



**European Trans  
Gender Network**  
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## **Transsexuality in Spain: Close to legal solutions**

### **Abstract of speech given to the First European TransGender Council in Vienna on 4th November 2005**

*by Àlec Casanova, 04.11.2005*

Since 1983 the sex change is no longer punished by law in Spain. But all the medical care and legal bureaucracy transsexual people need to undergo to get our registered name and sex changed, have not been ruled yet.

There's only one autonomous community, from the seventeen which conform the Spanish State, which has included the complete medical care for transsexual people in the Community Health Service. This situation is due to the decentralization of the National Health Service among the different Autonomous Communities.

The legal situation is due to be regulated on the next months with the „Ley de Identidad de Género“ (Gender Identity Law). Until now, 2005, transsexual people had to go to court demanding sex and name change on our birth certificates. On these trials we are obliged to undergo a medical examination, which is inhuman. On top of this, judges have the last word on our identity. Thus if anyone has a conservative judge on the trial we are quite sure we won't get the name and sex change on our birth certificates.

When the Gender Identity Law becomes a reality, transsexual people will only need the certificate of a psychologist and the endocrinologist who are attending us to be able to change our registered name and sex on our birth certificate.

In 1989, The European Parliament passed a Resolution on the discrimination of the transsexual people in which requests the States members to pass dispositions on the rights of the transsexuals and the prohibition of discrimination.

The current situation in Spain is that of persistent discrimination at both legal and social level toward the transsexual people. This discrimination has led to labour exclusion and social scorn of the transsexual community.

Taking into account the above depicted situation, the following measures are claimed by the transsexual community in Spain:

- The inclusion in the National Health Service of the transsexual process (psychological support treatments, hormonal and surgical).
- The regulation of the registered name and sex change in our birth certificate.
- The concession of asylum on grounds of transsexuality.
- Educational programmes which help society understand the transsexual situation.

The government's financial aid to transsexual associations on their self-help groups.

*Àlec Casanova, Coordinator of the Transsexuality and Gender Identity Group (GIGT)  
of Colectivo Lambda in Valencia, Spain*