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# **Common Requirements for Medical Operations for Gender Reassignment**

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Based on clause 14 5) of Health Services Organisation Act (RT I 1994, 10, 133; 1995, 57, 978; 1997, 86, 1462; 1999, 18, 305; 23, 351) and clause 8 (1) 6) of Public Health Act (RT I 1995, 57, 978; 1996, 3, 56; 49, 953; 1997, 37/38, 569; 1999, 30, 415) and resulting from the fact that restrictions for gender reassignment have not been established with the law in Estonia and transsexual persons address the Ministry of Social Affairs with the requests of gender reassignment which they are entitled to according to sections 26 and 28 of the Constitution of the Republic of Estonia, and for the provision of medical assistance thereon, the Minister of Social Affairs establishes:

**1.** In order to decide on the gender of a person and to perform the medical operations necessary for gender reassignment, the following is required:

- 1) a person's application thereon to the Ministry of Social Affairs;
- 2) a decision of the medical assessment committee formed by the Minister of Social Affairs on the possibility of gender reassignment.

**2.** In its decision the medical assessment committee shall take into account whether the following conditions appear on the applicant for gender reassignment:

- 1) occurrence of transsexual identity in the anamnesis at least two years before making of the decision;
- 2) psychiatrist's decision which precludes that the gender reassignment request is caused by a mental disorder;
- 3) concurrency of chromosomal and gonadal sex confirmed by a genetic study.

**3.** A decision of the medical assessment committee on the occurrence of transsexuality on the applicant for gender reassignment is the basis for the directive of Minister of Social Affairs, which gives permission for the medical operations for gender reassignment of the person:

- 1) hormonal treatment may be commenced after transsexuality has been diagnosed;
- 2) in case of social adaptation of the applicant for gender reassignment, gender reassignment surgery is permitted after one year since the issue of a directive on the person. Gender reassignment surgery is not a mandatory operation for an applicant for gender reassignment.

**4.** The decision of medical assessment committee on gender reassignment shall be given to the applicant for gender reassignment when at least two years have passed since the commencement of medical operations and treatment.

**5.** In case of social disadaptation, the applicant for gender reassignment may apply for the restoration of birth gender on the basis of a written application and decision of the medical assessment committee.

**6.** Directive No 91 by the Minister of Social Affairs as of 24 April 1991 on the Establishment of Mandatory Processes for Gender Reassignment shall be repealed upon entry into force of this regulation.

**Minister Eiki NESTOR**  
**Secretary general Hannes DANILOV**