

Arguments for don't assign transsexuality to the manual of gender disorders

Legal and medical situation of Trans movement in Spain

Miguel Missé- Tran's activist of Barcelona

dormirensantiago@gmail.com

1. Introduction

This article is going to explore legal situation of trans people in Spain after approve of Law of regulation for rectification of sex mention 03/2007¹ date March 15th and also call "Law of gender identity" and also which is the present situation of trans movement in this country. We are interested in establish a relation between body and estate institutions, especially which arguments are used by Trans activist to vindicate their rights. First of all, it is necessary to say that inside Tran's movement there are two types of demands: legal demands that are related with change of name and sex in legal documentation and health demands that are related with hormonal treatments and surgeries. In some countries those two demands are related in the legal demand that imply also medical treatments.

In the first part of this article we will give the context of medical and legal Tran's situation in Spain. Especially we talk about what is the status of transsexuality in the manual of psychiatric disorders. Then we will analyze the "Law of gender identity". In the second part we will make an evaluation of the situation of Tran's movement.

2. Medical and legal situation of trans population in Spain

In 1979 The Harry Benjamin International Gender Dysphoria Association (now call World Professional Association of Transgender Health) establish an official procedure for treatments of gender reassign named "Standards of Care for Gender Identity Disorders"². This document follows procedures diagnosis in 1966 by Dr. Harry Benjamin³ to establish the conditions to have access to medical treatment for Tran's people. When we talk about trans people refer to people who lived no-normative gender identities, people that live in a gender different than it was assume when they born, could be those who reproduces more or less the gender (transsexuals) or those who reject those categorizations (trangender).

In the years '70 and '80, many European countries import this model, and hospitals and psychiatric centers adopt conditions of 'gender dysphory', that later will be

¹ [Law of regulation for rectification of sex mention 03/2007](#)

² Standards of Care, The Harry Benjamin International Gender Dysphoria Association, <http://www.wpath.org/Documents2/socv6.pdf>

³ *The Transsexual Phenomenon*, 1966.

‘gender identity disorders’. Gender identity disorders are those which include transsexuality and transvestite in the DSM-IV-R (North American Manual of Mental Illness) and the CIE-10 (International classification of diseases of WHO).

Identify transsexuality with a mental disorder imply that Trans people have to suffer some psychiatric evaluations to have access to a hormonal treatment and surgery. It means that is obligatory psychiatric exam to have the right to change their body. In the majority of the hospitals is use criterion of DSM.

The most recent information about “disorder of gender identity” is that one year ago DSM-IV-R is been review. This revision is very important because could get out disorder of gender identity from de manual of diseases but also because that would have consequences in the WHO classification. Some months ago they become public the names of the doctors that would be in the review commission about gender identity disorder, they were Dr. Zucker, Dr. Blanchard and Dr. Bailey, among others. They are very well-known as doctors that had made therapy to “correct” homosexuality and intersexuality (when a person born with ambiguous genitals, most of them are operated when they born without any choice). Immediately Trans activists protests against this election.

Medical situation of Tran’s people in Europe is government by these international documents. Law of Trans identity said that is necessary have a certification of gender dysphory to could change name and sex in the documentation.

Next we will analyze the legal situation of Tran’s people in Spain and the Law of gender identity.

Since ’70 years had been approved laws in some European countries to regulate change of name and sex in the official documentation: England, Germany, Italy, Austria, Sweden and Netherlands and in the last month, Belgium. In Spain the law was approved in March 2007⁴.

Before this law in Spain this instance was made by judicial via and the decision was in the judge hands. Nowadays is administration which had in charge this procedure.

Law of gender identity the same as homosexual marriage was part of social reforms that Spain Social Worker Party (Partido Socialista Obrero Español, PSOE) had offered in its campaign the year 2004. Consider that, some activist had meetings with political parties to present the project of this law that later was approved.

⁴ <http://www.todalaley.com/mostrarlley2064p1tn.htm>

The law said that is necessary had a psychiatric certification in disorder of sexual identity. And also had to prove that had received a hormonal treatment of at least two years. This is considering one of the most development laws in the world and we are going to analyze if that is true.

Principle critics to this law are two: it makes reference to a psychiatric diagnosis and hormonal treatment of two years. These conditions are considering intromission in the life of people. We should be free to decide our identity. Also the two years of hormonal treatments means that reproductive organs will lost their capacities, is the chemical castration. Other activist said that the problem is that the law come back to the binarity of sex and those are categories that can't understand real identities.

So, it is not possible for a man to change his name to a feminine name because is going to produce confusion, and for to that it is necessary two requisite that where consider before. This could be anti-constitutional if we understand as a way of discrimination. This law comes over the table many aspects to debate.

3. Trans movement in Spain

Approval of Gender Identity Law had become evident that medication is use as a form of control to Tran's identities. There are some organizations in Spain (Guerrilla Travolaka in Cataluña, La Acera del Frente in Madrid, Medeak and EGHAM in País Vasco, Stonewall in Aragón, Maribolheiras Precarias and Trans-Galiza in Galicia) the same as in other European countries (Panteras Rosas in Lisbon, el antiguo GAT of Paris, for example), appear new movements of resistance. This organizations are working to Trans people could have vote in the decision of their identities beyond medical institutions.

In Spain we could se two groups in Tran's movement: normalization and transformation. Discourse normalization is the major group in Europe; they had an activism that need to be assist. They are looking to be integrated in society. They want to work without notice, they don't see each other as transsexuals, they see as men and women. They are agreeing with a medical approach to transsexuality because consider is better and had more advantages be ill in order to fight for their rights. These groups are made the project of the Law of Gender Identity.

Transformative discourse, had less number of activists, is reflection about Tran's identity and the binary problem. They are not agreeing to see as illness. They want to have access to health services but not because they are consider mental disorders. These activists had made alliances to other groups.



Law of Gender Identity had created a division in the Trans movement, those who are not agree with the medical approach to Tran's identity and those which consider useful.

Those who are looking for a transformation are political groups, there is not necessary to be Trans to be part of it, it is only necessary to have the same objectives. They are making visible other Trans identities beyond victimization, suffering and medical discourse. Some had made photographic presentations of their bodies. They are trying to make visible that there are more than men and women. They are trying to have right to make choices to their own body as want the feminist in the abortion debate. It means that we had right to health services to modify our bodies if we want but because we are ill or have a mental disorder, only because is good for our health. And also we have the right to don't do it if don't want to.

Another issue to discuss if that changes the body is product of our real desire of if part of the social pressure to be as they want us to be.

There are two different positions in the Trans movement in Spain. It is also notorious that discourse of intersex is not visible and we had to fight to make it public.

4. Conclusion

In October ten European cities will make an action against gender identity disorders. They will me actions in Paris, Brussels, Madrid and Barcelona, among others. The slogan is "No men no women, binarity sick us", is a manner to say that we are not ill. The objective of this article is make a reflection in order to error was going beyond. And also an effort to continue talking about this topic in order to conquered our fights in common.

More information:

www.manitransbcn.blogspot.com

www.guerrilla-travolaka.blogspot.com