

INFORMATION CONCERNING THE LEGAL SITUATION
OF TRANSSEXUALS IN TURKEY

Provided by the expert from Turkey
of the Committee of Experts on Family Law (CJ-FA)

The new wording of Article 29 of the Civil Code, amended by Law No 3444 of 4 May 1988, stipulates that a person who has any sexual conversion which occurs after his/her birth, may request the correction of his/her civil status record from the court, provided that the sexual conversion be proved by a medical report.

The Article 29 of the Civil Code is as follows;

All the necessary changes shall be made in the civil status of the transsexual in case of any sexual conversion which occurs after birth provided it is proved by a medical report. In all cases, for the correction of these records, action is brought against the spouse if the transsexual person is married. The same court shall indicate in its judgement to whom custody of the children shall be given. The marriage is automatically dissolved on the civil status record.

In the framework of the above-mentioned provisions of Article 29:

After the court's decree, the changes brought about are to be entered in the transsexual's civil status records by adding such details to the original record so as to update the data concerning sex on the birth certificate and identity papers, and by authorising a subsequent change of forename.

The judgement correcting the transsexual's civil status records has certain legal consequence for spouses;

Firstly, if the transsexual is married, the marriage is dissolved automatically when the decree of court becomes definite. In this respect, the spouses may obtain maintenance from one another after the dissolution of the marriage.

Secondly, upon dissolution of the marriage parental authority over the children will be given by the Judge to one of the spouses. The other party, to whom parental authority is not given, has however to contribute according to his/her financial capacity to the expense of raising the children.

Please note that this document was one of the written reports, submitted to the 23rd Colloquy on European Law, "Transsexualism, medicine and law", Amsterdam 14-16 April 1993. It might be somewhat dated, although I have no reason to believe so.
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