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Health and lifestyles**Measuring sex, gender and gender identity****Note by the Equality and Human Rights Commission, United Kingdom¹***Summary*

This paper describes the existing use of gender identity questions in several contexts and the related challenges. It then presents the process and results of the testing of survey questions on gender identity, carried out by the Equality and Human Rights Commission of Great Britain. The tested questions pertain to sex at birth, self-identified gender, gender reassignment and self-description of trans identity.

I. Introduction

1. The Equality and Human Rights Commission (the EHRC) was established under the United Kingdom Government's Equality Act 2006 as an independent public body to regulate equality, human rights and good relations across the public, private and voluntary sectors in Britain. Its interest in measuring gender identity comes from its remit under United Kingdom equality legislation, which names sex and gender reassignment amongst nine protected characteristics.

2. Gender reassignment in particular stands out as the only protected characteristic for which there are no reliable data on the population, their characteristics or experiences. In

¹ Prepared by Karen Hurrell, Equality and Human Rights Commission. The programme of work reported on here was planned and managed by Fiona Glen, Head of Research at the EHRC.

the EHRC's first Triennial Review² in 2010, it was argued there is "a case for inclusion in the largest surveys of some questions to define whether a person is transitioning or has transitioned in the past, or ... [is] transgender in any way. At the very least, this would give a better estimate of the diversity within transgender and transsexual populations than current sources allow ... This will require harmonised questions for defining transgender and transsexual people to be developed."

3. The arguments for collecting data on gender identity include:

(a) a general recognition of the importance of the issue within society and recognition of the people affected by it;

(b) improved knowledge of the size of the trans population and measures of levels of discrimination and inequality;

(c) monitoring of workforces and/or service users. Public authorities in Britain may carry out monitoring of gender identity in complying with the Public Sector Equality Duty³;

(d) monitoring progress towards becoming a more equal society. Under the Equality Act 2006, the EHRC is required to monitor progress in Britain at least every three years.

4. In 2007 the Equality Data Review,⁴ a cross-Government review of equality data recognised this data gap and recommended "that Government agencies work with non-Government stakeholders to agree an approach to obtaining more equality information on transgender people and those undergoing the process of gender reassignment." A position paper by the Office for National Statistics (ONS) on transgender data in 2009⁵ considered a range of methodological issues before concluding "that data collection via ONS household surveys is not the most appropriate method for collecting this data."

5. While the EHRC recognises that collecting data on this issue is a very sensitive area, it has since begun an ongoing programme of work to demonstrate that it is possible to develop and test survey questions that can be understood and answered by all people living in the United Kingdom, including those who are not familiar with transgender people or issues. This work is being used to inform guidance for organisations thinking about or currently monitoring gender identity. It could also be the first step towards questions being included on national surveys or even censuses.

6. This paper gives examples of existing approaches to collecting data on sex or gender and identifies the problems with some of these. It then goes on to describe the work carried out so far and concludes with an outline of the next steps in the programme.

² EHRC, How fair is Britain? The first Triennial Review. Published October 2010. <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/>

³ See the EHRC's website for details:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/>

⁴ Office for National Statistics website, Equality data review, 2007. Accessed 16 December 2011. (<http://www.ons.gov.uk/ons/guide-method/measuring-equality/equality/equality-data-review/index.html>)

⁵ Office for National Statistics, Trans data position paper, 2009. (<http://www.ons.gov.uk/ons/guide-method/measuring-equality/equality/equality-data-review/trans-data-position-paper.pdf>)

II. Collecting data on sex and gender

A. Definitions

7. Sex and gender, and the terms, 'male/female' and 'man/woman' are often used and understood interchangeably. However, in the research literature, sex and gender refer to different characteristics and are considered separately. The following definitions are used in the United Kingdom:

'Sex' refers to biological and physiological characteristics. In the United Kingdom, the terms 'male' and 'female' are used on birth certificates to denote the sex of children.

'Gender' refers to socially constructed roles, behaviours, activities, and attributes. The terms 'man', 'masculine', 'woman', and 'feminine' denote gender.

8. The World Health Organisation's website⁶ also gives similar definitions.

B. Questions and classifications

9. In Britain, various approaches are used for data collection:

(a) 'What is your sex? male, female' was used in the 2011 Censuses⁷;

(b) 'Your gender - are you... male, female' or similar may be used to collect monitoring data⁸;

(c) Face-to-face surveys may rely on the information being volunteered or observed by the interviewer, such as in the United Kingdom's Harmonised Standards⁹.

10. Sex and gender terms are frequently used interchangeably, as in the second example above.

11. Some examples of approaches used in other countries:

(a) 'Welches Geschlecht haben Sie? Männlich, weiblich' ('What is your sex/gender? Male, female' in German) is asked in the German Census¹⁰;

(b) 'Is the person male or female?' is asked in the Australian Census¹¹;

⁶ WHO website, What do we mean by "sex" and "gender"? Accessed 18 November 2011. <http://www.who.int/gender/whatisgender/en/index.html>

⁷ See Office for National Statistics, 2011 Census questionnaire content, for questions asked in England and Wales (<http://www.ons.gov.uk/ons/guide-method/census/2011/the-2011-census/2011-census-questionnaire-content/index.html>) and Scotland's Census 2011 website for questions asked in Scotland (<http://www.scotlandscensus.gov.uk/en/howto/questionshelp/q/i2.html>). Accessed 14 December 2011.

⁸ See, for example, monitoring categories suggested in Nottinghamshire County Council, Equality monitoring guidance, 2010. (<http://www.nottinghamshire.gov.uk/equalitymonitoringpolicyguidance.pdf>)

⁹ Office for National Statistics, Harmonised Concepts and Questions for Social Data Sources Primary Standards: Demographic information, household composition and relationships, October 2011. (<http://www.ons.gov.uk/ons/guide-method/harmonisation/primary-set-of-harmonised-concepts-and-questions/demographic-information--household-composition-and-relationships.pdf>)

¹⁰ Statistische Bundesamt (Deutschland), 2011 Census Household Survey Questionnaire. https://cdn.zensus2011.de/live/fileadmin/material/pdf/fragebogen/Fragebogen_Haushaltebefragung_20101007a.pdf

(c) The Census of India records 'Sex' and provides three response categories: Male 1, female 2 and other 3, with the instruction 'In case the respondent wishes to return other than code 1 or 2 then give code 3'¹².

12. Related to this, the classification used on passports may include a third option. In both Australia¹³ and New Zealand,¹⁴ passports can show 'M', 'F' or 'X'.

III. Problems with these approaches

13. Answering any of these questions could be problematic for 'trans people'. Here the term 'trans person' is used as an umbrella term for people whose gender identity and/or gender expression differs from their birth sex. It includes transsexual people (those who intend to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), androgynous or polygender people (those who do not identify with male or female identities and do not identify as male or female), and others who define as gender variant.

14. 'Gender reassignment' is the term applied to the process of transitioning from one gender to another, which may or may not involve hormone therapy or surgery.

15. In the following text 'non-trans person' is used to refer to anyone who is not a 'trans person'.

16. Some examples of possible questions and the problems they raise are discussed below.

The direct question "What is your sex?"

17. This is probably the most common question asked, with two answer categories: male and female. Problems with this are:

(a) In the United Kingdom, trans people with a Gender Recognition Certificate¹⁵ cannot be required to reveal their birth sex or trans status. Both they and other trans people who have always regarded themselves as male or female are able to choose the option reflecting their gender identity. However some trans people may be unsure how to respond, or may feel forced to identify their sex at birth;

(b) There is no response category available for anyone who does not identify with male or female identities and does not identify as male or female.

¹¹ Australian Bureau of Statistics, 2011 Census Household Form.
[http://www.abs.gov.au/ausstats/abs@.nsf/lookup/2903.0main%20features162011/\\$file/SAMPLE_PRI_NT_VERSION_F1.pdf](http://www.abs.gov.au/ausstats/abs@.nsf/lookup/2903.0main%20features162011/$file/SAMPLE_PRI_NT_VERSION_F1.pdf)

¹² Office of the Registrar General and Census Commissioner India, Census of India 2011 Household form. Accessed 14 December 2011. (http://www.censusindia.gov.in/2011-Schedule/Shedules/English_Household_schedule.pdf)

¹³ Australian Passport Office website, Sex and gender diverse passport applicants. Accessed 15 December 2011. (<https://www.passports.gov.au/web/sexgenderapplicants.aspx>)

¹⁴ New Zealand Passports website, Information for transgender applicants. Accessed 15 December 2011. (<http://www.passports.govt.nz/Transgender-applicants>)

¹⁵ This legal recognition is required before official documents such as the birth certificate and passport can be changed to reflect a person's acquired gender. For details see: HM Courts and Tribunals Service, A guide for users: Gender Recognition Act 2004, April 2007. (<http://www.justice.gov.uk/downloads/guidance/courts-and-tribunals/tribunals/gender-recognition-panel/overseas-application-process/explanatory-leaflet-guide-for-users.pdf>)

An alternative "Are you...?"

18. Avoiding specifying whether the question is about sex or gender may be seen as an alternative approach. However, if there are still only two answer categories, the removal of the word 'sex' does not reduce the possible problems which include:

- (a) It is not clear if it means sex or gender. Trans people will understand the difference between these and so may be unsure how to respond;
- (b) It is not clear whether the response should be self-defined, definition by others or legal definition. Again, trans people may be unsure how to respond;
- (c) All the potential problems listed under the first approach above ("What is your sex?") apply here too.

Adding a third answer option

19. Another option which might be considered is to add a third category for those who do not identify with male or female or man or woman, but there are potential problems with this too:

- (a) Non-trans people may find a third category confusing or amusing and as a result 'mock' the question by answering incorrectly.
- (b) Some trans people will welcome a third category, but only if the wording is chosen well.
 - (i) Labelling the third category 'transgender' is not an appropriate choice since it is not a form of gender and it could prevent some trans people from identifying their gender in the way they would choose, that is as 'male' or 'female';
 - (ii) Using the term 'other' is also problematic. Although seen as an improvement on using 'transgender' as a third category, it can be considered offensive and is not acceptable;
- (c) The third category may be avoided by trans people out of concern about being identified as trans. This highlights the need for data collection to be carried out sensitively and reassurances given that the information will remain confidential.

20. The implication of these issues is that the collection of data on sex or gender should be sensitive to the needs of trans people so that they:

- (a) Are clear about what is being asked;
- (b) Do not find the question wording or answer options offensive;
- (c) Are given appropriate answer options to allow them to respond as they wish, including a suitably-worded third category;
- (d) Can feel able to answer the questions and confident that their responses will remain confidential.

IV. Developing survey questions on gender and gender identity

21. The EHRC is carrying out an ongoing programme of work to test and develop questions covering a range of characteristics, including gender identity, gender reassignment and trans identity in order to be able to give guidance on collecting data in a way that can be understood and answered by all people living in the United Kingdom.

22. The first stage was an in-house review of existing questions and what they capture. Questions that had been used previously in surveys or monitoring were collated and considered against several criteria. None however turned out to be completely satisfactory, although some suggested approaches for future testing. Problems identified were:

(a) Questions included 'transgender' as a third gender after 'male' and 'female'. This is inappropriate for the reasons given above;

(b) 'Transgender' was added to a question on sexual orientation, alongside sexual orientation categories. This is again inappropriate as transgender is not a type of sexual orientation;

(c) Questions were aimed at only a narrow group, such as those living and working permanently in a gender other than that assigned at birth;

(d) Questions were too wordy and/or used terms which may be difficult for non-trans people to understand, such as 'transgender', 'transsexual', 'gender identity' etc.

23. The review of questions identified a short list of questions for further testing, each with two variants. These were:

Box 1

Question 1

Currently, are you...

or

Which of the following best describes how you think of yourself?

With the response categories: male, female, other

Question 2

... and at birth were you ...

or

... and were you born ...

With the response categories: male, female

Question 3

Which of the following best describes how you think of yourself?

Or

Which of the following best describes you?

With the response categories:

Transgender male to female

Transgender female to male
 Cross-dressing / transvestite person
 Androgyne / polygender / genderqueer person
 Intersex person
 Other (please specify)

24. To these were added two questions on gender reassignment as follows:

Box 2

Question

Have you ever thought about moving, or have you already moved, from your birth sex to the gender you identify with, for example changing your name, wearing different clothes, taking hormones or having gender reassignment surgery?

Yes

No

Question

Thinking about the stages you may have thought about or already been through to move from your birth sex to the gender you identify with, which of the following options best applies to you?

Please tick one option

1. I am thinking about going through these stages
2. I am currently going through these stages
3. I have already been through these stages
4. I have been through these stages, but then transitioned back
5. I am not currently thinking about going through any of these stages.

25. The EHRC then commissioned a research study with the primary aim of developing and cognitively reviewing a suite of questions to measure gender identity that can be understood and answered by all people living in the United Kingdom. The aims of the project were to:

- (a) test questions using focus groups and cognitive interviewing with trans and non-trans people;
- (b) select the most appropriate question/questions, including one or more to capture gender reassignment as defined by the Equality Act 2010.¹⁶

26. A full report of the research has been published by the EHRC.¹⁷

¹⁶ Home Office website, Equality Act 2010. Accessed 15 December 2011.
 (<http://www.homeoffice.gov.uk/equalities/equality-act/>)

27. A range of question variants were first presented to seven deliberative focus groups to obtain their views about both the specific questions and the general acceptability of asking questions about gender identity in specific contexts. Three groups were of non-trans people and four were of trans people. The questions at this stage were based on those in Box 1 above, with the addition of 'Is your gender identity the same as the gender you were assigned at birth?'

28. The groups raised a range of issues, including the clarity or vagueness of questions, the ability of trans and non-trans people to understand the questions and the appropriateness or acceptability of question wording and response categories.

29. The focus groups were followed by cognitive testing of further sets of questions to enable the researchers to examine the question and answer process in detail. These included:

(a) Questions about gender identity, each with three answer categories, for example:

(i) 'Would you describe yourself as...',

(ii) 'Which of the following best describes how you think of yourself?' or

(iii) 'Which of the following best describes how you think of your gender?'

(b) Questions about birth sex which asked 'At birth were you described as...' with the answer categories 'male', 'female' plus one or both of 'intersex' and 'I prefer not to say';

(c) Two new questions were added to cover gender reassignment, see Box 2 above;

(d) A transgender identity question was included to allow trans people to specify the way in which they preferred to describe their identity.

30. Based on results of the research, the following questions were recommended for further quantitative testing. These also form the basis of EHRC Guidance¹⁸ for those organisations thinking about or currently monitoring gender identity, so that they may do so using an acceptable and methodologically robust approach.

31. Comments on the recommendations are also given in the boxes below:

Q1 At birth were you described as...

Please tick one option

Male

Female

Intersex

I prefer not to say

¹⁷ Balarajan, M et al, Monitoring equality: developing a gender identity question, 2011. EHRC Research Report 75. Manchester: EHRC.

(http://www.equalityhumanrights.com/uploaded_files/research/rr75_final.pdf)

¹⁸ EHRC, Collecting information on gender identity, 2011.

(http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/collecting_info_gender_id.pdf)

Comments

- a) 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).
- b) 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.
- c) 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), or feel uncomfortable revealing this. There will always be participants who will not want to reveal this information.

Q2 Which of the following describes how you think of yourself?

Please tick one option

Male

Female

In another way: _____

Comments

- a) We would recommend that this question is asked after question 1. This question captures the identity of 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 question 1, will allow for gender identity and transgender history to be captured.
- b) 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.
- c) Where there is limited space in a form or questionnaire, or

where the information required need not capture the legal definition of gender reassignment; this question and question 1 are adequate for capturing transgender history and gender identity.

However, there will be people with a transgender history who will not disclose it through questions 1 and 2, 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.

Q3 Have you gone through any part of a process (including thoughts or actions) to change from the sex you were described as at birth to the gender you identify with, or do you intend to?

(This could include changing your name, wearing different clothes taking hormones or having any gender reassignment surgery).

Yes → Please go to Q4

No → End.

Comments

a) Question 3 enables a better capture of gender reassignment in 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.

However, there will always be trans people who will choose not to answer this question (see above).

Q4 Continuing to think about these examples, which of the following options best applies to you?

Please tick one option

I am thinking about going through this process

I am currently going through this process

I have already been through this process

I have been through this process, then changed back

None of the above _____

I prefer not to say

Recommendations

a) Question 4 only works in conjunction with question 3, as it directly refers to the examples used in the previous question. Trans people will be routed to question 4. Question 4 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).

b) 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.

Q5 Which of the following describes how you think of yourself?

Tick all that apply

Trans man

Trans woman

Transsexual person

Gender variant person

Cross dressing person

Transvestite person

Intersex person

In another way: _____

I prefer not to say

Recommendations

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 simply a category. The options 'transvestite' 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.

V. Next steps

32. The five questions recommended (see above) are now undergoing quantitative testing on an online survey. The aims of the project are:

(a) to identify any observed differences between the respondent's earlier response to a 'standard' sex question, with responses male and female, and the

Commission's gender identity questions. Only the latter are being asked in the current survey to avoid order effects from asking similar questions;

(b) to review the overall proportions that answer the full suite of questions.

33. It is hoped that preliminary results from testing will be available to present at the work session in March.

34. Following this, the guidance will be updated if necessary and then rolled out to public sector and other interested organisations.

35. There has already been interest from the Scottish Government's (SG's) Equality Statistics Section, who is working with stakeholders to develop an approach to deciding when the SG should ask such questions. The National Statistics Harmonisation Group,¹⁹ a cross-Government group lead by the Office for National Statistics, has also been asked to consider whether gender identity could be covered by harmonised standards.

36. The programme to date has shown how it is possible to ask questions that are inclusive of all identities. If anyone is considering collecting data on these issues, it is recommended that they begin by consulting appropriate stakeholders and testing questions for themselves, since legal, language and social contexts would be expected to differ between countries.

¹⁹ Office for National Statistics website, Harmonisation Programme. Accessed 16 December 2011. (<http://www.ons.gov.uk/ons/guide-method/harmonisation/harmonisation-index-page/index.html>)