Ukraine Abolishes Arbitrary and Cruel Trans Health Protocol

article, legal gender recognition

Transgender Europe welcomes the cancellation of infamous Order No 60 by acting Minister of Health of Ukraine, Ulana Suprun. On 30th of December 2016, the Decree regulating legal gender recognition and access to trans-related health care in Ukraine was repealed. Instead, a new protocol, which puts an end to the mandatory stay of 30-45 days in a closed psychiatric ward, was activated.[1] At the same time, other discriminatory contraindications were abolished, such as having children under 18, being married, homosexuality, intersex variations, and insufficient social adaptation.

According to Ukrainian NGO Insight, the changed procedure works in practice. However, critical preconditions, such as a surgery requirement, call for further improvements. Richard Köhler, TGEU's Senior Policy Officer, states,

> "We would like to congratulate everyone involved in this important step forward. Ukraine is on the right track by doing away with the worst health and legal provisions for trans people in Europe. Civil society insisting on a human rights approach have brought this fundamental change to the lives of trans people in Ukraine."

Köhler continues,

> "Nevertheless, more needs to be done for legal gender recognition and trans-specific health care to be compatible to human rights standards: requirements for medical intervention, surgery, a minimum 2-year psychiatric assessment, and the remaining possibility to be psychiatrised need to be gone. Everyone should have the right to physical integrity and to have their gender identity recognised without having to choose between the two. No one else can assess a person's gender identity, no specialist, no doctor. Ukraine should follow the examples of Norway, Ireland, Denmark, and Malta and remove all medical elements from gender recognition procedures."

For a long time, civil society groups have been demanding the cancellation of Order No 60. In December 2016, Transgender Europe wrote to the acting Minister of Health Suprun asking for a repeal and the development of new procedures for trans-specific healthcare and legal gender recognition that meet international standards.

The recently published legal analysis 'Psychiatry in Legal Gender Recognition Procedures in Europe' identified Ukraine's Order No 60 as the most restrictive procedure in Europe for its heavy involvement with psychiatry. A legal requirement of a diagnosis of a psychiatric illness or to undergo a psychiatric evaluation in legal gender recognition also remains problematic in other European countries. The document showed that forced diagnosis and psychiatrisation are incompatible with human rights, such as the right to privacy (Article 8 of the European Convention on Human Rights), the right to non-discrimination (Article 14 in conjunction with Article 8) and, potentially, the right to be free from inhumane treatment and torture (Article 3). The majority of states in Europe (36) require a trans person to be pathologised before being officially recognised in their gender identity.

Transgender Europe is looking forward to continue the constructive engagement with civil society and authorities for procedures fully compatible with human rights in Ukraine.

Footnote

1. Order No 1041 of the Ministry of Health “On establishing biomedical and psychosocial indications of change (correction) of sex and approval of the form of primary records and instructions for its completion.” ??