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Gender identity – Developing a statistical standard

Statistics New Zealand



Gender identity

Developing a statistical standard





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1 Purpose statement

This paper provides the rationale for the development of a statistical standard for gender identity, background information about the topic, and seeks feedback on the proposed concept and definitions of related terms.

2 Executive summary

This paper provides information about the concept of gender identity and a rationale for developing a standard practice for collection and producing information. Examples included illustrate the lack of a standardised approach for collecting gender identity information in New Zealand and internationally.

Internationally different models for collecting gender identity have been developed but there is no standardised approach. Like New Zealand, several collection methods have been adopted within individual countries. Approaches continue to be explored internationally and may provide guidance in the New Zealand context. As leaders of the Official Statistics System (OSS), Statistics NZ is proposing that a statistical standard for gender identity be developed. This will include a standardised approach for collecting and producing gender identity information to be used across the OSS. This will:

- standardise definitions and measures of gender identity to improve accessibility, interpretability, and comparability of data and reduce duplication of effort
- enable policy-makers to develop measures to adequately address the health and social needs of these populations
- meet human rights requirements for data collection
- ensure respondents have the same experience when providing information.

To achieve this we have established an inter-agency working group, with membership from agencies that currently, or may in the future, collect gender identity information. The Human Rights Commission is advising the working group.

The first step in the development of the statistical standard has been the proposed concept for gender identity and definitions of related terms. The working group is now seeking feedback on these definitions and the questions used to collect gender identity information showcased in this paper.

Approaches adopted overseas may help inform this development, including Australia's current evaluation of the need for gender-based statistics and the practical issues associated with collecting such information. To assist, appendix 1 provides an example of issues and possible solutions that were raised in the United Kingdom's approach to collecting gender identity data.

Next steps

[A submission process](#) to collect feedback on the proposed concept, related definitions and questions used to collect gender identity information will open on 14 July 2014 and close on 1 August 2014.

Once the comment period has closed, all feedback will be collated and considered. The proposed concept and definitions may be adjusted, questions confirmed, and this will

form part of the statistical standard for gender identity. It is expected this work will be completed by the end of 2014.

For further information on the process for developing statistical standards see [Classifications and standards](#).



3 Rationale for the development of a statistical standard for gender identity

Gender identity has been defined as a person's internal, deeply felt sense of being male or female or something other, or in between. A person's gender identity may or may not correspond with their biological sex (HRC, 2008). Gender identity categories outside the binary female/male have been in use by Māori and other Pacific nations both in contemporary times and historically.

The New Zealand statistical standard for sex acknowledges that understanding and representing the complexities of diverse gender identities requires "new and separate definitions, questions, classification, and statistical standards" (Statistics New Zealand, 2010, p1).

Although the statistical standard for sex acknowledges diverse gender identities, currently there is no standardised approach for collecting and measuring gender identity data. This has led to insufficient data being available, limiting the ability of policy-makers to quantify the issues affecting gender identity minority groups and to develop measures to adequately address the health and social needs of these populations.

Research into the needs of these groups has shown they experience higher rates of suicide, physical and verbal assault, bullying, victimisation, depression, alcohol use, tobacco smoking, other drug dependence, and more workplace discrimination and impediments to career progression than the majority population (Equality and Human Rights Commission, 2009; The Williams Institute, 2013; Human Rights Watch 2011). Official data is necessary to determine needs, in order to develop policies and programmes to address inequalities in these areas.

Additionally, New Zealand legislation guarantees non-discrimination on the basis of gender identity through the Human Rights Act of 1993 (HRC, 2008). The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2007) affirm the international legal standards that United Nations' member states must comply with to provide human rights for populations defined by gender identity.

The current lack of data affects this population group's visibility, and therefore increases the prospect of discrimination. The Human Rights Commission (HRC) has highlighted the need for visibility as a means of promoting equality.

Equality is affirmed by visibility, because it acknowledges a person's place in society. In New Zealand, the visibility of diverse sexual and gender minorities helps to prevent stereotyping and remove barriers to equal participation. Visibility is a particular issue for sexual and gender minorities in relation to data collection. (HRC, 2010, p313)

The HRC specifically identified Statistics NZ's leadership role in ensuring official data on gender minorities is available. This is consistent with section 3 of the Statistics Act 1975.

Ensuring respondents have the same experience when providing information, by using standardised questions, will help reduce any respondent burden. It will also alleviate any frustration for those who fall outside the binary male/female divide, who are not able to adequately identify themselves in some surveys. For examples of this, please see the 'Current practice in New Zealand' section.

Statistical standards provide the necessary foundation for being able to exchange data among statistics producers and statistic users. They improve accessibility, interpretability,

and comparability of data. Additionally, duplication of effort could be reduced because solutions from one agency or survey can be applied in another without much effort.

A standardised approach to collecting and disseminating gender identity data here will:

- increase the ability to compare data between collections
- produce efficiency gains as organisations will not duplicate effort in research and cognitive testing to develop their own data collecting methods
- increase the usability of gender identity data as agencies implement the standard. This data will help inform policy decisions

Steps to include the gender identity options beyond male and female in official surveys have been taken in several countries. For example, producers of official statistics in the United States, India, and Pakistan have begun collecting this data.

Closer to home, Australia has started developing a gender statistical standard and is evaluating the practical issues associated with collecting such information.

The Official Statistics System includes all statistics produced by government departments and specified crown entities. As leaders of the Official Statistics System, Statistics NZ is proposing that a statistical standard for gender identity be developed to:

- standardise definitions and measures of gender identity across the Official Statistics System
- enable policy-makers to develop measures to adequately address the health and social needs of these populations
- meet human rights requirements for data collection
- ensure respondents have the same experience when providing information.



4 Background and concept of gender identity

Background

New Zealand does not have a standard definition of gender identity. It is acknowledged that there is no universally accepted definition of the concept of gender identity and its related terms. Several sources have helped inform how we have articulated the concept for the current purpose. This includes the Yogyakarta principles (International Commission of Jurists, 2007) which were developed by international human rights experts and are a guide for applying international human rights laws and standards to gender identity (and sexual orientation) issues.

The concept of gender identity is dynamic, with the terms in vogue and their meanings changing over time. Many of these terms also have fluid boundaries. Due to this fluidity, the resulting statistical standard will require more frequent review than other statistical standards. Historically, some included terms have been used in a derogatory way, but have been reclaimed with a more neutral and agreed function. They are used here in a positive light.

Non-inclusive language can cause barriers to participation in administrative and survey data collection and reinforce exclusion. The difficulty encompassing diversity under any single umbrella term is acknowledged. The resulting statistical standard will recognise the need for precise usage of terms, while recognising the importance of inclusive language for collecting and using gender identity data. It will also provide recommendations to ensure individuals' privacy is protected.

Concept of gender identity

"Gender identity is understood to refer to each person's deeply felt internal and individual experience of gender, which may or may not be correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms" (International Commission of Jurists, 2007, p.6)

A person's gender identity can change over their lifetime, and can be expressed in a number of ways and forms. This includes outward social markers, such as name, clothing, hairstyles, mannerisms, voice and other behaviours. Some individuals may express different gender identities in different situations.

Gender identity cannot be used to predict a person's sexual orientation. It also cannot be predicted by someone's sex.

Gender identities vary greatly and not all people fit into one of the categories defined in the section below, however the resulting statistical standard will cater for this.

Proposed concept of gender identity

Gender identity is defined as a person's internal, deeply felt sense of being male or female or something other or in between. A person's gender identity may or may not correspond with their sex (HRC, 2008). Gender identity is subjective and is self-defined.

Proposed definitions of related terms

The following section provides the proposed definitions of terms relevant to the concept of gender identity. To aid understanding the terms are presented in the following format:

Label: definition. *Supporting information.*

Gender: The social and cultural construction based on expectation of what it means to be a man and/or a woman, including roles, expectations, and behaviour (HRC, 2008). *The concept of gender diversity, acknowledges this full range of genders. Societies, and cultures within societies, have different constructs and expectations of gender and this can vary over time.*

Gender expression: How someone expresses or presents elements of masculinity and/or femininity externally (HRC, 2008). *This includes clothing, hairstyles, mannerisms, voice and other behaviours. Someone's gender expression may or may not reflect their gender identity.*

Gender non-conforming: Having a gender identity or gender expression that does not conform to a given society's dominant gender roles. (Open Society Foundations, 2013) *Genderqueer is a Western term for people who identify as a gender other than male or female. In New Zealand, the administrative category 'indeterminate' is likely to be used by gender non-conforming people, especially where it is used as a measure of both sex and gender identity.*

Transgender: someone whose gender identity differs from their sex recorded at birth. *It includes, for example, trans men, tangata ira tane, trans women, whakawāhine, fa'afafine, fakaleiti, akava'ine, gender queer and other gender diverse individuals. Transgender people may or may not choose to medically transition.*

Transsexual: A term that maybe used to describe a person who has changed, or is in the process of transitioning, their physical sex to conform to their gender identity (HRC, 2008).

Trans: In New Zealand, this is often used as an umbrella term for any transgender or transsexual people.

Transitioning: is when a trans person takes steps to live in their gender identity. *It may involve social transition, legal gender recognition and/or medical transition. There is no single way of transitioning, nor is transition defined by medical steps someone has or has not taken.*

The following terms do not relate to gender identity. They are defined below to clarify distinctions between gender identity, sex, and sexual orientation.

Sex: the distinction between males and females based on the biological differences in sexual characteristics (Statistics NZ, 2010). *Sex is biologically determined and is based on chromosomal and physical attributes. A third category, indeterminate sex, is recorded on some administrative databases and in some cases is self-defined, with no medical evidence required.*

Indeterminate sex: Physical appearance and/or genetic testing does not enable a person to be classified as male or female. They can have a combination of male and female features, or features which are not characteristic of either sex (Statistics NZ, 2010).

Intersex: A general term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that does not fit the typical biological definitions of female or male. (HRC, 2008).

Sexual orientation: One's sexual orientation can be derived from their sexual attraction, sexual behaviour, and/or sexual identity (ONS, 2010). *It includes, for example, lesbian, gay bisexual, queer, heterosexual and asexual.*

See appendix 3 for specific references for the proposed definitions.



5 Current practice in New Zealand

Some government agencies currently collect data on gender identity through questionnaires or by allowing responses other than male and female on their records. Others have indicated their aim to incorporate gender identity in their administrative data collection. This section outlines current New Zealand practice in collecting gender identity data, which highlights the various approaches.

Statistics NZ

Currently, Statistics NZ does not collect gender identity data. Section 24 of the Statistics Act expressly tasks Statistics NZ to obtain data on sex, rather than gender identity, in the New Zealand Census of Population and Dwellings.

The sex statistical standard defines sex as “the distinction between males and females based on biological differences in sexual characteristics”. The standard clarifies that the terms ‘sex’ and ‘gender’ are different and not interchangeable (see ‘Note’ below). It acknowledges that to measure the diversity and complexity of gender identity concepts, new and separate definitions, questions, classifications, and statistical standards would be required.

Although Statistics NZ does not collect data on gender identity, it includes transgender as grounds for discrimination in the New Zealand General Social Survey (Statistics NZ, 2012).

Looking at showcard 58, why do you think people discriminated against you when you were [iWhyDiscriminated]? You can choose as many as you need.

Showcard 58

- my skin colour
- my nationality, race or ethnic group
- the language I speak
- the way I dress or my appearance
- my gender (male or female)
- my age
- a disability or health issue I have
- my marital status (e.g. whether or not you are married or living with someone)
- my family status (e.g. whether or not you have children)
- my sexual orientation (e.g. lesbian / gay / straight /bisexual / transgender)
- what I do for a job
- my religious beliefs
- my political position
- other - please specify

The examples provided under the sexual orientation response option are a mixture of terms related to the concepts of sexual orientation and gender identity. The inclusion of transgender is problematic, as it relates to the concept gender identity rather than sexual orientation.

Using the draft definitions outlined earlier, the correct response option for the example of transgender is 'my gender'.

Note: The previous sex standard noted that, as the biological characteristics are the determinants of classification for sex, transsexuals should be classified according to the sex attributed to them on their National Health Index record at birth. In 2010, after concerns raised by trans-people and advocates, Statistics NZ reviewed the standard and revised the guidelines. The current statistical standard includes the following explanatory note:

In responding to a question on sex, most people are able to classify themselves as either male or female. A person who has undergone sex reassignment should be classified to that sex. A person who was of indeterminate sex and who has undergone sex assignment should be classified to that sex. Someone who is currently undergoing such procedures and living as the sex that they are taking steps towards would be classified as that sex (Statistics New Zealand, 2010, p1).

The Human Rights Commission (2010) recommended to Statistics NZ a third sex category, 'indeterminate', would be an appropriate addition to the sex statistical standard and classification. This work is out of scope of the current project but may form part of a future separate project. The current statistical standard for sex does state in the guidelines section:

Indeterminate sex: In some circumstances, particularly administrative collections dealing with perinatal data, a third category may be required for individuals whose biological sex cannot be determined as male or female. They should be classified as being of 'indeterminate' sex (Statistics New Zealand, 2010, p2).

Department of Internal Affairs

From an operational perspective, differences between biological sex, nominated sex based on gender identity, gender identity separate from biological sex, etc, are largely immaterial. The Department's services and the products it delivers (from birth certificates to passports) are "customer led" in the sense individuals control their identity information. The proposed new standard will not change this.

Identity services (births, deaths, marriages, and relationships registration)

The Births, Deaths, Marriages, and Relationships Registration (BDMRR) Act 1995, and the Births, Deaths, Marriages, and Relationships Registration (Prescribed Information) Regulations 1995 require a child's sex to be recorded when the birth is registered. Under the Act, sex is defined as purely biological sex (ie, male, female, or indeterminate), which is recorded in the computer record as M, F, or I.

The Act requires stillbirths (ie, a foetus of 20+ weeks' gestation and/or 400 grams) to be registered, and the sex is recorded as male or female whenever possible. The category of indeterminate will be used if the sex cannot be determined. Since 1 January 1998, 170 births (including 47 live births) have been registered with an indeterminate sex. A birth cannot be registered with the sex information blank, or on the basis of a gender identity that differs from the biological sex.

Sections 28 and 29 of the BDMRR Act allow eligible adults and the guardian of an eligible child to apply to the Family Court for a declaration to have their birth record amended to reflect their gender identity. An individual's birth record can be amended from male to female and vice versa, and from indeterminate to male or female.

However, an individual with an original birth record of male or female can only be reclassified as indeterminate if they can prove they were genuinely indeterminate/intersex at the time of birth. This has occurred once, but in that case, the birth record was

amended under section 84 of the BDMR (which gives the Registrar power to correct records) as opposed to a change of nominated sex under section 28.

An individual's ability to nominate a new sex is not dependent on completion of sex reassignment, including surgery (DIA, 2011 a). This is consistent with the High Court's 2008 decision in *Re Michael*, and a 2006 Crown Law opinion confirming sex discrimination under the Human Rights Act 1993 encompasses discrimination based on gender identity (Office of the Attorney General, 2006).

This will result in a very small number of male and female birth records of individuals who have changed sex based on their gender identity and who have obtained a court declaration to that effect, but who remain (substantially) physically their birth sex.

Citizenship services

The Citizenship Act 1977 is silent on the issue of sex. However, sex is a key aspect of a person's identity. Consequently, sex is included in the information applicants are asked to provide when applying for a grant of citizenship, or when applying to register their entitlement to citizenship by descent.

The DIA also ask the following question in their application for citizenship form (DIA, 2012a):

Q4: Are you?

- Male
- Female
- Other

The guide to answering the application form clarifies that "other" applies to transgender or intersex applicants.

In practice, citizenship requirements, including the application process, are broadly similar to the "nominated sex" provisions in the BDMR Act. As can be expected, in the vast majority of cases an individual's "nominated sex" will be their biological sex (male, female, or indeterminate).

However, an individual can obtain a citizenship certificate with a different (nominated) sex than shown on their birth certificate if relevant criteria is met (DIA, 2012b). The policy reflects some applicants maintain a gender identity that differs from the sex originally shown on their birth record or other official record of identity. Alternatively, the individual can opt to have the sex field left blank.

The sex shown on the original grant of citizenship cannot be changed subsequently. However, an individual could obtain an evidentiary certificate confirming their citizenship status with a different nominated sex if, for example, after the grant of citizenship, the individual obtains a court declaration to that effect (section 21, Citizenship Act).

Passports and other travel documents

The Passports Act 1992 does not specify the form or content of a passport, or the information that must be supplied on an application form. However, New Zealand passports and other travel documents issued under the Act must comply with relevant international standards established by the United Nations' agency, the International Civil Aviation Organisation (ICAO). Sex is a mandatory ICAO requirement, but New Zealand does not limit this to male or female, or strictly biological sex.

Current passports policy is very liberal (DIA, 2012b). While the passport application form asks a question about gender, with Male and Female options, an applicant can obtain a passport in their nominated sex (gender identity) of M, F, or X (indeterminate/unspecified)

without the need for a corresponding amendment to their birth or citizenship record. This is of particular benefit for New Zealanders who were born overseas, and for whom there may be no legal or practical way to get their birth record changed (eg, where the individual has obtained citizenship after being granted refugee status). New Zealanders born here can also take advantage of this option.

A statutory declaration confirming how long the applicant has maintained their nominated sex/gender identity is required, but apart from that normal requirements to obtain a passport apply. While this new policy was developed to remove unnecessary obstacles for applicants wanting to record a change in their nominated sex, applicants are warned multiple changes in nominated sex are likely to have implications when the individual travels overseas, and the effect it could have on their ability to confirm their identity in the wider community.

New Zealand Transport Agency

Previously, applicants had to correct the sex/gender on their birth certificate before being able to change the sex/gender on their driver licence. Now, an evidence of identity document or a statutory declaration can confirm gender, without having first changed one's birth certificate (NZTA, 2013).

The policy allows the options of male, female, or indeterminate to be recorded.

The two concepts of sex and gender are combined in this policy. However, the third option of indeterminate, which is related to sex, indicates it is a sex classification. Therefore it may be out of scope the current project.

Health and Disability Sector

Ministry of Health

Historically the Ministry of Health stored attributed sex values to patients through the National Health Index system (NHI).

In December 2013, Consumer Health Identity Interim Standard was published to support the collection of gender values (and other information). The guide for use indicated that gender is self-identified by the patient and that gender is different from sex, which refers to the biological and physiological characteristics. It also acknowledges that the storage of a code for sex is likely to still be appropriate at the local system level.

This means the NHI will, over time, contain values for gender for identity purposes and sex for clinical purposes.

The value in any field can be challenged and changed, including gender/sex, but with differing levels of ease. For example, a change to blood type will require a higher degree of proof to support the change whereas an address change is more administrative.

Information may be updated when individuals presents to their GP or other medical specialists. Initially, the NHI value for sex will be imputed to the gender field for those who have not recently presented to a healthcare provider. An online portal system is currently being set up where individuals can view some of their administrative and clinical information and request that appropriate changes are made.

NHI information is not deleted, but rather is time and change-stamped and retained for clinical or research reasons. Only the most recent values are to be shown to GPs and other clinicians with historic information made available on specific request. The NHI system also has a 'general notes' field where other related information can be held. For example: background on an individual who changes the sex value from female to male who has not undergone a full hysterectomy can be alerted for cervical screening and mammograms.

Currently a project is underway to assess possible approaches to 'Withholding Information', whereby patients would be allowed to seal selected information in their clinical file. The Ministry is considering what information could be sealed, who would be able to seal information and who would be able to break the seal to access the information.

The Healthcare Provider Identity (HPI) Standard is also being reviewed. The current HPI Standard attributes sex whereas the revised Standard will address gender.

Counties Manukau District Health Board

The Ministry of Health contracted the Counties Manukau District Health Board to develop a resource for health professionals for the assessment and care of trans people. This includes assessment of the patient's gender identity (Ministry of Health, 2011).

The guide includes forms specifically for trans individuals. Although this collection is for administrative rather than statistical purposes, there is an option to take part in anonymised surveys. These surveys may benefit from a standardised approach.

This resource also provides guidance for GPs to discuss gender identity with their patients. The approach may benefit from clear questionnaire modules being included.

Auckland District Health Board

In developing the resource 'Let's talk about sex...(sexuality and gender)', a survey was provided to users of two Central Auckland DHB community mental health centres (Auckland District Health Board, 2012). It included the following question:

How would you identify your gender? (please tick as many boxes as relevant)

- Female
- Male
- Transgender
- Transgender male to female
- Transgender female to male
- Whakawahine
- Fa'afafine
- Intersex
- Gender queer
- Other. Please specify _____

Using the draft definitions, this approach mixes the two concepts of sex and gender identity. However, the responses could be coded to both sex and gender identity classifications. This is because a respondent can choose as many responses as they wish, as well as being able to include their own terms in the write-in space that follows the 'other' option. This approach may provide an in-depth insight into the respondents' gender identity and sex.

Health Quality and Safety Commission

The Health Quality and Safety Commission (HQSC) in-patient experience questionnaire collects data on transgender people (Health Quality and Safety Commission, 2013). It asks:

Q40: Are you male or female?

- Male

- Female
- Transgender

The question itself does not indicate whether gender or sex is being asked of the respondent. However using the term transgender as the third option indicates it is measuring gender.

Not all people fit neatly into prescribed terms. The use of transgender as an umbrella term is consistent with other publications (eg HRC, 2008) where it was deemed necessary to have a generic term.

Department of Corrections

Currently there are at least nine transgender people in prison, which equates to 0.1 per cent of the prison population (Davidson, 2013). Under previous Department of Corrections' policy, only those who have completed gender reassignment surgery had the option of being placed in the prison of their identified gender.

A revised approach on placing transgender and intersex prisoners has been approved. The new policy entitles eligible prisoners who have amended their birth record, to record a sex different from that recorded at birth (which requires a Family Court order), to be placed in accordance with the revised record.

Furthermore, if an eligible transgender prisoner has not had their birth record amended, they may apply to the chief executive of the Department of Corrections for placement in accordance with their nominated gender (Corrections, 2013).

Ministry of Justice

Two of the Ministry's surveys allow participants to indicate their identity outside the binary categories male/female.

The sex worker questionnaire is one of the methods the Prostitution Law Review Committee used to evaluate the Prostitution Reform Act (PRA) 2003 (Abel, et al.,2007). It asks respondents:

Q3: Are you: (tick one only)

- Female
- Male
- Transgender
- Other. Please state _____

The second is a telephone survey of the New Zealand Police districts and areas, as part of 'The nature and extent of the sex industry in New Zealand: an estimation' (Ministry of Justice, 2005). The respondents were police staff. The survey asked:

Q3: Could you please give an approximate indication of the proportions of female, male and transgender/transsexual sex workers in the categories identified in Table 4. Please state this as a proportion of the whole. For example, 10% of street workers are male.

Table 4 Gender of sex workers

Category	Female	Male	Transgender/ transsexual
Street workers			

Licensed Massage Parlours

Rap/escort parlours (brothels)

Escort agencies

Private workers

Ship workers

Although the question states gender is being asked, the response option of transgender/transsexual mixes the gender identity and sex concepts used the draft working definitions.



6 Current international practice

This section provides examples of different countries practices exploring or implementing gender identity data collection. The countries presented are those whose approaches include an option outside the binary code of male and female. Other national statistic organisations have been researched, such as Canada and the Scandinavian offices, but have not been included if a third option was not available to respondents.

Australia

Statistics office: Australian Bureau of Statistics

The Australian Bureau of Statistics (ABS) is evaluating the need for gender-based statistics and the practical issues associated with collecting such information. Australia does not currently collect information on gender identity or have a gender statistical standard.

The impetus for this work comes from the 2009 Australian Human Rights Commission's inquiry into discrimination against people in same-sex relationships (Australian Human Rights Commission, 2009), which resulted in several recommendations related to gender identity, including:

- Recommendation 5: A person over the age of 18 years should be able to choose to have an unspecified sex noted on documents and records.
- Recommendation 9: Where possible, sex or gender should be removed from government forms and documents.
- Recommendation 10: The federal government should consider the development of national guidelines concerning the collection of sex and gender information from individuals.

In summary, sex or gender should only be collected when necessary, and there should be an option beyond 'male' and 'female'.

This led the Australian Governor General to release Australian Government Guidelines on the Recognition of Sex and Gender (Australian Government, 2013). These guidelines aim to:

- develop a consistent sex and gender classification system for Australian Government records
- develop a consistent standard of evidence for people to change or establish sex and/or gender on personal records
- maintain consistent collection of sex and/or gender information across Australian Government departments and agencies.

The guidelines define gender as part of a person's personal and social identity. Gender refers to the way a person feels, presents, and is recognised within the community. A person's gender refers to outward social markers, including their name, outward appearance, mannerisms, and dress.

This definition is different to the New Zealand draft working definition, as it includes outward appearance. The New Zealand approach, based on the draft working definitions, is based only on self-identification.

As a result of the guidelines, the ABS has also begun a work programme to develop a gender statistical standard that will complement the Attorney General's Department's

guidelines (ABS, 2012). This standard is expected to be completed during 2014/15, and be available to assist Australian agencies to collect gender information for statistical purposes on a consistent basis.

The Australian Census is a household form, with one member responding for everyone in the household (ABS, 2011). The current census form does not identify if the question refers to sex or gender, instead asking:

Q3 Is the person male or female?

- Male
- Female

Although the ABS sex standard allows for an 'Intersex or Indeterminate' category, due to data quality considerations, respondent's reporting practices, confidentiality requirements, and the capacity to publish aggregates, this category is currently excluded from survey forms. These factors are being revisited as part of the ABS's current review of its sex standard, which is scheduled to be completed in 2014 (ABS, 2012).

The ABS website includes a page 'gender indicators' (ABS, 2013). On this page it states: "This page provides a central access point to sex-disaggregated data sources... A wide range of sex-disaggregated data are available..." This mixes the concepts of sex and gender.

Department of Foreign Affairs and Trade (Australian Government department)

The Department of Foreign Affairs and Trade incorporates both sex and gender in its collection (Australian Government Department of Foreign Affairs and Trade, n.d.).

Australian passports may be issued with M (male), F (female), or X (indeterminate/unspecified/intersex) in the field for sex. Sex reassignment surgery is not a prerequisite to issue a passport in a new gender, and birth or citizenship certificates do not need to be amended.

A letter from a medical practitioner certifying the person has had, or is receiving, appropriate clinical treatment for gender transition to a new gender, or that they are intersex and do not identify with the sex assigned to them at birth, is acceptable.

However the application form only allows for male or female responses.

Note: Australian born married applicants who have undergone sex reassignment surgery are not able to obtain an amended birth certificate that reflects their current gender. This is because currently same-sex marriage is not legally recognised in Australia.

Canada

Statistics office: Statistics Canada

Statistics Canada does not currently collect data on gender or have a gender statistical standard.

Passport Canada (Government department)

Recent public consultation on Canadian passports included submissions on the definition of gender, and the suggestion to include an option other than male or female (Passport Canada, 2012). While there are plans for a review of the sex/gender information in passports (De Grandpré, 2012), no official word has been given regarding the government's intentions.

United Kingdom

Statistics office: Office of National Statistics

The Office of National Statistics (ONS) has a classification for gender. (However, it does not have a classification for 'sex'. If you look up 'sex' it says 'refer to Gender'.) The gender classification has outputs for 'male' and 'female'. It also discusses 'sex aggregated' statistics, thereby combining the concepts of sex and gender.

A case study on the ONS approach in including transgender data in household surveys, and the related Equality and Human Rights Commission and Scottish Transgender Alliance recommendation, is included in appendix 1 in this paper.

United States

Statistics office: United States Census Bureau¹

The U.S. Census Bureau does not collect information on gender identity. Its definitions for sex and gender differ. Gender is "a social construction whereby a society or culture assigns certain tendencies or behaviours to the labels of masculine or feminine" (United States Census Bureau, n.d.). Sex is defined as "an individual's biological sex – male or female" and is based on the biological attributes of men and women (chromosomes, anatomy, hormones) (United States Census Bureau, n.d.).

The United States Census is a household form, with one member responding for everyone in the household (United States Census Bureau, 2010a). It asks:

Q6: What is person 1's sex?

- male
- female

However, census products refer to gender statistics, which can lead to confusion as to what concept is being collected. The fact sheet accompanying the census recommends that transgender respondents should select whichever of the two sex categories best describes their gender identity (United States Census Bureau, 2010b).

The US National Transgender Discrimination Survey was conducted to monitor trans people's experiences of inequality and discrimination (Grant et al, 2011). The questions used included concepts of both sex and gender.

Q2: What sex were you assigned at birth, on your original birth certificate?

- Male
- Female

Q3: What is your primary gender identity today?

- Male/Man
- Female/Woman
- Part time as one gender, part time as another
- A gender not listed here; please specify _____

¹ This is the entire statistics office, not just what we think of as the census

Both questions are needed to identify transgender participants. Including the “part-time” response option allowed more variability in gender identities, but is potentially problematic in terms of mutual exclusivity. The open-ended response led to hundreds of write-in answers, indicating a much wider range of options for gender identity.

Germany

Following a 2012 report by the German Ethics Council (Deutscher Ethikrat, 2013), on 1 November 2013, a German law established a third gender option for parents filling out birth certificates for newborn babies. They can choose “indeterminate” if the child shows both male and female characteristics by leaving the boxes for male and female genders blank (Chappel, B. 2013).

The child could also opt to remain classified as intersex. It was also indicated that German passports will soon be allowed to have an 'X' in the gender field.

India

Statistics office: Office of the Registrar General and Census Commissioner

The Indian Census collects sex. In 2011, the census included a third option for sex (Office of the Registrar General and Census Commissioner, 2011). The question and response format is shown below:

Q3: Sex

1. Male
2. Female

In case the respondent wishes to return other than code 1 or 2 then give code ‘3’

3. Other

The option of ticking “other” is an acknowledgment of transgender/eunuch individuals known as *hijras*, who have long been part of Indian society (Haub, 2011). While the concept of a ‘third sex’ is not new to India – *triteeyaprakrti* or third sex has been referred to in history since the second century BCE – including the option in an official census has been noteworthy (Haub, 2011).

Although the question is expressly asking one’s sex, the ‘other’ response option seems to include gender identity-related terms such as transgender.

In 2014 the India’s Supreme Court upheld the 2007 High Court decision and has created an official third sex of transgender. This includes individuals who have been castrated or undergone gender reassignment surgery, as well as those who identify or present themselves as a sex different to the one they were born into.

Other departments

Since 2005, Indian citizens who did not identify as male or female could apply for passports as eunuchs, using an E on the field for sex on their forms (Knight, 2012).

The application form indicates that 'other' is for eunuchs.

Sex

- Male
- Female
- Other

An applicant may change the sex on their passport by supplying a sworn affidavit regarding change of sex, and certification from the hospital where he/she underwent sex-change operation successfully.

Nepal

Statistics office: Central Bureau of Statistics

In the 2011 Census, while a general form included an option for a third gender (transgender), the more detailed form only had two options (male and female) for sex/gender (Knight, 2012). The official report on the census from the Central Bureau of Statistics did not contain any information on members of the population who identified with a third gender (Himalayan News Service, 2011).

Other departments

In 2007, the Supreme Court of Nepal ordered the inclusion of a third gender in citizenship documents. These documents are necessary for access to health and legal services, property acquisition, employment, and passport applications, among others (UNDP, 2012). Applying this ruling has not been without problems. In filing for official documents that recognise a third gender, individuals have reported harassment and outright denial of access (Knight, 2012).

Pakistan

Other departments

In 2009, Pakistan's Supreme Court recognised the rights of "transvestites and eunuchs" and ordered the inclusion of a third gender in official identification documents (Haider, 2009).

As with India, this was particularly important for the *hijra* population, a group that includes males who "a) were born with intersex or deformed genitalia, b) were castrated when young or c) perceive of themselves as women despite having male organs", which, in some ways, makes them different from the Western concept of transgendered and transsexual individuals (Ahmed, 2011). Here again, the concepts of sex and gender are used interchangeably.

In 2012, the Pakistani government was tasked by its Supreme Court to survey of the *hijra* population, and determine how to address discrimination and provide equal rights (Ali Shah, 2012). At the time of writing this paper, no information could be found on the progress of this work.

Bangladesh

Other departments

In November 2013, Government policy enabled a third gender of *hijra* in all government documents, including passports (bdnews24, 2013). This was implemented after the Ministry of Social Welfare found a lack of gender identity documentation for *hijras* resulted in government facilities becoming inaccessible for them.

The passport application form now has the ability to indicate 'other' (Government of the people republic of Bangladesh, n.d)

Gender

- Male
- Female
- Other



Appendix 1: United Kingdom case study

This section details the Office of National Statistics (ONS) approach in collecting gender identity information and the responses of two other agencies. Some of the issues and solutions presented may help inform the New Zealand approach.

As a result of the 2007 Equalities Review by the Cabinet Office, the ONS undertook the Equality Data Review. One recommendation was that “Government agencies work with non-Government stakeholders to agree on an approach to obtaining more equality information on transgender people, including those undergoing the process of gender re-assignment”.

In 2009, the ONS produced the Trans Data Position Paper. This outlined issues with including questions on ‘trans data’ in household surveys, including the census, which led to their decision not to include such questions.

Both the United Kingdom’s Equality and Human Rights Commission and the Scottish Transgender Alliance responded to the decision, advocating for questions to be included and providing recommendations.

Issues raised by the Trans Data Position Paper

Privacy and acceptability

As with any survey, privacy and acceptability are issues the ONS is mindful of and aims to mitigate. With gender identity, there are issues of harassment and discrimination if an individual is identified as a trans individual. Some trans individuals prefer not to disclose their trans status if (a) they can see no benefit in the survey asking the questions, and (b) if they have little or no confidence that their anonymity would be ensured.

The law

While the ONS is mindful of rights against disclosure of protected information and the right to privacy for all its surveys and respondents, some issues are particularly sensitive for the trans population (eg a trans individual’s gender history).

Complexity

In any diverse group, there are issues with accurately measuring all its complexities. For the trans population, some individuals may have ‘completed’ transitioning to their current gender and no longer identify as ‘trans’. Also, as the process is gradual and long, some individuals may only live in their acquired gender part-time. This results in a complex range of individuals who identify as trans, and could be problematic in terms of identifying and measuring the demographics of ‘trans people’.

Accuracy

Based on anecdotal evidence, the ONS is mindful that including a question on gender may lead to non-trans individuals not taking the survey seriously. This could then lead to incomplete or inaccurate data, which would compromise the accuracy of the data.

Terminology

Further work is needed to identify what terms and general language would be appropriate for questions and response options for gender and trans data.

Small sample universe

As the trans population is small, the ability to have an adequate sample size in order to generate reliable results is an issue.

Scope

The term 'trans' is an umbrella term for a wide spectrum of people. More work on defining what is meant by 'trans' would be needed before any data collection can begin.

Based on these methodological issues, the ONS concluded that household surveys would not be the appropriate avenue for data collection. Instead, they recommend using attitude surveys, administrative data, and specialist surveys.

EHRC response to issues

The United Kingdom's Equality and Human Rights Commission (EHRC) commissioned work to develop and cognitively test questions on gender identity (Balarajan, Gray, & Mitchell, 2011). Focus groups were held with trans and non-trans individuals, giving them the opportunity to give their opinions about the questions, the response options, and the whole process of being asked about gender. Cognitive testing ensured respondents understood the questions, and found out what, if any, changes should be made.

The resulting report includes recommendations for questions and response options for gathering data on gender. These are outlined under 'Recommendations from the EHRC'. The report also addressed some of the issues the ONS had raised.

Privacy and acceptability

The majority of the over 10,000 survey participants responded to the questions on gender only 18 provided no answer (Glen & Hurrell, 2012). The report acknowledges that, regardless of formatting and wording, there will still be some individuals who will refuse to answer questions on gender identity (Balarajan, et al., 2011).

The law

Individuals can tick "prefer not to say" or "none of the above" to the recommended set of questions (Glen & Hurrell, 2012). This allows protection of sensitive responses.

Complexity

In any diverse group, there are issues with accurately measuring all its complexities. For the trans population, some individuals may have 'completed' transitioning to their current gender and no longer identify as 'trans'. Also, as the process is gradual and long, some individuals may only live in their acquired gender part-time. This results in a complex range of individuals who identify as trans, and could be problematic for identifying and measuring the demographics of trans people.

Accuracy

The trial run on the questions found that, for over 10,000 people, these were feasible questions capable of generating accurate responses. In examining the different variations (eg format, phrasing), the ratio of respondents responding to 'male' and 'female' was largely unchanged.

Terminology

The terms and phrasing used in the recommended questions and response options were identified and developed using focus group discussions and cognitive testing (Balarajan et al, 2011). While these have received favourable responses, a portion of gender

minorities will still not feel comfortable answering these questions, regardless of the phrasing or response options (Balarajan, et al., 2011; Glen & Hurrell, 2012).

Small sample universe

The phrasing and order of questions recommended by the EHRC study found that it captured a wide spectrum of gender minority identities (Glen & Hurrell, 2012). These questions could then potentially provide information on a significant proportion of the gender minority population.

Scope

The phrasing and response options recommended by the EHRC do not rely on having to limit the scope to trans individuals. Instead, the questions attempt to capture a wide range of gender identities, including individuals who may be at different stages of transition (Balarajan et al, 2011).

Recommendations from the EHRC (UK)

Based on their work, the EHRC (Balarajan et al, 2011) recommended that any survey asking gender identity questions start with an explanation as to why the information was being asked, and how information would be protected to ensure anonymity. Respondents were more comfortable with answering the questions when were aware of the purpose of the survey and they were assured of anonymity. The study concluded with the following recommended questions and response options. Associated issues are included for each one.

Table 1: Recommendations from the EHRC (Balarajan et al, 2011)

Suggested question	Data captured/Recommendations (quotes from the report)
<p>Q1 At birth were you described as...</p> <p>Please tick one option</p> <p>Male</p> <p>Female</p> <p>Intersex</p> <p>I prefer not to say</p>	<ul style="list-style-type: none"> • We would recommend that this question is asked first and a clear explanation is given for collecting the information. Confidentiality and anonymity should be described and assured (where possible). • This question captures the sex ascribed to individuals at birth. A small number of individuals are described as intersex at birth, rather than male or female, therefore this option should be included. The sensitivity of the question requires a 'prefer not to say' option. This question, when used in combination with question 2, will allow for gender identity and transgender history to be captured. • Testing did reveal that some trans participants would not be comfortable answering a question like this in any context, because they do not have to reveal this identity, are legally protected from doing so (hold a Gender Recognition Certificate (GRC)), or feel uncomfortable revealing this. There will always be participants who will not want to reveal this information.
<p>Q2 Which of the following describes how you think of yourself?</p> <p>Please tick one option</p> <p>Male</p> <p>Female</p> <p>In another way - _____</p>	<ul style="list-style-type: none"> • We would recommend that this question is asked after question 1. This question captures the identity of the individuals now. The insertion of the 'in another way' option was considered to be important for those individuals who may not think of themselves as male or female, and this terminology is preferred to the usual option of 'other'. This question, when used in combination with Q1, will allow for gender identity and transgender history to be captured. • Testing found that the terms 'male' and 'female' are less problematic than 'man' and 'woman' because the former are seen as biological facts and not socially constructed like the latter terms. Additionally, despite concerns raised in the focus groups around the potential confusion of using traditional sex categories when asking how one describes themselves (such as about gender), evidence from cognitive interviews suggests that the categories 'male' and 'female' do work, and they work well for both trans and non-trans individuals. • Where there is limited space on a form or questionnaire, or where the information required need not capture the legal definition of gender reassignment: Q1 and Q2 are adequate for capturing transgender history and gender identity. • However, there will be people with a transgender history who will not disclose it through Q1 and Q2, either because they hold a GRC or because they simply do not wish to. A reliance on these two questions alone may therefore result in underestimation.
<p>Q3 Have you gone through any part of a</p>	<ul style="list-style-type: none"> • Q3 enables a better capture of gender reassignment in

<p>process (including thoughts or actions) to change from the sex you were described as at birth to the gender you identity with, or do you intend to?</p> <p>(This could include changing your name, wearing different clothes, taking hormones, or having any gender reassignment surgery.)</p> <p>Yes → Please go to Q4</p> <p>No → End</p>	<p>line with the definition of gender reassignment protected by the 2010 Equality Act. We recommend this question is used in combination with Q4, which will enable capture of the stage at which individuals are in the process, if any.</p> <ul style="list-style-type: none"> • However, there will always be trans people who will choose not to answer this question (see above).
<p>Q4 Continuing to think about these examples, which of the following best applies to you?</p> <p>Please tick one option</p> <p>I am thinking about going through this process</p> <p>I am currently going through this process</p> <p>I have already been through this process</p> <p>I have been through this process, then changed back</p> <p>None of the above</p> <hr/> <p>I prefer not to say</p>	<ul style="list-style-type: none"> • Q4 only works in conjunction with Q3, as it directly refers to the examples used in the previous question. Trans people will be routed to Q4. Q4 enables a better capture of where individuals are in the process, in line with the definition of gender reassignment protected by the 2010 Equality Act. The options elicit intention to, whether currently undergoing and having gone through gender reassignment (as defined by the individual). • The ‘prefer not to say’ option was recommended by participants. The ‘none of the above’ answer option gives participants the opportunity to write in an alternative response if they wish to.
<p>Q5 Which of the following describes how you think of yourself?</p> <p>Tick all that apply</p> <p>Trans man</p> <p>Trans woman</p>	<ul style="list-style-type: none"> • This question will enable capture of the different gender identities within the trans population. • We would advise that, where possible, this question is included since it provides an opportunity for people to express themselves in the way that they want to. • The ‘prefer not to say’ option was recommended by participants, and the option to self-define ‘in another way’. The use of ‘person’ enables a human identity, rather than a simple category. The options ‘transvestite’

Transsexual person	and 'cross-dresser' were recommended separately as they can be different identities, as were the options to define as a 'trans man' or 'trans woman'. The list of answers is not exhaustive, but represents most forms of identity and self-identity, without becoming onerously long.
Gender variant person	
Cross-dressing person	
Transvestite person	
Intersex person	
In another way -	
I prefer not to say	

The EHRC recommended that:

wherever possible and acceptable, questions 1, 2, 3, and 4 are asked...Questions 3 and 4 measure the definition of gender reassignment whereas questions 1 and 2 allow a larger population to be measured, including respondents who may not have considered gender reassignment but who wish to identify as other than 'male' or 'female'. As gender reassignment is a fluid process, asking questions 1 – 4 will provide information on those who are considering or in the process of transitioning and also those who have completed a gender reassignment process. (Glen & Hurrell, 2012, p11)

Recommendations from the Scottish Transgender Alliance

In addressing the limitations of questions currently asked in Scotland, the Scottish Transgender Alliance (2012) recommended potential questions that would capture a wider range of gender identities. The organisation also critiqued the existing questions used in surveys. These options, and comments associated with them, are detailed in the tables below.

Table 2: Recommendations from the Scottish Transgender Alliance (2012)

Suggested question	Comments (quotes from the report)
Q1. Please describe your gender identity:	<ul style="list-style-type: none"> This is simply a transgender-inclusive version of the traditional questions 'What is your gender?' of 'What is your sex?' Instead of allowing only 2 options (a male/female binary), the question recognises that some (but not all) transgender people may self-identify as other than male or female. The question also recognises that many transgender people self-identify as having a male or female gender identity (regardless of their birth gender or current legal gender). By using the term 'gender identity', the question makes it clear to transgender people that they are welcome to give their personal identity regardless of their stage of gender reassignment. By using the phrasing 'Please describe...' rather than 'What is...' the tone of the question is softened so that it feels less intrusive and intimidating. This is important as some transgender people will have previously experienced aggressive and demeaning questioning from strangers about their
Male (including female-to-male trans men)	
Female (including male-to-female trans women)	
Non-binary (for example, androgyne people)	
Prefer not to say	

	gender.
<p>Q2. Is your gender identity different to the sex you were assumed at birth?</p> <p>Yes (Please describe difference: _____)</p> <p>No</p> <p>Prefer not to say</p>	<ul style="list-style-type: none"> • This question seeks to count the number of service users or staff who are directly affected by transgender equality issues while being phrased in as terminology-neutral a manner as possible. Terminology varies widely across the world so service users or staff coming to Scotland from other countries may not ever have used terms such as “transgender” to describe themselves before, but they may still have personal situation which in Scotland would be considered to fall within the umbrella term transgender.
<p>Q3. Have you ever identified as a transgender or trans person? (Equality organisations use the terms ‘transgender’ and ‘trans’ as inclusive umbrella terms for a diverse range of people who find their gender identity differs in some way from the sex they were originally assumed to be at birth.)</p> <p>Yes</p> <p>No</p> <p>Prefer not to say</p>	<ul style="list-style-type: none"> • The third recommended question seeks to count the number of service users who have self-identified as transgender or trans people. The reason for asking whether they have "ever identified" rather than if they currently identify is because many people who have undergone gender reassignment then cease to identify as transgender or trans and simply see their gender reassignment as a small part of their personal history but nevertheless they can continue to be affected by transgender equality issues. • The inclusion of a definition within the question helps to minimise the problem of terminology being culturally biased but cannot eliminate it (hence the usefulness of Q2). Technically Q3 can be left out so long as Q2 is used. However, the inclusive definition which is within Q3 can help to educate all service users and staff about the existence of transgender people.
<p>Q4. Do you consider yourself to be within any of the following categories? (You can tick more than one if you wish.)</p> <p>FTM/trans man</p> <p>MTF/trans woman</p> <p>Intersex person</p> <p>Non-binary gender person</p> <p>Cross-dressing/transvestite person</p> <p>Other type of gender</p>	<ul style="list-style-type: none"> • The optional final fourth recommended question is only suitable for answering by respondents who are directly affected by transgender equality issues. In other words, Q4 should only be answered by someone if they have already either answered "non-binary" on Q1, or "Yes" on Q2, or "Yes" on Q3. People who are not transgender are too unlikely to understand the categories in Q4 and should not be asked to complete this question otherwise there will be a major risk of false positives and over-counting. This means that the optional Q4 is most appropriate for use in online surveys where the computer survey programme can use behind-the-scenes logic rules to only show Q4 to respondents who have given at least one answer on Q1, Q2 or Q3 as above which indicate they are directly affected by transgender equality issues. The other situation where it is appropriate to use Q4 is during targeted outreach to transgender people, such as during LGBT or trans-specific focus groups or events.

variant person (specify if you wish): _____	
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Table 3: Incorrect or offensive questions (Scottish Transgender Alliance, 2012)

Question	Comment (quotes from the report)
What is your sex? Female Male Transgender	DO NOT use a question which incorrectly suggests that all transgender people are a 'third sex'. Many transgender people, especially transsexual people who have undergone gender reassignment, do not consider themselves to be a 'third sex' and are likely to take offence at this suggestion.
What is your sexual orientation? Lesbian Gay Bisexual Transgender Straight/Heterosexual	DO NOT use a question which incorrectly suggests that transgender is a type of sexual orientation. A person's gender identity and a person's sexual orientation are two different things. Transgender people can be lesbian, gay, bisexual, or heterosexual/straight just like anyone else. Although transgender people can have many equality and rights issues in common with lesbian, gay, and bisexual people and often form LGBT organisations to pursue common aims, being transgender does not indicate anything about who you are attracted to.

Appendix 2: The related, but different, concepts of sex, gender, and sexual orientation

Sex, gender, sexual orientation, and their related concepts are often used interchangeably, with the assumption that they share the same meaning.

Sex is the distinction between male, female, indeterminate, and intersex and is based on the biological differences in sexual characteristics. This is based on chromosomal and physical attributes, and is biologically determined. Aspects of sex will not vary substantially between different human societies.

Note: These tables illustrate the difference in these related, but different, concepts and provides some associated terms. These lists are not intended to be comprehensive. Their purpose is merely to aid understanding of the different concepts.

The different aspects of sex (Statistics NZ, 2010)		Some terms related to sex
Sex	The distinction between male and female based on the biological differences in sexual characteristics.	Male Female Intersex Indeterminate

Gender is the social and cultural construction of what it means to be a man or a woman, including roles, expectations and behaviour. Gender is a complex social phenomenon that shapes an individual's sense of personal identity and their interactions with others. The social significance attached to being female or male and the use of gender as a component of social structures varies between societies and over time.

The different aspects of gender (Human Rights Commission, 2008)		Some terms related to gender
Gender	The social and cultural construction of what it means to be a man or a woman, including roles, expectations and behaviour.	Male Female Transgender
Gender expression	How someone expresses their sense of masculinity and/or femininity externally.	Cisgender Pangender
Gender identity	A person's internal, deeply felt sense of being male or female (or something other or in between). A person's gender identity may or may not correspond with their sex.	Genderqueer Whakawahine Fa'afafine

Sexual orientation refers to the sex or genders of people that an individual is sexually and emotionally attracted to. It is derived from their sexual attraction, behaviour, and identity. Sexual identity and sexual orientation are often used interchangeably. However, for example, men who are in long-term relationships with women and occasionally have anonymous sex with men may not identify themselves as gay or bisexual. They may identify as heterosexual. Some men identify themselves as heterosexual **and** sometimes have sex with other men.

The different aspects of sexual orientation (ONS, 2010)		Some terms related to sexual orientation
Sexual attraction	This refers to a sexual interest in another person based on a combination of factors including a person's looks, movement, voice, smell etc that are appealing to the person attracted. Sexual attraction can also be defined as having sexual feelings towards someone.	Heterosexual Homosexual Gay Lesbian
Sexual behaviour	Refers to how people behave sexually. That is whether they have sexual partners of the same sex or not. Sexual behaviour does not necessarily form a basis for a person's sexual identity.	Bisexual Straight Queer
Sexual identity	How individuals think of themselves. This does not necessarily match their sexual behaviour or attraction and can change over time.	Asexual Takatāpui
Sexual orientation	One's sexual orientation can be derived from any of the above.	

As outlined above, aspects of sex will not vary substantially between different human societies, while aspects of gender may vary greatly. (WHO, 2012).



Appendix 3: References and further reading

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Appendix 4: Glossary

Terms related to gender identity

Cis-gender: individuals who have a match between the gender they were assigned at birth, their bodies, and their personal identity (Schilt & Westbrook, 2009).

Gender: The social and cultural construction based on expectation of what it means to be a man and/or a woman, including roles, expectations, and behaviour (HRC, 2008). *The concept of gender diversity, acknowledges this full range of genders. Societies, and cultures within societies, have different constructs and expectations of gender and this can vary over time.*

Gender dysphoria: The medical term used for the condition in which a person assigned one gender (usually at birth on the basis of their sex), identifies as belonging to another gender, or does not conform with the gender role their respective society prescribes to them (Balarajan, et al, 2011).

Gender expression: How someone expresses or presents elements of masculinity and/or femininity externally (HRC, 2008). *This includes clothing, hairstyles, mannerisms, voice and other behaviours. Someone's gender expression may or may not reflect their gender identity.*

Gender identity: A person's internal, deeply felt sense of being male or female (or something other or in between). A person's gender identity may or may not correspond to their sex (HRC 2011).

Gender non-conforming: Having a gender identity or gender expression that does not conform to a given society's dominant gender roles. (Open Society Foundations, 2013) *Genderqueer is a Western term for people who identify as a gender other than male or female. In New Zealand, the administrative category 'indeterminate' is likely to be used by gender non-conforming people, especially where it is used as a measure of both sex and gender identity.*

Genderqueer: Term that some people use who identify their gender as falling outside the binary constructs of 'male' and 'female'. They may define their gender as falling somewhere on a continuum between male and female, or they may define it as wholly different from these terms. They may also request that pronouns be used to refer to them that are neither masculine nor feminine, such as 'zie' instead of he/she or 'hir' instead of his/her. Some genderqueer people do not identify as transgender (APA, 2011).

Terms related to sex

Indeterminate sex: Physical appearance and/or genetic testing does not enable a person to be classified as male or female. They can have a combination of male and female features, or features which are not characteristic of either sex (Statistics NZ, 2010).

Intersex: A general term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that does not fit the typical biological definitions of female or male. (HRC, 2008).

Sex: the distinction between males and females based on the biological differences in sexual characteristics (Statistics NZ, 2010). *Sex is biologically determined and is based on chromosomal and physical attributes. A third category, indeterminate sex, is recorded on some administrative databases and in some cases is self-defined, with no medical evidence required.*

Sexual behaviour: refers to how people behave sexually. This is whether they have sexual partners of the same sex or not. Sexual behaviour does not necessarily form a basis for a person's sexual identity (ONS, 2010).

Sexual identity: How individuals think of themselves. This does not necessarily match their sexual behaviour or attraction and can change over time (ONS, 2010).

Sexual orientation: One's sexual orientation can be derived from their sexual attraction, sexual behaviour, and/or sexual identity (ONS, 2010). *It includes, for example, lesbian, gay bisexual, queer, heterosexual and asexual.*

Takatāpui: The traditional meaning of takatāpui is 'intimate companion of the same sex'. Many Māori people have adopted this term to describe themselves, instead of or in addition to terms such as lesbian, gay, bisexual, queer or trans. It refers to cultural and sexual/gender identity (Pega, Gray, & Veale, 2010). Also spelt takataapui."

Transvestite: The term used to describe a person who dresses in the clothing of the opposite sex. Generally, transvestites do not wish to alter their body and do not necessarily experience gender dysphoria (EHRC, 2012).

Terms related to both sex and gender identity

Acquired gender: The new gender of a person who has had their gender reassigned and/or legally recognised. It is possible for an individual to transition fully without surgical intervention (Balarajan, et al, 2011).

Cross-dresser: The term refers to a person who wears the clothing of the opposite sex because it is the clothing of the opposite sex. This excludes people who wear opposite sex clothing for other reasons. Cross-dressers may not identify with, or want to be the opposite gender, nor adopt the behaviours or practices of the opposite gender, and generally do not want to change their bodies. This term is associated with transvestite, though some cross-dressers would not identify as such (Balarajan, et al, 2011).

FtM: Female to male trans person. A person who is changing, or has changed, gender role from female to male. Also described as a 'trans man' (Balarajan, et al, 2011).

MtF: Male to female trans person. A person who is changing, or has changed, gender role from male to female. Also described as a 'trans woman' (Balarajan, et al, 2011).

Trans: In New Zealand, this is often used as an umbrella term for any transgender or transsexual people.

Transgender : someone whose gender identity differs from their sex recorded at birth. *It includes, for example, trans men, tangata ira tane, trans women, whakawāhine, fa'afafine, fakaleiti, akava'ine, gender queer and other gender diverse individuals. Transgender people may or may not choose to medically transition.*

Transgender man: A term for a transgender individual who, assigned female at birth, currently identifies as a man. (Grant, et al, 2011).

Transgender woman: term for a transgender individual who, assigned male at birth, currently identifies as a woman. (Grant, et al, 2011).

Transitioning: is when a trans person take steps to live in their gender identity. *It may involve social transition, legal gender recognition and/or medical transition. There is no single way of transitioning, nor is transition defined by medical steps someone has or has not taken.*

Transsexual: A term that maybe used to describe a person who has changed, or is in the process of transitioning, their physical sex to conform to their gender identity (HRC, 2008).