



NEWS REPORT

Date: 4 February 2011
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Title: Change of first names of transsexuals on university diploma
Country: The Netherlands
Context
Issue at stake: Opinion Equal Treatment Commission obliging University to change the first name of a transsexual (f-m) on diploma
Ground of discrimination: transsexuality / sex
Source: Equal Treatment Commission, Opinion 2010-175 dd 30/11/2010
Field: Education
Legislative provisions: Article 7 (1) par c of the General Equal Treatment Act (GETA) .

Content

Case Law: A university student who obtained his Master degree in political science, requested, after having undergone a transgender operation (female to male), a new diploma showing his new male first name on it. The university refused to give him a new diploma, but instead issued a 'declaration of graduation' and a new list with his grades including his new male first names. The applicant claimed that this was not sufficient as he was currently living and working in the USA where it is very important and common to display diplomas and even to frame and hang them on the wall of the office. He stated that the fact that there were female first names on his diploma created confusion and suspicion of fraud. As a consequence, he often needs to explain time and again that he is a transsexual, situation which leads to a violation of his right to privacy. He also experiences a lot of prejudice and discrimination resulting from these circumstances.

The university argued that according to Dutch higher education laws, it was not allowed to give a second 'original' diploma and that it never, under no circumstances (even e.g. when a former student had lost the diploma in a

fire) did violate these rules. In such cases a so called a 'declaration of graduation' is given to the graduated person.

The ETC first concluded that the policy of the university amounted to indirect sex discrimination because transsexual people are more often disadvantaged by this rule than others. Second, it analysed the legal regulations, and found that they did leave room for a less strict interpretation and left some discretionary power to the university to act otherwise. Therefore, strictly obeying these rules could not offer an objective justification for the refusal to issue a new diploma.

Also, the goal to prevent diploma fraud, although legitimate in itself, could be reached with other less damaging means, like for example requiring that the original diploma was given back and keeping a register in which it is noted that a new diploma had been issued. The ETC concluded that the university indirectly discriminated against the applicant. It further recommended the Ministry of Education to change the rules in such a way that it is made explicit that in this case there is a possibility to give a new diploma.¹

Internet link source and additional information:

<http://www.cgb.nl/oordelen/oordeel/221409> (Last accessed 4 February 2011)

¹ It recommends that the Ministry takes account of the "Issue Paper Gender Identity and Human Rights" of the Council of Europe, dd 29 July 2009.