

Basic functionings for transsexual women: strategies for the evaluation of the Brazilian Program known as “Processo Transsexualizador”

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Establishing the basic functionings of each individual as the focus of justice or our own value judgments does not merely allow responses to calls for freedom, but goes even further by encompassing acknowledgement of demands inherent to the formation of personal identity. More than just extending the range of action for all those concerned, this approach also broadens our view of the steps needed to usher in a fairer society. Along these lines, the Functionings Approach provides us with a more powerful tool for assessing public policies. In this presentation, we deploy this tool to evaluate the current Process of Sex Reassignment in Brazil, while also constructing an ideal regulatory framework more compatible with the actual demands of its target public.

The promulgation of Edicts N° 1707 and 457 by the Brazilian Ministry of Health in 2008 (expanded and updated five years later through Edict N° 2803/2013), established the Process of Sex Reassignment in Brazil’s Unified National Health System (SUS), thus ensuring the inclusion of transsexuals in government actions and public policies. Its guidelines underscore the principle of comprehensive healthcare, with treatment targets not necessarily focused only on gender reassignment surgery and other physical modifications.

These Ministerial Edicts are buttressed by resolutions issued by medical associations, with the latest (Edict N° 2803/2013) grounded on Resolution N° 1955 issued in September 2010 by the Federal Medical Council (CFM), which defines the clinical criteria for diagnosing Transsexuality; the criteria for recommending the procedures encompassed by the Process of Sex Reassignment; and the classification of procedures rated as experimental.

Unable to align with mainstream gender standards, transsexuals may be affected by identity conflicts severe enough to make physical modifications necessary, as the best way of resolving these conflicts.

While fostering the inclusion of transsexuals in Brazil's National Health System, the introduction of this public policy may upgrade their citizenship status as well, through broader acceptance of the fact that individual identity can include aspects related to physical changes and the use of accessories tailored to personal needs and wishes, leading to the naturalization of their bodies and identities.

Assessing the Process of Sex Reassignment from the Functionings approach, some aspects are particularly noteworthy:

- 1- Our goal will be to identify and assure the basic or elemental functionings of the personal identity of each individual;
- 2- Understanding human beings as dynamic functional systems that are also inter-relational will foster across-the-board acknowledgement of functionings rated as basic for this specific group and each of its members individually;

3- The importance of listening to the people involved will be stressed, in order to identify what each of them feels is basic;

4- By adopting the moral goal of fine-tuning several functional systems, including that of human beings, the Functionings Approach discards the normal x pathological binarism and breaks away from the need to pathologize sex reassignment candidates as a condition for accessing the Process of Sex Reassignment – a heavily-criticized approach that is currently curtailing the access of many people to this public policy.

Through a survey conducted with transsexual women, we attempted to identify some functionings rated as basic requirements for living with their identities materialized to at least some extent. All these functionings are inter-related.

1- *Exercise of Sexuality and Gender Identity:*

This functioning includes issues related to sexual orientation; gender identity and expression; appreciation of freedom of choice and/or individual autonomy for taking decisions about their own bodies and sexuality. The discourse of transsexual women strongly stresses this functioning as something that must be pursued every day since childhood.

I think that I didn't feel like a boy in my mind. I think it was the opposite. I thought I was a girl and people tried to convince me I was a boy [...] In my own mind, I was a girl, and I could see no difference between myself and other girls. (Respondent 10)

This functioning was clearly undermined from the immediate family onwards, with adverse effects extending into many different social relationships and consequently curtailing other functionings also rated as basic:

It starts in the Courts, where they encounter problems in changing their names, it is difficult for them to go to the washroom, it is hard to blend into society because they are watched, looked at and talked about (Respondent 14).

Consequently, the *Exercise of Sexuality and Gender Identity* appear as conditions for attaining full citizenship.

2- *Establishing affective relationships and feelings of belonging*

This functioning is based on acknowledging the need of each individual to establish links with other people, being accepted and recognized by social groups.

Afraid of feeling exposed and wary of discrimination and prejudice, transsexual women seek isolation as a defense strategy. It seems as though this functioning is attained only with friends, colleagues and spouses:

I am a lonely person, but not because I am stand-offish, not at all. I have difficulty in reaching out [to others]. I cannot [...] I am unable to fit in to a little group (Respondent 1)

I have some really old buddies from work and I have a few trans girlfriends who I met here, I made friends. (Respondent 8)..

It's like I said: I go to the bar with him, I go to karaoke, I go out clubbing... [He speaks] You are a woman, that's how I met you and nothing will change... because it's the person, because he likes me the way I am. He met me like this. (Respondent 9)

There are clearly real difficulties that prevent transsexual women from feeling that they belong to a group, even their own immediate families. This is justified by refusals to accept their status or fear of disclosure, generating a vicious cycle through which self-protection (embodied in the fear of not being accepted) makes their isolation even worse, thus deepening their exclusion even more.

3- Self-acknowledgement as a person with rights and making good use of them

Grounded on the functionings outlined above, this functioning is also vital for exercising others. Its materialization is frequently blocked by insertion difficulties at school, at work and in the healthcare system. This means that transsexuals are not acknowledged as individual citizens demanding their rights. The situation worsens when commonplace civil rights – such as getting married, modifying one's own body, carrying an official identification document that reflects one's own personal identity, and the right to assisted reproduction – are converted by society into demands viewed as odd, which are questioned regularly.

We have the guarantee for a new legal name, we must strive to ensure that civil servants understand that is a law and – regardless of whether they are evangelical believers or voodoo devotees – they must comply with this law. (Respondent 7).

Not right now... I think that I am going to declare a stable union, so my registered baptism name will be included in the registry office system, together with his name. So there are two names. (Respondent 8).

The materialization of this functioning helps empower its protagonists, thus contributing to the attainment of other functionings.

4- Physical and Mental Balance

Transsexual women are subject to many types of discrimination, hampering the quest for an even balance among their various functionings. Even within the Process of Sex Reassignment (which should be a policy fostering the social inclusion of transsexual women), demands for a transsexual identity, in parallel to the pathologization of entry into the Process of Sex Reassignment, jeopardize their attempts to establish and maintain well-balanced relationships with the world around them. For example, refusal to acknowledge their chosen names causes them to avoid healthcare facilities, except in emergencies.

Related to this functioning is the need to take hormones every day, which usually begins through self-medication on the advice of girlfriends, despite imminent health hazards. Self-medication with hormones is just as harmful to the health of transsexual women as the use of industrial silicone. However, these practices are adopted as strategies for altering their bodies, when faced by State

incapacity to implement effective care policies for this group from childhood onwards.

Quite honestly, I avoid going [to the clinic] – and pray that I never get sick. It's not never, because unfortunately there's always some little thing or another one day. But I pray a lot. Even toothache, which I had a few days ago, I took medication to get rid of my toothache, as I don't even want to see a dentist because of the documentation. This is embarrassing for me. (Respondent 2)

Prejudice and discrimination against transsexual women are still very apparent in physical, verbal and non-verbal aggression in public places:

It was always mockery. A laughing-stock at work, jeers at school. It was awful, and I was unhappy, so very unhappy. (Respondent 2)

I was walking along and three guys were strolling towards me. So I stepped aside to let them pass, I wanted to be polite, and I got punched in the face three times. (Respondent 1)

This materialization of prejudice has adverse consequences on their lives, imposing constraints on other functionings such as Establishing Affective Relationships, Being Self-Supporting, Learning Processes etc.

I think that I exclude myself a lot – sometimes people invite me to go someplace and I don't want to (Respondent 10).

She spoke English fluently and was extremely cultured. She would go to the interviews and she was selected, but when she had to present her identity card, they said: “Uh no, whatever...”.(Respondent 11)

5- Learning

Learning is a basic functioning that encourages successful responses that are more coherent and compatible with our surroundings. In modern societies, formal education is a structural element in a broader-based learning process that is tailored to the demands of a diversified and competitive society ruled by stringent efficiency standards.

For transsexual women, access to formal education and staying in school is hampered by prejudice to the extent that classrooms are associated with feelings of vulnerability and not belonging. In many cases, this prompts them to drop out of school or postpone their studies until gender reassignment is complete:

Dropping out of school is one of the main reasons why there are still girls hanging around on street corners. Perhaps not many, but for most of them, getting an education and being able to return to their studies requires being respected by the teaching staff in school, by their schoolmates; for me, this is essential. (Respondent 7)

In addition to the suppression of rights, failure to respect chosen names, bans on entering washrooms compliant with gender identity, and prejudice, the following are mentioned as stumbling-blocks:

They didn't call me by my name, during breaks, they wouldn't call me by my name. I had to use my baptismal name, I had to use the boy's washroom. It was difficult because of the washroom and sometimes the laughter, the teasing. (Respondent 6).

Formal education fosters learning processes, qualifying transsexual women to enter the job market and thus contributing to the effective exercise of another functioning that we also identified a basic: the ability to support themselves.

6- Self-Support

This functioning is related to the need for inclusion in the job market in order to obtain the material goods required to enjoy life with at least minimal levels of satisfaction and comfort. Together with heteronormativity, the binary standards imposed by society that drive the exclusion of people outside this order also impose constraints on access to employment by transsexual women, in terms of access to work and keeping their jobs.

Even today, if I walk into a store and apply for a job, they won't give me a place. There is still massive prejudice. (Respondent 3)

Due to these difficulties, transsexual women opt for self-employment, often through informal, unregistered activities, thus curtailing their access to the welfare benefits available to all Brazilian citizens.

Closing Remarks

The functioning approach was adopted here for evaluating public policies as it paves the way for assessment parameters grounded on the reality of the main stakeholders – in this case, transsexual women – and the aspects that they rank as basic for living their own lives.

This approach ensures that the focus on comprehensive care as a public policy pillar is not lost, despite a target public consisting of people breaking away from the binary sex and gender standard that steers medical expertise, the Courts and social relationships as a whole.

We hope that this identification of aspects that are basic for this public helps fine-tune the Process of Sex Reassignment in Brazil, while spurring the resignification and construction of a more positive identity for transsexuals all over the world.