In France, Transsexuals Celebrate a Small Victory

France drops Transsexualism from list of mental diseases

By Gaëlle Faure / Paris Monday, Mar. 01, 2010

Several decades have passed since the West stopped considering homosexuality a mental illness. But for transsexuals, that kind of milestone has been elusive — until now. Last month, France became the first country in the world to remove transsexualism from its official list of mental disorders — a major victory when it comes to acceptance of this oft misunderstood condition. "I'm relieved. People might begin to look at us differently," says transsexual blogger Caphi (a blended name she's chosen to represent Philippe, the man she was born as, and Caroline, the woman she's transforming into). "It's a start."

But only a start, many transsexuals in France say. In practice, the declaration will do little to improve their legal or medical rights in the country. For example, transsexuals are still required to have a sex-change operation before they can change their gender in the eyes of the law. And to get the green light for surgery, they must still undergo extensive medical and psychiatric evaluations. "It's a symbolic victory," says Louis-Georges Tin, president of the Paris-based IDAHO committee, which
fights homophobia and what it calls "transphobia," or discrimination against transsexuals. "Transsexuals are no longer mentally ill," he says. "They’re normal citizens. But we haven’t yet reached the point where they’re allowed to make their own decisions instead of depending on doctors and psychiatrists." (See "The Year in Health 2009: From A to Z.")

Some transsexuals say the country’s open-minded Health Minister, Roselyne Bachelot, removed transsexualism from the list of mental disorders because it was an outdated classification and because she wanted to acknowledge the work transsexuals have done to further their cause. But others see a potentially more troubling motive. Tin worries that politicians may be making allowances on this front to avoid engaging in debate on legalizing gay marriage or removing barriers to allowing gay adults to adopt.

Indeed, the French transsexual community doesn’t exactly consider the country to be at the forefront of promoting the rights of sexual minorities. A just-released study commissioned by the Health Ministry, for example, paints a dreary picture of the treatment of transsexuals from a legal and medical standpoint. Sex-change surgeries and treatments are covered by the state — as in some other countries — but those who opt for surgery have little choice in selecting their doctor. Surgeons complain that they are poorly equipped to perform the complicated procedures and that few have received specialized training, according to the survey. And some even say they are ostracized by their colleagues if they perform such surgeries. For these reasons, many transsexuals choose to undergo the procedure — at their own cost — across the border in Belgium, home to some of the best sex-change specialists in the world.

Laure Laudet, who is scheduled to have an operation in France to become a woman in the fall, has been so worried about French doctors’ lack of expertise in the field that she’s done much of her own research, particularly on which hormones she should take. "In the trans community, people have to find their own information, figure out who the good doctors are and negotiate their treatments," she says. Recently, she had to travel 250 miles (400 km) to visit with a second psychiatrist — not the one she’s been seeing for two years — to sign off on her operation. At the last minute, she says, the psychiatrist canceled the appointment to travel abroad. "And then they’re surprised that some people try to commit suicide or castrate themselves," she says.

But what advocacy groups find most egregious is that France, like many other countries, requires transsexuals to undergo surgery — and become sterilized — before they can receive identity cards
and other official documents confirming their new gender. "If we refuse, we’re basically undocumented," says Caphi. According to most advocates, about half of transgender people — a term many prefer, though the French state doesn’t use it — have no desire to go under the knife, preferring instead to simply live their lives as a member of the opposite sex in their dress and behavior.

This will be the next big battleground. Spain and Great Britain have adopted more lenient stances, even though transsexualism is still technically on the books in both countries as a mental illness. Spain requires transsexuals only to undergo some form of hormonal treatment to modify their physical appearance before it will issue new documents, while the British simply ask applicants, with recommendations from their doctors, to promise to live out the rest of their lives as their chosen sex.

In France, several members of the advocacy organization TransAide have unsuccessfully sued the state in recent years to try to obtain a legal sex change without an operation. They’ve since lodged appeals and intend to bring their cases before the European Human Rights Court if necessary. "We want to prove that sterilization is what’s really at play here," says Delphine Ravisé-Giard, one of the plaintiffs. And the group's got friends at the European level. Thomas Hammarberg, the Council of Europe's commissioner for human rights, has been fighting to end the mandatory sterilization of transsexuals in the European Union, calling it a human-rights violation. The tide may be turning. At least that’s what IDAHO's president hopes. The French Health Ministry has already agreed to push other countries in the E.U. to drop transsexualism from their lists of mental disorders. And that, Tin says, is a start.
Germany will now allow babies born with both sex traits to be designated as neither male nor female.

The Telegraph reports that German parents will be allowed to leave the gender blank on birth certificates, which will create a "third sex" option. Later, the children will be allowed to choose an X option on their passport instead of the typical M or F. The legislation, which went into effect on Friday Nov. 1, was enacted in order to give parents and children more time before making life-changing sex reassignment decisions. Germany is the first European nation to offer the third gender designation.

The Intersex Society of North America reports that as many as 1 in 1,500 to 1 in 2,000 babies worldwide are born intersex, meaning they have parts of both sex’s genitalia. Intersex, which was formerly known as hermaphroditism, includes many conditions where external and internal genitals do not match the same sex. This includes "XX intersex," or people born with female XX chromosomes and ovaries, but have external genitals that look like male. Others are people with male XY chromosomes with internal fully formed or partial testes, but have external female-like genitals, called "XY intersex." People characterized as "true gonadal intersex" have both ovarian and testicular tissue, as well as male, female or indeterminate external genitals. There are also some individuals with undetermined intersex disorders, that have no discrepancy between their internal and external genitalia, but they may have chromosomes that are different configurations besides the typical 46 pairs of XX or XY.

Dr. Hertha Richter-Appelt, a sexual scientist at the University Medical Center Hamburg-Eppendorf in Germany explained to Der Spiegel that forcing a certain gender on a baby may create issues that for that child later on in life. While many people who have sex reassignment surgery as an infant are okay with the decision, some intersex people may not agree with the sex their parents chose for them.
Richter-Appelt said it's best to wait until the child hits puberty before considering sexual reassignment treatments and surgery. "When the issue is definitively deciding what is truly better for the children, we have to be honest and say that we often don't know," Richter-Appelt said.

Silvan Agius of IGLA-Europe, a human rights group focused on lesbian, gay, bisexual, transsexual and intersex issues, told the BBC that more needs to be done than the passage of this law. "While on the one hand it has provided a lot of visibility about intersex issues... it does not address the surgeries and the medicalization of intersex people and that's not good -- that has to change," he said.

Lucie Veith, an intersex person from the northern German city of Hamburg, explained to the AFP that the legislation was a good first step, but that it skirted the main issue that Association of Intersexed People in Germany were lobbying for. "That we forbid cosmetic genital surgeries for newborns, that is our first demand," Veith, who heads the organization, explained.

Other countries like Australia and New Zealand already allow X sex designations on passports, and Bangladesh allows an "other" gender category on the document, the BBC reported. Nepal has a third gender designation on their census forms, and Pakistan lets people to use a third option on national identity cards. India also has a third gender designation on their voting forms.
West Point hosts first wedding between 2 men

Two West Point graduates were married Saturday in the military academy's first wedding between two men.

Larry Choate III, class of 2009, married Daniel Lennox, class of 2007, before about 20 guests.

Choate, 27, taught Sunday school at the U.S. Military Academy's Cadet Chapel and said he always thought of it as the place he would get married if he could.

West Point hosted two same-sex weddings of women in late 2012, more than a year after New York legalized same-sex marriage. But Saturday's wedding was the first time two men wed at West Point.

"It's maybe one more barrier that's pushed over a little bit, or maybe one more glass ceiling that's shattered that makes it easier for the next couple," Choate said Friday.

Choate and Lennox are out of the military and wore tuxedoes for the ceremony. Some of their guests were in uniform.
The 28-year-old Lennox is getting his master's degree in business administration at Harvard University. Choate is applying to Harvard's John F. Kennedy School of Government. The pair did not know each other as cadets but met later through a friend. Chaplain Cynthia Lindenmeyer officiated the ceremony.

California Becomes First to Pass Historic Transgender Law

By Joan E. Greve

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California Gov. Jerry Brown made history in the transgender community by signing the first U.S. law to ensure transgender students equal access to the facilities and activities consistent with their gender identities. The bill passed the California State Senate last Aug. 7 by a vote of 21-9. It was sponsored by multiple LGBTQ organizations, including the California-based Transgender Law Center.

“It’s a really important step for our community without a doubt,” Mark Snyder, a spokesman for the Transgender Law Center, told ABC. Snyder said LGBTQ supporters in California are “thrilled” to see the bill become a reality.

The Massachusetts Transgender Political Coalition, trying to pass a similar bill in their own state released a statement of approval as well.

“We applaud Governor Brown and the state of California for taking this critical step to ensure that transgender youth have their gender identities affirmed and respected at school,” said Mason Dunn, MTPC’s executive director.

But others were less thrilled about the decision, including Peter Sprigg, a spokesman for the conservative Family Research Council, who said: ”We think this law is very extreme.

“It even states in the law that they already have a law against gender identity discrimination in California, so the only purpose of this new law was to explicitly include the two most controversial and explosive aspects of this,” Sprigg added, referring to the equal access to facilities and student activities for transgender students.

Snyder and Sprigg agree that this law could very well be a sign of more to come. “I do suspect that we will see other movement in other states,” Snyder said.

When asked if he thought similar laws would follow, Sprigg said, “Unfortunately, yes. California has proven to be a trailblazer on some of these things and not in a good way from our perspective.”

Although Massachusetts already has a guidebook of “Best Practices for Serving Transgender and Gender Non-Conforming Students in Schools,” California is the first state to pass a specific law on the issue.

The law is the latest in a stream of decisions favoring the transgender community. In July, the Department of Justice and the Department of Education ruled in favor of a California teenaged transgender boy by requiring his school district to grant him access to men’s facilities and activities.

An, LGBTQ rights advocates applauded the case.

“All students, including transgender students, have the right to attend school free from discrimination based on their sex,” said Jocelyn Samuels, Acting Assistant Attorney General for the Civil Rights Division.

Snyder said that he hopes these decisions, including the California law, will help combat a persistent problem among transgender students: higher dropout rates due to harassment.
“I do see transgender students and parents asking and demanding that they have equal access to school,” Snyder said. The first grade girl who won her case to gain equal access to the girls’ restroom in school, brought this demand to a national stage. And, in June, Maine’s Supreme Court heard arguments on the question of transgender students’ facility access when 15-year-old transgender girl Nicole Maines demanded that her school district follow suit of Mathis’. But these decisions have met their fair share of opposition from organizations like Sprigg’s. “We do not think gender identity should be included as a protected identity in the first place,” said Sprigg, who does not believe the “subjective feelings” of a transgender identity should overrule biology. “This bill pushes the concept really even to an extreme.”

**Legal aspects of transsexualism in the United States**

Pursuant to the U.S. Const., Amend. 10, which reserves to the states (or to the people) all powers not assigned to the federal government, the legal classification of characteristic sex is state jurisdiction in the United States. The principle is generally extended to the District of Columbia and U.S. territories, though the federal government has power to overrule any decision those non-state entities might make. Thus, the legal gender of a transsexual (as well as a transsex or intersex) individual in the United States does not have one answer but 56 answers – one for each state, the District of Columbia, and the five inhabited territories (American Samoa, Guam, the Northern Marianas Islands, Puerto Rico, and the US Virgin Islands). As we see the State of Ohio is one of the States that allow gender choice.