

To:

Leden van de Vaste commissie voor Justitie en Veiligheid

Tweede Kamer Der Staten Generaal

Nederland

Ghent, Belgium, 28 September 2022

Dear,

The *European Professional Association for Transgender Health* (EPATH) has read with great interest the law proposal “Wetsvoorstel - Wijziging vermelding geslacht in geboorteakte” which is currently discussed in the 2<sup>nd</sup> Chamber of the Dutch Government. With this letter **we would like to express our overall support of the law based on self-declaration**, and submit our associations professional view on the matter of legal gender recognition for transgender people.

As professionals involved in provision of healthcare to this population, we recognize the crucial importance, for the purposes of transgender people's health and wellbeing, of their being able to obtain key documents that reflect their gender identity. As the European chapter of the World Professional Association for Transgender Health (WPATH), EPATH follows the [WPATH Statement on Identity Recognition \(2015\)](#) that we hereby include:

***WPATH Identity Recognition Statement***

*The World Professional Association for Transgender Health (WPATH) recognizes that, for optimal physical and mental health, persons must be able to freely express their gender identity, whether or not that identity conforms to the expectations of others. WPATH further recognizes the right of all people to identity documents consistent with their gender identity, including those documents which confer legal gender status. Such documents are essential to the ability of all people to enjoy rights and opportunities equal to those available to others; to access accommodation, education, employment, and health care; to travel; to navigate everyday transactions; and to enjoy safety. Transgender people, regardless of how they identify or appear, should enjoy the gender recognition all persons expect and deserve.*

*Medical and other barriers to gender recognition for transgender individuals may harm physical and mental health. WPATH opposes all medical requirements that act as barriers to those wishing to change legal sex or gender markers on documents. These include requirements for diagnosis, counseling or therapy, puberty blockers, hormones, any form of surgery (including that which involves sterilization), or any other requirements for any form of clinical treatment or letters from doctors. WPATH argues that marital and parental status should not be barriers to recognition of gender change, and opposes requirements for persons to undergo periods living in their affirmed gender, or for enforced waiting or 'cooling off' periods after applying for a change in documents. **Further, court and judicial hearings can produce psychological, as well as financial and logistical barriers to legal gender change, and may also violate personal privacy rights or needs. WPATH advocates that appropriate gender recognition should be available to transgender youth, including those who are under the age of majority, as well as to individuals who are incarcerated or institutionalized. WPATH recognizes that there is a spectrum of gender identities, and that choices of identity limited to Male or Female may be inadequate to reflect all gender identities. An option of X, NB (non-binary), or Other (as examples) should be available for individuals who so choose.***

*WPATH urges governments to eliminate barriers to gender recognition, and to institute transparent, affordable and otherwise accessible administrative procedures affirming self-determination, when gender markers on identity documents are considered necessary. These procedures should be based in law and protect privacy.*

For the avoidance of my misunderstanding on this matter, EPATH's view is that gender recognition can have an important influence on the health and wellbeing of all people, and that it is particularly important for all transgender people to have their gender identity recognized on key identity documentation; regardless of what gender affirming healthcare they have accessed, or what their demographics may be.

Yours sincerely,

*Joz Motmans*

For the Board of EPATH,

Prof. dr. Joz Motmans,

President

[www.epath.eu](http://www.epath.eu) - [contact@epath.eu](mailto:contact@epath.eu)

**EPATH** EUROPEAN PROFESSIONAL ASSOCIATION FOR  
TRANSGENDER HEALTH