

**Gender Network** 

http://tgeu.net

Country Survey: Civil Status

Compilation of the answers to Q02 and Q03 at the Questionnaire for Country Surveys:

"What are the mandatory conditions to change the sex-entry in identity papers / to obtain full legal recognition and what is the procedure"?

European TransGender Network, June to November 2005 For original data please look at: http://tgeu.net -> [Countries]

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## Austria

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

#### Mandatory conditions

Psychotherapeutic treatment, Evaluation by a qualified mental health professional, Real life experience, Conformation of the outer appearance, Hormone treatment, Mastectomy, Hysterectomy, Ovarektomy, Penectomy, Orchidectomy, Vaginoplasty, Infertility, Civil status (concurring sex-entry)

#### Procedure

1.) First of all you should be convinced, that you really want to go that way. Do you really want the transformation of your sex? a), because from a certain moment on there will be no point of return. Because of that fact you should the "everydays-experience" and the treatment by a psychotherapist not think an unnecessary waste of time.

2.) In the very beginning you should undergo an analysis of the chromosomes - see Approved Expertises -b), in which the existence of a normal set of chromosomes (XX or XY) is tested. Such a test will anyway be expected at the permission of hormonal treatment at the latest. With intersexuality diagnosed one avoids extra efforts.

3.) For the clearance of possible reasons for the barring of a hormonal and/or surgical treatment a psychiatrist has to be consulted, who draws up an psychiatric expertise. It is recommended to visit a psychiatrist who is specialized in that area.

4.) For the permission of a hormonal and surgical treatment to do a "psychotherapy" is also obligatory. There are quite some female and male therapists who are familiar with transsexuality. Search for a female or male therapist, whom you like and with whom in your opinion you may have a good "teamwork" Be sure to ask at the beginning therapy whether she/he would write a positive expertise for you. After 10 days at the latest the female or male therapist should be able, to give her/his opinion on that.

5.) In the beginning an urologic-gynaecologic clearance, which also includes endocrinologic and/or zytogenetic examinations, is expected. Now you should visit a female or male Urologist/Gynaecologist, to receive an urologic/gynaecologic expertise and visit the Endocrinologic Ward (Out-patients) for a blood-test to get your hormone-status.

6.) After a year of continuous psychotherapy or after 50 hours therapy the therapeut should draw a psychotherapeutic expertise, in which a stable transsexuality is certified.

7.) With that psychotherapeutic expertise you now may visit a psychiatrist to request a psychiatric expertise for the diagnosis of a psychiatric indication of the beginning of a contrasexual hormone-therapy.

8.) With that psychotherapeutic expertise you now may visit a psychiatrist to request a psychiatric expertise for the diagnosis of a psychiatric indication of the beginning of a contrasexual hormone-therapy.

9.) Now it's high time to start the socalled "everyday's experience", i.e. the complete living a life in your new gender. It might be of advantage to continue the psychotherapeutic treatment during that time.

10.) To successfully pass the "everydays experience" it's important to drop your old first name, which is specific for your gender,. The official change of name is to be requested at the Administration Office of the district where you reside, in Wien for example at the Magistratsabteilung 61 (Town Council). At that time the first name still has to be neutral in gender. A second first name may be chosen freely.

11.) After at least one year of hormonal treatment and " everydays experience" you may take the breasts and genitalia adjusting operation into consideration. For that you need a psychiatric expertise. To gain a positive judgement by the psychiatrist it is useful that your psychologist draws up a psychotherapeutic expertise, in which she/he recommends an operation.

12.) In addition a further urologic/gynaecologic examination is required.

13.) With all the findings and expertises your way leads you to the Institut für Gerichtliche Medizin (Institute for Forensic Medicine) of the University of Wien, where you get a socalled

"summarized indication". This is the last step on your way to receive the permission for an operation to adapt your sex.

14) Should you since now not have thought about a surgeon. then it's high time, because just the date for your operation is missing now.

15) Good luck. Most hopefully the operation runs smooth.

16) After the operation (which went fine as we hope) you have to undergo a further urologic/gynaecologic examination. In that additional urological/gynaecological expertise it has to be diagnosed, that the operations necessary for a change of the marital status (personality status) were really carried out.

17) With the final expertise you may apply for a change of your marital status at the registry office of your location of place. As soon as the birth certificate has been corrected you may apply for the modification of your first name into a first name of the sex you live in now.

The birth certificate will not be changed but a comment is written to it that the gender is changed. Then all documents can be changed. Nobody looks at the birth certificate (just to passport ...). But in three cases the public authorities look at the birth certificate: Marriage, Adoption of a child, settlement. In this cases the public authorities will see that you had a change of gender sometime in your live.

Like for the question on the right of name these answers describe the transformation-process itself (practice), not the written law (no transgender-law).

Driving lixence, passport, identity care ... are changed if the civil status in the birth certificate is changed. Problems with school reports or working reports - no legal claim baptismal certificate never will be changed.

#### Jurisdiction

Changing the name and the civil status is regularised with an edict addressed to the civil registry office.

The medical treatment is regularised by recommendations by the health ministry. (This is more flexible than a transgender-law and has advantages (written law does not force to any operation, just "to undergo measures of altering his or her sex that have led to a conspicuous approximation to the external overall appearance of the other sex" - de facto is different) but it has also problems - it's impossible to fight for your right at the court.)

## Belgium

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

#### Mandatory conditions

Evaluation by a qualified mental health professional, Hysterectomy, Ovarektomy, Penectomy, Orchidectomy, Vaginoplasty, Infertility, Legal proceeding, law suit. The proceeding is based on case law as there is no legislation.

## Procedure

The proceeding is based on case law as there is no legislation. For official documents (e.g. identity card, drivers licence : enforcement of the judgement. Other documents (e.g. social security card ): no procedures laid down. Most documents are changed on presentation of the judgement or the new identity card.

The birth-register is modified by a correction in the margin.

## Croatia

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Psychotherapeutic treatment, Evaluation by a qualified mental health professional, Real life experience, Conformation of the outer appearance, Hormone treatment, Mastectomy, Hysterectomy, Ovarektomy, Breast augmentation, Penectomy, Orchidectomy, Vaginoplasty, Infertility, Civil status (concurring sex-entry), Legal proceeding

#### Procedure

The process of transitioning is very different here than in other countries, such as the UK or Germany. We simply don't have access to the process. Technically it is possible, but the lucky few who have been able to go through the process seem to leave, or blend in so well that even we can't find them. We have anecdotal evidence about a few, but no regular contact with them.

All can be changed, however, the birth certificate is not re-issued but amended so there is record on the document of the change. Our national identification numbers are sex-specific and so when that is changed your past gets wiped out, as if you never existed.

## Czechia

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Hysterectomy, Orchidectomy

#### Procedure

After being classified by the attending sexologist as a transgendered person (in accordance to the international standards), one has to undergo at least three months of psychotherapeutic treatment followed by at least twelve more months of therapy during which the hormone treatment is administered and the RLT takes place, before they can be accepted for the surgical treatment by a public hospital. After orchidectomy/hysterectomy the person becomes eligible to be issued new identity papers that contain gender-identity-appropriate name and sex-entry.

All existing documents (including birth certificate, identity card, driving licence, passport, highschool certificate, university diploma, library card, and health insurance card) can be altered.

In order to obtain full legal recognition of their appropriate gender identity a person has to undergo either orchidectomy (MtF) or hysterectomy (FtM). There is no possibility of changing the sex-entry on the grounds of being classified by the attending sexologist as a transgendered person. Also only unmarried transgenders of both sexes are allowed to undergo surgical treatment, the married ones have to divorce first (otherwise no chance to be accepted for the operation by a public hospital). Once the whole process is completed and the appropriate gender identity fully recognized by the Czech bureaucracy, one is allowed re-marry in accordance to the marriage law (i.e. marry a person of the opposite sex) and adopt children.

The sex-entries in corresponding official files (namely the files archived at local and central registers of births) are in fact altered prior to the new identity papers being issued to the person concerned. At the moment there are no files that cannot be altered. The documentation concerning the change of name (consisting of a form signed by the applicant and a brief medical report written out by the attending sexologist) is archived at the register of births, along with the original birth certificate. Still, the change itself is not recorded in identity papers (one is issued a brand new copy of each) so only the officials employed at the local register of births and possibly the authorized employees of the Ministry of the Interior as well are in know.

#### Jurisdiction

National Health Law No 20/1966, amended in 2001, details unknown. It probably regularizes sex-reassignment surgery at public hospitals and therapy offered by registered sexologists.

## Danmark

## Mandatory conditions identity papers

Mastectomy, Hysterectomy, Ovarektomy, Breast augmentation, Penectomy, Orchidectomy, Vaginoplasty

## Procedure Identity papers

You have to send your documents to the issuing authority and they change your documents automatically; (see question on civil status for the conditions). For changing the ID documents one contacts the home office - regarding school papers, certificates etc. one contacts the specific schools, universities etc. and shows the new id-papers. In the first case, one contacts the home office - regarding school papers one contacts the specific schools, universities etc. and shows the new id-papers.

## Mandatory conditions full legal recognition

Evaluation by a qualified mental health professional, Hormone treatment, Mastectomy, Hysterectomy, Ovarektomy, Breast augmentation, Penectomy, Orchidectomy, Vaginoplasty

## Procedure Identity full legal recognition

If you undergo SRS you automatically get the legal recognition. If you obtain a "juridical sexchange" you have to be on hormon treatment and be evaluated by the health authorities, and have been living in you chosen gender for 3-5 years.

If the SRS has been performed domestically, the procedure is rather transparent for the patient. To be accepted for SRS the patient must apply for a change of name and a new CPR number (social security number). The operating surgeon confirms to the Minister of Justice that the operation has taken place and then the application for a new name and new social security number is accepted. If the SRS is performed abroad, the patient must provide the Minister of Justice with proof of SRS and apply for a change of name and CPR number.

NEVER CHANGING DOCUMENTS: Documents of heterosexual marriage, documents of same sex marriage. The old ID (CPR number etc.) will never be erased and the old ID refers to the new one. One's 'old' id-or social security number will never be completely erased from official tax etc. papers - this is for the benefit of others who might be looking for you under your old name.

## Jurisdiction

Originally a eugenic law from the 1930'ies, the present castration law is only applied to transgender and transsexual cases and is in this case to be regarded as a transgender or transsexual law in Denmark. The law forbids any operation on the sexual organs, not explicitly allowed by the Minister of Justice. You can apply to the MOJ for SRS to be allowed in your case. There is no right to appeal the MOJ's decision but one can apply again and the Minister of Justice will refer to the former decision. There is no possibility to bring the decision of MOJ before a court that would rule by the European Convention of Human Rights.

## Finland

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

#### Mandatory conditions

Evaluation by a qualified mental health professional; Real life experience, Infertility, Civil status (concurring sex-entry), Legal proceeding

## Procedure

Announcement to the administrative council/ officials. Decision of them. The full legal recognition is done in the acquired gender, when you have the identity papers. The past never can be changed. The officials have information of you always in their files.

## France

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Psychotherapeutic treatment, Evaluation by a qualified mental health professional, Real life experience, Conformation of the outer appearance, Hormone treatment, Mastectomy, Hysterectomy, Ovarektomy, Penectomy, Orchidectomy, Vaginoplasty, Infertility, Legal proceeding, For married people, divorce is an obligation before changing the sex-entry

## Procedure

A lawyer is necessary and costs between 1000 and 2000 euros. Often a file is made up presenting the course of the person : psychiatrist, treatment hormonal, surgery, therefore certificates, like testimonies of close relations, friends and families, biography and photographs, etc. The lawyer makes an assignment near the Court (Tribunal de Grande Instance).

Duration: Those are completely variable, they can go from six months to two years. The Judge can ask for a medical expertise made up generally by two or three doctors. The cost of the expertise is high : approximately 800 euros by expert. The expertise is badly lived, since it comes to slow down the procedure, costs expensive and according to the person was already made upstream.

## Jurisdiction

The complete birth certificate remain unchanged, the mention of the change (of first name and/or sex) is indicated in margin. However the complete birth certificate is used very seldom, in the majority of the cases it is the (extract) birth certificate which is necessary.

## Germany

Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Evaluation by a qualified mental health professional, Hormone treatment, Mastectomy, Hysterectomy, Ovarektomy, Breast augmentation, Penectomy, Orchidectomy, Vaginoplasty, Infertility, divorce if you are married

## Procedure

You again have to apply at the court, like in the case if you were to change your first name (the name-chang is often considered as a first step to a full sex change). The judge will dicide if the change is granted on the basis of two independent evaluations by mental health proffesionals. Moreover you need to be infertile, not married and have had the operations listed above. What the mental helth professionals require for a positive evaluation depends again highly on the person evaluating. You definetly have to have the wish for a sex change for at least 3 years, and you have to suffer under your momentary situation and it must be most likely that this is not going to change. Most of the time you are required to have real life experience in the other gender role, your outer appperance is checked, and some require a Psychotherapeutic treatment.

Anything can be changed, even in a way such that nobody is able to track down the fact you once had a different legal sex entry.

## Jurisdiction

The Transsexuals Law regularizes the name-change and the change the sex-entry of the civil status in the corresponding official files including the birth certificate.

## Great Britain

## Mandatory conditions identity papers

Evaluation by a qualified mental health professional, Real life experience

## Procedure Identity papers

Initial documentary changes require a legal change of name and a doctor's letter confirming the transition into the acquired gender. Birth certificate change requires 2 years living permanently in the acquired gender, a medical confirmation of having gender dysphoria and a successful application to the Gender Recognition Panel.

All except birth certificate can be changed at point on transition. After 2 years and successful application to the Gender Recognition Panel the birth certificate can be changed. Court records which are not 'spent' i.e. whatever time period a court judgement is still live e.g. 7 years for a serious criminal offence, 15 years for a malicious fraudulent bankruptcy.

## Mandatory conditions full legal recognition

Psychotherapeutic treatment, Evaluation by a qualified mental health professional

## Procedure Identity full legal recognition

Two years living permanently in the acquired gender, a medical confirmation of having gender dysphoria and a successful application to the Gender Recognition Panel.

## Jurisdiction

The Gender Recognition Act 2004 which enables full legal recognition. The Sex Discrimination (Gender Reassignment) Regulations 1999 which afford protection against discrimination in employment and vocational training.

## Hungary

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Evaluation by a qualified mental health professional

## Procedure

You get all your new papers using your new birth certificate, domestic (or foreign for dual citizens). A new regulation or law might be made by the legislature. The divorce requirement might be eliminated, but it might require some time. Our organization is very new, but we are determined to cooperate with the TGEU.

## Iceland

Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Mastectomy, Hysterectomy, Phalloplasty, Penectomy, Orchidectomy, Vaginoplasty

## Procedure

Everything in Iceland is run off the National registry, down to libraries and video rental kiosks. There is no way to change or alter gender or sex specific information, unless it is changed in the National Registry; by getting full legal recognition in the acquired gender. Rumour has it, that Birth certificates can not be changed, only a comment is added noting the new name and sex.

After the SRS, the documents are sent to the National Registry. After that, the registration of sex is changed and that in turn, allows for the change of name and ID documents.

## Ireland

## Mandatory conditions identity papers

Evaluation by a qualified mental health professional

## Procedure Identity papers

Everything can be changed, except the birth certificate. Start with passport. Need relevant documentation from medical profession regarding transition. Passport can be changed first to 'T' & then to 'M or F' once surgery completed.

## Full legal recognition

Full legal recognition cannot be achieved as Birth Certificate cannot at present be changed.

## Italy

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Evaluation by a qualified mental health professional, Hormone treatment, Mastectomy, Hysterectomy, Penectomy, Orchidectomy, Vaginoplasty, Infertility, Legal proceeding

## Procedure

After SRS (or Mastectomy and Hysterectomy for FtM) you must quest in a court for having the change. It is important to say that Italian law doesn't specify a lot so the application of it is based on jurisprudence that is like I've told before. The petitioner must take the sentence to the birth office and ask for the recognition. The birth office issue a certificate in which is stated that the "new" person was the "old" person and with that certificate the petitioner can ask the change of national insurance, driving licence, electoral roll, water, gas, electric contract and so on. All charges are payed by the applicant.

Change documents: Only a certificate of degree or other study title can be obtained. Hardly (but really hardly) another original may re-issued. The change is not retroactive, therefore only certificates may be obtained. Every document signed before continue to maintain the old name, sex and so on.

The change of name without SRS is explicitly forbidden (Interior memorandum: miacel 9) SRS is permitted only in judicial way after a report that include psychotherapy, real life test, hormonal treatment, chromosome exam and possibly other. After SRS another sentence is needed to change sex and name There is no personal data protection. Possibly there is the opposite The general perception both at social and political level is "transsexualism exists, but it is better to ignore it".

There is no difference in Italy between changing "sex" and "name" on certificates. You can have new certificates only after "changing sex" procedures. Files that can not be changed: integral birth certificate (that can be asked only by public authority)

## Jurisdiction

Already mentioned is law number 164/1982. It provides to say how transsexual people can change sex (doesn't exist anything about transgenderism cases). It regularize the change of sex. No criteria are stated. It is really vague. See the translation at: www.trans-european.org/ita/ita.html.

## Netherlands

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Evaluation by a qualified mental health professional, Conformation of the outer appearance, Mastectomy, Hysterectomy, Ovarektomy, Orchidectomy, Vaginoplasty, Infertility, Civil status (concurring sex-entry)

## Procedure

All state-issued 'official documents' can be changed. University diplomas are usually very difficult if not impossible to change, and any other diplomas from private institutions. Change of sex-entry of the civil status has to be obtained first, with this court ruling all official papers can be changed.

It's a court procedure, which has to be done though a lawyer. Costs usually run into several hundred to a thousand euros (depending on the fees for the lawyer). People without enough funds will get financial support though from the state. Third-country legal residents may change their gender as well for any documents issued by the Dutch state.

The procedure should be applied for by a barrister in court. The case is dealt with administratively, without a formal session. Total cost, including legal aid, Euro 1500 - 2000.

## Portugal

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Psychotherapeutic treatment, Evaluation by a qualified mental health professional, Real life experience, Conformation of the outer appearance, Hormone treatment, Mastectomy, Hysterectomy, Ovarektomy, Phalloplasty, Breast augmentation, Penectomy, Vaginoplasty, Civil status (concurring sex-entry), Legal proceeding

## Procedure

Request to the civil court for the change of name and the gender in the birth certificate witch can only be given by a judge from a civil court.

## Russia

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Phalloplasty, Vaginoplasty, Civil status (concurring sex-entry), Legal proceeding

## Procedure

Address to corresponding state authorities. Files that are 'historical', i.e. are conserved in the archives never can be changed. The birth certificate never can be changed.

## Spain

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Psychotherapeutic treatment, Evaluation by a qualified mental health professional, Real life experience, Conformation of the outer appearance, Hormone treatment, Mastectomy, Hysterectomy, Ovarektomy, Phalloplasty, Breast augmentation, Penectomy, Orchidectomy, Vaginoplasty, Infertility

#### Procedure

Untill the Gender Identity Law will be on debate in the Parliament next autumn, the procedure is to go through the psychological, hormonal and surgical treatmentand then demand at court the name one wants. For this is compulsory to have a positive certificate of transsexuality by the psychologist and psychiatrist, certificate of the endocrinologist of one's hormonal treatment, certificate of the surgeon who did one's surgery and then, at court, one of the tests that are used as proof to consider one's sex and name change as possible, is the examination of a forensic doctor of one's real acomodation of our body to the sex we are demanding (this is wat we most hate of all). After all this, it is up to the moral conception of the judge at court, which will finalli decide if one achives the sex and name change or not.

All documents can be changed after getting a positive sentence by the judge at court, because that means that one's birth certificate is amended.

## Switzerland

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

#### Mandatory conditions

Psychotherapeutic treatment, Evaluation by a qualified mental health professional, Real life experience, Conformation of the outer appearance, Hormone treatment, Hysterectomy, Ovarektomy, Orchidectomy, Infertility, Civil status (concurring sex-entry), Legal proceeding

#### Procedure

Contacting each of these administration with a request and copy of the court decision. Once the court (Tribunal de Première Instance, i.e. the lowest level court) has accepted sex & name change, the copy of their decision enables a swift change of all documentation, incl. previous diplomas for example. The Birth Act is not altered, but a new page is opened in the Family Registrar of the commune of birth of the person, as to protect their private life history.

No sex-change is possible without divorce: again this is not law (the law recognizes only 4 reasons for divorce which have to be free will of the people concerned). So in order to illegally enforce divorce on unwilling couples, the Office of Civil status denies any new identity documents to the post-op TS who remains married. You do not belong to your previous sex anymore but your new sex is not recognized...you don't exist anymore until you submit.

There is no difference in procedure for administrative papers (passports, driving licence, etc.) and for full sex-change. Any change (name, papers, etc...) is requires full sex-change thereby excluding non-op and pre-op transgender.

No name change is possible without sex-change, no sex-change without SRS. It is discriminatory and contrary to medical ethics for an administration to impose a surgical indication when a person could be stabilized with only hormones and life in the gender of choice

## Turkey

# Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Psychotherapeutic treatment, Evaluation by a qualified mental health professional, Mastectomy, Hysterectomy, Ovarektomy, Phalloplasty, Breast augmentation, Penectomy, Orchidectomy, Vaginoplasty, Civil status (concurring sex-entry), Legal proceeding

## Procedure

Firstly you start with a Psychotherapeutic process. After you apply to administration of justice with demands of sexual identity change. The judge approve the sexual identity change. We undergo an operation. Hospital prepares psychological and gynecological reports and the judge approve the sex identity.

You bring your judge decision to birth registration office and other public office and your identityinformations change.

#### Jurisdiction

There are laws which organizes sexual identity change conditions.

## Ukraina

Changing the sex-entry in identity papers and obtain full legal recognition in the acquired gender: Same conditions, same procedure

## Mandatory conditions

Phalloplasty, Vaginoplasty, Civil status (concurring sex-entry), Legal proceeding

## Procedure

Address to corresponding state authorities.

If you want to have a legal name clearly showing the sex you must have the correspondent legal sex status what is connected with your body. So, it is possible after the surgery. You address to the official state authorities for changing your legal sex and if it is OK you change your legal name without problems. Naturally, the surgery must be preceded by psychotherapeutic treatments during some term. But in Ukrainian and Russian there are some first and family names that are 'unisex'. The patronimes are more problematic because they always show one of two sexes, but they are as a rule used in Ukrainian only in legal documents.