

**Délégation interministérielle à la lutte contre le racisme, l'antisémitisme et la haine anti-LGBT - Prime minister Services**

**1 Do you have any comments on the proposal that applicants must live in their acquired gender for at least 3 months before applying for a GRC?**

Yes

**If yes, please outline these comments.:**

The French law says that applicants can but do not have to prove that they live in their acquired gender publicly. There is no compulsory duration. Civil organisations informed us that this kind of term exposes applicants to transphobia, as their identity papers do not match their physical appearance, revealing their transidentity. These 3 months will therefore be highly risky for them.

**2 Do you have any comments on the proposal that applicants must go through a period of reflection for at least 3 months before obtaining a GRC?**

Yes

**If yes, please outline these comments.:**

There is no period of reflection in the French law, and this did not lead to any problem. This term implies that applicants might change their mind. There is no such example in France. The procedure to modify identity papers is very demanding, therefore only fully well thought out citizens do apply. Moreover, this period of reflection extends the exposure to transphobia.

**3 Should the minimum age at which a person can apply for legal gender recognition be reduced from 18 to 16?**

Yes

**If you wish, please give reasons for your view.:**

In France, citizens under 18 can only change their first name, with their parents' agreement. Many civil organizations ask for legal gender recognition including people under 18. Allowing citizens between 16 and 18 to benefit from the law would help young transgender people in many ways.

**4 Do you have any other comments on the provisions of the draft Bill?**

Yes

**If yes, please outline these comments.:**

The expression "lived in the acquired gender" needs to be carefully defined. In France, the law says "se présente publiquement comme appartenant au sexe revendiqué" [presents himself/herself publicly as belonging to the claimed gender]. Civil organizations showed that the interpretation of this quote is not the same everywhere and that some judges demand to applicant to match gender stereotypes. For example, living as a woman could mean have long hair, wearing dresses, etc. To guarantee gender equality, the judge can opt for testimonies from the applicant's close relations.

**5 Do you have any comments on the draft Impact Assessments?**

Yes

**If yes, please outline these comments.:**

In France, the law n° 2016-1547 du 18 novembre 2016 de modernisation de la justice du XXIe siècle was the first law about legal gender recognition. It did not lead to any problem in courts so far.