ICCS Convention No. 29 on the recognition of decisions recording a sex reassignment

On March 1, 2011, the ICCS Convention No. 29 on the recognition of decisions recording a sex reassignment, adopted by the Lisbon General Assembly on 16 September 1999, and signed at Vienna on September 12, 2000, will enter into force. Two States have so far ratified the Convention: Spain in October 2010, and the Netherlands in 2004.

Under the Convention final court or administrative decisions recording a person's sex reassignment issued by the competent authorities in a Contracting State shall be recognized in other Contracting States, when at the time when the application was made the applicant was national or habitually resident in the State in which the decision was taken.

There are three exceptions to this rule:

– if the physical adaptation of the person concerned has not been carried out and has not been recorded in the decision in question

– recognition is contrary to public policy in the required Contracting State

– the decision has been obtained by fraudulent means

The State which recognizes a resolution pursuant to the Convention shall update the birth certificate of the person concerned, on the basis of the resolution and in the manner prescribed by its domestic law.