

THE LEGAL STATUS  
OF TRANSSEXUAL AND  
TRANSGENDER PERSONS

*Edited by*  
Jens M. SCHERPE



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## The Legal Status of Transsexual and Transgender Persons

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*In memory of  
Owen Jessep*

## PREFACE

This book is the result of a research project conducted under the auspices of the Centre for Medical Ethics and Law (CMEL) of the University of Hong Kong, which involved a major international conference on 6 and 7 September 2013 at the University of Hong Kong. It was conceived and planned during my CSAH/CSHSS Early Career Fellowship at the Centre for Research in the Arts, Social Sciences and Humanities (CRASSH), and I am very grateful to the Centre for providing me with the opportunities to work on and discuss my ideas at a very early stage with colleagues from a great number of disciplines. I am equally grateful to my referees for my application for this fellowship, Prof. John Bell (Faculty of Law, University of Cambridge) and Dr Jude Browne (The Jessica and Peter Frankopan Director of the University of Cambridge Centre for Gender Studies), not only for their references but also their continuing support. The project also built on a previous event, the Symposium 'Challenging Gender, Gender Challenges', held as the St John's College Martin Lectures at the University of Hong Kong on 11 December 2010 and very generously supported by St John's College/University of Hong Kong and particularly the Master of the College, Rev. Dr Eric Chong.

The support the project has received in Hong Kong was overwhelming, and I would like to thank (in no particular order) Prof. Scott Veitch, Prof. Philip Beh, Prof. Johannes Chan, Prof. Marco Wan (all of the University of Hong Kong), Dr Chih-hsing Ho (now at the Academia Sinica, Taiwan), Dr Anthony Ng (Wing Foundation), Michael Vidler (Vidler & Co), Rev. Dr Eric Chong (Master of St. John's College/University of Hong Kong), the students of the 2013 'Comparative Family Law' class at the University of Hong Kong, Earl Deng (barrister-at-law, Chambers of Denis Chang QC SC), Marco Chan, Au Yun Ling, and particularly Polly Yiu who at the time was the administrator of the Centre for Medical Ethics and Law (CMEL) and who managed the conference with all its difficulties with almost superhuman efficiency.

I would also like to thank the chairpersons of the conference panels Dr Albert Yuen, Michael Vidler, Dr Keith Hotten, Dr York Chow (in his capacity as the chairperson of the Equal Opportunities Commission), Tim Amos QC, The Honourable Anna Wu and Dr Margaret Ng for their excellent work in ensuring that the speakers stuck to their allocated time and for leading the extremely interesting discussions with the audience.

Massive thanks are also owed to all contributors for their patience – finalising this project, for a number of reasons, took much longer than expected – not least because the laws in this area are in a state of flux and I endeavoured to have the

book be as up-to-date as possible. That is why reports on Denmark, Argentina and Taiwan were added at a later stage.

The Isaac Newton Trust and Philomathia Social Sciences Research Programme awarded grants which were essential in paying for the required editorial assistance. The editing was undertaken by Peter Dunne, who I first met when he was an LLM student at the University of Cambridge and who currently is writing his PhD at Trinity College Dublin on ‘The Legal Recognition of Gender Identity: A Human Rights Model’. There could not have been a person on this planet more suited to providing the editorial assistance for this project, and I am extremely grateful for Peter’s hard work. However, Peter soon provided much more for this project, and in our discussions of the chapters and the editing his vast expertise in the field was absolutely invaluable. Therefore it was only a logical step for me to ask him to become the co-author of the final chapter. I was delighted that he accepted, and the co-authorship proved to be enormously fruitful and I truly enjoyed our many – very detailed – discussions about the issues.

The publisher, Intersentia, of course is the world’s leading publishing house for comparative family law, and I was delighted when Hans Kluwer (despite initial scepticism!) agreed to publish the book and would like to thank him for being willing to take the risk. At Intersentia’s Cambridge office the book project was managed perfectly by Ann-Christin Maak-Scherpe and Rebecca Pound, and I am particularly grateful for their tolerance and understanding when the project was delayed several times.

On a personal level this project was a difficult one in many ways. One of them was that I was subjected to verbal abuse by a significant number of people merely because I was undertaking this project. The abuse ranged from simple insults to more serious ones but also included threats to me personally. On the other hand I have also received many very personal and very supportive letters and emails (for which I am very grateful and would like to thank the writers again). But these reactions just confirmed that the discussions contained in this book are of great importance, and certainly not only for the persons concerned but for societies as a whole, and that made me even more determined to get this book published.<sup>1</sup> I sincerely hope that the present book will make a positive contribution to the discussions on this issue around the globe, and hopefully a contribution to improve the lives of those directly concerned.

Jens M. Scherpe  
Cambridge, 15 October 2015

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<sup>1</sup> I would also like to use this opportunity to mention and recommend a non-academic publication on transgender issues – indeed a children’s book: ‘Introducing Teddy’, written by Jessica Walton and illustrated by Dougal MacPherson (self-published in 2015, and to be published by Bloomsbury in 2016).

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