



Country Survey: Right of Name

Compilation of the answers to Q01 at the
Questionnaire for Country Surveys:

"What are the mandatory conditions to acquire a legal gender
identity appropriate first name 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

Mandatory conditions

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

Procedure

Law concerning the Change of Name (Namensänderungsgesetz, NÄG)
According to the Austrian law concerning the change of name (Namensänderungsgesetz -
NÄG, Gazette for publication of Federal Law No. 195/1988) a change of the first name is to be
refused "if the applied for first name is not common or if it as first forename doesn't fit the sex of
the applicant (§ 3.1.7) Thereby "Sex" isn't understood as a biological or a sociological criterion,
and not at all as gender-identity, but exclusively as that entrance in the Book of Births, which is
fixed at the birth by the medical doctor or the midwife.

Thus Transgender-persons may only adapt their first forename to their identity-gender
* if after a sex-adapting operation the change of the sex-entrance was permitted or
* if they choose a gender-neutral first name.

The choosing of further first names is not subject of national-sexist regulations. The change of
the first name may only be carried out once every 10 years (NÄG § 3.1.8). In practice the
applications of TS, who after the operation apply for just one specific first name are also
accepted, if they have carried out a change of a gender-neutral name two years ago.

Belgium

Mandatory conditions

none

Croatia

Mandatory conditions

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

Very few people have been allowed to have surgery because, as far as we know, Gender
Identity Disorder is rarely diagnosed, but rather people are directed to other diagnosis (i.e.
narcissistic personality disorder, severe depression, obsessive-compulsive disorder) No one can
get access to any part of the transitioning process without psychiatric approval.

Czechia

Mandatory conditions

Hysterectomy; Orchiectomy

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 before they can apply for a change of name.

As a result of this, both their first name and surname (as most Czech surnames are gender-
specific) are altered to the so-called "gender-neutral" form. For this purpose a person is allowed
to choose such a name that does not reflect the gender of its owner.

Consequently the applicant is issued a new ID and a new birth certificate, after which they may
apply for a new driving licence, health insurance card, passport, and other documents as well.

(Note: While the new documents contain the chosen gender-neutral name, the sex-entry as such remains unchanged. It is thus a kind of compromise, albeit a useful one, which many find very helpful during the transition phase.)

Only after having undergone orchidectomy or hysterectomy, respectively, one can apply for another change that would eventually provide them with gender-identity-appropriate first and last names (the whole process being pretty much the same as when applying for a gender-neutral name). Also it should be noted here that the new first name - and surname, too - may differ considerably from the original ones, sometimes even bearing no resemblance at all.

Danmark

Mandatory conditions

Evaluation by a qualified mental health professional

Procedure

If you get SRS you automatically will get an identity corresponding to your the sex you have. If you don't have gone through the SRS; you can apply for a change of your first name so that it fits the gender you have chosen to live as. The authorities shall momentarily evaluate each applicant. These procedures will undergo changes in the fall; as the parliament has agreed on a new law for naming persons.

Additional Information: 25th November 2005

Mrs. Rebekka Knudsen, advisor of the gender equality spokesperson in parliament, contacted by Ulrike Repnik, Green Party at Parliament (Grüner Club im Parlament):

"It is correct that Denmark has changed the law recently. Unfortunately it did not include a change of the rules for transgenders. The Danish transgender association has contacted the minister in charge of the law and he has answered that he is not willing to change the law but they are working on the issue and they are looking at the Norwegian rules for inspiration."

"The Danish law recently changed and it has been very much liberalised. I think this is why they might have misunderstood and believed that also transgenders would benefit from this."

There has though since 2002 been a temporary rule, allowing "fulltime" transgenders that are in regular contact with something called the Sexological Clinic, either because they are waiting for a sex -change operation or because they are living full-time as the opposite sex, to apply for a change of first name at the civil administration.

I think this might be what the NGO is referring to.

I have contacted the administration to make sure if I had the correct information. They told me that something is on the way - the temporary rule might be inserted in the law, but they are not yet quite sure. We will know by the 1st of April if the rule is going to be inserted.

If that is the case, transgenders that can prove that they are living full-time as transgenders (but do not wish to change sex by operation) or people who are waiting for a sex-change operation, will be able to apply for a change of first name."

Finland

Mandatory conditions

Evaluation by a qualified mental health professional; Legal proceeding

Procedure

Announcement to the administrative council / officials. The law allows one opportunity to change the first names without no costs. Some officials requires the full evaluation of mental health professional; some of them rarely accept the paper; that you are in process.

France

Mandatory conditions

Evaluation by a qualified mental health professional; Conformation of the outer appearance

Procedure

This procedure is done with the assistance of a lawyer; this one made a request to the Judge with the Family affairs (JAF).

It is also preferable to produce, moreover, medical certificates, certificates of close friends, members of the family, colleagues and relations specifying that they know you under the identity which you assert.

To also bring the proof of an everyday usage of first names chosen by presenting invoices, etc.

Financial cost: variable according to lawyers' - to count less than 1000 Euro

Times: variable also - between 3 and 6 months

Germany

Mandatory conditions

Evaluation by a qualified mental health professional; Legal proceeding

Procedure

You have to apply at the court to change your first name.

The judge will decide if the change is granted on the basis of two independent evaluations by mental health professionals. What they require for a positive evaluation depends highly on the person evaluating.

You definitely 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 appearance is checked, and some require a Psychotherapeutic treatment.

If you marry or give birth to a child / your married partner gives birth to your child / you claim parenthood for your newborn child 302 days after your name change and later your name is automatically changed back.

But the constitutional court dealing with this at the moment and might declare this not in the spirit of the constitution.

Great Britain

Mandatory conditions

none

Procedure

A change of name is possible for all. It is advised to make a statutory declaration before a public notary. This costs 8 euro

Hungary

Mandatory conditions

Evaluation by a qualified mental health professional

Procedure

You go to see two designated mental health professionals who evaluate you. They give a written opinion to the Ministry of Health. They communicate with the Ministry of the Interior who send you to the District Birth Registry Office. There you make a statement as to your choice of a new surname. They issue you a new Birth Certificate giving your new name and new sex. You

get all your new papers using your new Birth Certificate.

Iceland

Mandatory conditions

Mastectomy; Hysterectomy; Phalloplasty, Penectomy; Orchidectomy; Vaginoplasty

Ireland

Mandatory conditions

none

Procedure

Change of name deed prepared by a solicitor & ratified by the courts.

Italy

Mandatory conditions

Evaluation by a qualified mental health professional; Hormone treatment; Mastectomy; Hysterectomy; Ovaryectomy; Penectomy; Orchidectomy; Vaginoplasty; Infertility; Civil status (concurring sex-entry); Legal proceeding

Procedure

you must have a psychiatric certificate with GID diagnosis. With this certificate you can begin the HRT without any other need. There are some Public Hospitals that follow transgender from the beginning to the end of medical transition. After/During HRT, if you want to have new certificates, you MUST go under legal judgement that allows to undergo to SRS (for FtM it is often enough mastectomy and hysterectomy). After obtaining the legal authorizations you can put in a "waiting list" for undergoing SRS in a public hospital (free), or you can go privately. After surgery, if you want to have a new certificate, you must go again in front of a Judge for having sex and name changed. There is no way to have change of name or sex without SRS in Italy even if law (n. 164/82) doesn't specify this duty. But there is only one or two cases in Italy in which some judges have given permission without srs, in case of people with mortal diseases.

The law specifies nothing on name change, but on judicial way (the only possible for TS people) the change of name is a consequence of the change of sex. To change sex SRS is mandatory.

Netherlands

Mandatory conditions

Evaluation by a qualified mental health professional; Conformation of the outer appearance; Legal proceeding

Procedure

A name-change 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 - Euro 2000

Portugal

Mandatory conditions

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

Procedure

Medical survey by 2 psychiatric board - authorisation from the Medical order (Authority) to start

the surgical procedures - request to the civil court for the change of name and the gender in the birth certificate which can only be given by a judge from a civil court

Russia

Mandatory conditions

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

Procedure

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 Russian there are some first and family names that are 'unisex'. The patronymics are more problematic because they always show one of two sexes, but they are as a rule used in Russian only in legal documents.

Spain

Mandatory conditions

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

Procedure

Until the Gender Identity Law will be on debate in the Parliament next autumn, the procedure is to go through the psychological, hormonal and surgical treatment and 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 accommodation of our body to the sex we are demanding (this is what we most hate of all). After all this, it is up to the moral conception of the judge at court, which will finally decide if one archives the sex and name change or not.

Switzerland

Mandatory conditions

Psychotherapeutic treatment; Evaluation by a qualified mental health professional;
Real life experience; Conformation of the outer appearance; Hormone treatment; Hysterectomy;
Ovaryectomy; Orchidectomy; Vaginoplasty; Infertility;
Civil status (concurring sex-entry); divorce from current marriage

Procedure

No name change without sex-change, no sex-change without SRS, no sex-change effective without divorce. Nothing about this procedure is in the law but only practice by administration. In fact the law authorizes name change for "right motives". The process is easy and fast for almost any motive except... living in the opposite gender. One of us is currently taking the administration to court on this matter as it is so discriminative for transgenders who do not need/want SRS. In well documented cases, the administration proposes the addition of a gender-neutral name though.

Turkey

Mandatory conditions

Psychotherapeutic treatment; Evaluation by a qualified mental health professional; Mastectomy; Hysterectomy; Ovaryectomy; Phalloplasty; Breast augmentation; Penectomy; Orchiectomy; 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 gynaecological reports and the judge approve the sex identity.

Ukraina

Mandatory conditions

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

Procedure

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 patronymics are more problematic because they always show one of two sexes, but they are as a rule used in Ukrainian only in legal documents.