



NEWS REPORT

Date: 7 May 2013
Expert: Rikki Holtmaat
Title: New Transgender Law
Country: The Netherlands
Context
Issue at stake: Bill adopted by Dutch Parliament making it easier for transgender citizens to change their official sex designation
Ground of discrimination: Gender / transgender
Source: Parliamentary documents
Field: All fields
Legislative provisions: Dutch Civil Code, Book I, Art. 20, 28, 28a, 37, 81.

Content:

After years of lobbying by LGBT-organizations, such as COC Nederland and Transgender Network Nederland (TNN), and following the advice from the Council of Europe, the Dutch House of Representatives has adopted a bill that amends gender registration legislation.¹ It is expected that the Senate will pass the bill without problems, probably this autumn already. The bill includes some important changes, which will make it easier for transgender persons to change the registered sex designation in their identity documents and in the official population database. Even though interest groups would have appreciated even further-reaching changes, they welcomed the bill as an important improvement.²

Contrary to the old legal requirements in the Civil Code, a transgender individual no longer needs to have undergone medical treatment, and the condition of infertility that applied to both men and women has been abolished. In the new system, an officially recognized expert is required to officially establish the conviction of the transgender person. This renders it possible to change the official registration without

¹ Report by the Commissioner for Human Rights, Mr. Thomas Hammarberg on his visit to the Netherlands. Commissioner for Human Rights, 2009, p. 42. Point 32 states: 'Abolish the legal condition of sterilisation and other compulsory medical treatment as a requirement for legal recognition of a person's gender identity.' The full document can be found using this link <http://www.schipholwakes.nl/REPORT%20BY%20THE%20COMMISSIONER%20FOR%20HUMAN%20RIGHTS%20MR%20THOMAS%20HAMMARBERG,%20ON%20HIS%20VISIT%20TO%20THE%20NETHERLANDS.pdf> (last accessed 3 May 2013). The bill is registered as Tweede Kamer 2012-2013, Kamerstukken 33351, nr. 1, and was passed by the House of Representatives on the 9th of April 2013.

² See for example this letter, sent to the Dutch parliament by LGBT-organization COC, calling the changes 'a big step forward': <http://www.coc.nl/wp-content/uploads/2013/04/130322-Plenaire-behandeling-Wetsvoorstel-wijziging-vermelding-geslacht-in-geboorteakte-33-351.pdf> (last accessed 3 May 2013).



a judge being involved. In general, the legislative changes make it less difficult for transgender persons to ensure that the records included in the municipal database correspond with their 'true' sex, which also means that gender designation on other documents, such as diplomas, can be changed.

An amendment by Green Left MP Van Tongeren to lower the minimum age from 16 to 12 years in order to enable youngsters to change their sex designation was not passed. During the parliamentary debate, the responsible State Secretary, Mr. Teeven, pointed out that everyone is struggling with his or her own identity during puberty and that the minimum age should not be lowered. Still, Mr. Teeven promised to study a request of the House of Representatives to find out whether it is possible for people who feel neither male nor female or who feel to be both, to not include a gender designation on their identity document. He emphasized however that the omission of a gender designation encounters serious objections; he *inter alia* mentioned difficulties that may arise while traveling. Another amendment (proposed by Ms. Dijkstra; member of social-liberal party D66, supported by COC Nederland and TNN) to expand the group of experts to all social workers was rejected.

Address of the webpage: The Bill, registered under Tweede Kamer 2012-2013, Kamerstukken 33351, nr. 1, can be retrieved using this link:
<https://zoek.officielebekendmakingen.nl/dossier/33351/kst-33351-A?resultIndex=2&sorttype=1&sortorder=4>. (last accessed 5 May 2013)