

Transgender healthcare in Poland

Bartosz Grabski, MD, PhD, FECSM

Polish Sexological Society

Sexology Lab, Department of Psychiatry, Jagiellonian

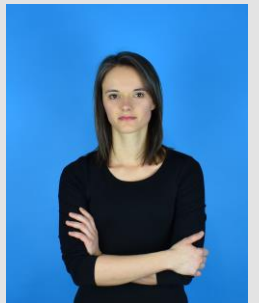
University Medical College

Sexology Clinic, University Hospital in Krakow

Marta Dora, MS

Sexology Clinic, University Hospital in Krakow

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SOCIAL & POLITICAL CONTEXTS

- No legal regulations prohibiting discrimination on the basis of gender in Poland (except for the Labour Code).
- Individuals discriminating on the basis of gender and sexual identity are not prosecuted.
- Transgender population is underserved in all fields, e.g. mental health services, medical services, socio-economic support, education, etc.
- Various LGBT NGOs try to fill this gap but have limited funding and, apart from one – Transfuzja Foundation, their main scope is LGB.
- Trans-visibility has started increasing after the first openly transgender person, Anna Grodzka, was elected Member of Parliament in Poland (2011–2015).
- New wave of populism spreading across Europe is taking its toll in Poland – government has made a great effort to fight diversity and limit access to adequate knowledge, especially for LGBT minors.

LEGAL CONTEXT

- No comprehensive or partial legal regulations concerning legal transition exist.
- Legal change only made possible due to the Supreme Court ruling from 1991 according to which the sense of gender identity can be treated as a personal good and should be protected by way of an action under Article 189 of the Civil Code brought against one's parents.
- Art. 189 states that the plaintiff may demand that the court determine the existence or non-existence of a legal relationship or a right where the plaintiff has a legitimate interest in it.
- In the opinion of the Supreme Court, a legal interest in demanding to change one's gender manifests itself in the contradiction between the actual state and the state following from the birth certificate.

LEGAL CONTEXT

A person who wishes to change their legal gender marker is obliged to:

- be of legal age (18)
- pursue a civil lawsuit where parents are the sued party
- have a court officer appointed if parents are deceased or do not have legal authority
- if married – get a divorce first, even if the spouse does not object to the change, as there are no same-sex marriages in Poland
- obtain a medical diagnosis of “transsexualism” according to ICD-10 and two opinions, one from a psychiatrist who preferably should also be a medical sexologist, and one from a psychologist, preferably a certified clinical sexologist
- undergo “some kind of an irreversible change”
 - procedures resulting in permanent sterilization are illegal before the gender status is changed
 - hormonal treatment is almost always required, chest reconstruction advised

An expert medical or clinical sexologist is sometimes appointed

- experts with varying levels of expertise

LEGAL CONTEXT

- After a positive ruling, a new ID card and national identification number are issued; further document replacement follows.
- No regulations exist as to how to proceed with the already issued documents, certificates, diplomas, qualifications (*ex nunc*).
- No replacement of a birth certificate is possible; only a reference is entered in the original certificate.

LEGAL CONTEXT

One of **Anna Grodzka's** MP activities was to change these troublesome procedures and simplify the process of legal transition. Despite the tremendous effort and social campaigns, her draft bill was voted down.

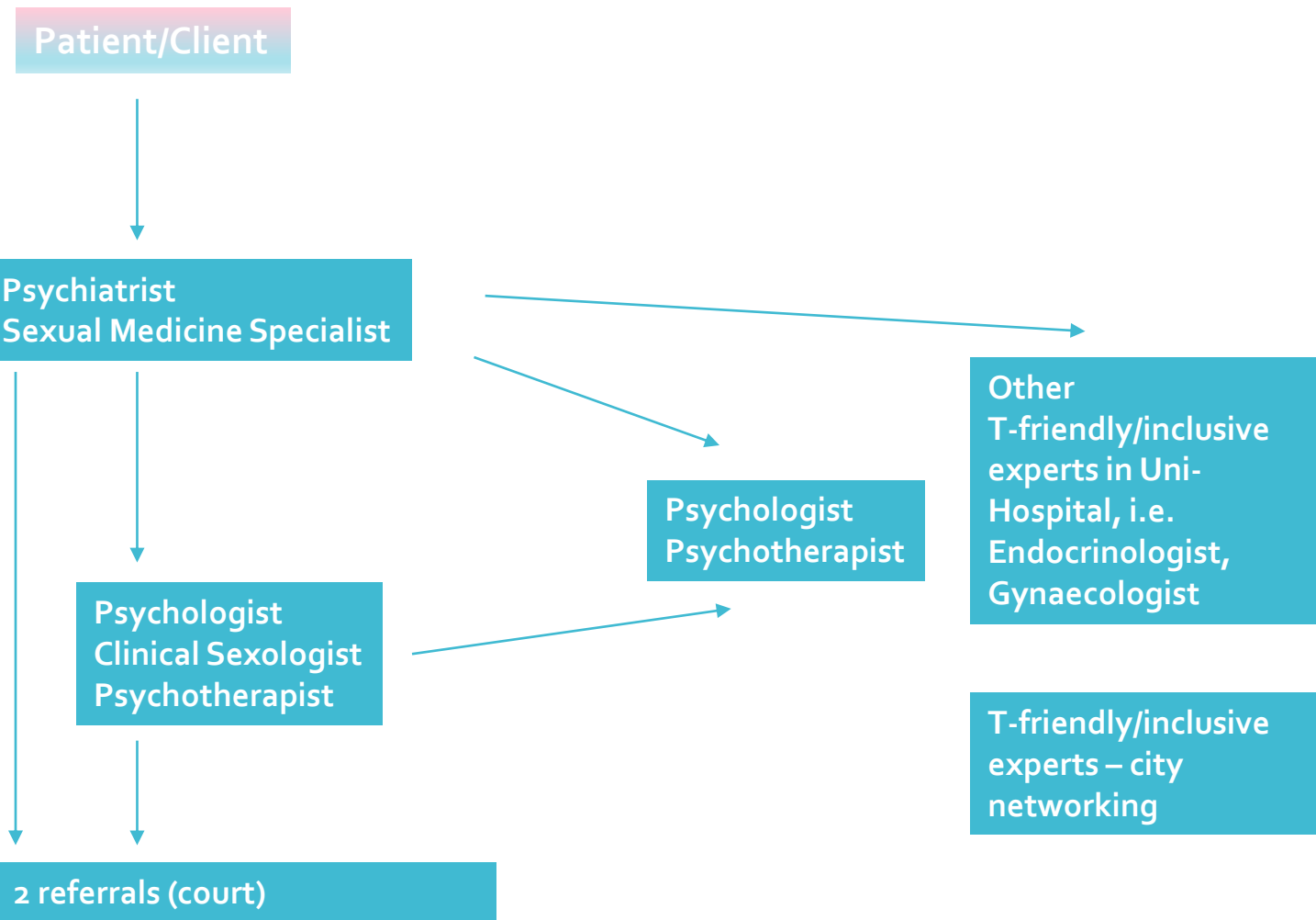


EXISTING SERVICES & MODELS OF CARE

- Few National Health Fund-based sexological clinics, but no gender-dedicated clinics yet exist.
- Only a few sexual medicine specialists working in the gender field in the country.
- A few more clinical sexologists working with gender and sexual diverse people.
- There are several dozens of psychiatrists, psychologists and endocrinologists familiar with the assessment and treatment.
- There are some other specialist, such as surgeons and gynaecologists, who consult or perform selected procedures, e.g. chest reconstruction surgery, breast augmentation surgery, hysterectomy, orchidectomy.
- As for now, no full GCGS is available, e.g. vaginoplasty, phalloplasty.

HOW WE TRY TO DELIVER SOC-GUIDED CARE

SEXOLOGICAL CLINICAL DEPARTMENT OF PSYCHIATRY, UNIVERSITY HOSPITAL IN KRAKOW & CITY NETWORKING



WISH LIST

Areas of urgent change and action include:

- Simplification and humanisation of the legal procedure of gender change
- Legal protection against discrimination and hate speech
- Education of society and medical/clinical personnel
- Introduction of WPATH SOC to professionals and trans-people (Polish translation, workshops, trainings and lectures)
- At least some limited access to the National Health Fund-financed treatment, especially GCS
- Greater involvement of members from the trans community in decisions concerning their health

**POLISH
SEXOLOGICAL
SOCIETY
STATEMENT
2018**

The Polish Sexological Society Statement on the Social, Health and Legal Situation of Transgender Individuals

- Discrimination and minority stress
- Assistance and health
- Language
- Children and youth
- Law

**POLISH
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The Polish Sexological Society therefore calls all interested parties, in particular doctors, psychologists, sexologists, public service employees and other people who influence the public debate, to shape appropriate attitudes towards transgender people based on sound knowledge and respect for human rights.

THANK YOU!

bartosz.grabski@uj.edu.pl



fot. Paweł Krzan

