

**UNECE**

# Measuring Gender Identity

**Working Paper Series on Statistics**



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## **Measuring Gender Identity**

**Statistics Canada<sup>1</sup> and Office for National Statistics, United Kingdom<sup>2</sup>**

### **Abstract**

*This paper provided the basis for an in-depth review on measuring gender identity conducted by the Bureau of the Conference of European Statisticians (CES) in February 2019. It summarizes the main needs for statistical measurement of gender identity, the challenges posed, and the variety of approaches so far taken. It gives a detailed overview of current practice in those countries leading the efforts to begin measuring gender identity and presents an annex of country practices and situations in CES countries and beyond. Discussions based on this paper led to proposals by the CES Bureau for follow-up work to be conducted at the international level.*

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## I. Introduction

1. The Bureau of the Conference of European Statisticians (CES) regularly reviews selected statistical areas in depth. The aim of the reviews is to improve coordination of statistical activities in the UNECE region, identify gaps or duplication of work, and address emerging issues. The reviews focus on strategic issues and highlight concerns of statistical offices of both a conceptual and a coordinating nature.

2. The CES Bureau selected “Measuring gender identity” for an in-depth review at its February 2018 meeting in Helsinki, Finland. The Office for National Statistics of the United Kingdom (ONS)<sup>3</sup> and Statistics Canada (STC) were requested to prepare the paper providing the main basis for the review.

3. An in-depth review will typically do the following: summarize the international statistical activities in the selected area; identify issues and problems; and make recommendations for possible follow-up actions. The current review attempts to do all this for the topic of measuring gender identity. However, the newness of this statistical area has to be recognized at the outset. This is still a developing area: it is too early to make many firm recommendations. Instead, we try to illustrate the different approaches being undertaken so far, including the context and rationale where possible. It is hoped that national statistical offices (NSOs) will benefit from this early insight on the work being done in some countries at this time.

4. In addition, appendix I “Current country practices in the measurement of gender identity” provides significant individual documentation on a large number of countries that have either begun activities in measuring gender identity or are looking to do so. The authors gratefully acknowledge the contributions of these NSOs to the review.

## II. Scope/definition of the statistical area covered

5. Sex and gender are becoming increasingly recognized by people in more and more countries as having both separate dimensions and a range of possibilities. The transgender population, plus advocates and researchers in the fields of health and human rights, have been raising social awareness about transgender for some time. Awareness and acceptance has been growing<sup>4</sup> along with the increasing acceptance of gay rights, although this is not the same thing.<sup>5</sup> Meanwhile, the concept of non-binary gender or genderqueer individuals is also becoming better known, although it likely involves a much smaller percentage of the population than the full transgender population. (See “Concepts and definitions” for a brief explanation of terms as they are used in this review).

6. Many cultures have long recognized and accepted a degree of diversity among themselves that Western societies as a whole have not. They may have specific terms for this, and in some countries there is even recognition of traditional groups in data collection, such as the Hijras of India. Other examples are the Fa’afafine of Samoa, and

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<sup>3</sup> Population statistics are a devolved matter in the United Kingdom; therefore the ONS work referenced in this review refers to England and Wales. Scotland and Northern Ireland have developed their own approaches to measuring gender identity. These are detailed in the appendix to this report.

<sup>4</sup> Despite growing acceptance, some transgender individuals and groups are still fearful that persecution might result from the attention brought by official statistics on the topic.

<sup>5</sup> The topics of sexual orientation and transgender are regularly combined under the label of LGBT, where “LGB” stands for lesbian, gay and bisexual. The “T” for transgender is sometimes followed by queer (Q), two-spirited (2) or intersex (I). Social orientation and gender identity are also sometimes referred to using the acronym SOGI.

‘two-spirit’ indigenous North Americans. This shows that there has long been greater complexity in the area of gender identity than the male-female binary distinction would suggest.

7. Apart from a few references to terms in other languages (refer to section D “Language”), the perspective provided in this paper is currently limited to the English language, including research published in English.

## A. Concepts and definitions

8. This section is an attempt by the authors to summarize some of the observations we have made in the literature that we reviewed and to show how we are using the terms in this document. It is beyond the scope of the review at this time to make recommendations regarding concepts and definitions.

9. In English, the word “gender” is often used as an alternative to the word “sex”, the latter being reserved for biological characteristics. In everyday usage, however, the two words are often used interchangeably, unless the distinction is clear from the context. “Gender-based analysis” is a term currently used for statistical comparisons of the socio-economic characteristics of men and women.

10. The literature tends to define “gender identity” as the inwardly-felt aspect of being male, female, or not entirely one or the other, all of which may be different from one’s sex at birth. The terms “gender expression” or “lived gender” are less common but are defined as referring to the outward expression of one’s gender, regardless of how that person feels. In more general practice, however, the term gender identity is used to mean gender identity and expression, without distinction.

11. The phrase “non-binary gender” is becoming increasingly used to refer to people who would say their gender is not just male or female, nor man or woman. But there are many other generic or specific terms for this being used by trans individuals if not by the wider public, including the terms “genderqueer” and “gender fluid”. “Gender fluid” may refer to the changing or alternating nature of a person’s gender.

12. In most research literature, “transgender” or “trans” is defined as having a gender (identity or expression) that is different from the person’s sex as determined at birth. Note that the word “different” is used rather than the word “opposite”. In this sense, it includes all people with non-binary gender. The opposite of transgender is called “cisgender”.<sup>6</sup>

13. However, sometimes transgender seems to refer just to trans men and trans women, which is a better-known concept than non-binary gender and probably much more common. Note that a trans man has a gender (gender identity) of man/male, and similarly a trans woman has a gender of woman/female.

14. The terms “gender-diverse” and “intersex” are discussed in section IV “Standard classifications”.

15. As the subject of this paper, the topic of measuring gender identity encompasses both the characteristic of gender (male, female or any other gender) and the characteristic of being transgender (yes or no). The understanding here is that transgender is not a gender; however, the authors would like to point out that not all sources they reviewed were clear on this distinction.

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<sup>6</sup> The authors of this review found that the literature did not clarify definitions of transgender and cisgender with respect to a person whose non-binary gender is simply a reflection of their intersex characteristics from birth.

## B. Legal environment

16. The legal rights of trans people are not the same across Europe (European Agency for Fundamental Rights, 2015), or throughout the world (UN Office of the High Commissioner for Human Rights, 2016), and different political and legal situations have led to different approaches to collecting data on gender identity.

17. Interpretation of human rights law has been a driver of policy changes affecting official records, the collection of information on sex and efforts to collect data on the gender diverse population.

18. To begin with, governments in quite a few countries have been making it possible for people to change their sex information from male to female or female to male on official identity records. This is noted, where possible, in appendix I to this report.

19. In addition, some governments are looking at ways to accommodate non-binary gender. In Canada, this followed a few human rights cases brought to the Canadian Human Rights Commission in 2016.

20. In Germany in 2017, the Federal Constitutional Court ruled that there should be a third category, or no categories, for gender on civil status documents. As a result, the Federal Statistics Office have begun exploring how to implement a new “category of sex”, deciding that an “other” category should be included.

21. However, not all countries developing data collection of the gender diverse population are changing the collection of sex. In England and Wales, sex and gender (terms which are generally used interchangeably) are binary in laws which refer to them. This influences data requirements. A major concern in developing a gender identity question was not to damage the information already collected through the “male” or “female” sex question, which is an essential variable that feeds into population projections, which underpin decision-making, planning and resource allocation across central and local government.

22. ONS also identified a need for data on gender identity in order to understand inequality, inform and monitor policy development, allocate resources and plan services for the transgender population. The introduction of the Equality Act 2010 further strengthens the user requirement for those with the protected characteristics of gender reassignment.

23. The ONS approach to measuring gender identity in the England and Wales census therefore aims to meet both user needs.

24. Interaction between the protected characteristics of sex and gender identity provokes a great deal of debate in the UK. ONS has found it vital to engage with stakeholders, aiming to understand objections as well as needs to ensure the acceptability of questions. Change to a survey is unlikely to attract as much attention as change to a census.

25. In many countries, administrative data sources such as vital statistics are made available to the statistical agency for the production of the census and other statistical outputs. Statistics Canada is using tax data as part of the census to replace questions on income. Statistics Canada has been working with the federal government to ensure the coordination of changes to data on sex between administrative programmes and statistical outputs.

26. Measurement of sex at birth continues to be useful in certain circumstances: health, fertility, sex-specific laws, whilst these still exist – for example, sex is still relevant for pension provision in the United Kingdom, although increasingly laws are changing.

## C. Privacy regarding transgender

27. One complicating factor for measuring gender identity is that for some people who are transgender, privacy concerning their transgender status is of paramount importance.<sup>7</sup> The issue of privacy has been influential in how the ONS is considering asking questions related to gender identity.

28. In the United Kingdom, Article 8 in the Human Rights Act (based on the European Convention on Human Rights) says this about privacy:

*“Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”*

29. This does not necessarily prohibit asking a question about gender identity, but it does ensure that it is only done where the benefits of collecting the information outweigh the intrusion of privacy.

30. Rather than try to make this case, ONS intends to avoid engaging Article 8 at all. To take account of the possibility that the person completing the census form may not be aware of the gender identity of everyone in the household, ONS will offer the option to request an individual form to respond in private. This practice is already followed in Canada and Australia. This should help to address both privacy and quality concerns around proxy response. In addition, the new question on gender identity will be voluntary. That is, nobody will need to disclose their gender identity if they don't want to. The UK government and UK Statistics Authority are considering the appropriate mechanism to ensure this is the case, should that be through a voluntary label on the question or a Prefer Not to Say (PNTS) response option. More about ONS question design is covered in section III “Question design and testing”.

## D. Language

31. One of the major social issues to consider when collecting information on gender identity is language. In some societies, there could be specific minority groups that have been recognized historically, with terms in their language to refer to them. In some languages (Greek for example), the language is based on a binary sex framework where terms differ depending on whether a man or woman is speaking, or whether a man or woman is being spoken to. And some languages, ONS found when translating the gender questions, do not have different words for sex and gender (German, Dutch, Romanian, Greek; possibly others). For example, in Germany's official statistics *Geschlecht* does not explicitly follow a biological or social concept. In Romanian, the word *gen* for gender also means species and sex—and so *identitate sexuala* is used for both gender identity and sexual identity.

32. In languages where the concept of gender is not well established, it is unlikely that one standard question could be directly translated. Language issues might be rectified with definitions and guidance, online or via an interviewer. Different languages might require differently-nuanced translations. Question testing is recommended to ensure respondents understand what is being asked. Such testing would probably need to be

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<sup>7</sup> Many transgender people can pass in public as their adopted gender expression of man or woman via their appearance and often voice as well, particularly if they accessed hormone treatments or have had surgery (which can include cosmetic surgery) that helped them to transition physically.



repeated on a recurring basis as public understandings evolve. Understanding of terminology might also differ among different social and demographic groups and may have regional variation across a country.

### **III. Question design and testing**

#### **A. Brief review of prior research and implementation**

33. What follows is a very brief summary of some research, reviews and testing initiatives for identifying, defining and measuring gender identity and the transgender population. Two extensive reviews are: the 2009 *Trans research review* of the Equality and Human Rights Commission (EHRC) of the United Kingdom; and a report by the Williams Institute of University of California in Los Angeles in 2014 (specifically the GenIUSS Group), called *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys*.

34. Most of the implementation of expanded questions to include the transgender population has to date occurred in health surveys that ask questions (often about sexual orientation as well) directly to the intended respondents, that is, without proxy response. In the United States, there are seven federal surveys that ask about gender identity in a health-related or similarly focused context, where the word “transgender” is used in either the question itself or the response categories.

35. Among the literature reviewed for this paper, the most widely quoted survey for its results of the transgender population was the Behavioral Risk Factor Surveillance System (BRFSS) in the United States. In the module about the health status and healthcare experiences of transgender respondents, used by 19 states in 2014, it asked, “Do you consider yourself to be transgender?” Among about 150,000 respondents aged 18 or older who answered the question in 2014 (after slightly more than 50 per cent non-response), 0.52 per cent identified as transgender. This result was extrapolated to 0.6 per cent for the American adult population (Flores, Herman, Gates, & Brown, 2016).

36. The authors of a report on another survey, the California Health Interview Survey of 2015-2016, claimed that this was the only state-level representative survey in the United States to include a two-step approach to identify transgender and cisgender respondents (Herman, Wilson, & Becker, 2017). It asked a question on sex at birth and another asked “Do you currently describe yourself as male, female or transgender?” Among respondents aged 18 to 70, 0.35 per cent were identified as transgender from the two questions, including about 40 per cent who responded just “male” or “female” to the second question. This is a survey among about 20,000 households, with an unweighted count of just 85 transgender individuals. The authors pointed out that confidence intervals do not make this result significantly different from the BRFSS of 2014.

37. Some surveys on the transgender population have used methods other than population-wide sampling, such as on-line awareness campaigns or networking, to find and survey a target population of transgender individuals. Such surveys have been conducted at least in the European Union in 2012 (European Agency for Fundamental Rights, 2013), in Nepal in 2013 (UNDP; Williams Institute, 2014) and in Thailand in 2016-2017 (World Bank, 2018). Community-based surveys and health surveys can ask more detailed questions, such as transition history and transition intentions, or attitudes and experiences of being transgender. This is partly due to their ability to survey people individually rather than in a household setting.

38. The national censuses of Nepal (2011), India (2011), and Pakistan (2017) went beyond the traditional male-and-female categories of sex, and in this way they broke new

ground for census taking.<sup>8</sup> They used a question on sex that simply included a third multiple-choice category of “Third sex”, “Other”, or “Transsexual”. This may be better accepted in these countries. In places where most people do not have access to transgender-related surgery or hormone treatment, trans individuals who are not simply living in their natal gender may be inclined to live outwardly as transgender and describe their gender that way.

39. Research on expanded questions on sex and gender has been conducted quite intensively by national statistical offices (NSOs) in Australia, New Zealand, Canada, the United Kingdom and the United States. So far this has been done using one-on-one cognitive interviews among both trans and cisgender individuals and focus groups with trans individuals. Trans individuals were contacted through networking techniques.

40. Both Australia and Canada gained experience for processing an open-ended response category on sex or gender when they gave respondents slightly better options to answer a question on sex in their 2016 censuses. Canada gave instructions (not in the questionnaire itself) to leave the question on sex blank if it was inadequate and enter a comment at the end of the questionnaire. Australia provided an instruction in the electronic questionnaire to obtain a version of the questionnaire with an open-ended response option for sex. Australian Bureau of Statistics processed the 2016 answers and published the results, with the caveat that the final count was an underestimate of the transgender population due to the method used. The results are nonetheless valuable as research on measuring gender identity. A pilot study was also conducted in the census on a portion of respondents, to test changes with a large portion of the population and gauge the acceptability of an alternative question in the general public (Australian Bureau of Statistics, 2018).

## **B. Different requirements for administrative data, surveys and censuses**

41. Repeated cognitive testing carried out for health surveys in the past two decades has shown that many trans individuals would report their gender simply as “male” or “female” without using categories that refer to transgender status at all. The recommended solution has been to ask two questions, one that asks for sex at birth and another to obtain transgender status.<sup>9</sup> Sex at birth and transgender status are both very important variables for health surveys.

42. If collection of transgender status is not a major objective, and the objective of modifying a question on sex is simply to allow non-binary gender individuals a way to answer truthfully about themselves, then a single question asking for gender with categories of male, female, and a third category such as “Another gender” does this. (A question should not, however, use “transgender” as the third category. The relative benefits of a fixed response option or open response are covered in a later section.)

43. A single three-category question on gender may work well in an administrative setting where errors on the part of the binary gender population – “false positives” in the third category – are less likely to occur. However, in a survey or census, normal response errors could have a large distortionary impact on the count of the small minority population represented by the third category.

44. A single three-category question on gender, rather than a two-question approach, could be used in surveys where the highest quality counts of the population by gender are not of critical importance. In the case of a national census, two questions are most likely necessary, even if transgender status is not a major objective, in order to provide enough

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<sup>8</sup> All three countries acknowledged some limitations ranging from the lack of availability on all questionnaires, lack of training among interviewers regarding the new question, and sensitivity of the question in an interviewer-led situation.

<sup>9</sup> A two-step approach to measuring transgender has become widely recommended in the United States health research, particularly starting with Tate et al in 2012.

assurance of the quality of the final distribution of gender. This is discussed further in the next section.

45. But regardless of whether two questions or only one question is asked, the inclusion of a question on gender with a third category is important to give respondents adequate response options. Social surveys with relatively small sample should consider this when developing their questionnaires – even if they do not expect to be able to release numbers for the non-binary population.

### C. Examples of current testing for censuses

46. Statistics Canada is carrying out a large-scale quantitative test of new questions on sex at birth and gender identity in Spring 2019 as part of its 2021 census preparation. The ONS, in preparation for the 2021 Census of England and Wales, is also preparing for large-scale testing of new questions. Details about both of these exercises are provided in this section. In addition, the Australian Bureau of Statistics plans to conduct qualitative and quantitative testing during 2019 for its 2021 census, and National Records of Scotland has conducted testing and proposes to include a voluntary question in its 2021 census.

47. A census is likely the only way to obtain a high-quality count of the transgender or non-binary gender population without significant distortion from sampling variability and non-response bias. Yet in a census, there are other objectives, such as to maintain the highest possible quality on data by men and women as a whole, irrespective of whether this represents sex or gender.

48. Both Statistics Canada and the ONS (England and Wales) are currently attempting to introduce census questions on sex and gender that would serve the multiple objectives of: reflecting all genders in the census (male, female and other genders), measuring the full transgender population, and producing the same high quality of data by men and women as in the past. Both are therefore using a two-question approach.

49. However, there are some important differences. ONS is trying an approach that would avoid forcing respondents to reveal their transgender status to the agency. For Statistics Canada’s test, the question “What is this person’s gender?” will apply to everyone, and respondents will be asked to answer both sex at birth and gender on behalf of young children.

50. In both cases, the tests will use proxy reporting as in the census. It is important to note that when collecting data on gender through proxy responses, there could be extra challenges related to the sensitivity of the questions and the accuracy of responses. It is hoped that large quantitative tests will help to evaluate this to some degree, although it may still not be possible to do fully in a voluntary test setting. In fact, Statistics Canada has decided to conduct a mandatory test instead.

51. The full question sets are shown below.

#### *Canada’s 2021 census testing*

52. Although the same questions will be part of the large-scale census test in April 2019, Statistics Canada has already had positive results from its cognitive testing and in 2018 started applying these questions in its household surveys.

i. What was this person’s **sex at birth**?

*Sex refers to sex assigned at birth.*

1. Male

2. Female

ii. What is this person’s **gender**?

*Refers to current gender which may be different from sex assigned at birth and may be different from what is indicated on legal documents.*

1. Male
2. Female
3. Or please specify your gender

53. Note that short definitions are included, which respondents seemed to view favourably, if they read them; in some cases respondents saw these instructions as being very important for them to feel sure of what is being asked.

54. Initial qualitative testing by Statistics Canada showed that respondents preferred the term “gender” rather than “gender identity” as they felt it was less sensitive, especially when considering the proxy setting. It would be very difficult to ask a respondent how another member of their household feels with the intent of collecting their “felt gender” if this is not also the person’s lived gender.

55. In the electronic questionnaire, in order to minimize the impact of errors on the part of the large cisgender majority which could be interpreted as part of the small transgender population, a follow-up validation question is included, “Please verify that the information is correct.” This is shown if at least one person in the household provides answers to these questions that are not both “Male” and not both “Female”. (In this case, the answers to both questions for all members of the household are displayed for verification by the respondent.)

*ONS’s 2021 census testing*

56. The ONS is currently testing the addition of a gender identity question to follow the usual sex question.

57. In order to maintain or improve data quality ONS has recommended the wording of the sex question and available response options should remain the same (“What is your sex?” with the answer categories of “Male” and “Female”). There will be a guidance note on the sex question stating that a gender identity question will follow later.

58. There are two versions being tested for the gender question: “Is your gender the same as the sex you were registered at birth?” and “Do you consider yourself to be trans?” Both versions include a category called “Prefer not to say”.

- i. What is your sex?

***NOTE:** a question about gender will follow later if you are aged 16 or over.*

Male

Female

- ii. Is your gender the same as the sex you were registered at birth?

Yes

No, please write in gender

Prefer not to say

Or

Do you consider yourself to be trans?

*Here trans means your gender is different from the sex you were registered at birth.*

- No
- Yes, write in gender
- Prefer not to say

59. ONS anticipate that in all likelihood, some transgender people would be unwilling to disclose this in a government survey, but have prioritized the need to know something about the population, and to offer an inclusive census. Meanwhile, it is hoped that responses to the question on sex would be unaffected, therefore preserving the time series.

60. Statistics Canada has stated, “In some surveys, the two-step approach may be used as a transition measure before transitioning to only the gender question, to mitigate the risk of introducing an approach that may impact historical trends” (Lachance, Mechanda, & Born, 2017).

61. Whether this can be successfully undertaken by statistical organizations in a census, which is generally mandatory and includes proxy response, is not yet known. Furthermore, methods may depend in part on the social and legal context of the country. At the very least, it is important to give special attention to respondent communications material. Interviewer training for interviewer-conducted surveys is also important. ONS found that, at least in qualitative testing, reassuring respondents that their privacy will be maintained improves response and increases public acceptability of questions. Statistical agencies also need to be ready to give the reasons why they have introduced a new concept in their surveys.

#### **D. Advantages of an open response category for gender**

62. Many non-binary individuals would prefer a better descriptor for themselves than “other gender”. Trans men and trans women would also find the response options limiting, if they want to report their gender of male or female but also their trans status.

63. A question about gender identity that uses an open-ended response for the third category where the respondent can answer how they want (either communicating that to the interviewer or writing it in a paper or electronic questionnaire) has the benefits of a simple presentation, while permitting more precision and self-expression for respondents. It was used in Australia’s alternative questionnaire for its 2016 Census, and Canada is now implementing it in its social surveys.

64. In New Zealand’s document on a statistical standard for gender identity, the point is made that “it is preferable to have a question with write-in facility, to allow the respondent to fully describe their gender identity”.

65. With an open-ended third category response, instead of having decisions about what gender categories to offer to the respondent in a multiple-choice question, terminology decisions have to be made in preparation for the processing stage. There, textual responses of all types have to be evaluated and grouped based on a coding dictionary of equivalent terms.

66. Since we are measuring a relatively small population, the impact of minor data collection errors, such as clicking a check-box by mistake, can have a major impact on the estimate. This is why we recommend that there should be the requirement that both a check-response and a valid entry be provided for the open-ended category of the gender question. In the three-category gender question, an answer where the respondent checks the third category but does not provide a valid textual response in the space provided should be treated as invalid and processed accordingly. However, to minimize these cases, a soft edit is recommended when using an electronic questionnaire to prompt the respondent to provide a written answer.

67. The research conducted so far in several countries indicates that an open-ended question on gender identity is promising for use with both the cisgender majority and transgender respondents. A question with several response options is another possibility, but probably not ideal for large population surveys. A few of the American health-related surveys offer detailed responses of: “Transgender, male-to-female”, “Transgender, female-to-male” and “Transgender, gender non-conforming”. These are relatively long labels, and any doubt and confusion on the part of cis respondents caused by the number of categories, their length, or the unfamiliar terms could lead to higher non-response or errors that would badly distort the counts of the small trans population.

#### **IV. Standard classifications**

68. To date, the NSOs of Canada (Statistics Canada, 2018), Australia (Australian Bureau of Statistics, 2016) and New Zealand (Stats New Zealand, 2015) have published standard classifications that update the concepts of sex and gender. Even in these countries, however, standards could be updated further within a short time. Australia is currently reviewing their standards and New Zealand will begin this process soon. Canada will also do so, if changes appear to be required. Meanwhile, the differences do show that concepts and terms in English are still in flux. The ONS Data Collection Methodology team has found that the terms are varied throughout different countries and even between organizations within a country.

69. For example, these classifications differ in their choice of umbrella terms for concepts of gender identity. The Australian Bureau of Statistics, when it released its new standard for sex and gender in 2016, stated: “The label “Other” is used in this standard’s classifications to describe the third categories of both sex and gender because a more descriptive term has not been widely agreed within the general community.”

70. “Gender diverse” is used in the classifications of both New Zealand and Canada. The term suggests inclusiveness and applies well in a statistical context to describe a subgroup of the population, even if it is not used regularly by individuals to describe themselves. However, “gender diverse” for New Zealand’s standard includes trans men and trans women as well as non-binary gender, while Statistics Canada uses “transgender” as the umbrella term and “gender-diverse” specifically for the non-binary group.

71. These three NSOs also differ in the extent to which they show a clear breakdown by cisgender and transgender. Statistics Canada includes it explicitly, consistent with having started to implement a two-question approach (ask both sex at birth and gender) to obtain this information in larger social surveys.<sup>10</sup> New Zealand’s classification is not clear as to whether it includes cisgender, but as mentioned above a further review is planned. The Australian Bureau of Statistics does not currently include transgender and cisgender in its classification.

72. As for the various ways in which individual people are describing their gender, they are of interest for the processing of an open-ended question on gender identity, but they do not need to be itemized in an output classification if only a single overarching category is expected to be published.

73. While adding new classifications for gender and transgender status, Statistics Canada has updated its standard on sex. It has kept “sex” as the short label, but now defines this as sex assigned at birth. This change is consistent with the intention to no longer ask for sex in surveys, as sex at birth and/or gender will be asked instead.

74. Some countries are considering what to do about those who are intersex at birth registration, including similar designations such as “unknown” or “undetermined”. Medical literature and individual testimony show us there are many types and causes of

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<sup>10</sup> Refer to the Canada portion of the appendix for more information on the classification.

ambiguous or intersex situations. An intersex designation may be applied to an individual only later in their life, if their puberty is greatly delayed and this leads to new information about their sex traits. In any case, it is not well known among the general population, which could affect data quality in a survey question if it were included. Statistics Canada has chosen to include intersex only in the classification “variant” for sex, and not in the main classification which is to be used for most social surveys. This is with the expectation that it may be needed in administrative programmes that collect health or demographic information. New Zealand recently included the topic of intersex in its public consultation on the National Health Index.

75. More time is needed to know what new standards for sex and gender would be useful in a range of countries, depending on how language on the topic evolves. This depends on developments in the public sphere. Meanwhile, international groups that have started to discuss the concepts include the UN Expert Group on International Statistical Classifications and the Standards Working Group of Eurostat.

## **V. Other considerations: Dissemination criteria**

76. Having a third gender category in tables by gender will present some challenges to balance the different objectives of data publication and privacy protection. Firstly, the size of this population, which is expected to be very small, will make it subject to suppression in many tables by geography or other detailed characteristics. Secondly, the usual techniques for suppression or rounding of small cells may not work to prevent residual disclosure, given that there are only two other categories of gender, both of which are large. Special measures to prevent disclosure of individual respondents could therefore be necessary.

77. One possibility might be to continue producing the most detailed types of tables according to only two genders, male and female, while reserving other tables for displaying all three categories of gender. For the detailed tables, a strategy would be needed to assign the non-binary cases to either male or female specifically for this purpose (unless there is a “not reported” category with which to combine them). This needs to be done in a way that does not significantly affect the analytical results by men and women. While this strategy would limit the availability of non-binary gender for analysis in many tables, it might provide a realistic compromise considering the amount of meaningful analysis that can be done without distortion from small counts. A similar strategy could cover data for the transgender population, if also collected, where this population is compared with cisgender men and cisgender women. A careful communications plan would be necessary to explain these release strategies and restrictions to data users, both in a general way and possibly in individual tables as well.

78. It is not certain whether the demographic methods used in some statistical organizations, such as cohort-component population estimates, population projections and internal migration estimates methods, could be produced with three gender categories, because these processes require robust data at small geographical levels.

79. Regardless of method, if input data sources move towards three categories of gender in a staggered fashion, as is likely to be the case, there would probably be some temporary misalignment of gender categories between sources. Although the impact could be small due to the small size of the non-binary population, it would need to be evaluated and accounted for during the transition period. It is one reason why both statistical organizations and other agencies of government that supply input data to the population estimates might want to work together, at least to communicate these changes even if they cannot be fully coordinated.

## VII. Conclusions

80. At the time of writing, there is no example of an official national survey or census that has published high-quality data on gender that is inclusive of non-binary gender or that identifies all transgender. The newness of this area from a statistical point of view makes it difficult to draw concrete conclusions; instead we highlight some key considerations when thinking about whether and how to measure gender identity.

81. We conclude that wide-ranging engagement with data users, government departments, and transgender groups is essential to understand what is needed for appropriate measurement of gender identity. Questions need to be tested with the trans and cisgender population across a range of ages, including potential objectors, to achieve the best response to questions.

82. The standard classifications that currently exist differ in some key respects. Terminology and definitions applied by NSOs need to respect the complex nature of what is being measured. They need to be sensitive to the fact that public understanding is still limited in most places. The terms to describe this area are still very new and are likely to continue changing. Countries should not expect terminology to be consistently understood across a population, and in some languages the words to describe the issues in question are still developing or do not exist yet.

83. An essential consideration for how to introduce the measurement of non-binary gender is that it needs to be done while maintaining high quality data on men and women. Statistics Canada and ONS anticipate that the most accurate results for all genders, as required for a census, will be obtained by preceding a gender question with a question that asks for the person's sex or sex at birth, and they are working towards their 2021 censuses with that assumption.

84. Given the expected small sizes of the non-binary and transgender populations, any counts for them would be sensitive to errors on the part of the overwhelmingly larger cisgender population, if those are not corrected. Questionnaire design and data processing need to take this into account. Some possibilities of how to do this were provided above, but they should not be viewed as comprehensive because this was beyond the scope of the review at this time.

85. The approaches discussed in this paper are in most cases tentative, based on relatively little experience so far. Further insights might be drawn over the course of 2019 as a few NSOs conduct large-scale testing for censuses: ONS (for England and Wales), Statistics Canada and the Australian Bureau of Statistics, among others. There will be much more to say when countries move from design and testing to collection and dissemination.

## VIII. Recommendations

86. In light of the driving forces discussed in the foregoing sections of this paper, it is likely that more countries will begin scoping the possibility of measuring gender identity in their surveys or including non-binary options in register data. In its role as a co-ordinating hub for international statistical activities in the region, it is recommended that UNECE should be tasked with monitoring developments in this area. In particular, the Secretariat, with the assistance of designated experts from CES member countries, should develop and maintain a repository of documentation and NSO research that may be consulted by other countries wishing to begin work in this area. Member countries should be requested to provide any such information to the Secretariat (plans, questionnaires, results) so that this repository may be easily maintained.

87. The topic should be revisited when the focus countries of this report have completed data collection and dissemination.



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## Appendix I: Current country practices in the measurement of gender identity

88. This report outlines the work that NSOs have undertaken and questions they have developed to collect gender identity information. It covers those countries whose NSO's already collect information on those who identify as other than male or female on their censuses, and/ or social surveys, as well as those working towards potential gender identity data collection.

89. In the period up to December 2018, 39 countries<sup>11</sup> were contacted and asked how they are approaching the measurement of sex and gender: 24 countries responded to the request in 2018. The 18 countries that had work to report are presented individually in this appendix, following a summary table.

Table 1  
Summary of country practices in measuring gender identity

<i>Country</i>	<i>Summary of Data Collected</i>
<b>Australia</b>	<ul style="list-style-type: none"> <li>Collected data on those who identify as other than male or female in the 2016 Census.</li> <li>Introduced third sex and gender options to the national standards for sex and gender variables in 2016.</li> </ul>
<b>Canada</b>	<ul style="list-style-type: none"> <li>Introduced a gender identity question onto their social surveys in 2018.</li> <li>Published new standards for sex assigned at birth, and gender (which includes a gender diverse option) in April 2018.</li> <li>Collected data on those who identify as other than male or female in the 2016 Census.</li> </ul>
<b>Denmark</b>	<ul style="list-style-type: none"> <li>Collects legal sex through administrative data sources, which can be changed to reflect gender identity.</li> <li>There is currently no third sex option.</li> </ul>
<b>England and Wales</b>	<ul style="list-style-type: none"> <li>Currently collects binary sex data and does not collect gender identity data on any social surveys.</li> <li>Recently published plans to collect data on binary sex and gender identity in the 2021 census.</li> </ul>
<b>Finland</b>	<ul style="list-style-type: none"> <li>Collects legal sex through register-based data with no third sex option currently available.</li> </ul>
<b>Germany</b>	<ul style="list-style-type: none"> <li>Germany does not collect gender identity or third sex information data.</li> <li>The Federal Statistics Office is currently exploring how to introduce this into surveys and the 2021 Census as the result of a 2017 court case.</li> </ul>
<b>Greenland</b>	<ul style="list-style-type: none"> <li>Citizens in Greenland can change their legal sex to reflect their gender identity but only between male and female.</li> <li>Population statistics are derived from registers that collect legal sex which is binary.</li> </ul>
<b>India</b>	<ul style="list-style-type: none"> <li>Transgender respondents were allowed to identify as a third sex on the 2011 Census.</li> <li>The "other" option encompassed all minority gender identity related terms.</li> </ul>

<sup>11</sup> The designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

<b>Ireland</b>	<ul style="list-style-type: none"> <li>• Central Statistics Office are currently engaging with stakeholders on this topic.</li> <li>• The General Household Survey in 2019 will include a gender identity question.</li> </ul>
<b>Mexico</b>	<ul style="list-style-type: none"> <li>• There is currently no federal law allowing a change of legal sex but recent rulings might change this.</li> <li>• Mexico does not currently collect gender identity data on its census or in surveys, but has tested a gender identity question.</li> </ul>
<b>Nepal</b>	<ul style="list-style-type: none"> <li>• Respondents can identify as a third sex on the census.</li> <li>• Outputs were not produced due to low numbers.</li> </ul>
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>• Collected binary sex on the last census. Gender identity was not recommended for inclusion in the 2018 census.</li> <li>• Introduced a new statistical standard for sex which included “indeterminate” which is currently used in administrative settings, as well as a standard for gender identity.</li> </ul>
<b>Pakistan</b>	<ul style="list-style-type: none"> <li>• The 2017 census allowed data on gender other than male or female to be collected.</li> <li>• A third gender category was used for those who self-declared as “transsexual”.</li> </ul>
<b>Scotland</b>	<ul style="list-style-type: none"> <li>• Updated core questions for social surveys to include a gender identity question in 2018.</li> <li>• National Records of Scotland has proposed collecting gender identity data and non-binary sex through the Census for the first time in 2021, subject to parliamentary approval.</li> </ul>
<b>Spain</b>	<ul style="list-style-type: none"> <li>• Legal (binary) sex is currently collected for the population registry and Census.</li> <li>• Individuals can change their legal sex between the binary options.</li> </ul>
<b>Sweden</b>	<ul style="list-style-type: none"> <li>• The Census is completely register based and therefore is based on legal (binary) sex.</li> <li>• Sweden is exploring the feasibility of a third legal gender as well as how to record trans individuals in admin data and surveys.</li> </ul>
<b>The Netherlands</b>	<ul style="list-style-type: none"> <li>• A Dutch court ruled in favour of a third option on official documents in 2018.</li> <li>• Population statistics are derived from the population register which currently allows male and female options.</li> <li>• Statistics Netherlands have tested a third response option for their surveys, more tests are planned.</li> </ul>
<b>United States of America</b>	<ul style="list-style-type: none"> <li>• The United States does not collect gender identity data on social surveys at present, and do not currently plan to ask a question on the 2020 Census.</li> <li>• Conducted research on adding SOGI (Sexual Orientation Gender Identity) question to one of their social surveys in 2016.</li> </ul>

## A. Australia

### Australian Bureau of Statistics

#### *Drivers and context*

90. In 2009, the Australian Human Rights Commission’s paper, “*Sex Files: the legal recognition of sex in documents and government records*” (Australian Human Rights Commission, 2009), found that where it was necessary to collect sex or gender, an option other than male or female should be provided.

91. The “*Australian Government Guidelines on the Recognition of Sex and Gender, November 2015*” (Australian Attorney-General’s Department, 2015) recognize that individuals may identify as a gender other than the sex they were assigned at birth, or may not identify as exclusively male or female, and that this should be reflected in records held

by government. This applies to statistical data collection and personal records held by government departments and agencies.

92. The ABS introduced a third sex and gender option to the national “*Standard for Sex and Gender Variables*” (Australian Bureau of Statistics, 2016), resulting in M, F and X options to questions asking sex, and questions asking gender.

- a. The new standard is being incorporated into ABS Household surveys, starting with the General Social Survey from 2019.
- b. Work on further reviewing the Standard is also underway.

#### *Information collected*

93. In the 2016 Australian census respondents could choose to identify in a way other than male or female.

- a. On the paper form, this was done by allowing respondents to write the term that they were most comfortable with in the space next to the question. This was similar to the procedure in place for 2011.
- b. On the online form, respondents could call the Census Inquiry Service to obtain an access code to a special online form, which had response options of Male, Female, and Other (please specify). This was a new procedure introduced in 2016.

94. The ABS separately analysed the actual responses and has released this information through two analytical articles: “*Sex and Gender Diversity in the 2016 Census*” and “*Sex and Gender Diversity: Characteristics of the Responding Population*”.

- a. Of the 23.4 million responses received, 1,260 people provided a sex or gender response other than male or female that could be validated.

95. The inclusion of counts of the number of people that reported as other than male or female in standard Census products could create confidentiality issues due to their relatively small numbers and the availability of these products for small geographic areas.

96. Each record was allocated to male or female for inclusion in standard Census products, in line with United Nations guidance (UN Department of Economic and Social Affairs, 2010) (Sections 346-347).

#### *Lessons from testing and data collection*

97. The ABS did not expect the 2016 Census to be able to provide an accurate count of people whose sex or gender is other than male or female, due to limitations around the special procedures and willingness or opportunity to report as sex and/or gender diverse.

98. Some reflections from the ABS about their learnings from the 2016 Census include the value of engagement with relevant stakeholders, the importance of a sensitive approach to collecting this information and the value of extensive quality assurance activities, including office review, of all forms with a potential sex and or gender diverse response. ABS has also reflected that there is scope for improving instructions and streamlining procedures.

99. As mentioned in the main document, the Australian Bureau of Statistics is exploring the collection of non-binary sex and/or gender identity in the 2021 Census. A decision will be informed based on stakeholder engagement as well as qualitative and quantitative testing during 2019.

## **B. Canada**

### **Statistics Canada**

#### *Drivers and context*

100. In Canada, “gender identity or expression” has been added to the prohibited grounds of discrimination in the Canadian Human Rights Act and to the hate propaganda and sentencing provisions of the Criminal Code. The Bill C-16 passed in June 2017.

101. In March 2018, the federal government announced in the 2018 Budget that “in order to obtain more inclusive data on sex and gender, Statistics Canada officials have been working with LGBTQ2 organizations to adjust Census of Population questions and response options to better reflect how people identify themselves, for example, by allowing respondents to answer in a non-binary fashion.” It also announced the creation of a Centre for Gender, Diversity and Inclusion Statistics, within Statistics Canada, that would focus on acquiring more inclusive data on sex and gender.

#### *Information collected*

102. For the 2016 Census, those who did not identify exclusively as male or female could skip the sex question and write a comment in the comments box at the end of the form.

103. This was communicated through a notice to respondents rather than as an instruction on the form. There were also news stories around the census about the option to provide a comment.

104. Statistics Canada reviewed and analysed the comments from a qualitative perspective. This information complemented the 2021 Census consultation process.

#### *Social surveys*

105. In 2017 and 2018, Statistics Canada carried out significant cognitive testing of questions on sex and gender, as in a two-step approach to measure transgender.

106. In April 2018, Statistics Canada published new standards for sex and gender. The variable Sex of Person now refers to sex assigned at birth with categories for male and female, but a variant of the classification is also available that includes intersex. Under the variable Gender of person, there are two distinct classifications. The classification of gender consists of male gender, female gender, and gender diverse. the classification of cisgender and transgender has categories for those two terms and defines them. An attached usage note explains, “Data for this classification may be derived from sex at birth and gender by cross-classifying the categories of the “Classification of sex” (male and female) with the “Classification of gender” (male gender, female gender and gender diverse).

107. Gender will replace sex in social statistics programs moving forward. Some social surveys will implement a single gender question while others would implement a two-step approach. For example, cycles of the General Social Survey (GSS) which require analysis of the trans population would ask a two-step approach.

108. In the latter part of 2018, Statistics Canada implemented the Survey of Safety in Public and Private Spaces (SSPPS), with a sample size of over 100,000. The survey questions include sex at birth, gender, and sexual orientation. Pending the effective sample size at the end of the survey collection and pending estimates of data quality, this could be the first general population survey to include the number of transgender people in Canada.

#### *Lessons from testing and data collection*

109. Following the focus groups and cognitive interviews, the test questions have been refined. For example, to be more sensitive regarding proxy response, Statistics Canada changed the wording of the question from “what is your gender identity” to “what is your gender”.

110. Results from testing and from different social surveys showed that a mechanism to confirm or validate a response of non-binary gender is necessary in a self-administered survey (eliminate false positives).

111. A large-scale test of questions using the two-step approach on sex and gender will be carried out in early 2019, based on the cognitive testing that was well received by the vast majority of respondents. The large-scale quantitative test is part of the test process for the 2021 Census.

## **C. Denmark**

### **Statistics Denmark**

#### *Drivers and context*

112. Denmark has allowed transgender citizens to change their legal sex to reflect their gender since 2014.

#### *Information collected*

113. The census in Denmark is entirely based on administrative data sources so only legal sex is collected.

114. There is no third sex option in Denmark so respondents can only identify as male and female.

## **D. England and Wales**

### **Office for National Statistics (ONS)**

#### *Drivers and context*

115. The Equality Act of 2010 offers protection against discrimination on the grounds of “gender reassignment”.

116. The Office for National Statistics has responsibility for the Census in England and Wales. The 2021 consultation found that gender identity data was needed for equality monitoring, policy planning and public service provision. It was determined that the census was the only source which could provide “reliable data” on the transgender population.

#### *Information collected*

117. ONS does not currently measure gender identity on any of its surveys.

118. ONS recently published plans to collect data on binary sex and gender identity in the 2021 census.

#### *Lessons from testing and data collection*

119. In testing, a binary sex question followed by a gender identity question was found to be publicly acceptable. Gender identity questions, which in testing were preceded by a binary sex question, were also found to produce low item non-response.

120. ONS recently published a topic report outlining their testing for gender identity and other new census questions.

## **E. Finland**

### **Statistics Finland**

#### *Drivers and context*

121. Finland has had the right to change one's legal gender since 2003.

#### *Information collected*

122. Statistics Finland uses register-based data to collect sex data for both the census and surveys.

123. However, in a few surveys – such as the Gender Equality Barometer – respondents have been asked to self-identify their gender (“Are you...?”) and they could answer “man”, “woman”, “other”, “don't want to answer” or “don't know”.

124. This is typically recording an individual's legal sex, which since 2003 can be changed to reflect an individual's preferred gender.

125. Statistics Finland uses register-based data to collect sex, and will continue to do so. As their data is largely register based, this will remain the case until it is possible to register one's gender as an option other than male or female.

## **F. Germany**

### **Federal Statistics Office (Statistisches Bundesamt or Destatis)**

#### *Drivers and context*

126. In November 2017, a federal court in Germany ruled that a third sex must be included on official documents such as birth certificates.

127. The case was brought by an individual identifying as intersex after their application to change their documentation.

128. The court ruled that “The legislature [parliament] has until 31 December 2018 to create a new regulation”.

129. As a result, the Federal Statistics Office have begun exploring how to implement a new “category of sex”.

130. It was decided that in general for all statistics providing information on sex an additional modality “other” should be included. This will apply to the next census conducted in 2021 and the microcensus probably from 2019.

#### *Information collected*

131. The population is routinely counted through the European Union Census, the most recent of which took place in 2011.

132. The statistics on births, deaths and marriages published since 2016 contains figures on persons with undetermined sex.

133. The Civil Registry currently offers the possibility to leave sex undetermined.

#### *Lessons from testing and data collection*

134. The German word *Geschlecht* does not differentiate between sex and gender. However, there are still biological and social notions behind the concepts.

135. Whilst the third sex option was originally introduced to answer the needs of the intersex population, it is currently unknown whether the transgender population will identify with this response option.



136. The microcensus is a household survey of a 1 per cent of the population, and collects intercensal information on households, education, migration and labour market participation providing yearly estimates on demographics. It will offer a third sex response option (next microcensus will be in 2019).

## **G. Greenland**

### **Statistics Greenland**

#### *Drivers and context*

137. In the sovereign state of Greenland, Denmark, individuals have been able to change their legal sex to reflect their gender since 2014.

#### *Information collected*

138. Population statistics in Greenland are completely derived from population registers. At birth or immigration, an individual is assigned a personal identification number (PIN). The last digit represents sex, uneven for men and even for women.

139. When an individual on the register changes their legal sex, the PIN can be changed.

## **H. India**

### **Census of India**

#### *Drivers and context*

140. In India, hijras, who can be eunuchs, intersex or transgender, were legally granted voting rights in 1994.

141. In April 2014, the Supreme Court of India declared hijras as a protected group with the fundamental right to self-declare their gender as “third gender” in official documents.

142. In 2016 the Supreme Court also mandated the Indian Constitution to recognize a third sex. The Transgender Persons (Protection of Rights) Bill 2016 was initially introduced to Parliament in 2016 and was reintroduced in late 2017. It is currently awaiting passage after being amended in August 2018.

#### *Information collected*

143. India’s 2011 interviewer-administered Census collected data on respondents who identified as a third gender or transgender for the first time (Census Organization of India, 2015).

144. This question asks directly for “sex”, offering the options “Male”, “Female”, “Other” (“In case the respondent wishes to return other than code 1 (Male) or code 2 (Female)”). However, the “other” response option encompasses gender identity related terms.

145. Outputs were published on the Census of India website, reporting that 0.04 per cent of the population identified as being “other” than male or female.

146. Additionally, India’s election authorities allowed trans and intersex voters to choose an “other” category under “gender” by ticking “O” on ballot forms.

#### *Lessons from testing and data collection*

147. With the census being interviewer-administered, responses may have been affected as this is a sensitive question and people may have not been comfortable disclosing such information face to face. However, an interviewer may have helped clarify any confusion which could have led to better data quality.

148. Not all hijras would want to identify as “third gender” – Indian transgender activists suggest that many will want to identify as male or female.

## **I. Ireland**

### **Central Statistics Office**

#### *Drivers and context*

149. The Central Statistics Office are currently engaging with stakeholders on this topic.

150. In September 2015, the *Gender Recognition Bill 2015* came into law, removing all medical intervention from the gender recognition process and allowing self-identification.

151. This legislation change came after a high court decision in 2007.

#### *Information collected*

152. The 2016 Census question asked for an individual’s sex with a binary response option.

153. The General Household Survey to be conducted in Q1 2019 will include an expanded suite of questions on gender identity.

## **J. Mexico**

### **National Institute of Statistics and Geography (INEGI)**

#### *Drivers and context*

154. There is currently no federal law allowing Mexicans to change their legal sex. There are laws allowing such in Mexico City, Michoacan and Nayarit.

155. A 2018 Inter-American Commission on Human Rights (IACHR) ruling means that appropriate legalisation is required by Mexico to allow individuals to change their legal sex.

#### *Information collected*

156. Mexico explored whether to include a question on gender identity in the National Survey on Discrimination 2017 but opted not to.

157. The reasons included consideration of the user need against other variables such as sexual orientation and lack of space on the survey. Therefore, to capture gender identity, it is necessary to consider more variables or construct a specific instrument for its measurement.

158. Mexico does not collect gender identity data on its census.

#### *Lessons from testing and data collection*

159. The National Institute of Statistics and Geography used a number of international studies such study No. 3000 of Spain and New Zealand’s “*Gender identity – Developing a statistical standard*” as a starting point for developing a question but had to adapt the questions to be more appropriate for a Mexican context.

## **K. Nepal**

### **Central Bureau of Statistics**

#### *Drivers and context*

160. Individuals have been able to change their legal gender since 2007 and a third sex option has been recognized in law since 2011.

161. In 2011, Nepal was the first country in the world to offer response options beyond the binary sex options on their Census.

*Information collected*

162. Respondents can identify as a “third sex” on their Census forms.

*Lessons from testing and data collection*

163. As with India, Nepal’s census was interviewer-administered, which may have affected responses.

164. Outputs were not produced due to low numbers of people reporting themselves using the third sex category and concerns from stakeholders and the Central Bureau of Statistics over privacy and security.

## **L. Netherlands**

### **Statistics Netherlands / Centraal Bureau voor de Statistiek**

*Drivers and context*

165. Since 1970, a new born baby could be registered as “sex cannot be determined” if the sex could not be determined. In May 2018, a Dutch court ruled in favour of a citizen who identified as non-binary to have their birth certificate changed to reflect their non-binary identity. This month a court ruled that one person could have a sex/gender neutral “X” on his/her passport. This is just for one individual, there is no legislation on this yet.

166. The court allowed the phrasing “sex cannot be determined” to be used but urged lawmakers to provide more legal options for sex/gender than male and female, arguing that it was a violation of the right to self-determination for both transgender and intersex people.

167. As there is no distinction between the words “sex” and “gender” in Dutch, it is difficult to draw conclusions from these rulings and the impact it could have on data collection.

168. In the Netherlands, transgender citizens can legally change their sex/gender markers on their birth certificates and official documents.

*Information collected*

169. The Netherlands currently gets their data on sex from their population register, meaning that they are collecting legal sex/gender. In the Dutch Population Register (BRP) besides “male” and “female”, “unknown” is a possible category if sex cannot be determined at birth.

170. When the sex/gender of a respondent needs to be determined, they ask for the sex/gender of the respondent with the response options “male” and “female”. This is true for in person and for proxy responses.

171. Recently Statistics Netherlands tested a third response option for the sex/gender question on one of their test surveys. More tests are planned.

*Lessons from testing and data collection*

172. The population register collects an individual’s legal sex. No distinction is made between sex/gender when respondents are asked to provide it themselves.

*Information published*

173. In most statistical publications sex/gender is presented in only two categories (male/female).

174. Information on change of sex is published incidentally by Statistics Netherlands (in Dutch) (Statistics Netherlands, 2011).

## **M. New Zealand**

### **Statistics New Zealand (Stats NZ)**

#### *Drivers and context*

175. Stats NZ's public consultation identified a number of data users, particularly non-governmental organisations and researchers, were interested in information on gender identity, in particular on the trans population.

176. Information from the census on these populations was requested to better inform funding and policy decisions.

177. Stats NZ is committed to collecting and disseminating sound information on the topics of sex, gender identity and sexual identity.

178. New Zealand has had the legal right to change one's gender since 1993.

179. New Zealand passports are available with an X gender marker, which was originally intended for people transitioning but are also used for intersex respondents.

#### *Information collected*

180. The New Zealand Census collects sex data under the legal requirement of the Statistics Act 1975. The question used in the 2018 Census asks: "Are you?" with the response options of "Male" and "Female"

181. Stats NZ's statistical standard for sex (which is separate to their statistical standard for gender identity) includes a third category of "indeterminate" to be used when required - this is currently used in administrative settings, but is not intended for self-administered surveys.

182. Both statistical standards will soon be reviewed. This is dependent on future work prioritisation and resourcing decisions.

183. A framework for sexual orientation and a statistical standard for sexual identity are currently being developed.

184. Gender identity was not recommended for inclusion on the 2018 Census (Stats New Zealand, 2015), due to concerns around the likely data quality and complexity of including questions on this concept as well as a question on sex in a self-completed questionnaire.

185. Stats NZ will soon begin developing recommendations on the collection of sex, gender identity and sexual orientation in Stats NZ's household surveys (The General Social Survey, Household Economic Survey, and the Household Labour Force Survey). The objectives of this project are to enable New Zealand's LGBTQI+ community to see themselves reflected in the collection of household data and enable these groups to be better reflected in a range of social and economic outcomes covered by Stats NZ's household surveys. The 2020 General Social Survey is expected to be the first of the surveys to implement the recommendations.

#### *Lessons from testing and data collection*

186. In the lead-up to the 2013 Census, the "two ticks for sex" campaign was launched on Facebook. It urged respondents to express their dissatisfaction with the sex question by ticking both the "male" and "female" boxes on their individual census form. Statistics New Zealand had previously encouraged intersex respondents to respond to the sex question in this manner.

187. The campaign achieved a high profile in the lesbian, gay, bisexual, and trans (LGBT) online communities, and attracted some mainstream media coverage.

## **N. Pakistan**

### **Pakistan Bureau of Statistics**

#### *Drivers and context*

188. Lahore High Court issued an order to the Pakistan Bureau of Statistics that the trans community would be counted in the 2017 Census.

#### *Information collected*

189. Pakistan's 2017 Census allowed for data on gender other than male or female to be collected. The forms were interviewer administered.

190. The census forms asked for "gender" with the response categories of "male" or "female".

191. An option for third sex or trans was not printed on the forms, as the court decision was made after printing.

192. Enumerators were informed that three number values were to be used to record gender; 1 for male, 2 for female, and 3 for those who self-declare as "transsexual".

#### *Lessons from testing and data collection*

193. The question used asked for "gender", and collects gender, with the third category encompassing gender identity related terms.

194. There is not another question on the form for biological sex.

- a. Concepts of gender and sex were explained clearly during enumerator training.
- b. Efforts were made to probe for information on gender during the interview process.

## **O. Scotland**

### **National Records of Scotland (NRS)**

#### *Drivers and context*

195. National Records of Scotland has responsibility for the Census in Scotland. The 2021 consultation found that gender identity data was needed for equality monitoring, policy planning and public service provision. It was determined that the census was the only source which could provide "reliable data" on the transgender population.

#### *Information collected*

196. Since 2012, a set of core questions has been used in social surveys such as the Scottish Household Survey (SHS) and the Scottish Crime and Justice Survey (SCJS). This includes a question asking for "gender". The question was "are you male or female?". The response options were "male" and "female".

197. In 2018, the question was updated to a gender question with three response options, "man/boy", "woman/girl" and "in another way".

#### *Lessons from testing and data collection*

198. Both sex and gender identity questions were found to be acceptable during question testing for the Census.

199. Question testing showed that a non-binary sex question is acceptable and produced low item non-response.

200. NRS have proposed to collect information on gender identity (National Records of Scotland, 2018), through a trans status/history question, subject to consideration by the

Scottish Parliament. A bill currently before the Scottish parliament seeks to make this question voluntary.

## **P. Spain**

### **Instituto Nacional de Estadística (INE)**

#### *Drivers and contexts*

201. A law that allowed people to change their legal sex came into effect in 2007.

#### *Information collected*

202. The Spanish Census is largely based on administrative sources using the population register. Individuals are expected to register their information with the local municipality which is processed once a month by the Instituto Nacional de Estadística.

203. As transgender individuals in Spain can change their legal sex to reflect to their gender, this means that legal sex is collected for the population registry and the Census.

204. When data is collected on a household, the individual fills out the data including the basic data on each member of the household such as their “name”, “date of birth” and “gender”.

## **Q. Sweden**

### **Statistics Sweden**

#### *Drivers and context*

205. Swedish citizens have been able to change their gender markers since 1972 and were the first country in the world to allow transgender people to legally change their legal sex.

206. Currently there is a proposal to explore the feasibility of a third legal gender as well as gender neutral personal identity numbers.

207. In addition, there is currently a proposal to explore how to include binary and non-binary transgender individuals in public sector polls and surveys.

208. Statistics Sweden is currently researching this topic including networking with other agencies and consulting current expertise. They have also conducted in-depth interviews with non-binary respondents. In this research, all five respondents said that anything would be an improvement on a binary question, and that they prefer answering options that express who they are rather than who they are not.

#### *Information collected*

209. The Census in Sweden is completely register based and has been since 1995. A population registry of vital events such as births, deaths and marriages is maintained by the civil tax registry.

210. At present, Sweden does not directly ask respondents to household surveys for their sex. Instead, an indication of sex is downloaded from the population registry.

211. This information only pertains to legal sex, which can be changed in Sweden between the binary sexes.

212. When sex needs to be established, the standard question is “Are you a man or a woman?” and the response options are “Man”, “Woman”. The question is collected on a paper or electronic form.

## **R. United States of America**

### **U.S. Census Bureau**

#### *Drivers and context*

213. In March 2018, The U.S Census Bureau submitted their planned questions to the United States Congress in a document entitled “*Questions Planned for the 2020 Census and American Community Survey*” (U.S. Census Bureau, 2018).

214. The document laid out their plans to ask a sex question with a binary response option.

#### *Information collected*

215. The U.S. Census Bureau does not currently collect information on gender identity on their censuses or social surveys.

216. The 2010 Census, their most recent decennial census, asked “What is Person’s sex?” Mark ONE box; the response categories were “Male” and “Female.”

#### *Lessons from testing and data collection*

217. In 2016, the U.S. Department of Labor sponsored research, which was conducted by the U.S. Census Bureau, to explore the feasibility of adding sexual orientation and gender identity (SOGI) questions to the Current Population Survey (CPS). The emphasis of the research was on asking SOGI questions in the context of an employment survey and via proxy reporting in which one person generally responds for all eligible members of the household. Two reports were produced:

- a. Focus Groups highlighted issues with proxy response, accuracy and sensitivity.
  - b. 132 cognitive interviews with cisgender and transgender participants.
    - i. Results showed “that most respondents do not find SOGI questions difficult or sensitive to report for themselves or for others in their households, and that few raised objections to these questions in the context of the CPS”.
    - ii. However, lesbian, gay, bisexual and trans (LGBT) respondents found it hard to “align their self-identity with the response options provided”, especially transgender respondents. The answer categories for gender identity were Male, Female, Transgender.
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# Measuring Gender Identity

## Working Paper Series on Statistics

The UNECE Working Paper Series on Statistics consists of studies prepared by leading experts in official statistics from the UNECE region. The series presents and analyzes timely topics in statistics and aims to identify emerging issues and share innovations. The studies often serve as a basis for launching new work to develop new statistics and guidelines. The views expressed are those of the authors and do not necessarily reflect the official positions of the secretariat or of the governments of UNECE member States.

The constantly evolving and often sensitive landscape of gender and gender identity brings with it a need to respond with appropriate statistical measures which capture what is important to the population. Changing social and legal contexts bring new pressures to ensure that often marginalized minority groups such as those with a transgender identity are adequately covered by statistics. This Working Paper explores current practices, challenges and possible solutions and provides the basis for future internationally-coordinated work on measuring gender identity.

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