

Common Goals of the First European TransGender Council

A Summary Review

Eva Fels, Nov. 2005

One mission of the first European TransGender Council was to formulate common political goals. Several working groups reformulated and formulated demands based on demands already submitted by TransGender activists during summerⁱ. At Saturday, the 5th November all members were invited to judge the submitted proposals. The detailed results are published on <http://tgeu.net> where several ways of looking at the results are discussed and reported. We published average results for members and represented groups, as well with and without taking into account the different country sizesⁱⁱ.

Based on these four base examinations the statement on hand summarises the proposals, which were supported by a strong majority in all four analysis.

Here we focus on the fraction of votes which declared that the member would “support” respectively “strongly support” the specific proposalⁱⁱⁱ. In the following we rank the proposals according to that degree of support.

Table 1 summarises the most important formulations, which gained a degree of at least 90% support in all four examinations.

The most important issue is the right to **change documents concerning profession and school education**. 64% of the members will “strongly support” that goal. Just 3% of the members mentioned that this is “not so important”. Nobody declared “no support” for this proposal.

The next two most important issues are “**free choice of first name**” followed by “**free choice of medical practitioners within the EU**”. Both demands are supported by 94%.

The propositions ranked between 4 and 6 cover require “**better funding for treatment**”, “**anti-discrimination laws**” and “**protection against hate crimes**”. While for the last two issues not one “not support” – opinion was articulated, the demand for better funding is not supported by 5% of the represented groups. In the relatively long comment to that proposal the authors argue that medical treatment should be available for all varieties of TransGender persons. 93% of all groups support that proposal.

Proposals with more than 90% support in all four analysis:

[57 TransInJob] average support: 98%

1) **Change of documents concerning profession and school education**

We demand the possibility to change all the documents concerning the education and the work history of the individual, with the new name and gender. We also require protection during the transition period for students.

[45 RightOName] average support: 94%

2) **Free Choice of first names**

Each person should have the right to change their first names to names of any gender, in self responsibility, regardless of their sex, gender or gender role.

[41 MedicTreat] average support: 94%

3) **Free choice of medical practitioners within the European Union.**

Residents within the EU should be able to choose any psychologist, doctor, surgeon or gender team - be it private or public - in any EU country, in correspondence with the free flow of goods and services in the European Union. In Denmark, although there is no legislation pertaining to sex reassignment surgery, there is, however, a legal clause that specifically excludes sex reassignment surgery from the otherwise free choice of hospital. This is discriminating and this clause prevents Danish FtMs in particular from obtaining phalloplasty and/or removal of female sexual organs. This type of surgery cannot be obtained in Denmark, and furthermore, the clause that excludes sex reassignment surgery also effectively prevents Danish FtMs from getting their surgery performed in other EU countries.

[05 MedicTreat] average support: 93%

4) **Better funding for treatment.**

Treatment should be funded for all surgeries, psychotherapy sessions, medication etc. necessary for somebody to live in the desired gender - be that male, female, neither of the two or somewhere in between. Basically everything should be funded that makes it possible for somebody to manage/live with their gender dysphoria: be it altered or unaltered bodies. Right now it is especially hard for people who don't identify as 100% transsexual to have some kind of treatment and/or hormones and/or surgeries.

[50 AntiDiscr] average support: 92%

5) **Anti-discrimination for all transgender persons.**

Anti-discrimination law should apply to transgender people regardless of whether legal gender change has taken place.

[52 AntiDiscr] average support: 92%

6) **Protection in hate crimes**

Hate crime protection should recognise the need to protect transgender people.

Table 1

Table 2 reports the proposals that were supported with at least 85% through all for base examinations. Together with the proposals reported of table 1 these issues might form a widely supported platform of a common European-wide TransGender policy.

Several demand of this block - e.g. the propositions ranked at position 7 to 11 - also gained an average support of more than 90%. But, for example proposition [76], which postulated the „right to change the legally registered gender/sex in all documents of recognition“, was just supported with 89,7% in the weighted groups analysis. All the proposals listed in that table are supported with an overwhelming strong agreement. Many of them articulate fundamental human rights like “no force to sterilisation” (rank 9), “**gender recognition without obligation to undergo medical treatment**“ (rank 10 and 17), the right to marriage (rank 13 and 20), “change of birth certificates” (rank 19) and “**No disclosure of an individuals previous sex/gender**” (rank 21). Other demands focus **anti-discrimination** (rank 8 and 14), saver **labour** (rank 11 and 16), more **respect** as well as the problems of **medical treatment**.

Proposals with at least 85% support in all four analysis:

- [76 CivilStatu] average support: 93%
- 7) **The right to change the legally registered gender/sex in all documents of recognition.**
No comment
- [48 AntiDiscri] average support: 92%
- 8) **Protection for transgender people in all areas of discrimination.**
Protection in, but not limited to, employment, vocational training, education, goods, facilities and services, health and welfare provision. This should cover both direct and indirect discrimination.
- [84 CivilStatu] average support: 92%
- 9) **Sterilization shall not be a prerequisite for change of gender/sex status.**
No comment
- [82 CivilStatu] average support: 91%
- 10) **Full state recognition of the individual chosen gender/sex without obligation to undergo medical treatment.**
In accordance to respect for private life and the protection of personal data, the gender entries in documents of recognition and files including the birth certificate should be adjusted to the individual chosen gender/sex. Public authorities should not limit this right by demanding treatments which might harm the physical integrity of the applicant.
- [55 TransInJob] average support: 91%
- 11) **Support in the work research.**
We demand a positive culture, information and integration in the work place about transgender people, due to the discrimination today they are suffering from. Particular attention shall be paid to the right of privacy of the individual.
- [17 MedicTreat] average support: 90%
- 12) **Free choice of the doctors (private or public hospitals) and funded by the Health Care.**
(... That represents in France one of the most significant problems.) Only some medical teams are recognized and give the possibility to the transsexuals of being funded with the Health Care. If a person goes in the private one, it will have to pay from its pocket the surgery.
- [87 CivilStatu] average support: 90%
- 13) **That the state shall recognise that any interference for any purpose of a legally constituted marriage is a gross breach of human rights.**
The state has no right to force divorce for any reason. There is no right of state to automatic divorce or to force divorce in case of any reasons.
- [54 AntiDiscri] average support: 89%
- 14) **Inclusion within European treaties.**
European constitutional documents, treaties, directives, regulations and all similar agreements which amend equality and human rights provisions must explicitly include transgender people.
- [71 AccSociety] average support: 89%
- 15) **Mandate the European Union to work with transgender organisations to produce a set of educational materials for use across Europe.**
This will be funded by the EU.
- [56 TransInJob] average support: 89%
- 16) **Protection against dismissal.**
Transgender people holding a job during their transition should, for a certain time, be protected against dismissal by law; the aim is to preserve the financial independence of the individual and to give him/her the possibility to demonstrate that his/her quality of work has not been affected
- [85 CivilStatu] average support: 88%
- 17) **Medical treatment shall not be a prerequisite for change of gender/sex status.**
No comment

[69 AccSociety] average support: 88%

18) **Teachers and instructors should have mandatory training in the diversity of gender expressions in a non pathological terminology.**

Teachers and instructors in all areas, and all public and private sector organisations, should have mandatory training in the diversity of gender expressions in a non pathological terminology. This training should be carried out by those recommended by transgender organisations.

[07 CivilStatu] average support: 88%

19) **Legalise change of Birth Certificates.**

At the present time, only Andorra, Albania & here in the Republic of Ireland, Birth Certificates cannot be changed.

[83 CivilStatu] average support: 87%

20) **Divorce shall not be a prerequisite for change of gender/sex status.**

No comment

[86 CivilStatu] average support: 87%

21) **No disclosure of an individuals previous sex/gender.**

There shall be no disclosure of an individuals' right to privacy regarding their previous sex/gender other than in connection with court proceedings or associated legal investigations. It shall be a criminal offence by the person making such disclosure.

Table 2

On average the proposals listed in table 2 were supported (and strongly supported) by 89% of the members respectively of the represented groups.

It should be noted that while none of the proposal concerning "civil status" were ranked in the top 90%-support list (Table 1), 8 of the 15 proposals listed above deal with "civil status".

Table 3 reports the next relevant propositions, which got a qualified majority of at least 75% support in all four analyses. Six of these formulations came from the "acceptance" working groups. Three propositions deal with "self-determination" and "anti discrimination". With these items this list of the 35 most important issues for an Europe-wide TransGender-policy is closed.

Proposals with more than 75% support in all four analysis

[93 TraSelfDet] average support: 89%

22) **Removal of all administrative and judicial influences on the provision of transgender care and medicine.**

To demand that all European councils and regional governments remove all administrative and judicial influences on the provision of transgender care and medicine.

[64 AccSociety] average support: 87%

23) **Teacher training on TG issues**

Even TGs should be covered at some point in the curricula so that kids are informed also. A good Swedish example exists on assessment of biology course books, which was followed by a public press release.

[04 AccSociety] average support: 87%

24) **No more discrimination of transgender people.**

This means social change in attitude by the general public: transgender people should not be seen as 'outsiders' and treated as such.

[92 TraSelfDet] average support: 87%

25) **Medical and other professionals involved in the provision of treatments have to be trained in multiple pathways of transition.**

To demand that all European councils and regional governments ensure that all medical and other professionals currently involved in the provision of these treatments are fully trained in multiple pathways of transition. They are further asked to ensure all medical and psycho-therapeutic training includes as a pervasive element best practise therapies available in the fields of transgender care and medicine. (Note: A core element of best practise therapies available in the fields of transgender care and medicine is the absolute right of the patient to self-determination and body autonomy so long as they provide informed consent.)

- [47 AntiDiscr] average support: 87%
- 26) **Equal treatment within gender legislation for transgender people.**
No comment
- [49 AntiDiscr] average support: 86%
- 27) **Respect for family life**
Recognition of the value of the families of transgender people including access to children of former and current partnerships, the right to marry and form civil partnerships and the right of adoption.
- [65 AccSociety] average support: 85%
- 28) **New EU Gender Institute and Fundamental Rights Agency**
(from 1/1/07) to include monitoring, reporting, acting as a clearinghouse, communicating information and raising awareness on TGs in the contexts of their work programmes.
- [12 MedicTreat] average support: 85%
- 29) **Hormones available through national health service.**
Having to take hormones for our whole life, we should be included in the categories for which hormones are "life-saving medicines".
- [70 AccSociety] average support: 85%
- 30) **Diversity of gender expressions and identities should be taught as part of the usual school curriculum.**
No comment
- [66 AccSociety] average support: 84%
- 31) **Informing and training public sector employees**
All employees in the public sector (police, social workers, medical profession, military etc.) should be informed and trained through direct assistance programmes about TG issues so that they know how to handle TGs in their day to day work.
- [53 AntiDiscr] average support: 84%
- 32) **Valuing parenthood**
Parenthood should be valued regardless of gender change, or the stage or nature of such a change.
- [37 AccSociety] average support: 83%
- 33) **Transgender issues should be part of the usual school curriculum**
Mandatory further education on transgender issues of teachers and people working in pedagogic fields
- [91 TraSelfDet] average support: 82%
- 34) **Promoting access to a full range of best practise therapies available in the fields of transgender care and medicine.**
To demand that all European councils and regional governments have a duty to promote a future in which all people have access to a full range of best practise therapies available in the fields of transgender care and medicine. Best practise means all possible different ways and extents of transitioning or altering gender presentation, without any preconditions before access to any part of the services. Best practise includes as paramount, the patient's wishes.
- [77 CivilStatu] average support: 78%
- 35) **Declaring sex/gender in all documents of recognition can be or can become discriminatory to some transgender people.**
No comment

Table 3

Among all the 68 formulated proposals the average degree of support (including strong support) was 80% according to the members- respectively 77% according to the groups—examination. The EU-weighted analysis of member's choices reflects a 75% support. Almost all formulated demands were very strongly supported. For example concerning proposition [93] which demands the “**removal of all administrative and judicial influences on the provision of transgender care and medicine**”

nobody declared “not to support” this proposal. However the average “groups” support was slightly below 85%.

Only some propositions got no majority. **Table 4** summarises the six propositions with the smallest support. Concerning the last three proposals (rank 66 to 68) the support was less than 50% in all four base examinations. Proposition [68] with rank 67 is obviously not fine formulated. The other two indicate that it’s not a very good idea to focus a policy that tries to anchor a third gender category in public documents respectively to have a choice for opting out of the binary gender-system. 34% of all groups would not support “**an additional category, namely ‘other’**”. 37% of all members do not support the force to “**follow-up studies**” after surgeries.

Proposals with less than 60% support in all four analysis

[58 AccSociety] average support: 52%

63) **Raising public awareness by advertising agencies.**

Advertising agencies and advertisers should be encouraged to more positively portray transgenders in posters, TV, magazines etc. Positive Danish examples can be drawn upon. Modelling agencies too should be informed about the availability of potential models.

[62 AccSociety] average support: 50%

64) **Local authority should have a qualified TG counsellor**

All public awareness raising campaigns could be followed by “If you think you might be transgendered, for further help and advice, write to., email., call., visit <http://...> “. But then the question is: who/where/what is the point of contact? To this end, every local authority should have a qualified TG counsellor who should subsequently organise their own public information campaign to alert to their existence.

[79 CivilStatu] average support: 46%

65) **In addition to the registration system of male/female, we suggest that we can opt out of both.**

No comment

[43 MedicTreat] average support: 44%

66) **A close follow-up study must be made of every sex reassignment surgery.**

No comment

[68 AccSociety] average support: 39%

67) **All mentioned ideas intending to raise public awareness should be adopted by national TG organisations as part of their work programmes.**

(Orig: All above ideas should be adopted by national TG organisations as part of their work programmes.)

[80 CivilStatu] average support: 38%

68) **The provision of an additional category, namely “other”, to be offered in all registration systems.**

No comment

Table 4

i) See <http://tgeu.net> :-> Demands.

ii) See “The Results of the First European TransGender Council - A Statistical Review”, <http://tgeu.net>.

iii) Other facilities were to declare “I think it is not so important“ or “I do not support this proposal”.