register of such person before the commencement of this Act shall be deemed to have been effected in terms of section 7B of the Births, Marriages and Deaths Registration Act, 1963.

- Section 1, ss2 of the 1974 Act

51.5 This allows identical status for those transsexuals who had already had their birth certificates altered prior to 1974, under the mechanism previously afforded for mistakes of sex designation at birth.

51.6 The South African Act has proved to be successful in practice, and those transsexuals who live there have been able successfully to blend into society in their new role.

References and contacts by country

Albania
: Contact was made with the Albanian Embassy in London. The information in the research was the result of a conversation with the Consul.

Andorra
: Information was received over the telephone from Maria Noguer, a representative of the Department of Jurisdiction at the Andorran Embassy in London. Ms Noguer contacted the Ministry for Foreign Affairs before we received any information.

Austria
: Information received from Dr Stefan Horsung, Euro-Jus, European Commission representative for Austria.

Belgium
: Contact was made with Marie-Anne Fernagut from Belgische Genderstichting. Information was also received from L. de Leebeeck from the Ministry of Justice.

Cyprus
: Information was received from the Cypriot Consul in London.

Czech Republic
: Contact was made with Richard Kingham, Czech Consul in London.

Denmark

Information was received from Dorthe Fogelstrom, the Danish representative of the Europa-Kommissionen and from Miriam Moller from the Danish Centre for Human Rights. Information was also received from Eva Ronne from the Ministry of Justice.

Estonia

Information was received from the Estonian Consul in London.

Finland

Contact was made with the Helsinki Transgender Group.

France

Contact was made with Tom Reucher from the Association de Syndrome de Benjamin. Contact was also made with Lionel Rimmy of the Ministry of Justice in Paris.

Germany

Contact was made with a German transsexual living in London, Simon Dessloch and an organisation called Projekt Transsexuellen-Arbeitskreise (Britta Madeleine Lange). Contact was also made with Axel Voss a representative of the German Republic at the European Commission.

Greece

Information was received from M. Oapmakh from the Department of Law at the Ministry of Justice.

Hungary

Information was received from the Hungarian Consul in London.

Iceland

Contact was made with the Iceland Human Rights Centre at the Consul in London.

Ireland

Information was received from Mary Johnson from the Free Legal Advice Centre in Dublin.

Italy

Information was received from the Ministry of Justice and from the Italian Committee of Experts on Family Law.

Latvia

Information was received from the Latvian Embassy in London.

Luxembourg

Contact was made with Anne Catherine Rees and Margaretha Maeyers, European Commission representatives from Luxembourg

Moldova

Information was received from the Moldovan Consul in London.

Netherlands

Information was received from Kees Waaldyk from the Netherlands Institute of Human Rights; H. Antes, from the O.M.D. Project in Terheijden; Petra Klene, a social worker who runs the Workgroup Transsexualism Humanitas. Information was also received from Mr M. Tj. Bouwes from the Legislation Section at the Ministry of Justice.

Norway

Contact was made with Jeanette Solstal from a Scandinavian organisation called FPE-NE and Jenny Sand, the organiser of the European Transsexual Organisation.

Poland

Contact was made with Katarzyna Biernacka from the Ministry of Justice.

Portugal

Information was received from the Portuguese Consul in London and from Leonor Horta, Eurojus for the EC.

Romania

Information was received from Adrian Coman of the Romanian Helsinki Committee.

Russian Federation

Information was received from the Russian Embassy.

Slovak Republic

Information was received from the Department of International Law at the Ministry of Justice in Bratislava. Information was also received from the Slovakian Consul in London.

Spain

Contact was made with Kim Perez Fernandez-Figares from the Association de Identidad de Genero de Andalucia.

Sweden

Information was received from Ms Bee Sundin of the R.F.T.S. Sweden. Contact was also made with Katanina Segerstahl from the European Commission. Further information was received from Marie Jonson from the Ministry of Health and Social Affairs.

Switzerland

Contact was made with the Swiss Embassy in London.

Turkey

Information was received from the Panel of Experts in family law from Turkey and also from the Turkish Consul in London.

Ukraine

Information was received from Mr Lena, a campaigner for transsexual law reform in the Ukraine and Russia.

United Kingdom

Contact was made with Michelle Wilson, a solicitor from Guildford, Surrey, as well as Helen Jones, Executive Secretary of the Beaument Society, an organisation catering for the needs of transgendered people. Information was also received from Dr Stephen Whittle from the School of Law at Manchester Metropolitan University. Further information was received from Nicola Rogers at the AIRE Centre in London; Susan Marshall of Exeter College, Oxford; Stuart Garcia, solicitor; Dr Zoe-Jane Playdon, University of London; Christine Burns of the lobby group "Press for Change"; Fran Springfield from the Gender Identity Clinic and Madeline Rees, solicitor.

United States of America

Information was received from Steve Harris of St Louis University; Phyllis Randolph Frye, Attorney and Executive Director of the International Conference on Transsexuality and the Law; Spencer Bergstecht, attorney at law; and Elsie Delong, attorney at law. Further information was received from the International Foundation for Gender Education and from the San Fransisco Human Rights Commission.

Canada

Information was received from Debbie Ross from the Ministry of the Attorney General in Victoria.

New Zealand

Information was received from Bruce Williams of the Ministry of Justice.

Australia

Information was received from Joan Sheedy, the Senior Government Counsel of the Human Rights Branch of the Attorney-General's office. Further information was received from Ian Dearden, solicitor.

Namibia

Information was received from the Permanent Secretary to the Ministry of Justice.

Egypt

Contact was made with Dr Iskandar Ghattas, Assistant to the Minister of Justice.

South Africa

Information was received from the South African Embassy in London.

Sample questionnaire

Legal Department
Jonathan Cooper, Director of Law & Policy, Barrister
Philip Leach, Legal Officer, Solicitor
Penny Sergeant, Caseworker

We realise that this is short notice, but we would be very grateful for a response by August 15th 1997.

Please cite legislation and/or landmark transsexuals cases in the courts, especially recent cases (including cases pending) where appropriate.

A. Access to Treatment and Health Care

1.1 Is it legal to carry out gender reassignment surgery?
__ *yes* __ *no*

What is the relevant legislation or case law ?:

1.2 Is there access to psychological treatment for Gender Identity Dysphoria? (Gender Identity Dysphoria is the term for people who have appear to be physically of one sex but consider themselves to be of the other sex.)
__ *yes* __ *no*

1.3 Is there access to hormonal treatment for Gender Identity Dysphoria?
__ *yes* __ *no*

1.4 Is there access to surgical treatment for Gender Identity Dysphoria?
__ *yes* __ *no*

Young People

1.5 Do children and young people have access to psychological treatment for Gender Identity Dysphoria?
__ *yes* __ *no*

1.6 Do children and young people have access to hormonal treatment for Gender Identity Dysphoria?
__ *yes* __ *no*

1.7 Do children and young people have access to surgical treatment for Gender Identity Dysphoria?
__ *yes* __ *no*

1.8 Is there access to medical services that are subsidised or free at the point of use?
__ *yes* __ *no*

1.9 Which aspects of treatment for Gender Identity Dysphoria, if any, are subsidised or provided free at the point of use?
__ *psychological* __ *hormonal* __ *surgical* __ *no subsidised/free treatment*

B. Birth Certificates/ Registration of Sex

1.1 What is the procedure for registering sex? When is it done and by whom? done and by whom?

1.2 What are the official criteria for purpose of registration at birth?
__ *genital* __ *gonadal* __ *chromosomal* __ *hormonal* __ *social*
__ *other (please explain)*

1.3 Which factors determine sex for legal purposes?
__ *genital* __ *gonadal* __ *chromosomal* __ *hormonal* __ *social*
__ *other (please explain)*

1.4 Which factors in 1.3 (above) are conclusive in the event of a conflict between factors?
Please cite legislation or case law:

1.5 What is the legal purpose and effect of registration of sex?

1.6 Is the sex registered considered to be a matter of unchangeable historical fact or to reflect current identity?
__ *historical fact* __ *current identity*

1.7 Is gender reassignment recognised by the law as a change of sex?
__ *yes* __ *no*

What is the relevant legislation or case law?:

Amending Birth Certificates

2.1 Is it ever possible to change the sex registered after initial registration?
__ *yes* __ *no*

2.2 If yes, what is the procedure?

2.3 Is this procedure open to transsexual people after surgical reassignment?
__ *yes* __ *no*

2.4 Is this procedure open to transsexual people before surgical reassignment?
__ *yes* __ *no*

2.5 What are the requirements, legal or medical, for changing the sex registered?

2.6 Where the sex on birth certificates can be amended for transsexual people, are there any circumstances in which a transsexual person must provide the original certificate or state the sex originally registered?
__ *yes* __ *no*

2.7 If yes, what are these circumstances?

2.8 Is it possible to have other official documents reissued to correspond to the reassigned sex?
__ *yes* __ *no*

2.9 If yes, is it necessary to have an amended birth certificate before other documents can be reissued?
__ *yes* __ *no*

C. Official Documents

1.1 What official documents require the production of a birth certificate before issue?

__ *identity card*
__ *driving licence*
__ *passport*
__ *Social security or National Insurance card*
__ *other (please list)*

1.2 When must an official document that shows sex be produced?

__ *police interviews*

__ *civil court appearances*
__ *a) as plaintiff*
__ *b) as defendant*
__ *c) as witness*

__ *criminal court appearances*
__ *a) as complainant*
__ *b) as defendant*
__ *c) as witness*

__ *banking*
__ *presenting cheques*
__ *utilities (electricity, water, gas)*
__ *insurance*
__ *other (please list)*

Identity Cards

1.3 Is there a national identity card?
__ *yes* __ *no*

If yes, is it mandatory?
__ *yes* __ *no*

1.4 Does the identity card reveal sex?
__ *yes* __ *no*

1.5 Is it possible to change the sex registered on the identity card?
__ *yes* __ *no*

1.6 Is there a procedure to protect transsexual people from unnecessary disclosure of the sex originally registered either in legal proceedings or in contacts with state officials?
__ *yes* __ *no*

D. Criminal Justice

1.1 Does the criminal law recognise gender reassignment as a change in gender?
__ *yes* __ *no*

1.2 Does the law have a mechanism which would adequately protect transsexual people against harassment, violence and hate crimes?
__ *yes* __ *no*

1.3 Does the definition of rape include rape of male to female transsexual people per vaginam?
__ *yes* __ *no*

1.4 Are same gender officers used for sexual assault and rape interviews of transsexual complainants?
__ *yes* __ *no*

1.5 For an intimate police search, would a male to female transsexual be searched by a female officer?
__ *yes* __ *no*

Is this
__ *a) a legal requirement?*
__ *b) police policy?*
__ *c) police practice?*

1.6 For an intimate police search, would a female to male transsexual be searched by a male officer?
__ *yes* __ *no*

Is this
__ *a) a legal requirement?*
__ *b) police policy?*
__ *c) police practice?*

Please explain

Prisons

2.1 Are male to female transsexuals recognised in their reassigned gender after surgical reassignment for the purposes of placement in prison?
__ *yes* __ *no*

2.2 Are female to male transsexuals recognised in their reassigned gender after surgical reassignment for the purposes of placement in prison?
__ *yes* __ *no*

2.3 If transsexual people are placed in what they consider 'wrong sex' prisons, can they retain their preferred gender identity (e.g. in clothing, manner of address etc.)?
__ *yes* __ *no*

2.4 Do special protections against mistreatment exist for transsexual prisoners?
__ *yes* __ *no*

Please explain

2.5 Is there access to treatment for Gender Identity Dysphoria in prisons?
__ *yes* __ *no*

Please explain

E. Family and Home Rights

1.1 Does the marriage of someone who subsequently undergoes gender reassignment remain valid?
__ *yes* __ *no*

1.2 Does a male to female transsexual have the legal right to marry a man?
__ *yes* __ *no*

1.3 Does a female to male transsexual have the legal right to marry a woman?
__ *yes* __ *no*

1.4 Are domestic partnerships involving a transsexual person recognised in law?
__ *yes* __ *no*

1.5 Do transsexual people in domestic partnerships have the spousal and partnership rights of other citizens?
__ *yes*
__ *a) inheriting property*
__ *b) inheriting housing*
__ *c) other*

Please explain

1.6 Are transsexual people likely to face difficulties in gaining custody and/or access to their children?
__ *yes* __ *no*

1.7 Can a couple involving a transsexual adopt and/or foster children?
__ *yes* __ *no*

1.8 Can a transsexual individual adopt and/or foster children?
__ *yes* __ *no*

1.9 Are there any bars to obtaining proper medical and/or life insurance for transsexual people?
__ *yes* __ *no*

Please explain

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H.Case Studies of Mistreatment of Transsexual People

1.1 We are looking for case studies or individual histories detailing mistreatment, discrimination, and other difficulties faced by transsexual people in leading fully-integrated lives, particularly as a result of any requirement to produce official documents showing sex registered at birth.

1.2 We are also interested in individual histories detailing other difficulties encountered by transsexual people as a result of their legal status.

Please attach or cite any relevant materials.

I. Further Information

1.1 Please add anything you wish to add.

J. Please give your details for correspondence:

name:
organisation:
address:

tel.:
fax:
email:

If it is not possible to complete the whole questionnaire, we would ask particularly for responses to the first two sections (’A’ and ’B’). Section ’B’ in particular will be crucial

for the applicants' prospects in Sheffield and Horsham v United Kingdom in the European Court of Human Rights.

Many thanks for your time and effort in responding.
Please return the completed questionnaire to:

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