

English version of the Belgian Bill on Transsexualism (0903/001)

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**Disclaimer: this is a free translation of the Belgian Bill on Transsexualism by Collectif Trans-Action.
This is not an official translation.
Only the original text in Dutch and French is legally valid.**

The original draft of the bill can be found on the website of the House of Representatives at
<http://www.lachambre.be/FLWB/pdf/51/0903/51K0903001.pdf>

A copy can also be downloaded from our website at
<http://www.trans-action.org/pdf/51K0903001.pdf>

Chapter I: General terms

Article 1

The present bill settles a matter governed by article 78 of the Constitution.

Chapter II: Minimal conditions for treatment of transsexuals

Article 2

Shall be considered transsexual, strictly medically, any person suffering from a dissatisfaction due to their anatomical sex, without it being a case of physical intersexuality, who wants to be relieved from their primary and secondary sexual characters by means of hormonal therapy and re-constructive surgery, and live according to the opposite gender role, in a permanent manner and without being noticed.

That gender dysphoria must have been steady and lasting for at least two years.

Article 3

Hormonal and sex surgery reassignment shall only be administered by a multidisciplinary team made up of at least a psychiatrist, an endocrinologist and a plastic surgeon.

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The decision to begin, continue or cancel the sex reassignment process will be taken after consultation between the physicians in charge and the patient.

Article 4

The patient shall undergo hormonal and surgical sex reassignment only if he/she is considered transsexual strictly medically and:

1. it is established by an in-depth clinical analysis that all kinds of genetic anomalies and all forms of physical intersexuality can be ruled out;
2. it is established on the basis of a differential diagnosis that the patient is not suffering from a clinical syndrome, which gender dysphoria may be a symptom of;
3. it is established by an expert report drawn by a psychiatrist and an endocrinologist that hormonal and surgical reassignment of the external sexual characters of the patient is without doubt the best therapy.

Article 5

Surgical reassignment of the sexual characters may only be carried out if the patient is of legal age and has freely and knowingly provided written consent to the surgery, after having been clearly and fully advised by the surgeon, the psychiatrist and the endocrinologist of the physical, psychic and social consequences of the operation, in particular the permanent sterility arising from these operations.

Article 6

If the patient is married or has procreated in his/her previous gender role, the medical team shall draw the attention of the patient on the need for psychological counselling for his/her partner and children.

Chapter III: Changes to the law of 15 May 1987 pertaining to names and forenames

Article 7

Article 2 of the Law of 15 May 1987 pertaining to names and forenames shall be completed with the following paragraph:

Individuals who have the firm, irreversible and innermost feeling of belonging to the sex other than that mentioned on their birth certificate and who have taken on the matching sex role will enclose with their request a statement by the psychiatrist and the endocrinologist certifying that:

1. *the individual has the firm, irreversible and innermost feeling of belonging to the sex other than that mentioned on their birth certificate;*
2. *the individual is undergoing or will undergo hormone replacement therapy aiming at sexual characters of the desired sex;*
3. *the change of surname is an essential fact in view of the role change.*

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Article 8

In article 3 of the aforementioned act, the following paragraph shall be added between paragraphs 1 and 2:

The Minister of Justice shall authorize the change of surnames for individuals subject to paragraph 2 of the preceding article within 3 months starting from the filing of the request.

Article 9

In article 4 of the same act, the words “third paragraph” shall be replaced with “third and fourth paragraphs.”

Chapter IV: Changes to the Code of registration, clerkship and mortgage rights

Article 10

In article 253 of the Code of registration, clerkship and mortgage rights, the following paragraph shall be added between paragraphs 3 and 4:

Copies or excerpts of the ministerial decree authorising the change of surname governed in article 3, paragraph 3 of the act of 15 May 1987 on names and forenames, to the office of the municipality of residence of the beneficiary or, failing a place of residence in Belgium, within three months starting from the day the ministerial decree has become final.

Chapter V: Changes to the Common Law

Article 11

In article 45, paragraph 1 of the Common Law, the following paragraph shall be added between paragraphs 1 and 2:

In the excerpts of birth certificates altered by virtue of the present Code the former sex or the change of sex will not be mentioned. Those excerpts will only mention the new sex.

Article 12

Article 61 of the Common Law is reinstated as follows:

Art. 61 §1. Any Belgian national who has the firm, irreversible and innermost feeling of belonging to the sex other than that mentioned on their birth certificate, who has taken on the matching sex role and has undergone a re-constructive operation shall make a statement to the registry office of the municipality in which he/she is registered at the time of the declaration, within three months of the re-constructive operation. If the last day of that period is a Saturday, Sunday or a non-working day, that period shall be extended until the next working day.

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The person running the hospital where the sex change surgery took place or his/her deputy, or the surgeon who carried out the operation is obliged to notify the registry office of the sex reassignment.

§2. At the time of the declaration the individual shall provide the officer of the registry office with a statement from the doctors in charge, certifying that:

- 1. the individual has the firm, irreversible and innermost feeling of belonging to the sex other than that mentioned on their birth certificate;*
- 2. the individual has been adapted to the desired sex as far as possible and justified from a medical point of view;*
- 3. the individual is no longer able to procreate according to his/her previous sex.*

§3. Without delay the officer of the registry shall record the change of sex by way of a marginal note to the birth certificate.

§4. The change in the mention of sex in the birth certificate has no effect on existing family relationships or rights, powers and duties arising thereof. All the actions related to those family relationships and rights, powers and duties arising from them may still be asserted after the change to the birth certificate.

Chapter VI: Transitional measure

Article 13

Belgian nationals who have undergone a re-constructive surgery prior to the present act coming into force, may make a statement to the registry office of the municipality in which they are registered at the time of the declaration, pursuant to the terms and conditions set forth in article 12 of the present act, even if they have already submitted a request for change of sex or alterations to records of the register with the tribunal concerned.