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# Gender Recognition in Poland

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A Report on Court and Administrative Procedures

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PÓLSKIE TOWARZYSTWO  
PRAWA ANTYDYSKRYMINACYJNEGO



FUNDACJA  
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If you wish to translate this publication, please contact us at [kontakt@transfuzja.org](mailto:kontakt@transfuzja.org)

# Introduction

We are proud to present the closing publication of a cooperative project between the Trans-Fuzja Foundation and the Polish Society of Anti-Discrimination Law funded by the Stefan Batory Foundation and the Mama Cash Foundation. The purpose of the project was to monitor how the Polish Judicial System implements international human rights standards regarding gender recognition.

There were many reasons why we decided to seek data on gender recognition. One of them being the dynamic change of political and public discourse surrounding transgender issues in Poland. We decided to become a part of this debate and improve the on-going discussion with essential arguments. As organisations skilled and active in working against discrimination from a human rights perspective, we see a great need to change the Polish gender recognition procedures so that they reflect the expectations and needs of the persons seeking it. The results of our monitoring process clearly show that the Polish Judicial System is not ready for the trans community and that the current gender recognition procedures are not in line with international human rights standards. Having that in mind, we decided to analyse several tens of case-files concerning legal gender recognition and collect data on the actual human rights situation of those persons who decide to go through the process. We were especially looking at the topics of right to privacy, freedom from inhuman and degrading treatment and the respect for family life.

The results of our monitoring, along with articles concerning the state of current legal gender recognition procedures in Poland have been published in our initial publication "Sytuacja prawna osób transpłciowych w Polsce". We decided to shorten the report for international audiences and present the results of the case-file research, which – as we anticipate – will be the most interesting part of our publication. To give light to the basics of gender recognition procedures in Poland, we also decided to add a short article published in the *Visegrad Revue*, which addresses the topic from a trans activist perspective.

We hope that this publication will become useful to those who seek knowledge on legal gender recognition in Poland and the situation of trans people in our country.

Krzysztof Śmiszek (*Polish Society of Anti-Discrimination Law*)  
Wiktor Dynarski (*Trans-Fuzja Foundation*)

# Poland's Route To a Transgender (R)evolution

Wiktor Dynarski

Legal gender recognition, known to Polish courts since the late 1960s, stands as an example of bizarre cooperation between judges and doctors. Medical verification in gender recognition procedures is common also in other countries. Yet the Polish process seems to constantly breach human rights – and simple logic.

## Legal and medical gender recognition in Poland

Changing a person's gender marker is a result of a court process based on article 189 of the Polish Civil Code. It is known as the "assessment suit", in which an individual has to confront their parents. This need of having two sides of a legal argument, requiring someone to literally file a lawsuit against one's family, is described by the legal literature as the best possible compromise. When those regulations were formed, there was no possibility to introduce an administrative process or a voluntary or ex parte jurisdiction (*iurisdictio voluntaria*). The current procedure, however, seems to cause more trouble than it should. It can even end in a negative judgment, denying a person the right to gender recognition.

## Real-life test

A transsexual diagnosis in Poland can be obtained through a series of tests and examinations (both psychological and physical – including head x-rays, genitalia examination and karyotype check). Those gatekeeping procedures are mostly aimed to "check" whether a person is able to transition from one gender role to the other. One of the most common elements of this method is the "real life test (RLT)", where one is forced to live full-time as their preferred gender. Healthcare providers recommend a two-year RLT during which one is not prescribed any hormonal treatment nor is able to change their legal status. Because of its incredible social and individual invasiveness, the RLT is being gradually withdrawn. However, since there are no unitary standards on transsexual diagnosis in Poland, some diagnosticians still use it in their practice.

Apart from the RLT, a person going through gender recognition in Poland is subjected to physical examination, along with psychological and psychiatric evaluations. After those are fulfilled, the diagnostician decides whether to prescribe hormones, but usually does so after the person has already been diagnosed as transsexual. While it is possible to receive hormonal treatment without the diagnosis, this practice might be problematic for further court procedures.

It is also important to note that no endocrinologist is involved in this process and patients are rarely asked to present results or even undergo any hormonal tests. It has been also reported that some providers do not inform their patients on the various possible side effects of hormonal treatment, including allergic reactions. Some specialists prescribe hormones without any knowledge on the issue, advising patients to inject themselves with testosterone every 3 days instead of the customary 2 or 3 weeks, for example. This is why most persons educate themselves on the subject or take their hormonal issues to other people in the community, not health care providers.

### **Transsexual diagnosis**

Transsexual diagnosis in Poland is still a question of discussion both from a human rights perspective and the practical procedures surrounding it. Gender recognition is not only linked to giving in to a complete psychological and psychiatric evaluation, which in itself leads to self-pathologisation (a feeling of being sick or disordered), but also to invasive medical procedures (including surgeries and hormonal therapy). Hormonal therapy is mostly used for legal reasons – feminisation or masculinisation is a confirmation for the court of a person's commitment to living in the preferred gender, along with full medical documentation.

However, a lack of strict legal regulations on gender recognition causes irregularities when it comes to surgery requirements. To gain legal recognition as a woman one has to undergo several months of hormonal therapy. Recognition of masculinity requires undergoing chest surgery as well. In this case, one could say that Poland is strictly divided into West (Wrocław), where trans men are not forced to undergo any surgeries, and East (Warsaw) where mastectomy is often required before the court process can begin. Mastectomy is labeled as a condition for receiving the relevant documents needed for the

lawsuit. The procedure is not covered by the national health care plan. Neither are any surgeries related to gender recognition.

### **Can you afford your human rights?**

This creates a situation where the gatekeeping system functions as a control mechanism not only on a medical but also on an economic level and causes individuals to either abandon the process, or to exist in a legal void, avoiding any social situations where the use of documentation is involved. Others, determined to find money for their surgeries, are excluded from the same economic opportunities as the non-trans population. In addition, transgender people are quite frequently discriminated against in the labor market and in the workplace, which makes it difficult to find a profession that would match one's knowledge and experience.

The Polish gatekeeping system also extends to the court process itself. Going through a long and unpleasant diagnostic process does not have to mean one would be "granted a permission" for changing their gender marker. Because of the fact that a person's parents are involved in the court process, the procedure can be irrationally prolonged, especially when parents do not accept their child's decision. Giving the fact that most persons who undergo gender recognition are legally adults (usually over the age of 21), current measures do not comply with recent transgender human rights standards.

Since the Polish court system does not educate its judges on the subject of gender recognition, the court hears out both of the sides and (usually) calls an expert witness (another gatekeeping step), who is expected to check whether the first diagnosis was carried out accordingly. As a result, this process can take up to several years, another reason there is a great need to change those practices and to minimise the influence of third parties. This also includes abolishing any medical interventions as a prerequisite, including hormone therapy.

One positive factor is that changing one's gender marker is not linked to any sterilisation procedures. However, this kind of situation was possible because of the general attitude towards sterilisation in Polish law. Article 156 of the Polish Criminal Code strictly forbids any interference with a person's procreation abilities, unless it is because of important health reasons (and transsexuality is not among one of them, even though it is viewed as a

disorder). Violations can draw a prison sentence of up to 10 years. Needless to say, the system does not recognize nor encourage transgender parenthood.

The wording used in the law not only bans sterilization, but also creates a broad space for interpretation of what one considers “procreation ability”, which affects the question of mandatory chest surgery for trans men. As a result, a vicious circle is created in which a person is required to undergo a mastectomy, but some health care providers refuse to carry out such an operation because of the fear of legal consequences. This situation drastically limits the offer of medical help to transgender people and creates a corruption-friendly environment.

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To read the full the article please visit [visegradrevue.eu/?p=750](http://visegradrevue.eu/?p=750)



# Transgender under research

Roman Grzejszczak, PhD

Translated by Martyna Łysakiewicz,  
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The issue of transsexuality has a wide range of related topics. The following research project explores these aspects:

- Court procedures – filing petitions, appendices to the petitions, court fees, medical examinations, costs of court-appointed experts, the role of the respondents in the procedures, waiting for the trial;
- Administrative procedures – identifying possible issues related to changing the PESEL number<sup>1</sup>, acquiring personal identity card, changing personal data in passports and educational documents etc.
- Healthcare – quality of medical care under National Health Fund (Narodowy Fundusz Zdrowia), costs of healthcare, access to medical professionals, access to medication.
- Social functioning – reactions of family and immediate environment on the discovery that one is transgender, level of support or rejection, occupational barriers, verbal and non-verbal violence, social perception of transgender persons.

Such widely defined range of aspects required non-standard methods. The researcher applied a triangulation of methods and tools, hence the quantitative and qualitative methods of data collection.<sup>2</sup>

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<sup>1</sup> Editor's note: PESEL is a standard of social security numbers used in Poland. An individual's PESEL is a 11-number figure, of which the first six represent a person's birthdate and the last but one represents a person's gender marker. The female marker is represented by an even number and the male marker by an odd number

<sup>2</sup> Editor's note: Module III of the research project was published as a stand-alone research paper, which was not chosen for translation at the time.



**Table 1: Structure of research**

Module I: examination of court records	Time range of analysed records: 2009-2013 Methods: quantitative, non-reactive Selection of regional courts: Probability sample was made impossible due to lack of consent on court record examination from randomly selected courts. For that reason non-random sample had been selected. The extract from court records based on previously prepared issue sheet had been written in courts which granted permission to research.
Module II: Interviews	Methods: qualitative, reactive. Sampling: non-probabilistic An announcement regarding the research had been posted on <a href="https://pl-pl.facebook.com/FundacjaTransFuzja">https://pl-pl.facebook.com/FundacjaTransFuzja</a> . The five persons who had responded to the announcement were interviewed individually.
Module III: Social perception of transsexual persons	Method: qualitative, reactive Sampling: non-probabilistic The survey had been carried out among students, their parents and their grandparents.

## Part I: Court record examination

Court record examination had been carried out in the period between October 2012 and March 2013. Initially it was planned to base the selection of regional courts on the probabilistic method.

Five courts (in Warsaw, Gdańsk, Szczecin, Katowice and in Poznań) were randomly selected from the database of Polish regional courts. Unfortunately, only the Regional Court in Poznań had granted the permission to analyse its court records, which is why in the next stage, instead of probabilistic selection, nonprobabilistic selection has been chosen. The time range of analysed cases covers years between 2009 and 2013, since data from the period between 1991 and 2008 are presented in the work by Elżbieta Holewińska-Łapińska *Legal sex change<sup>3</sup>. 1991-2008 jurisdiction analysis (Sądowa zmiana płci. Analiza orzecznictwa z lat 1991–2008)*.

After drawing up a detailed questionnaire in October 2012, a pilot examination was performed in the Regional Court in Siedlce. After eliminating the observed errors of the research tool, the researcher began to analyse the court records from the selected regional courts in: Lublin, Olsztyn, Radom, Poznań and Wrocław. Only the aforementioned courts had given a positive response to the researcher's request on providing the court records.

The examination consisted of case analyses of legal gender recognition submitted for review in the aforementioned courts. Analysis consisted of 25 cases in total (which constitutes 15% of all cases of the analysed period), including 2 cases from Siedlce, 4 cases from Lublin, 5 cases from Olsztyn, 5 cases from Radom, 5 cases from Poznań and 4 cases from Wrocław.

In the period between 1991 and 2008 courts had heard 245 cases on the discussed problem, however the number of cases heard and closed between January 2009 and March 2013 was 164. The data has been attained after sending a request (on the basis of the Act of 6 September 2011 on Access to public information<sup>4</sup>) to all regional courts in Poland to provide the number of cases concerning legal gender recognition, which were pending and had been closed during the analysed period. The data illustrate a growing usage of the legal gender recognition procedures. More detailed information concerning analysed

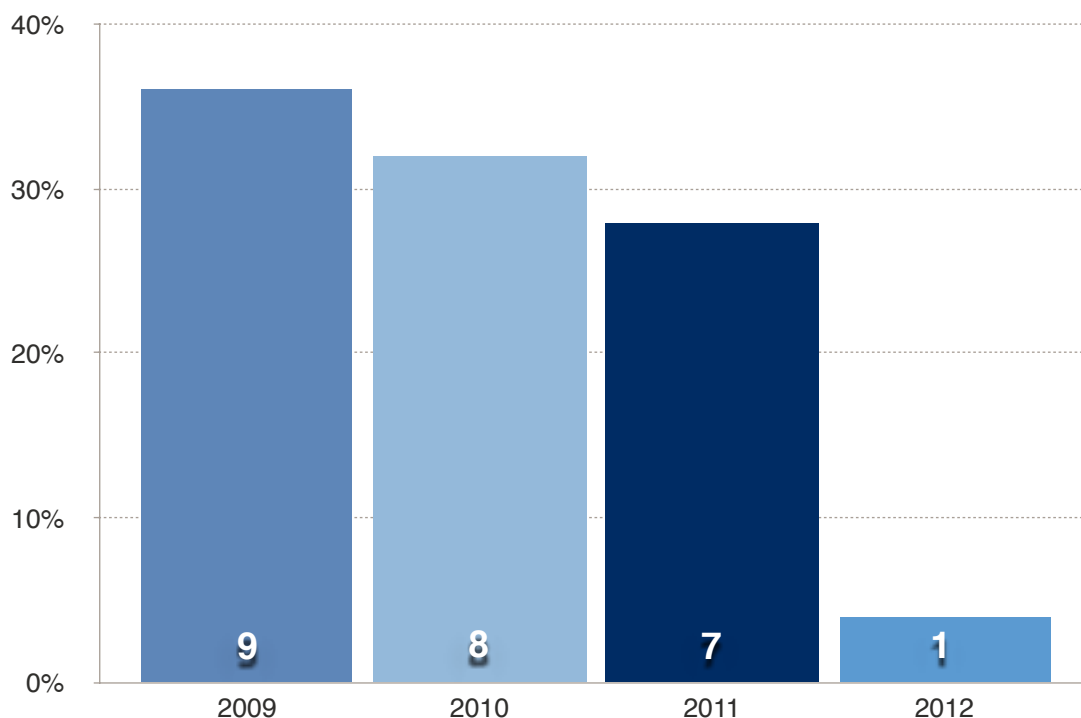
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<sup>3</sup> Editor's note: The author uses the Polish term translatable as "legal sex change", which also shows how the discourse surrounding legal gender recognition has changed between 2008 and 2013.

<sup>4</sup> Translator's note: name of the statute is *USTAWA z dnia 16 września 2011 r. o zmianie ustawy o dostępie do informacji publicznej oraz niektórych innych ustaw*.

cases from particular years can be found in Chart 1. The collected data was coded, and next subjected to statistical analysis using the SPSS programme.

**Chart 1. Number of cases (2009–2012)**



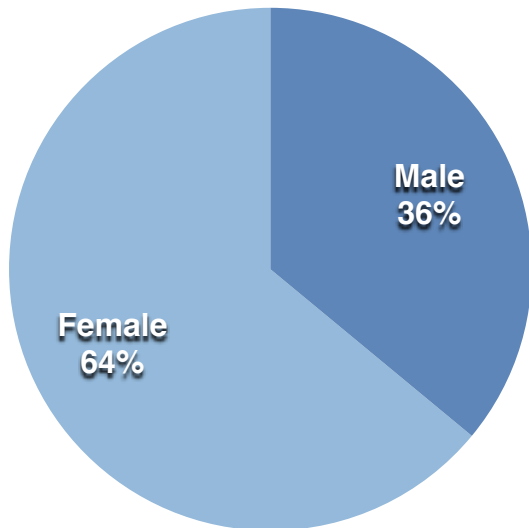
Persons of female legal gender were the initiators of 64% of all cases, while persons of male legal gender were the initiators of the remaining 36% of cases. That means, that for each male petitioner<sup>5</sup> (as these persons are called in the language of the Polish legal system), there had been two (1,7) female petitioners. However, the work *Legal sex change. 1991-2008 jurisdiction analysis*, shows that 181 petitions, which constituted 74% of all analysed cases, were filed by persons of female legal gender, while the remaining 64 petitions (26%) were filed by persons with male legal gender. For each male petitioner (Polish legal language) there had been three female petitioners. In the discussed *Analysis...* it was also stated that one person, male assigned at birth, had petitioned for legal gender recognition twice.

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<sup>5</sup> Editor's note: Due to the necessity to analyse court records, the following text uses the language created by the Polish legislators in a way which might be perceived by transgender persons as overly intrusive. Words like female petitioner or male petitioner (translator's note: originally *powódka* and *powód*) have strong connotations to sex and gender and are usually referring to the person's gender assigned at birth, not to the person's preferred gender and to the person's gender identity. For that reason, the author of the analysis and the editors would like to clarify that forcing gendered connotations was not their intention, however due to the nature of the text in some places the language of the Polish legal system had to be used. This applies mainly to quotations, which are given in the original version, whereby we can also illustrate how (and if) the Polish legal system is prepared to communicate with transgender persons.

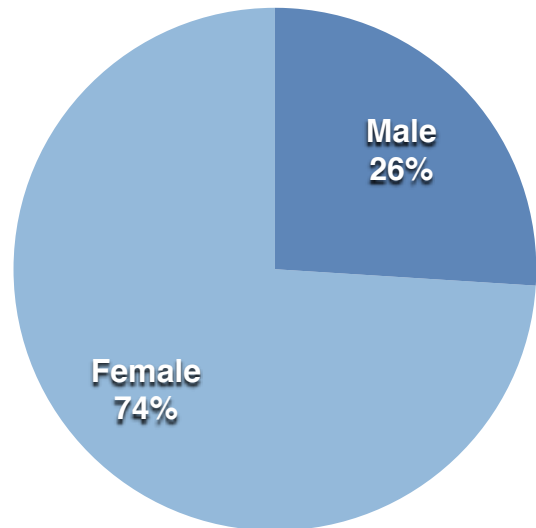
Comparing these results one can conclude, that the number of petitions filed by persons of female legal gender has risen by 10%.

**Chart 2. Person's legal gender (1991–2008)**



**Source:** own work, based on E. Holewińska-Łapińska, *Sądowa zmiana płci. Analiza orzecznictwa z lat 1991–2008* [in:] K. Ślebzak (ed.), 2010, *Studia i Analizy Sądu Najwyższego*, t. IV

**Chart 3. Person's legal gender (2009–2013)**



**Source:** based on own research

The received data indicate that 19% of the petitioners received primary education, 75% had secondary education, and the remaining 6% had a university degree. E. Holewińska's research shows that out of all petitioners 5,5% had primary education, 57% had secondary education, while the remaining 18% had a university degree. The increasing percentage of petitioners with primary and secondary education indicates that the issue of legal gender recognition is starting to be less of a cultural prohibition.

**Table 2: Education of the petitioners**

		N Frequency	Percent
<b>Valid</b>	Primary	3	18.8
	Secondary	12	75
	University degree	1	6.2
	<b>Total</b>	<b>16</b>	<b>100</b>

The average age of the petitioners was 29, while the largest number of petitioners had 23 years of age (12% percent of all analysed cases), the youngest person was 19, and the oldest was 63 years old. On the other hand, the Analysis shows that in the period between 1991 and 2008 the youngest petitioner was 17 old, while the two eldest were 45, and the age average was 26.

Examination of the petitioners' family status revealed that two petitioners were divorced. One of the petitioners has a 5-year-old son and does not contribute to the child's upbringing. In the other case, the petition was filed by a person of female legal gender, a parent of five grown children, living with their daughter and her child and being their sole breadwinner.

Filing a petition to the court means that one has to pay court fees. According to the respective statute<sup>6</sup>, the court charges the petitioner with PLN 600 fee. Persons who filed 15 (60%) of the analysed cases had also applied for an exemption from court costs. The Court of First Instance has adjudged in 4 cases (27%) not to exempt from court costs, in 2 cases (13%) to partially exempt and in the remaining 9 cases (60%) to fully exempt the petitioners from court costs.

## Poznań

### Court Ruling (2009)

*The Court also wishes to stress that the court fee in cases concerning legal gender recognition is PLN 600<sup>7</sup>, therefore it is a relatively small amount. [...] The Court also notes that each person initiating any court proceedings should be aware of the duty to pay any court fees that follow. It is worth underlining that statute of limitation on claims does not apply to claims for legal gender recognition. Therefore the petitioner does not risk any consequences thereof, that would have arisen had the petitioner needed to wait for a period during which she could save the required amount.*

*For the above mentioned reasons the Court had dismissed the petitioner's application.*

The statement above illustrates the pattern of thinking characteristic for the Polish judiciary. It has been stated that *the court fee in cases concerning legal gender recognition is PLN 600, therefore it is a relatively small amount.* One question that needs to be asked,

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<sup>6</sup> Statute of 28.07.2005 on court fees in Civil Code cases (*o kosztach sądowych w sprawach cywilnych*).

<sup>7</sup> Editor's note: around 150€, 1€ amounting to an average of 4 PLN.

however, about the point of view the Court had taken in this case. If it was their own point of view, then the court fee really is a small amount.

In one case a petitioners had appealed against the decision of the Court of First Instance. The Appellative Court changed the previous decision and ruled to fully exempt the petitioner from court costs.

## **Wrocław**

### **First Instance Court Ruling (2010).**

*In an appendix to the petition, namely the petitioner's personal property statement, which was given in writing in ...2010 on the Court's motion, the petitioner claimed that he does not own any real property, apartment, financial resources nor valuables, and manages to linger only due to the support from kind persons. The petitioner has post-secondary technical education; he is a dental technician. He is not registered in the Labour Office and does not partake in any commercial activities. [...] The Court had concluded that petitioner's application could not be considered.*

*The petitioner is a young person educated in a specific profession. According to the Court's judgement, the petitioner has earning capacity he does not use.*

*In addition, it is noteworthy that the petitioner is not registered as unemployed. For this reason, even when considering the possible difficulties in finding employment, it had to be concluded that the petitioner does not use any forms of financial support and employment support programmes for the unemployed offered by the State. According Court's judgement, the petitioner had not explained in any way how his situation partially or fully affects any commercial activities. It is not credible in the Court's assertion that the petitioner's parents do not provide for him and that the petitioner lingers due to support from "kind persons"; the petitioner had not explained from whom and in what amounts does he receive enough support to provide for living.*

### **Appellative Court Ruling (2010)**

*The Appellative Court does not find grounds to the ruling of First Instance Court which dismissed the petitioner's application [...] stating, that the petitioner does not use their earning capacity and did not register as unemployed. It needs to be underlined that the petitioner had comprehensively and exhaustively substantiated why he has serious difficulties finding employment. In such context, it is credible to claim that registration as unemployed in order to*

*take part in employment support programmes would be done in vain. Moreover, the Appellative Court does not find any objections to the petitioner's argumentation that his parents do not provide for him and he lingers thanks to the support from "kind persons".*

*In such situation, the Court does not find legitimate grounds not to consider the petitioner an indigent person in accordance with the Statute on court fees in Civil Code cases. Also the Court does not support the claim that the petitioner's financial situation allows him to make savings. On the contrary, according to the Appellative Court the lack of fixed income did not allow the petitioner to save any financial resources.*

During analysis concerning exemption from court costs, the following areas of petitioners' employment and Court decisions had been identified:

- Unemployed persons – in six cases the petitioners applied for exemption from court costs. In five Cases the Court ruled to exempt the petitioners from all costs; in one case the Court dismissed the application. In this case the petitioner decided to appeal, which led to full exemption from court costs by the Appellative Court.
- Customer service – in two cases the petitioners applied for exemption from court costs. The Court dismissed both applications.
- Teacher's assistance – In one case the petitioner applied for exemption from court costs. The Court ruled to exempt the petitioner from costs partially (amounts over PLN 100)
- University student – In one case the petitioner applied for exemption from court costs. The Court ruled to exempt the petitioner from costs partially (amounts over PLN 300)
- Pensioner – In one case the petitioner applied for exemption from court costs. The Court ruled to exempt the petitioner from all costs.
- School pupil – In one case the petitioner applied for exemption from court costs. The Court ruled to exempt the petitioner from all costs.

Information about income received by the petitioners were also found in court records. These data illustrate that the **average monthly income** of a petitioner was PLN 1,182<sup>8</sup>. More than 35% of the petitioners were unemployed, other 12% were living on a pension,

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<sup>8</sup> Translator's note: Approximately 295.5€, 1€ amounting to an average of 4 PLN.



12% were university students and the remaining 6% were school pupils. This means that 65% of the petitioners either had low income or did not have any income at all.

Therefore the estimated costs of my next operations are a total of PLN 34,000. Wherein it needs to be considered that neither of these operations can be subsidised nor reimbursed by National Health Fund. What is more, the prices of these operations almost constantly fluctuate and only become higher.

From the Court ruling:

*The petitioner undoubtedly lives a frugal life. [...] according to Court's evaluation, when considering filing a petition, the petitioner should have made savings which would enable at least partial coverage of costs related to bringing the matter to court. [...] The decision to file the petition was undoubtedly made after long consideration, which is why the petitioner had a possibility to make financial preparations.*

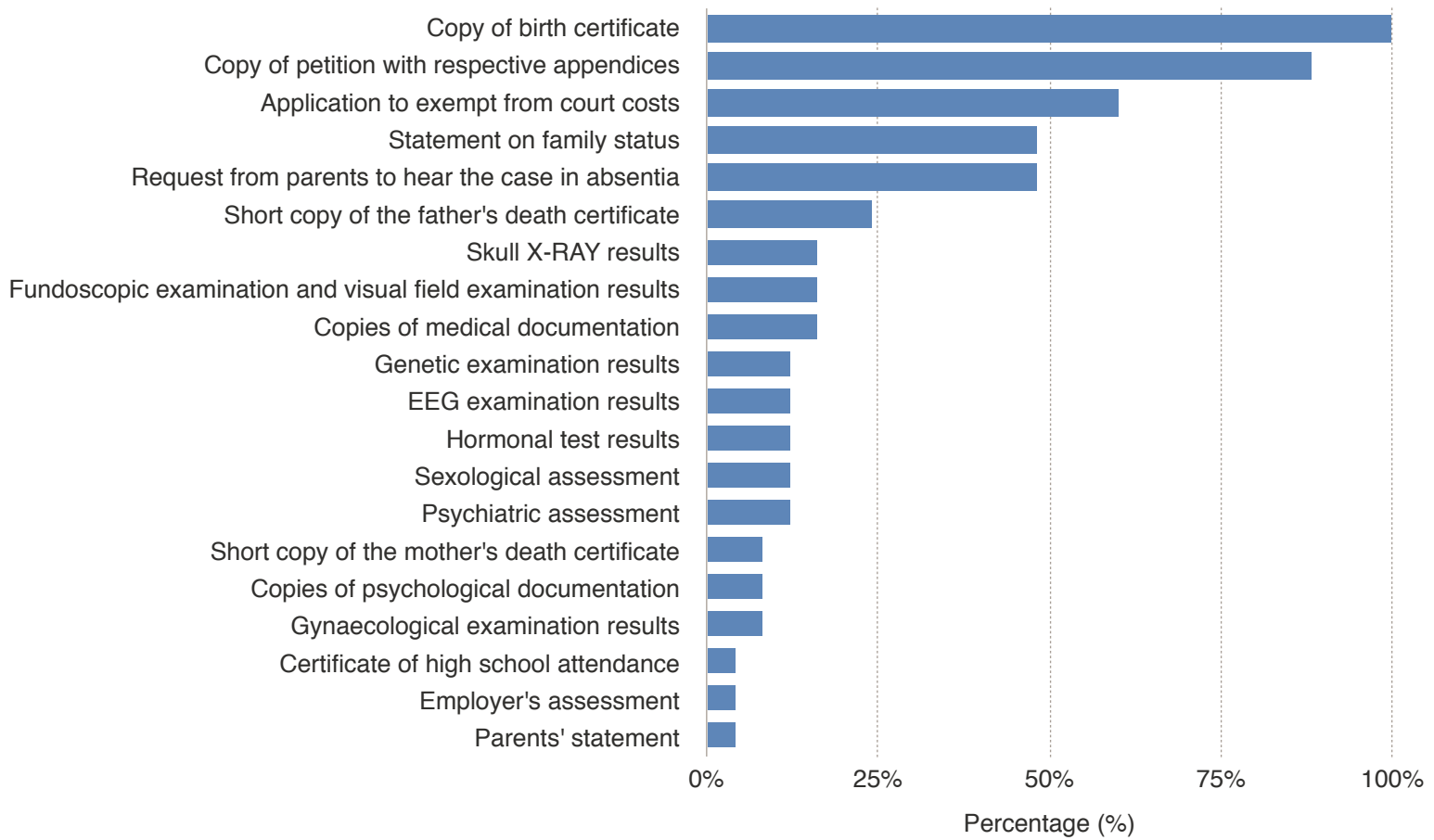
What is surprising is how varied is the list of appendices to petitions. All petitions contained birth certificates, 88% contained copies of petitions with respective appendices, 60% contained application to exempt from court costs, 48% contained a statement on family status and a request from parents to hear the case in absentia, 24% had a short copy of the father's death certificate.

Appendices to petitions also contained various medical documents; e.g. skull x-ray results, fundoscopic examination and visual field examination results, copies of medical and psychological documentation. Detailed information can be found in Chart 4.

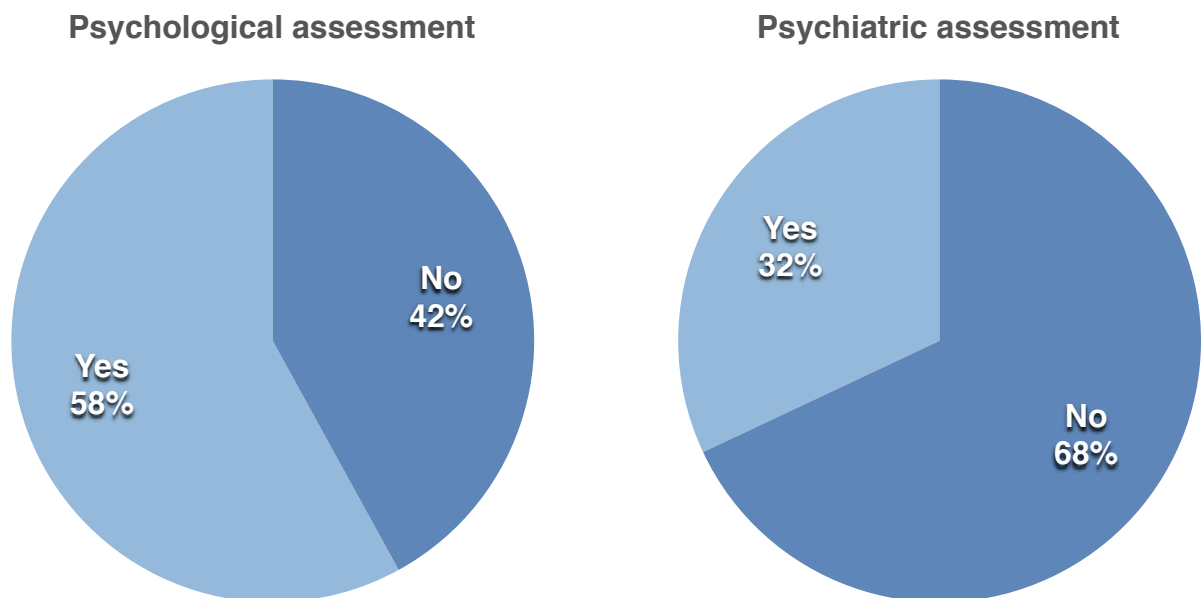
In 96% of court records, the legitimacy of the petitions was supported by a statement from the petitioner's attending physician, most frequently signed by sexologist Stanisław Dulko, M.D. (32%), and also by sexologist and gynaecologist Zbigniew Liber, M.D. (16% of cases) and specialised sexologist Aleksandra Robacha, M.D. (16% of cases).

It is also worth to bring to attention all the information on psychological and psychiatric assessments drawn and appended to the petitions. During the research it was observed that 56% of analysed cases contained psychological assessments and only 28% of cases had psychiatric assessment.

**Chart 4: Appendices**



**Chart 5: Occurrence of psychological and psychiatric assessments as appendix to petition**

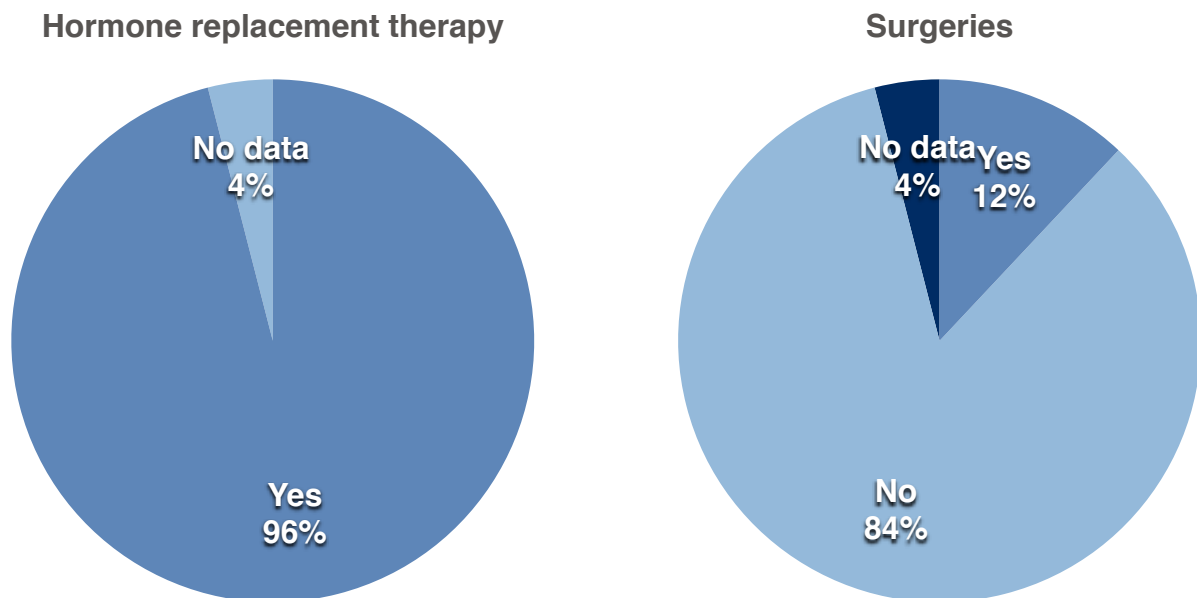


Psychological assessments refer to numerous tools which, according to specialists, are supposed to confirm or negate being transgender:

- Diagnostic interview
- Medical history
- Sexual identity scale for men
- Rotter Incomplete Sentence Blank
- Cerebral hemispheric asymmetry scale
- Body image scale
- Intelligence scale for adults (D. Wechsler)
- Visual perception test (L. Bender)
- Geometric figure memory test (Graham-Kendall)
- Multidimensional personality test

The most frequently used tools which were found therein are: interview (listed in 50% of drawn psychological assessments), sexual identity scale and Rotter incomplete sentence blank (both were found in at least 25% of psychological assessments).

**Chart 6 Hormone replacement therapy and surgeries before court hearings**



It was found that 96% of petitioners had started hormone replacement therapy before legal procedures, 12% of petitioners had surgeries before court hearings.

Between filing the petition and establishing the term of the first proceedings, the average petitioner had to wait 97 days (not much longer than 3 months), which might suggest lack of tardiness in considering the cases. In one case it was found that the date was established 21 days after the petition was filed, and in another case 330 days (more than 10 months) after the petition was filed, which gives 309 days of difference.

**Table 3: Did the respondents attend to the first court hearings?**

	Frequency	Percent
No	5	20
Yes	10	40
Mother – yes, father – no	5	20
Mother – yes, father – dead	3	12
Representative	1	4
Legal heirs	1	4
<b>Total</b>	<b>25</b>	<b>100</b>

Petitioners attended to 100% of first hearings, however in one case the petitioner was represented by their attorney. The analysis of cases in which the respondents had been present revealed as follows:

- In 40% of analysed cases both respondents attended court hearings,
- In 20% of analysed cases only the petitioner’s mother attended,
- In 12% of analysed cases only the petitioner’s mother attended, and the father was dead.

In one case the Court appointed a representative (employee of the court office) to act on behalf of the dead father. In another case the petitioner’s brother and sister, the respondents’ statutory heirs, acted on behalf of their dead parents in court.

In 92% of cases the Court had ordered informational examination of the petitioner. None of the Courts sought testimonies. In cases when the respondents were present in court, they had the possibility to take a stance on the petition. Nearly all the respondents accepted the petition.

## Poznań

From case files (2011):

*Since early age our child had expressed a discrepancy between their biological sex and experienced gender. We always knew that our child should be a girl, however we had no influence on what sex will our child have at birth.*

In one case, the respondents did not accept the petition and moved to dismiss the petition.

## Lublin

From case files (2010):

*The petitioner is a person of 35 with a university degree (M.A. in administration), lives on a PLN 528 net pension. On the first hearing the respondents do not accept the petition and move to dismiss it. The respondent claims that: It is not true that my son had from an early age felt that he is a woman. Our son has been under psychiatric treatment for the last 15 years. And also adds: According to patients, doctor Dulko and others are a kind of mafia that does not allow to seek opinion of other sexologists.*

*The hearing was adjourned since the Court decides to [...] ask the psychiatric hospital which treated the petitioner to provide full documentation concerning the petitioner's treatment for the last 15 years. After the documentation will be sent, the files are to be presented to the reporting judge during an in camera meeting in order to make ruling whether to admit evidence from court-appointed expert's testimonies.*

*The petitioner, respondent (father), a psychiatrist and a sexologist were present during the second hearing. The mother was absent.*

*On the third hearing both respondents were present and the petitioner was absent. The hearing was adjourned.*

*On the fourth hearing the petitioner and the respondents were present. The hearing was adjourned; the Court decided to summon court-appointed experts.*

*On the fifth hearing the petitioner, respondents, a psychologist and a psychiatrist were present. The court-appointed experts supported the petition. The respondent questioned their assessments, because in his opinion they were [...] sponsored interviews and not reliable. Eventually the respondents supported the petition and left the courtroom.*

*Announcement of the adjudication was adjourned.*

*No one has been present at the announcement.*

*The judgement was:* The petitioner is female. The Court exempts both parties from court costs.

In no other analysed case it had been observed that the respondents did not support the petition. In response to the petition, the respondents expressed strong support to the petition and moved for its full admission.

## **Poznań**

From case files (2011)

*From mother's testimony: I support the petition, however I request to exempt me from court costs.*

*From father's testimony: I support the petition, however I request to exempt me from court costs, because I am currently unemployed.*

In 70% of the cases the Court charged the petitioner with the costs of court-appointed expert's opinion. The average cost of these experts was PLN 557. During the research it was found that the minimum amount charged for court-appointed expert's opinion was PLN 500, while the maximum was PLN 1,000.

In 92% of the cases the first hearing was adjourned due to admission of the evidence from court-psychological examination<sup>9</sup>. Here it is worth underlining that in two cases the Court, without seeking expert witness' testimonies, has ruled at the first hearing that the petitioner is of the opposite sex than the one marked in their birth certificate.

The list of court-appointed experts in the analysed cases:

- Andrzej Ballaun, psychotherapist and sexologist, gave opinions on 24% of analysed cases,
- Stanisław Dulko M.D., sexologist, gave opinions on 8% of analysed cases,
- Barbara Gojżewska, clinical psychologist, gave opinions on 12% of analysed cases,
- Bernadeta Jabłońska, sexologist, gave opinions on 20% of analysed cases,

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<sup>9</sup> Editor's note: The term *court-psychological examination* was found in case files.

- Professor Zbigniew Lew-Starowicz, M.D., psychiatrist, sexologist, gave opinions on 12% of analysed cases,
- Wiesław Ślósarz, M.D., psychologist, sexologist, gave opinions on 8% of analysed cases
- Professor Zygmunt Zdrojewicz, M.D., sexologist, gave opinions on 4% of analysed cases.

Neither of given opinions was in opposition to intentions expressed in the petitions. One question that needs to be asked, however, is why, despite the many appendices to petitions (including medical documentation), the Courts decide to seek opinion from court-appointed experts? The court files provide an explanation:

### **Radom**

From case files (2010)

*Gender recognition by way of court must not be solely based on the person's identification as a member of a given gender. This identification and its meaning in the multi-level gender identification system can be recognised by way of law only after consideration on the medical level.*

*[...] It is impossible to legally evaluate a person's gender during legal procedures on other premises than after establishing evidence from court-appointed experts, because recognising a person's gender requires specialised knowledge.*

One of the findings to emerge from the statement above is that during court cases the Courts bring great attention to opinions given by court-appointed experts, while on the other hand ignore the opinions of various specialists (sexologists, psychiatrists and psychologists) appended to petitions. Why does the Court overlook the documentation from attending physicians? The available data provide no unambiguous answer for this question. Is it possible that the Court has legitimate suspicions that documentation written by persons who are not court-appointed experts is not in accordance with the real situation, and that these opinions are not reliable?

One conclusion can be drawn from the speculations above – no matter what the petitioner appends to their petition, the Court will summon “their” specialists. This conclusion might suggest that the petitioner might even not append anything at all, the effect will be



the same, and the amount of effort and financial resources devoted to preparations will be smaller.

The experts examine and draw-up opinions quite swiftly. In one case it was established that performing these actions took 24 days, and in another case it took the expert 452 days, however it was caused by the petitioner's problems and their absence on appointed examinations. The average time an expert required to draw up their opinion was 98 days.

Average cost of expert opinion was PLN 761, the lowest fee was PLN 279, and the highest was PLN 2,600. In two cases the bill was an amount of PLN 600, in two other PLN 1,000 and in another two an amount over PLN 2,000. In two cases the calculated remunerations seem not to comply with the real number of hours spent on formulating expert opinions...

### **Wrocław**

In files of one of the cases (2009) the bill for one court-appointed sexologist was an amount of **PLN 2,203.53 (49 hours of labour)**.

The Court referred to the bill as follows:

*According to the Court's evaluation the remuneration for writing the opinion on the given case is equal to the time and effort devoted to its preparation.*

In other case (2010) the same court-appointed expert analysed their labour time as follows:

*Case file analysis – 3 hours.*

*Psychological examination – 2 hours.*

*Data analysis – 45 hours.*

*Rate PLN 44.97 per hour, PLN 2,473.35 total.*

From Court's judgement:

*According to the Court's judgement, the number of hours the expert spent on analysing the data has been overly exaggerated. The expert claims to have analysed the data for 45 hours, which means that the expert has spent 5 and a half 8-hour-long working days only to analyse case files and the collected data from petitioner's examination. Such calculations cannot be accepted.*

*It needs to be noted that the case files, which took the expert 3 hours to analyse, comprised of not more than 80 cards to the moment of summoning the expert, while the examination of the petitioner lasted 3 hours, and the said opinion contains 4 pages.*

With all that in mind and based on life experience it cannot be accepted that an expert with a scientific degree needs 45 hours solely to analyse data.

**Table 4: Did the respondents attend to the second hearing?**

	Frequency	Percent
No	10	43.6
Yes	6	26.1
Mother – yes, father – no	3	13.0
Father – yes, mother - no	2	8.7
Yes – Court-appointed representative	1	4.3
Mother – yes, attorney representing father	1	4.3
<b>Total</b>	<b>23</b>	<b>100</b>

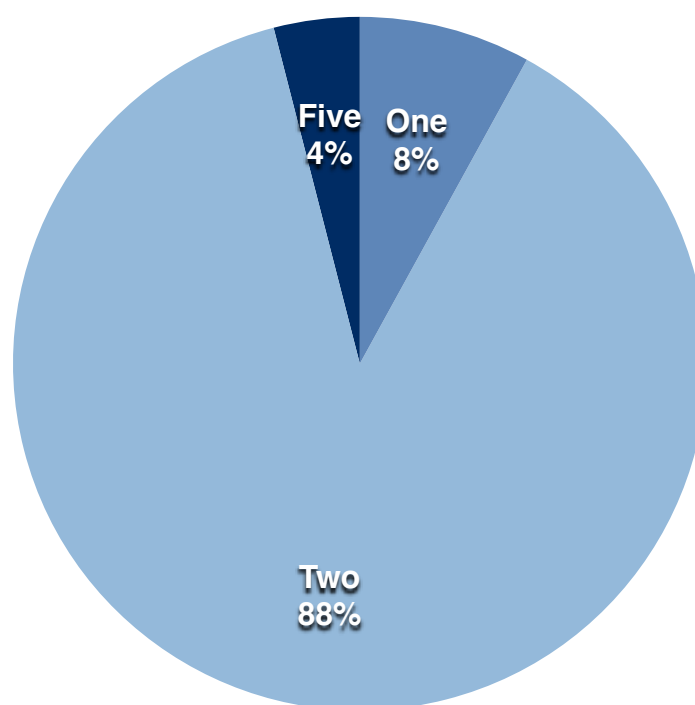
In all their opinions court-appointed experts based their work on case file analysis. 96% of examined cases included biographical interviews, 83% contained Enchantment Tests (Test Zaczarowania), in 44% the experts used A. Kuczyńska's Gender Evaluation Inventory (Inwentarz do Oceny Płci Psychologicznej), in 26% Rotter Test and Roschach Test, in 13% Thematic Apperception Test and Z.B. Gaś's Psychological Aggression Syndrome Inventory (Inwentarz psychologiczny syndromu agresji), and in 4% of cases the examinations contained Multi-way Diagnostic Scale (*Wielokierunkowa Skala Diagnostyczna WISKAD*).

By average, the second court hearing took place 165 days after the date of the first court hearing was established. A minimum number of days between hearings was 56 days and the maximum number of days was 525. When considering the period between filing the petition and the date of the second hearing, the average petitioner waited 262 days. The lowest number of days between the aforementioned events was 108 days, and the highest was 581 days.

In 96% of all cases the petitioners attended to the second hearing in person, and in 4% of cases (1 case), the petitioner was represented by their attorney. On the second hearing in 44% of cases the respondents (parents) were absent. Information on the topic can be found in Table 4.

Based on the research above it was concluded that the vast majority of cases were heard for the second time by the same chief judge (87% of all cases). What is more, 88% percent of analysed court cases took two hearings, 8% took one hearing and the remaining 4% took five (one case).

**Chart 7: Number of hearings**



The average first court hearing lasted 35 minutes. The shorted hearings lasted 15 minutes and the longest 90 minutes. The following hearings lasted 24 minutes average, with minimum time 10 minutes and maximum time 60 minutes. In two cases, when the Court entered their judgement after one hearing, one of them lasted 50 minutes, and in the files of the other there were no information on the time the hearing lasted.

When considering the time the first and second hearings lasted one might conclude that the more time the Court spent hearing the first one, the less time it spent on the second, however such causation was not confirmed. Despite that the difference between the first and second hearings was 10 minutes average, this is not a statistically significant difference. Each of the cases ended positively for the petitioner; in 100% of the cases the

gender was recognised in accordance with the petition. Neither judgement ended with appeal. In *Legal sex change. 1991-2008 jurisdiction analysis* the data mention 241 cases (98,4%) in which the Court recognised gender in accordance with the petition, and 4 cases in which the petitions were dismissed (which was the reason to appeal).

No appeals against the Court of First Instance were found were observed during the study presented herein. After judgements came into force, 64% of the cases contained a Court writing to the Registry Office presenting the judgement.

## Summary

Opening Poland to the processes which take place in the modern world leads to the appearance of new tendencies even in the matter of legal gender recognition. Social discourse, whichever form of it, illustrate an existing issue.

New technologies are a support to all levels of discourse; by these means people exchange opinions and information. It's the websites made by and for transgender persons where one can copy the text of the petition and seek knowledge about appendices. On the other hands, does this knowledge comply with the realities in court? The presented discussion forums reflect a negative image of court procedures concerning transgender persons. Are they right?

The research shows a dynamic increase of interest in legal gender recognition. One might also observe a tendency of increasing involvement of transgender persons with primary education seeking legal gender recognition in court. Elderly persons leave social "seclusion". These elements show e.g. that the issue of gender recognition ceases to be a cultural prohibition in a growing spectrum.

In order to comply with the applicable law (by paraphrasing the famous Latin phrase *dura lex sed lex*; a wrong law which does not abide the rules of the modern times, yet it is still law), in order to make their social functioning full, these persons need to go through legal procedures full of illogical actions and rising doubts.

The first barrier one might meet are the court costs. The amount of PLN 600 is not "relatively low", contrary to the opinion of one of the judges. The aforementioned statement illustrates how distanced from daily life reality one can be. It is surprising that a member of the Judicature confuses objectivity with subjectivity. Is it so difficult to look at

the heard case with the eyes of the petitioner and objectively judge their financial status? In one case a school pupil (20 years old) petitioned for legal gender recognition and also applied for exemption from court costs. In their statement on family status it was found that this person is provided for by their parents (mother was a teacher with PLN 2,000 income and a father was a scientific and didactic worker with PLN 2,500-3,000 income). Proper argumentation (and what needs to be added: very good argumentation which proves to be effective) which stressed the costs already paid due to being transgender, costs concerning education and costs surgeries planned for future, led to the Courts support of the application to fully exempt from court costs.

In another case a university student of 22 years of age applied for exemption from court costs. The person remained financially dependent on their divorced parents with difficult financial situation. The person has confessed in court to having PLN 510 savings on their personal bank account. The Court decided to partially exempt the petitioner from court costs, from an amount over PLN 300, claiming that, as a student, the petitioner has holidays and plenty free time which can be spent on work. What needs to be stressed again is that the statements above have nothing to do with objective judgement. The Court's perspective shows an image of employment which is easily found. However the experience of human rights organisations and anti-discriminatory organisations shows that transgender persons often end up in a complicated financial situation. The source of these complications is the difficulty in finding employment caused directly by the social perception of transgender persons. As the study shows, when filing the petition it is advisable to support it with numerous documents. The principle behind the actions taken by petitioners seems to be the more, the better. It turns out, however, that they could not be more wrong – a petition rich with appendices had no meaning to the Court. Despite assessments from attending physicians (sexologists, psychiatrists and psychologists), despite various examinations and other documents, the Court needs to obtain proof from court-appointed experts, due to the fact that recognising a person's gender is not simple and, according to the Court, requires specialised knowledge.

In one of the analysed cases a trans woman who filed the petition was by that time residing in the United Kingdom where she has also undergone vaginoplasty. Regulating her situation in Poland required taking matters to Court. Certified translation of psychologist's assessment and her driver's licence in English were added as appendices to the petition. At the first hearing (which lasted 20 minutes), during which the respondent was present, the petitioner was represented by an attorney. The hearing was adjourned

due to examination by court-appointed expert. It is probable that the Court did not find the presented assessment nor the data in the driver's license reliable. Case file analysis shows that before the expert has given their opinion, the expert had arranged a structured review, observed the petitioner's behaviour and used a so-called *standard sexological interview*. The petitioner's recent photograph was attached to the assessment.

Only after attaining the undisputed evidence i.e. the court-appointed expert's opinion did the Court recognise that the petitioner is a woman. This is where a question rises; why do only court-appointed experts can provide undisputed information on the petitioners' gender and whether does the Court have knowledge on how do the experts examine the petitioners? Case files do not provide the full image of the examination procedures. Their detailed description can be found in the part concerning the analysis of interviews with transsexual and transgender persons about conducting their legal procedures. It should be noted, however, that during gender recognition procedures the Court attains specialised knowledge from appointed experts, who on the other hand base their opinion on one-time examinations. Despite the above, what one might also find controversial are the costs of experts' assessments, since calculations over amounts of PLN 1,000 are not a rare phenomenon. In cases quoted above the same expert charged the petitioners with PLN 2,000 each. In one case the Court agreed for such a remuneration, in the other the amount had been questioned. However, there are no information on whether the expert faced any consequences for providing an unreliably calculated bill. Provided that only in these two cases one might find such inconsistencies, than one might conclude that such "errors" might have occurred in other cases to which this expert was appointed by court. Filing the petition against the person's own parents is another example of action which raises controversies. Moreover, it needs be specified what kind of laws did the parents break since the case is pending against them. Why is the case still pending if in the case files it is stated that the respondents accepted the petition, or that the parents accepted it during testimonies?

In one of the cases the petitioner's parents were dead, and in this situation the Court did not appoint a representative claiming, that it would be enough if the respondents' heirs will be present, namely the petitioner's brother and sister.

Is such solution not openly against the provisions of law?

This resembles a situation in which somebody insists to seek a so-called “scapegoat”, since the case needs to be focused against somebody.

The petition is surely burdened with a stigma, because the parents are blamed for the fact that their child is transgender. It does not come without influence on the physical and mental well-being of the persons immediately involved with the case. Request to hear the case in absence of the respondents are not a rare phenomenon, due to very difficult emotional issues which accompany the hearings.

It is apparent from the research that the applicable legal procedure is full of errors and illogical solutions. The mechanism works, however it is based on wrong premises and these premises are what needs to be changed.



## Part II: Interviews

In the research module the qualitative method was used in immediate, open interviews. The interviews took place in the period October 2012 and April 2013 and were done individually with five persons who expressed desire to partake in research<sup>10</sup>.

**Marcel<sup>11</sup>: trans man (medically FTM), university degree, interests: Sociology, psychology, literature, sports – sometimes gym, mainly cycling, used to train martial arts (karate).**

*I think of transgender as a period in my life and I forget that I went through something like this. For me, gender recognition is like divorce, I mean these are legal and social changes that in my life do not change how I function in society.*

*I have my peculiar group of friends, but I am not excluded from society. I am rather excluded because I have a male partner and we can't enter a civil union. For this reason I am more excluded than a transgender person. I face homophobia more often than I face transphobia.*

**Anna: transwoman (medically MTF), 35 years old, secondary education, works in an office as financial coordinator, chairwoman of one of the associations, religious.**

*Till second grade of secondary school I functioned under a male name, but later I changed school and functioned under my female name (before gender recognition). In the school register I had a male name, but informally my classmates and teachers referred to me as a woman.*

*Everyone treated me very well. I have luck with people, I only meet the nice ones. For me, the whole society I know is like this. Or maybe it's that I pick only such people. I simply create my reality. Probably if I just stayed hidden and complained that the society is bad and stupid, that is what I would get.*

**Oskar: transman (medically FTM), 20 years old, secondary education, agnostic.**

*I have a lot of optimism, determination, self-confidence and strength that not a long time ago I could only dream of. The more people around me are aware of my transsexuality, the more I become open in my conversations with others, even about transsexuality, and the happier and more peaceful I feel.*

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<sup>10</sup> The announcement regarding the research was published at [https://pl-pl.facebook.com/FundacjaTransFuzja?ref=stream&hc\\_location=timeline&filter=1](https://pl-pl.facebook.com/FundacjaTransFuzja?ref=stream&hc_location=timeline&filter=1).

<sup>11</sup> All the names were changed.

**Paulina: transwoman (medically MTF), 27 years old, secondary education, self-employed, atheist.**

*I don't perceive myself as a transsexual or transgender person, but rather as someone in between. I experienced a lot in my life that others haven't. That was my decision. Considering all my experiences, in retrospect, the right decision would not have been to change sex, but to continue living as a man. Probably, or surely, I'd have to take anti-depressants, but living like this would have been much easier, much happier than the life I'm living right now.*

**Karina: transwoman (medically MTF), 37 years old, primary education. Went through cerebral palsy. Religious. Lives on the countryside. Expresses very radical opinions about legal gender recognition.**

*It's too easy to change sex in this country. People who have kids and change their sex; that's sick. If you have kids, than what will happen later? At school or at work? "What? Your father is a woman?". How are these kids supposed to feel?*

The interviews were focused on the characteristics of the following research areas:

- Legal procedures
- Administrative procedures
- Healthcare
- Social functioning

## First thought about gender recognition

One of the first issues tackled during the research was to define when did the respondents think about gender recognition for the first time. A significant gap has been observed, namely between the age of 3 and 15 years.

Anna claims that it was at the age of 3 when she realised that she feels that she is a girl. At the age of 15 she attained knowledge about the possible surgeries and after 3 years she started medical therapy. Similar situation was experienced by Paulina, who at the age of 5 knew that she has some kind of problem with her gender which was difficult for her to define. Since the fourth grade of primary school more information about transsexuality

began reaching her. On that stage she began to identify herself as a transvestite. She did not allow herself to think that she could undergo gender recognition or reassignment.

*Generally the thought that someone can do something like that seemed hard to imagine. Especially that, for me, at that point of my life dressing up became a fetish. I thought that it will be only some kind of dress-up caused by sexual desires and that I will never change my sex. In the sixth grade of primary school I came to conclusion that I will probably change my sex, however it will happen after college, when I move out from my parents. At that time I slowly started to accept the thought that I am a woman, that I rather want to live as a woman. At third grade of middle school I finally had access to the Internet and I started to seek information about the whole issue. I read everything I could, I learned various concepts and that was when I concluded that I am transsexual and that I want to change my sex, because I already know how to exactly do it and how does the procedure look like.*

Marcel at 14 and Karina at 15 had awareness of having a different gender than the one assigned at birth. Moreover, Marcel stated that he does not have a typical transsexual story and did not know about it since birth.

*I had some thoughts when I was fourteen or fifteen, that it would be cool if I was a boy, but on no level was it implemented in any way, such possibility appeared when I was 17, at the end of secondary school. I did not see myself as a boy. At the age of 17 I read a book titled "Aleksandra Zamojska is a man" ("Aleksandra Zamojska jest mężczyzną") written by a trans man (Daniel Zajmowski). I read this book and I thought "Actually; why not?".*

Marcel made his final decision on gender recognition at the age of 18, however he delayed this decision till the time he started college in Warsaw.

*For a year, when I was preparing for my maturity exam (matura), I also collected information on where I can do that, and it turned out that there is a doctor in Warsaw, and I want to study in Warsaw, so I decided to move to Warsaw and start doing it. Indeed in November, after a month of college I called and made an appointment.*

### **Karina**

*I wanted to be a guy, it did not work out, I ruined my spine, the illness appeared... It just didn't work out to be a guy and that's it.*

## Family's reaction

Making the decision concerning gender recognition was not as difficult as informing their closest family about it. The emotional problem with delivering such information can be observed in all respondents. The first reactions their parents have shown were sadness, irritation and even aggression which ended with a domestic fight. A part of these reactions was caused by the thought on how these information (which, nevertheless, cannot be hidden from the outside world for too long) will be received by the social surroundings. Parents usually perceive being transgender as a psychological disorder and even force their children to go to various specialists (psychologists or psychiatrists).

### Marcel

*My parents had a divorce when I was 15. I was closer with my mum than with my dad, that is why after the divorce it was my mother who was granted custody over me, and I didn't see my father as often. My mum was a person I could tell what was going on, I talked to her about it and she was the first to find out that I want to do something like that. Her first reaction was sadness. She was sad, but she later told me that it was not because I was about to do something. My family was always accepting, open to diversity, however my mother reacted like that because the first thing that came to her mind was that I will be lonely. She thought that transsexuality, gender recognition means loneliness, that it becomes more difficult to meet people, that in a way you become socially rejected, that you become rejected from society and from life.*

*There were, of course, questions if I'm sure, or can it be solved some other way. She was not forcing me, these were rather questions about exploring my identity; about how a person wants to create themselves and what does it lead to. She was the first person to take me to a psychologist.*

*The psychologist told me that I'm just imagining it, because I'm a fat dyke who wants to compensate with masculinity the fact that she's not attractive to other women. He didn't care when I told him that I'm bisexual and I like both men and women, and my first sexual thoughts were about men. He just said that it's all about me being a lesbian and by the way, I should lose weight.*

*Despite that I appreciate that my mother was able to do something like that and it was not supposed to be something like "a psychologist will fix you up". My mum went through typical*

*mourning over a loved one, she felt like she lost a daughter, and she told me that later on, she didn't tell me about it during my transition. She had to change her way of thinking by means of mourning.*

*My father reacted more openly than my mother. For him it was obvious that it's just a transition and nothing else changes in that matter. After my gender recognition he came back to my life as a father; he wasn't there for a long time, and later he just appeared, e.g. went to stores with me to pick men's clothes, he was the first person to force me to go to men's restroom, he took part in something that I'd call male initiation in my life. Actually he only gained and lost nothing, there was nothing to lose really, because we used not to have a good relationship.*

### **Anna**

*I think my family found out about me being transgender early, even before I did. My mum used to take me to various doctors and I think that she knew before I found out about various possibilities.*

*My family reacted peacefully. In fact, I was raised by my grandmother, my parents had fewer contacts with me, but they took part in it and somehow they accepted it as well. It was just happening, it was a process. There was no conversation like "listen, I am this and that". Since my childhood I have been a girl, I played with dolls, my grandma knew it, I didn't hide it and my parents allowed it.*

### **Oskar**

*My parents (and sister) found out about me being a transgender person quite rapidly and somewhat by accident. It was a bad moment for coming out of the closed, because I simply didn't feel ready for such a step.*

*I am an introvert, since childhood I had difficulties with talking to my family about my feelings, confessions were not a natural part of relationships at my hope, and this turned out to be the reason why my parents found my decision to start therapy shocking (I have a feeling that my parents just tried not to see many obvious signals from the time of my childhood). The first reaction was horrible, because without any reason my parents believed nothing of what I told them; it's possible not to accept it or to show intolerance, but it's horrible when somebody claims to know better what we feel and what we felt in the past. My mother had the biggest problem with getting used to it, my father quite early said that he cannot understand what I'm going through, yet my happiness is what matters to him the most and all the decisions are up to*

*me. My sister said that she suspected it and that she wants to be strong and to show me the support I need, but she still isn't ready to talk to me about it. Even today, three years later, we still don't usually talk about it.*

*My mother and I needed to have countless conversation (which, at the beginning, were only quarrels) and it might sound cliché, however we would never find any agreement if it wasn't for all our effort to learn to listen to each other and to talk about our feelings.*

*When I think about it now, I have the feeling that I constantly tried to teach my mother the basics about gender identity and hormone therapy. The arguments which were clear and indisputable to me didn't really appeal to her. This was very frustrating. A breakthrough happened probably when my mother, out of her own initiative, went to see dr, Czernikiewicz, a sexologist. Despite his bad fame among many transsexual persons I have to say that he provided my mother with a lot of professional information, and most importantly confirmed all the knowledge that I have been unsuccessfully trying to tell them for all that time. After that, they finally started to listen to me. When my parents finally understood that they're facing a real problem, which directly affects my every-day comfort, my social life, my learning abilities (constant depression and demotivation caused me some serious problems at school during that time), they stopped being against my treatment, and that is why very soon after that moment I managed to begin taking hormones.*

Karina's parents did not know about her decision before, and as she has stated herself, after they found out the situation became complicated. At first they tried to persuade her not to go through gender recognition, however they did not offer doctor's appointments (which might possibly have been caused by their financial situation). Many conversations took place, of course, along even with some family quarrels. What is also significant that Karina's parents live with her in a small village in Masovia. From this fact one might conclude that their strong reaction was caused by their fear of social ostracising.

Parental reactions described above regarding a request, or even a demand, to see a psychologist or a psychiatrist, are characteristic and therefore "normal" in these kinds of situations. According to parents' perception, a professional is supposed to "fix" their child (please note that these are adult children who are aware of the consequences of their own actions), and if that fails, to provide rational (medical) grounds for gender recognition.

## **Marcel**

*A psychologist tries to convince you of something. Refers to your family situation; why are you doing this to your parents? To your family? They base on guilt or even create the feeling of guilt.*

## **Reasons for legal gender recognition**

Legal gender recognition is associated with organising the respondents' lives, social functioning and internal well-being. When asked about the reason for this change, Anna replies directly: Because I felt it. I decided it was the time to sort out some issues, to have some proof. In some way I am more relaxed. It is also a process, it took me a lot of time before I was ready for this.

Quite peculiarly (but with visible honesty) Karina defines her own reasons; *Because all that didn't suit me. Facial hair, no breasts, no anything, horrible pain between my legs, something disgusting. Something weird comes out of me, a grim face, this was horrible, and now it's normal. I was crazy. I could hit, I could do all sorts of things. I was furious, I was rabid.*

## **Oskar**

*For me, legal gender recognition was a natural, indispensable phase. For obvious reasons I cared about having my personal ID and other documents which reflected who I really was. Soon after I started hormone replacement therapy people stop recognising me as a girl. Even back then using my old ID was troublesome and unpleasant, both for me and for the people who required to see it. For me, using documents which contain untrue data, such as name and gender, is a source of every-day stress. At some moment it becomes impossible to believe that a transsexual person is the one from the documents before treatment, which puts us often in difficult situations. Not every place is suitable for these kinds of explanations, nobody should be forced to inform strangers, who are not medical professionals, about their medical history.*

Here it should be stressed that, for some respondents, legal gender recognition was a requirement to begin, or even continue, their medical procedure.

As Oskar stated: *as far as trans men (FTM) are concerned, in Poland it is forbidden to perform the second surgery (hysterectomy) if the person has not yet changed their personal data.*



Marcel, on the other hand, was informed by the doctor that he will not receive assessment for court if he will not undergo mastectomy.

Now, a question comes to mind: should the requirement for legal gender recognition be to undergo hormone therapy first, to undergo surgeries or to be sterilised? The persons directly involved express different opinions.

### **Marcel**

*I believe that visual feminisation or masculinisation should have nothing to do with changing your documents.*

### **Anna**

*I believe that every person should have the right to choose how to live, whether they want to be a man with breasts, a woman with a penis, a woman with a beard, everyone has the right to live like they want and that shouldn't depend on anything.*

### **Oskar**

*I think that the requirement of hormone therapy before legal gender recognition is not groundless. I think, however, that the matter of surgeries and sterilisation shouldn't depend on the presence of the court judgement or an annotation in the person's birth certificate. A person who is under medical care of professionals who confirm a certain medical condition should decide by themselves about the necessity to undergo surgeries according to their own needs. If it wasn't for legal barriers, I would most probably already have panhysterectomy far behind me. I regularly experience abdomen pains which are caused by blocking the organs which produce female hormones in my body, not to mention my psychological discomfort which follows the awareness that I still have female reproductive system and I can still menstruate. According to the applicable law these are not legitimate grounds for providing me with proper medical care, thus removing the redundant organs.*

## **Legal procedures**

At our time, the basic source of information on what needs to be done in order to legally reassign legal gender proves to be the new information technology, most importantly the Internet. Nearly every respondent refers to the website [www.transseksualizm.pl](http://www.transseksualizm.pl) (the so-

called Blue Forum) as their main source of information. This is the place when one can find information about petition examples, needed appendices and court fees.

### **Oskar**

*I found nearly all the information I needed on the Blue Forum (transseksualizm.pl), I found some strictly administrative information by myself directly in Registry Offices or by phone. I wrote the petition myself, using a ready pattern found at transseksualizm.pl, I changed some outdated information and added something from myself.*

Information which could be easily attained via the Internet helped in writing the petition without help, which was often proudly highlighted by the respondents. The fact that they did not use the help of others when commencing court procedures surely improved their self-esteem.

### **Anna**

*I actually did it on my own, and I am very proud of that, this improved my self-esteem and gave me a feeling of efficiency. I also met a very famous doctor. He claimed that he will cure me and make me happy, because he understands how unhappy and miserable I am, despite the fact that I never was miserable (well, no... Let's not exaggerate, sometimes it happens, but not because of that), and for the first PLN 3,000 he will start my hormone therapy, for another PLN 7,000 he will write me my petition and we will win the case in court, so I will be able to get married, adopt children and then he will give me a uterus transplant... Which actually very discouraged me from continuing my work with him. I even had a feeling that he thinks of himself as a god. And why would he know everything better than me?*

### **Karina**

*I wrote the petition myself and had no problems with that. The Borough Office helped me to get the print, the Registry Office to be exact. The lady who was the manager there asked me: Ma'am, for how long are you going to be a man in your documents? Isn't it the right time to change them?*

The list of documents which were appended to petitions does not differ from the list described in the previous chapter. It contains: abridged birth certificates, experts' assessments (written by psychologists and sexologists), certificates from the petitioner's workplace etc.

Acknowledging one's gender identity leads to commencing medical action, and ultimately, to legal gender recognition, therefore it was found reasonable to estimate the time from the beginning of medical procedures to the beginning of legal procedures. Anna started her hormone therapy at the age of 19, and only after 11 years she took action to change her legal gender (in the meantime she did not undergo any surgeries, including aesthetic medicine). Karina filed her petition after 3 years of hormone therapy (till this day she did not have any surgeries), Marcel after a year, and Oskar started legal procedures after 6 months of hormone therapy (he also had mastectomy before his second court hearings).

In cases of all the persons interviewed, the procedures concerning legal gender recognition involved two hearings. The reason for that was the need to provide an opinion from the court-appointed expert. In Anna's case, the Court had appointed an expert to examine her, even though Anna has appended her petition with medical documentation from another court expert. Were there any justified suspicions that the first expert certified something untrue? This question is difficult to answer.

What one might find very interesting, from a scientific point of view, is how the court-appointed experts conducted their examinations. The descriptions given by the respondents undermine the very idea of these examinations having any real purpose. Doubts may arise on whether does the Court acknowledge how unreal (or even absurd) are the examinations that are being appointed. Is this not a waste of the financial resources spent by the petitioners or by the National Treasury?

What seems to be a characteristic trait of examinations conducted by the court-appointed experts (psychologists and sexologists), is the ability to diagnose the person as transgender after just one examination. These experts do not commission any additional medical tests, and only rely on their vision of various tests. Neither respondent experienced a situation when the court-appointed specialist disagrees with the assessment from attending physicians. What needs to be stressed, however, is that the attending physician has a better chance to get to know their patient more deeply after multiple appointments, which means that they have more information than the court-appointed experts. In this case, why does the Court need to appoint another examination? Is this just a matter of another document, which in reality has no value?

Transgender persons have varied opinions on these experts, both positive and strongly negative. One of the respondents mentioned: valuable conversations on topics such as publications and books on transsexuality, individual, not very distanced approach, caused also by the fact that the examination took place at the expert's home. Other persons mentioned lack of any real contact with their experts, experts' employees showing lack of interpersonal communication skills, and exorbitant prices of examinations.

### **Marcel**

*I took the MMPI test probably five times in my life; I took it at my attending physician's, in a hospital in Łódź, a surgeon who performs chest surgeries there makes his own research, so he hands these tests to all his patients. Later the court-appointed expert gave MMPI tests twice, what was, in my opinion, against all procedures, because there should be a two-year span between these tests, and I took it five times during a 3-4 year period. And I also took personality tests, to define my personality. I took two such tests in just two weeks – I think the interval between them should be longer. And I always found MMPI test funny. These two tests served as a base for a chart the expert had drawn about my personality. He also told me to draw people, claiming that these were the court's instructions. He said: "draw a person, sir", and I like to draw, so I just sat there drawing and talking to him. At one point he told me to draw faster, it didn't have to be too artistic.*

*I found that interesting, because he told me to draw a person and a woman. And then I realised, that if it is supposed to be a person, it has to be a male.*

*I talked about it with other people earlier, and I read about it somewhere, that when they tell you to draw a person, it would be the best to draw a person of the gender you identify with.*

*The case with me was that I had found some knowledge before and I knew what the doctors expected. And it wasn't something out of the ordinary. As far as I know, people who go to doctors e.g. in order to have their gender recognised or reassigned, they are already prepared for what they are supposed to say, what is their version supposed to be. For example, there is a version established in the community that if someone is not heterosexual, like it was in my case, that they'd better not talk about it. The doctor found out from the interviews that I was not heterosexual.*

### **Agnieszka**

*I really didn't like the second examination with my court-appointed expert, because I was actually examined by some apprentices. They were young and somewhat appalling. I had a feeling that they were not prepared to do that. I felt that I could sum up the whole situation like this: another well-known name of a well-known gentleman, who shows up in television to talk*

*about many important subjects, just saw me for a minute and left me with two twenty-year-old psychology students, who were supposed to interview me. They didn't know what they were doing, they didn't know how to approach me. I had a feeling that these questions were intrusive, asked not for the purpose of collecting any court evidence, but of satiating their own curiosity instead. I'm not talking about any particular questions, it's obvious that these matters are very intimate, but there is a difference between "when did you start to be sexually active, madam?" and "well... When did you make love for the first time? how many partners did you have, madam?".*

*They asked their questions in such an unprofessional manner, that was so distasteful I even wrote a complaint. I was 30, and here, two such girls, maybe still students, maybe freshly graduated... I drew houses, puppies and all sorts of things I can't draw. Too bad that these ladies didn't tell me to play with blocks.*

*I got a very nice assessment, but with a small note that I was aggressive, because I was. I really got angry at some point, so I thought: well, now I'll get a nice opinion... That I am emotionally unstable, that I'm hysteric and depressed, because I started to cry, but that really was horrible, they were doing it in a very nasty way. I work with psychologists and they told me to write a complaint. So I did, and I got a very nice assessment, which showed as follows.*

## **Oskar**

*First I met the expert, who immediately introduced me to his two, young assistants (Trainees? Apprentices? Freshly graduated?) and said that he's leaving me with them. I was prepared for such a possibility, because I already read the comments about this expert on the Internet. The assistant asked me to take some basic psychological tests, including the Rorschach test, Rotter test, Gender Evaluation Inventory, the Draw-a-Person test. Later I gave a deep psychological and sexological interview, during which I was asked about my childhood, about my family, the course of treatment, physical and mental changes I observed, the impact my transition had on my life, as well as about my medical history and sexuality.*

*When it comes to the atmosphere at the meetings, the ladies who examined me seemed quite friendly and competent, they referred to me in my male form, called me "sir", were tactful and respectful. The expert himself was in an excellent mood, he seemed nice during out two-minute-long conversation. I don't deny, however, that the fact that he never examined me by himself doesn't leave a good impression.*

**Karina – excerpt from the court-appointed expert’s opinion:**

*The examined petitioner is strongly motivated to continue necessary treatment. Legal gender recognition might cause that he will become a happier person.*

In the assessments written by the experts it had been stated that the petitioners were diagnosed with gender identity disorder, transsexuality, inconsistency between their gender and sex, irreversible disorders, and that there have been valid grounds for the treatment, thus legal gender recognition was recommended (category F 64.0 in the ICD-10 classification). The parents (who were also the respondents) tried to be present at the hearings and confirmed their acceptance towards the petitions, however in one case they were both absent at the first hearings and at the second hearings (as her respondent stated herself “what for?”).

**Agnieszka**

*My dad died. The court didn’t appoint any representatives. The judge decided to dismiss the petition against my father. She just cut corners. I’ve read that in such situation the court appoints a representative, that I should expect another hearing with a representative, whereas the petition against my father was dismissed, and the petition against my mother stayed.*

The interviewed persons were present at the individual trials, without any proxies. Subjective description of the atmosphere in the courtrooms turned out to be most often positive. In one case the atmosphere at the trial was not described as friendly. The evaluation of the trials included: judge’s verbal and non-verbal language, the terminology used, and also the petitioner’s subjective impression that their cases are understood.

**Marcel**

*I didn’t sense any aggression in how the case was handled. I also remember something which wasn’t written in the record. The first thing that the Judge said to me was an explanation on why will she refer to me as a female; “As a judge of the Republic of Poland I’ve been instructed to speak in accordance with official personal data”. And it was said literally, which for me was a clear signal that this is an open-minded person. Because if someone, at the very beginning, tries to explain why they have to refer to me like that, it means that they respect me as a person. Mentioning this outside the record creates a different space. The judge didn’t have to say this, she could open the case without any explanation, and this was very important to me.*

**Anna**



*The atmosphere was very friendly. I have a feeling that the judge was a very nice lady, and that she was genuinely interested in what I was saying. I expected very intimate questions, but the judge didn't pressure me. She asked, for example, for how long I've been socially functioning as a woman, how it all started, whether I have a partner (I didn't and I still don't), also asked me for how long I've been taking hormones, asked me about school, asked me to tell her about my life.*

*The judge referred to me as "madam", after informing me that she theoretically should call me like it's still in my documents, but she finds it very hard and she continued to call me "madam".*

## **Oskar**

*I wouldn't call the atmosphere at the proceedings friendly. There had been many vague pauses, the judge had rather harsh and cold attitude, she gave an impression of someone who wasn't ready for such a meeting, she constantly looked back into her papers, she kept looking for something in the documents, she browsed through my petition as she's seen it for the first time. When it comes to verbal communication, the judge didn't speak to me in an impolite way, she seemed to follow the accepted norms. On the other hand, the fact that she didn't maintain any eye contact with me nor with my parents, left us feeling somewhat disregarded.*

*The very fact, that the judge immediately announced, that she will refer to me using my female name and pronouns, was a signal that she is not trying to understand the case. Despite the way I looked, dressed and despite the nature of the proceedings, she still called me "miss", she used my old name, and corrected herself if she used male suffixes to speak about me, because, as she claimed, she "had to" stick to what was written in my documents by that time. Not only she seemed uninformed when it comes to the issue, asking very biased questions like from a textbook, but she also seemed unprepared for the whole trial. At some point she asked me to append a document, which had been appended for the whole time, asked me about matters which were explained in my petition. I was very surprised when, at the beginning of the trial, she asked my why did I file this petition. Perhaps these are the court procedures, but for a person like me, who never took part in any court trials, it all meant that the judge had little knowledge of the case and wasn't acquainted with the petition, which seems to be one of the judge's responsibilities. Another thing that left me and parents dissatisfied, was that the judge argued that she needs to appoint an expert witness, because she "would like to know when my transsexuality appeared". These words could only be said by a person having zero idea about transsexuality.*

In each analysed case the judgement stated that the petitioner is either male or female (the sex opposite from the one assigned at birth), and this never lead to an appeal. The comparison of duration of each court hearings can be found below:

- Marcel: first hearing – approx. 60 min., second hearing – approx. 30 min.,
- Anna: first hearing – approx. 40 min., second hearing – approx. 10 min.,
- Oskar: first hearing – approx. 20 min., second hearing – approx. 10 min.,
- Karina: first hearing – approx. 60 min., second hearing – approx. 15 min.

During the research no cases of a petitioner being married prior the beginning of legal gender recognition procedures have been observed.

The costs of the proceedings are the topic of another point of the analysis. Marcel did not apply for exception from court costs due to his parents' good financial situation, therefore he was charged with PLN 600 for bringing an action at law, and another PLN 1,500 for the expert's assessment. Anna paid PLN 800 for bringing an action at law and abridged copies of the documents, and another PLN 900 for the expert's assessment. Anna did not apply for exemption from court costs because, as she has herself stated, I would lie if I said that I can't afford this, so I wanted to act in accordance with my conscience.

Oskar has paid a PLN 600 fee for bringing an action at law, and another PLN 700 for being examined by the court-appointed experts. No difficulties concerning payment of court costs have been observed during the interview.

### **Oskar**

*I did not file a complaint concerning the costs of expert's assessment only due to the time limits; in my opinion the court case took much too long for no real reason. A year before I decided not to apply to university in order to regulate legally my personal data before entry exams, and I nearly did not make it on time. If I had filed a complaint, I surely wouldn't have made it.*

*If I had the time for this, my parents and I would not accept this decision on court costs, because it caused us unpleasant commotion, and not only for financial reasons, but for the fact that the professor who was my court-appointed expert never interviewed nor examined me by himself. I have doubts whether he contributed to the assessment for court in any other way than with his stamp and signature.*



*The tests I took during my examination were some of the most basic diagnostic tools, and I can't imagine the costs of analysing them being so high, especially after I found out that the average cost of court-appointed expert is approximately PLN 350, which, in my case, was just the advance money.*

When confronting the legal procedures, the respondents experienced a feeling of helplessness due to their lack of influence on the vast bureaucracy. These persons also noted that the court fees could only be paid in cash, (lack of terminals in the cash registers in court buildings disabled the use of payment cards), and that these matters take too long, while on the other hand they were surprised how simple it was to bring the action at law.

### **Marcel**

*I was surprised how easy it was to bring the action. I brought the whole documentation to the office, I had the copy stamped and it was all right. The only irritating thing I remember was buying court fee stamps. First I took my petition to the office, then I was told to go to the cash register, where I couldn't pay by card. I had to exit the court and look for an ATM, bring the cash and only then I could make the payment.*

### **Oskar**

*I had a feeling of helplessness and that I can't do anything with all the bureaucracy. For example: after making a payment for the petition, my parents got a court order to provide a response to my petition, despite the fact that we attached such a letter to the petition (original and three copies, all signed by both parents). After sending a newly-written response, we were asked to provide the court with its copy. That kind of communication by post implies that the person behind these letters is rather meticulous and scrupulous, yet the judge that was assigned to our case seemed unprepared for the trial and incompetent.*

*She falsely promised a swift conclusion of the case (at the beginning of July 2012 she ensured that till the fall of the same year I will have the second hearing behind me, yet the second hearing was held in late January 2013. Perhaps some time interval would have seemed understandable, but it should also be taken into the account how long I have waited for the first hearing. Besides, for a person like me who needs to function with their old data every day and who obviously wants it done as fast as possible, this is all just unnecessary prolongation).*

*At one point I have sent a letter with full argumentation, asking the court to speed up the processing of my case (I think that the letter was effective, because soon after I received information on the second trial).*

Legal procedures regarding gender recognition causes many concerns. What causes most protests is that the petitioners need to sue their parents. Targeting the procedures through the way of court consumes too much petitioners' time and financial resources unnecessarily. One of the respondents is strongly against any simplification of the legal gender recognition procedures; she claims that the legal procedure is too simple and for various reasons, e.g. due the family status of a transgender person, the procedure should be made as difficult as possible. According to the respondent, having children should be a valid reason to forbid a person's sex change. It needs to be made harder. If someone is married, has children, than they should not change their sex. I could restrain my sexual desires after my cerebral palsy. It's the young people who should get help, not the old ones. When I see a lady from Słupsk, who has four kids and eight grandchildren, than is it normal that she wants to change her sex? In such cases it needs to be made harder, that's what I think.

The other interviewed persons present an opposite point of view.

### **Marcel**

*In my opinion, this should not be a court procedure. Legal gender reassignment should be an administrative procedure.*

### **Anna**

*Setting it all by way of administrative procedures would probably speed things up. Solely administrative procedure would help the people who are really in need, they could go to the Office and say: I want to function as a woman, please change the name and legal gender in my personal ID.*

### **Oskar**

*I think that court acting as a proxy is totally redundant, the procedure should function in the same way as in the majority of countries which are ahead of us in that matter, i.e. it should lay in the competence of Offices after providing a relevant document from a medical specialist.*

Those persons who have such great knowledge about the decision to allow legal gender recognition should have the elementary knowledge on what does the case tackle, and how to show the involved persons the respect they deserve. I am not even going to mention how absurd is the fact, that we are forced to sue our own parents.

## Administrative procedures

Inseparable part of obtaining judicial confirmation of legal gender recognition is the obtainment of the corrected documents. Because changing a person's full name and gender marker has been divided into two separate procedures, the respondents mention having problems with changing their PESEL number (*Powszechny Elektroniczny System Ewidencji Ludności*, Universal Electronic System for Registration of the Population) and NIP (VAT identification number), and their data in *Zakład Ubezpieczeń Społecznych* (Social Insurance Institution). The respondents also express a strong protest against the legal regulations concerning names, namely Article 50 of the *Statute of 29 September 1986 of Civil Registry Records; Manager of the Registry Office shall refuse to accept a declaration, in which the name chosen for the child [...] does not enable to distinguish the sex of the child.*

Another problem is the access of various civil servants to national databases, and within the information which enable identifying that a person has undergone legal gender recognition. The respondents do not accept the presence of information on their previous legal gender in their registry acts.

During the analysis no problems have been observed concerning changes in report cards, diplomat, passport and driver's licence.

### Marcel

*I believe that legal gender recognition should come together with changing a person's full name by way of administrative procedure; except changing their gender marker, a person should also have the right to change their first and last name at once, causing fewer administrative work. The best option would be not having a gender marker in personal documents. I don't understand why people can't have unisex names. I don't understand the situation of people who do not want to reassign their gender, should their change of name also be done by way of court? For example, is someone's name is Łukasz, and the person doesn't like that name, he has to*

*provide proof at court on why he doesn't want to be named Łukasz. Because he doesn't, and that's it. It's his own will.*

*My dad now has a constant problem with changing my personal data in all insurance companies, where I am registered as a person who obtains pension or life insurance in case of death. For example, he exchanged letters with two of them, informing them on the change in personal data, yet they still put the old data in the documents...*

*I had two NIP numbers for some period. I applied for an update of my personal data, but someone said, that these are not updatable data, because I changed my sex, and sex is not selected as a field which can be changed. So someone had the idea that I'm applying for a new NIP number, even though I had the old one on this document and I was given a decision on establishing my new NIP number. I took me half a year to get things back in order.*

*My friend who had passed his driver's licence exam and wanted to obtain it, even faced a situation when a clerk has said to him: oh, so you changed sex. And this was so shocking and humiliating, that literally any bureaucrat has the right to know everything about his life.*

The approach of civil servants towards transgender persons was described positively, with the attention towards their eagerness to help in solving matters, their politeness and respect.

### **Anna**

*The ladies I met were just very nice, they gave me their number to call at least one a week and ask if they gave me my new PESEL number. I actually was treated with sympathy, not just with forced politeness of an official. That was a real, sincere smile, very sympathetic. One of them said: oh, I also have a friend like this, I'm so glad you made it, congratulations!*

## **Medical procedures**

The approach of medical professionals towards transgender persons was often described negatively. What was found objectionable was the procedures they applied, and also the manner in which the professionals communicate with their patients. In order to avoid stress, the respondents chose non-public physician's appointments, instead of healthcare provided by the National Health Fund, if only their financial situation allowed that.

## **Marcel**

*Access to medical professionals is difficult. There is e.g. a doctor in Warsaw, you get an appointment (you have to pay approximately PLN 100), and he just gives you the prescription, but on the other hand, he is famous for the fact that he takes pictures of you from the neck down because, as claims, he does it to observe the process of masculinisation and feminisation as part of his research. For me this is shocking, I would never go to such a professional.*

*My friend's attending physician's assessment included the size of her penis. She told me literally, that: I took off my pants and he measured it. It was very traumatic for her, something horrible that a doctor has done something like that. She was stressed out, because she was afraid that he will tell her to exit. It is true that the doctor informs the person that it's for his own research, but the patient is convinced that if they say "no", they won't get the receipt and proper assessment, so they accept such "offers", because they're scared.*

*Mastectomy is called chest reconstruction: they remove glands, fat, and reconstruct e.g. nipples. There are people who had undergone mastectomy, they have scars and that's it, no reconstruction. On the discussion forum at [transseksualizm.pl](http://transseksualizm.pl) there's this guy, he wanted to get rid of all of this, so he chose the first doctor who agreed to perform the surgery; and he just made the cuts and that's it. So this guy now has no nipples, and has a huge scar across his chest.*

*Thanks to [transseksualizm.pl](http://transseksualizm.pl) it is easy to find a doctor, but in my opinion there is not enough people, who will handle the matter of diagnosis properly. In my opinion now it's just people who had chosen to do that because it's a chance to make money, not to help people. That's how I perceive it.*

Situations of unpleasant conversations between physicians and transsexuals are not anything rare. The manner of asking questions, and also their scope, reaching much further than the topic of examination, causes a lot of doubts. The physicians believe they can ask their patients about everything.

## **Marcel**

*Once I had pharyngitis and I went to a doctor to give me some meds. I undressed myself, and she asked me where I got these scars, did I have some surgery? I told her: Madam, this is nothing of your concern, and she said that it might be something of her concern, because this*

*might refer to some medical issues. Then I said: this is not a medical issue, you're not the first doctor to take care of me, I know that, I'm not stupid. At another appointment, the same doctor gave me such a piece of advice: "well sir, you could lose some weight", and I said "well madam, you could be a little prettier, but the fact that I'd want you to be prettier won't change anything".*

*I don't have to explain myself to a doctor that I just look like this, that since childhood I was bigger, or smaller, it's none of her concern. This has nothing to do with my pharyngitis. I am not fat enough to make my pharynx fail. And it's not a health issue. Being overweight, as long as it's not pathological, is not a health issue. If someone feels good in their body, their weight can be 100 kg and they can still be sexy. Another example; I had arthritis in the lower spine, I went to see a doctor and told him that I sat in a store and felt pain, but nothing got dislocated. And the doctor said: "It's because you're fat, sir". I responded that if I was fat, I mean I am, but if it had something to do with my weight, than most probably I would experience that pain since I was seven, but this was not the case. He recommended some over-the-counter ointment and hot baths. I declined and asked him whether he thinks that I came to him with this problem after a day or two, because it lasted already a week. He has sent me to a rheumatologist, who diagnosed me with arthritis and prescribed some non-steroidal drugs and I got better. I had to see a specialist, who did not judge me by the way I look.*

## **Oskar**

*I have never faced any trouble, many people show me a lot of understanding, often even interest and curiosity. I think that for many people in this country, irrespective of their profession, this topic causes empathy, and this is why I have never experienced any discrimination. The only thing that causes my concerns, is how often people allow themselves to ask me about SRS (Sex Reassignment Surgery). This is not a problem related to medical education, people generally don't realise that this question might be inappropriate. Despite the fact that I, personally, am never embarrassed by this, many people might find this question invasive and uncomfortable.*

Costs of healthcare vary depending on the particular respondent, for the reason that they depend on the applied dosage, frequency of medical appointments and examinations.

- Anna: medication approx. PLN 400 per month, one appointment every three months (PLN 180) and examination (PLN 100). Annually approx. PLN 6,000.
- Karina: hormone treatment approx. PLN 60–80 per month. Annually approx. PLN 1,000.



- Marcel: hormone treatment approx. PLN 10 per month, one appointment with a gynaecologist every half a year approx. PLN 100–200 Annually approx. PLN 300.
- Oskar: hormone treatment approx. PLN 40 every three months, meeting with attending physician every 4–5 months PLN 100. Annually approx. 300.

Information on recommended dosage leave much to be desired. The interviews show that there had been situations when, without any additional tests of e.g. hormone levels, the physician prescribed doses far greater than the norm.

### **Marcel**

*My doctor, when prescribing me my hormones, told me to take them every two weeks. However, I had no hormone level tests and the doctor didn't know whether I have elevated levels of testosterone and should take my meds one a month instead. There is no control over that and the doctors prescribe meds as they please. A friend of mine, is educated on the topic, and thank goodness, because if he wasn't, he'd probably die because of these meds. The doctor told him to take them every three days, and we're talking about hormone injections, the optimal dosage of which is once in every two weeks, if someone wants to undergo rapid masculinisation.*

The quality of health services funded by the National Health Fund is often criticised. The respondents express doubts about the level of tests and examinations, mention inadequate substantive knowledge of medical professionals, lack of skills in interpersonal communication and the necessity to wait in queues for appointments with specialists. This leads to a situation when many people do not exercise their right for healthcare provided by the National Health Fund, even though they pay the contributions to the system.

### **Anna**

*I don't use the National Health Fund. It's because I needed a good specialist, somewhere near the place I live. I don't want to drive to the other side of the city. It really makes me regret that these contributions are paid.*

*I imagine that a doctor from NFZ would be selected randomly and wouldn't provide me with proper healthcare. I have a feeling that it would be done with minimum effort. I contacted a physician from NFZ, but I don't trust the system. I have the feeling that I am given good care when I pay. I was very nervous when I had a fever, I was feeling ill and I couldn't get to a GP. I decided to pay PLN 100 for an appointment and during a 30 minute examination the doctor*

*told me that I have hypertension. That's real care, not something like "cough, please" and antibiotics for a simple sore throat.*

**Marcel**

*I only ever use private health service, I can't imagine facing physicians from NFZ, not only because of the approach towards trans persons. Also, when I hear my girlfriends tell me what might happen during state-funded gynaecologist appointments, I don't regret paying PLN 150 for an appointment; I'd rather be a happy person, with a doctor who knows me, with whom I can talk, and who is also more eager to learn than a doctor who works for NFZ, because she gets paid more.*

Fewer complains on contacts with pharmacists have been observed during the research, however this does not mean that they do not occur.

**Anna**

*I am treated well. I got friends with the ladies from my pharmacy.*

**Marcel**

*My gynaecologist has prescribed me some ointment for half a year, so I went to a pharmacy to buy it. There I had a squabble with the pharmacist, because she insisted that this is not for me. I told her that it is. It's for you, sir? But why? And I told her it's none of her business, she knows what this ointment is for, because it's rather popular. You know what the ointment is for, I don't have to explain anything to you. Then she said she has to know what I need it for. And then I responded: No, you don't. I will not eat this, this is not something to eat, what do you think I have to do with this? It's not a narcotic drug. I will not rub it on my gums.*

*That's the kind of conversation I had with a pharmacist, this was unpleasant for me. And there are moments when I get tired with that sort of activism. A pharmacist, who has a master's degree, should at least learn during her education, that when a guy comes and wants to buy something for vaginal problems, it doesn't mean that it's not for him. And it doesn't mean that she has the right to ask him why.*

When asked about matters concerning surgeries which follow gender recognition, the respondents directly answer that they either are not planning such operations, due to their



unpleasant experiences with previous surgeries, or due to financial problems which cause a delay in their plans.

### **Anna**

*I didn't undergo a full surgical change and I am not sure whether I would want to do it. It's because I don't like being dependant on someone, and this is huge pain, I had bad experience during my first surgery and I know I can't just lie there, I just can't. I have to be independent, to be able to make my own sandwiches when I'm hungry, while back then I was left at home alone and just had to lay there hungry for three nights. Besides, I wouldn't trust a Polish doctor on this.*

### **Oskar**

*I am planning my third surgery, full metoidioplasty surgery. The main problem is the financial matter, because the surgery is very expensive. I started to save money for that, but I find it hard to imagine when I'll save such a huge amount, especially because next year I am starting very time-consuming university education, which is why during the next few years I will not be able to start a stable job. I admit, that the awareness that I could spend these savings on travels and my interests will be spent on a goal which is not a concern for most of people is very frustrating and makes me feel alienated, especially amongst my peers, who usually don't worry about financial matters, except when they are saving for vacation, for a car or an apartment.*

## **Social Functioning**

Social ostracising experienced by transgender persons, identified and more broadly described in the following chapter, affects their mental well-being, and as a result, their physical well-being as well.

Usually we are empathetic and we try to avoid hurting others, except for the situations in which we feel threatened for a variety of reasons. Such a reason may be e.g. a difference, real or supposed, caused by gender recognition. Not without a reason one might expect that the respondents will identify many areas of exclusion. However, this did not happen, although some signs of verbal and psychological aggression have been signalled. The respondents' groups of acquaintances before and after gender recognition remained almost the same, or sometimes even grew.

### **Oskar**

*My group of friends is not the same as before my sex change, it's much bigger! I didn't lose any of my friends during my therapy, but I met many new ones, I found support among many people, whom I wouldn't expect to support me, and I learned that we can never know for sure who and how will react to transsexuality.*

### **Marcel**

*My group of friends is not the same, because I changed my place of residence. In high school I did not become friends with that many people from my class, I met many valuable people during university education.*

### **Anna**

*There are people who I stopped seeing for various reason, because someone had a child, or because I will come up with something. But I never associated it with my situation. That's just how life goes.*

*The people who know accepted it, they supported and still support me if I need it. And they know, because I told them myself. Once I wanted something myself, so I had to explain, because someone didn't know. Somehow I never hide it, but also never talked about it daily.*

*It's even hard to believe, that the reaction of my school environment, working environment and my neighbours was so peaceful and accepting, full of all types of support.*

Here one might ask whether the respondents do not have a tendency to conceal or stay silent about behaviours characteristic for environments in which they function. One might even wonder: how strong the psychological repression in these cases? One of the respondents only after a longer conversation admitted: *Initially, the environment in which I live pointed fingers at me, they laughed at me, but that is something every person has to go through, well, there is no other way. The reaction for such behaviour was anger well, but what... It's over and people got used to it.*

### **Oskar**

*The reactions were very varied. Some laughed, some gave words of encouragement, some even congratulated. There will always be some hostile people, but there will also be people who surprise us with their understanding. Once day, a lady from the school cafeteria, so someone who is a complete stranger to me, shocked me by saying that she admires me and is very happy*

*for me, because she can see that I finally can be myself and I am no longer walking around depressed. She asked me what name will I pick and told me, that she one knew “a person like me”.*

*I never experienced any open discrimination in the school environment, I also wasn't disappointed by neither of the persons who are important to me.*

*I was in my second grade of high school when I started hormone therapy, I informed my tutor and close friends about it, I was a very distanced, antisocial person back then. Going to school where I was called with female suffixes and my old name every day was a source of constant stress. When I was finishing school, actually everyone knew about me, even the persons I didn't really recall. The teachers, even if they weren't officially informed, they expected something and referred to me in neutral forms. Nearly all my friends used my new name, as well as our tutor during lessons. All this, combined with positive effects of therapy made me go to school with pleasure and I was more active during classes than ever.*

It appears that the respondents in fact did face some forms of violence, defined as influence on thoughts, behaviours, and both mental and physical well-being.

### **Anna**

*Somewhere, at the beginning, when the hormones started working, I had a chance to hear “is it a dude or a girl?”. That kind of verbal violence happened, but maybe about three times.*

Considering the whole experience of transgender persons, it seems reasonable to tackle the issue of sense of security. The respondents declare that their transgender status, despite various controversies, does not cause them to feel unsafe.

### **Anna**

*I always feel safe. I am 1.8 meter tall, I don't look weak. I think that self-confidence gives me a lot.*

### **Oskar**

*I don't think I feel more concerned about my safety than an average, not-transsexual person.*

# Family

Abraham Maslow's model defining the hierarchy of human needs attempts to explain the determinants standing behind human behaviour. The model shows that actions taken by a person to satisfy their higher-order needs have their source in satisfactory fulfilment of lower-order needs. When referring to this algorithm, one might conclude that after a person's physiological needs (expressed e.g. by gender reassignment) and needs of safety will be satisfied, the respondent will express a strong desire to start a family, which would fulfil the needs of belonging, love and bonds. In this respect, the respondents have not expressed unanimity.

## Marcel

*Yes, I want to start a family. If these was such a possibility, I would like a legal and formal family. I want to have a child too, one mine for sure and two adopted. Thankfully, Poland is in fact one of the few countries in the European Union where it is not required to undergo sterilisation if you are transgender, so if someone wants to, they can stop taking hormones which regulate fertility, and e.g. a man can become pregnant, a woman can conceive a baby, nobody just talks about it out loud in order not to spread panic not only amongst the authorities.*

*I picture my family as three kids, three dogs and a house in the countryside.*

## Anna

*I don't want to start a family. I have a theory, that when I was 18 and met a boy, my first, my second, we dated, we fell in love; if I got married back then, now I would probably be a humble wife, I also had a different view on femininity back then. A woman cooks, cleans, doesn't work, just lies down, smells nice and cleans again.*

*Somewhere, during these processes, I started to find my self-worth. I like my life. Well, that doesn't mean I avoid men, sometimes I get into affairs and I don't presuppose that it will not last longer than two weeks and I'll say goodbye. On the other hand, I do not presuppose that we will be together till the end.*

*I would even find it hard to get used to a different life: ohh... Why is someone sneaking around my house? Why does he do this or that? Why can't I watch my favorite movie now and alone?*

*I wouldn't want to be a mother. I really wouldn't, because I think it's such... It even annoys me, really, and makes me feel awkward when e.g. my friend's kids tell me: "and now you will be my mum". I guess I don't have maternal instincts. It's a stereotype that you need to have kids.*

*I often isolate myself, I work with a big number of people and I simply have to be alone, sometimes the whole weekend I stay at home and just don't do anything, I talk with no one, I don't pick up the phone.*

### **Karina**

*I want to live alone. I don't want kids either, also because my health won't let me.*

### **Oskar**

*I might have a family and adopt children in the future. I find it hard to imagine having "my own" (I'm adding a quotation mark because I would call adopted children "my own", just like biological children), even if it would be possible for me to become a biological father. Since I can remember, I have clearly defined views on reproduction. I fully support giving a home to children who are already on this planet, and either don't have any care or are being raised in an improper environment.*

Characteristic personality traits, both mental and physical characteristics, environment and social correlations all form the respondents' subjective feeling of happiness. This perception is a crucial element of mental and physical well-being. The quality of our functioning in the modern world can greatly depend on how happy we might feel. Therefore it is positive, that the respondents often highlight their multi-level feeling of happiness.

### **Marcel**

*I am happy when it comes to life, relationships, friends, with how I live and with what I do. If I feel strongly depressed, it's because the economic system overwhelms me and the politics overwhelm me. Sometimes I wake up with a depressing thought that it's yet another day under this government.*

### **Anna**

*I am very happy. What would I change? Hmm... What will life bring and what I will be able to change, and what I will want to change.*

*Maybe tomorrow I will find my Prince Charming and I will abandon my dreams of independence. And maybe we will meet in thirty years, and I will be a spinster, a happy spinster, or maybe life will bring something completely different...*

*I am just happy right here, right now. I think about the future, about buying a flat, I'm making plans, I am happy now because I'm planning all this, I will be happy, because it will all happen, actually I am happy, because it's already happening.*

*You have to experience happiness right now.*

In order to summarize the considerations undertaken in this chapter, the following statement has been quoted due to its convincing perspicacity, prudence and courage.

### **Oskar**

*I feel that I will find much greater harmony with my own body, when I will have genital surgery behind me, yet I can already say that I am happy, and most importantly a great deal happier than before starting my therapy. I have a lot of optimism, determination, self-confidence and strength that not a long time ago I could only dream of. The more people around me are aware of my transsexuality, the more I become open in my conversations with others, even about transsexuality, and the happier and more peaceful I feel.*

*I mention that because I feel that the majority of people in Poland with a similar story to mine have a desire to forget their past, and never reveal that part of their life to newly met people if it's not necessary. I respect their decision, but I have a strong need for a dialogue about this, I want to increase awareness in the society regarding gender. Besides, I often think that the decision to conceal one's transsexual past and the fear of "being discovered" is often responsible for this rooted perception of transsexuality as a shameful secret, as a taboo.*

Due to the complimentarily and depth of Paulina's statement it has been decided to quote her interview in full.

### **Paulina**

*I don't perceive myself as a transsexual or transgender person, but rather as someone in between. I went through several phases, I knew I had some kind of problem with my gender which was difficult for me to define. I was five back then. I knew nothing about transsexuality, because it was in the early nineties, and I was too young to reach any materials about it. I knew*

*who I was physically, I was aware that in some respect I am different from other boys, I also knew there were men who dressed up as women, and I knew that it was either something negative, or that such people appear in jokes. And well, I knew that I didn't want to be that kind of person, so I tried to be a normal boy. I didn't have a strong desire to behave different than boys, to some extent it suited me. E.g. to this day I don't perceive myself as someone feminine, on the contrary.*

*Since the fourth grade of primary school I started to know more about transsexuality. I started to identify myself as a transvestite. Generally the thought that someone can do something like that seemed hard to imagine. Especially that, for me, at that point of my life, dressing up became a fetish. I thought that it will be only some kind of dress-up caused by sexual desires and that I will never change my sex.*

*When I got older, I started to realize that it was not just dress up; that my psychological problem reflected what I did and that it's caused by my sexual preferences, very atypical ones. Yet still I fooled myself that I can contain it, that it will be just dress up. In the sixth grade of primary school I came to conclusion that I will probably change my sex, however it will happen after college, when I move out from my parents (I lived in Silesia in Sosnowiec back then). At that time I slowly started to accept the thought that I am a woman, that I want to live as a woman.*

*In the third grade of middle school I finally had access to the Internet and I started to seek information about the whole issue. I read everything I could, I learned various concepts and that was when I concluded that I was transsexual and that I wanted to change my sex, because I already knew exactly how to do it.*

*I waited with telling that to my parents till I was 16. I wanted to tell them then, but my grandfather on my mother's side had cancer and I didn't want to burden them with another problem. First my sister found out, by accident. This fact caused that I decided to tell my parents, and it happened before I was 18.*

*I waited till my sister was supposed to visit our cousin for her winter holidays, my dad was supposed to drive her there. I prepared printed materials about transsexuality from [transseksualizm.pl](http://transseksualizm.pl) and on that day, when my father left, I came to my mother that morning and lied next to her, I wanted to tell her but I cried, I cried for about 40 minutes, till finally she said we should go to the kitchen. I cried for the next ten or more minutes, and finally I spilled it out, that I feel I was a woman. My mum is under psychiatric treatment (she had been in mental hospitals many times), and she doesn't work because of that. She takes maximum doses of various meds due to the nervous breakdown she experiences.*

*Thanks to these meds she took it very calmly, and after I told her, she took an extra dose, so there was no drama with her. I was petrified with the whole situation and I remember that I went to*



get these printed materials and gave them to her. She read that, I don't remember exactly what happened next, but I think that she asked if I wanted her to tell my dad. I said that I do. Because my father is rather a stern person and I didn't know how he'll react.

Though I could predict my mother's reaction, I mean I knew she would not reject me because of that, because I know it varies on the parents. But when it comes to my dad I had no clue how he'd react.

For the whole day I stayed home with my mom and from time to time she tried to tell me something which was supposed to show me that I am really a man and it should stay that way. She didn't really pressure me and I knew that she was under a strong effect of her meds. The evening came, I was in my room then, and my mother told my father about it in the corridor. He came to my room and started to ensure me that he accepts it, that I shouldn't worry.

I expected some level of anger, maybe not rejection, but rather anger and a stronger pressure to stay the person I am biologically. On that day I had another conversation with my dad about it.

My mum did not get into details, she just took it as it was. My dad tried to negotiate what I said, he tried to convince me that I was wrong, but eventually I did not give up. On the next day I had a conversation about the fact that they both wanted me to see the psychiatrist who was taking care of my mum. And I said yes, because I assumed that I will be able to convince this person that I am not mentally ill, and that I know what I want to do with my life.

A day or two later I want to see the psychiatrist, it was some young lady, I think she was about thirty. She asked me how I understand the concept of transsexuality. I told her, and she claimed that during that week she had several persons like that and it must be some plague now, and what was she supposed to tell my mother. She meant that she didn't want to work with it, that she knew that I have to see someone who specializes in that. My mother thought that I will see this psychiatrist lady, she will prescribe me some meds and the problem will be solved.

My parents needed about two, three days to accept the fact and they made an appointment for me with another specialist (which I wanted myself). I went there with my dad. She started the interview with questions about my childhood, she asked the standard questions, it took about 1.5 hour, and really we didn't even manage to go through my childhood. My experiences with medical professionals who make diagnoses and supposedly know what they're doing show that their questions are often failed.

Either way I had a confirmation that I really am transsexual and I was sent to a psychologist, who in Silesia is someone who's assessments aren't questioned by the court. This is crucial not to go to just any psychologist, but to see someone who's a court-appointed specialist.

I had two meetings with a sexologist, but it was in order to convince my dad that I'm seeing her and she keeps verifying me. During these two meetings we talked about what is happiness to me. I thought that on that stage it was completely unnecessary. If she wanted to talk to me



*about something, than she should talk to me about the problem with which I came to her, not about something completely different.*

*I waited about two or three months for psychological tests. In my opinion, these tests were written for a man who lives in the sixties or seventies. These really bizarre personality tests were sent by post to my home address.*

*In one of these tests I was supposed to finish some sentences and one of them started; "I, before the war...". These tests were made on some smoldering paper, like the oldest books I ever had in my hand, so I think that these tests were made and printed approximately fifty years before.*

*After filling these tests I had a psychologist appointment. Unfortunately, and fortunately, I paid for these appointments and this is why I waited so long. I think he was a professor who gives lectures on psychology at the University of Silesia, and from what I remember I think he was a gentleman who was 65 or 70 years old, and one of his problems was the fact that due to his age he had a specific view on women. A woman should wear stilettos, a pretty dress and generally be totally feminine. This, for him, was a woman, a woman from the days of his youth.*

*During the first appointment he didn't say anything interesting; in fact the conversation was about him talking, and I was generally petrified. I can't say I talked to him, because I actually listened and I didn't want to talk to him, especially after what I heard from him and what was the first impression.*

*His diagnosis took two years, and in his opinion it was the way it should be. Every appointment was about listening to exactly the same things, to what it is supposed to be like after the change, how I should look. The diagnosis was based on making tests, now even in his presence. These tests were divided into personality tests, and I had that one short test, supposedly about gender, and these questions were very stereotypical. And that's it, really. I supposedly talked to him, but his whole diagnosis was based on filling papers, and often there were questions to which I didn't know how to respond, because e.g. I was never in such a situation.*

*If, in a restaurant, a waiter gives me something different than what I ordered, do I scream on him?*

*I don't know.*

*By that age, to be frank, I've never been to a restaurant...*

*One of the things the psychologist asked me to do was to draw (in my house) myself as a man (a half) and the other half as myself as a woman, the way I would like to look, and to describe the differences which result from different appearance and clothing. I made something like that for him, I admit, I can't draw and my sister had to teach me.*

*I tried to make it as stereotypical as possible: for him. Of course I never mentioned the fact that I'm bisexual, which in case of most specialists would disqualify me as a transsexual, and*

secondly, it was a fetish for me, and still is. In a way the proportions switched, once it was a much bigger fetish for me, now it's smaller, however I didn't mention it at all. I tried to be exactly the way I knew the doctors expected a transsexual person to be, they wanted me to perfectly fit the definition. I tried to conceal all the things which would disturb my perfect image.

When it comes to the image, to giving the right answers, I mentioned the Blue Website, where they have a forum where there are mostly people who tried to do it as fast as possible and comply with the definition, they portray their lives as one great success, that they made it, that they never had any major problems, and it's just great after the change, there are no problems.

When I was reading that forum I tried to somehow pressure myself like that too, not only in order to present myself to doctors as a perfect transsexual woman, but also to other trans people, because I was afraid of rejection. I thought that other trans people were just like that, nearly perfect, because all these persons on the internet about which I read portrayed themselves just like that. It was six years ago and many things changed from that time in that matter. Once there was much fewer people who, even on the internet, would talk openly about how much they differ from these definitions, but yet still changed their sex, or are planning to do so. A few years ago this interview would be completely different. I wouldn't tell about all these things which do not comply with this definition, according to which I was diagnosed and managed to change my sex.

If I had been honest, I would still be a boy.

When it comes to the appointments, I took a personality test every time. Once I had this, supposedly, gender test. I had about five or six appointments, I don't remember exactly. There was such a period, it lasted about half a year, when the doctor either tried to test me, or to get rid of me. It was because he assumed that a person like me should have mental strength to manage to go through all this. He claimed I had depression back then, and he was right. In one of his tests, where neuroticism was one of the scales, I scored nearly maximum, and I agree, I am neurotic. I think that it's because he later told me directly that he challenged me like that on purpose and gave me all these tests, because he thought that I will not manage with all of this mentally, because he agreed that I am transsexual, in fact on the basis of this one test.

When it comes to that half a year long period, I had to call to get an appointment, and he always had some excuse, which usually didn't fit his previous ones. Sometimes he repeated exactly the same thing, and I kept calling him for half a year, knowing that again he will tell me something, and I felt that he will eventually just tell me directly that he doesn't want me to come see him. For half a year he forced me to undergo some horrible psychological tortures, because it was the only doctor I could see back then. I didn't have any money that would be my own, I depended on my parents completely. If I wouldn't manage to have this done with that doctor, I would

*have to wait a few years till I become independent and I would be able to do it myself somewhere else.*

*As I said before, sadly these weren't private doctor's appointments, because if they were, then any doctor I knew to specialize in this field and have their private practice, then such assessment could be attained in about a month after three appointments, sometimes even just one. He did it, let me put it that way, as a charity. He did it because of his own good will, he wanted to help others like this. He once told me that he diagnosed about 200 such people during his career. Maybe he wrote something about it, or he even published it. However on the other hand I don't know what would the value of such work would be, whatever he'd write. A doctor known as [...] published several books, but the content... Many trans people laugh at what is written there.*

*Eventually I managed to beg him for the assessment, yet he still did it with delay. I had to call him, it took about two or three months. Again I started calling every week or two, it was my begging and his excuses. Finally I got it. A few days after getting this assessment I went to see a psychiatrist, it was [...], I had one 30 minute long appointment with him. I paid for it, which is why I immediately got an assessment that stated that I was not mentally ill. And I brought these documents to my first sexologist lady. She told me which tests I should do. Practically, her whole knowledge was based on the Blue Website, so I perfectly knew what tests were ahead of me. It also varies depending on the doctor, some of them skip some tests from the list. Either way I think I had the longest list possible. I started going to hospitals, underwent examinations. When I had them all behind me, I was already moving out from my parents and started working in Wrocław, so in part I paid for it, in part my parents did, because they decided that they will help me with all this, since I have this paper from the great Mr. Psychologist and other doctors. Because probably at that point they already did understand that I will not give it up and I will continue it myself, especially because I grew more independent and their opinion did not matter that much anymore.*

*I had all these examinations, I got my meds. I started therapy, and it was 28 February 2007, my first day on meds.*

*After three months I filed my petition to court. I paid about PLN 400 or 300 for the case, I don't remember exactly. I know that the court-appointed specialist cost me PLN 650.*

*The first court hearing was in May or June, and my parents were present, and they had nothing against it. I don't remember exactly how did the case go, because I tend to mistake the first hearing with the second. The court appointed the specialist, that's for sure. The hearings were very formal. To be frank, the judge who heard my case did not ask me any questions then. I went to see the court-appointed specialist real soon, the result of the test was positive, well, PLN 650 is not a small sum.*

*His tests were equally stereotypical. He had this one test where there were some activities listed, and you had to determine which hand (or hands) you use for them. I asked him whether he claims that this determines gender, and he confirmed. To be frank, I think this test was the hardest I ever took, because I had no clue how to respond here. I wonder what happens if someone's just left-handed.*

*I had just one appointment with the court-appointed specialist. Back then I used to live in Wrocław, so I had to go to Warsaw only for the very appointment, but there was no problem with choosing a date. I managed to get everything done within a month, that is why my next hearings happened so soon.*

*The second hearing took place in August or September. During the hearing (in 2007), the judge asked my parents if they have something against it. She didn't keep asking them. She asked me two questions, whether I'm straight, and I lied of course, and about my childhood, whether I used to play with dolls. I didn't play with dolls, but I played with plushies with my sister, so it was a bit true, a bit untrue. I remember that at some point I was so overwhelmed with all of this that my voice started to shake, and she stopped asking. She was generally nice to me.*

*This judge had to call me "sir", because I functioned as a man during the case. After three months of hormones (small dose) I looked very authentic, and I already dressed as a woman during the first hearing, so I think that even then the whole situation, calling me "sir" must have looked quite funny. At the second hearing, which took place several months later, I looked much better, I looked pretty much like now. She still called me "sir", because she had to act formal. I don't think it was hard for me.*

*For me the whole case was a huge farce, which just had to happen. And that was actually my last contact with this whole absurd procedure.*

*The judge was generally very nice, she was aware herself that all this was redundant. She just followed some kind of standards. She did what she had to do.*

*I think that the first hearings took about 15 minutes, the second about 30, but most of the time was consumed by dictating what has been already said in the courtroom. I didn't feel good at either of these hearings. Every time I had to go to an office to change my documents, I had to use argumentation, I had to talk about who I am with complete strangers, back then it was a problem for me, this was the beginning of my transition.*

*I think that there shouldn't even be such a process. It would be perfect if, I know it sounds utopian, because I am aware of the possible abuse, if I could just go to a Registry Office and ask for gender recognition, and on this basis could change all my documents and never had to see any doctors.*

*I also think there should be no limitations if I want to have genital surgery, or have my breasts enlarged, no court decisions should be required, and it shouldn't be limited to any gender.*

*It would be less perfect if any psychologist (because I don't think that it should be a sexologist, because this is purely a psychological matter) would be able to give an assessment allowing sex change based only on his diagnosis. In fact, the very diagnosis should be reduced to what it is now when going to a psychiatrist, that they should confirm that the person is not schizophrenic and doesn't have mental illnesses. That's how it should look like. I feel I am a woman and there are no further questions. The medical professional can tell how the procedure looks like, what are the consequences, they should inform such persons about everything regarding the procedures. In fact it shouldn't be confirmed that this person is transsexual, but that the person is not mentally ill. Therefore, just for the Registry Office, I should get an assessment from a psychiatrist that says I am healthy, I declare myself that I am a woman.*

*I faced some difficulties when I wanted to change my name. I had to go to the Town Hall. You have to go there to ask for the change, you append some documents, you need to substantiate it. You wait no longer than three weeks. I think that someone tried to delay it as much as possible, because I waited longer than these three weeks. Eventually I had to call them and ask them to have it finally signed. Someone in the Town Hall, who is responsible for such matters in Sosnowiec, probably tried to make it as hard as possible, but eventually I managed to change what I wanted.*

*And later I had to change documents in other places, e.g. when I wanted to change the NIP number I had, the form I had to file in the Town Hall didn't have an option such as "sex change", so a lady who was responsible for that needed to ask somebody there to explain her how should she do it. And I am glad that their IT system allowed such change. I managed to get it done off-hand.*

*In the high school I graduated from they changed my diploma. They attached a new picture, and there was no information about any data change, they just issued it again. I also had no problems with my matriculation certificate. I didn't have any degree, I went to college for a year and then left it, so I didn't have to change that. And there was also my PESEL number, I had to wait for it for a month.*

*Right now my monthly costs of healthcare depend on whether I manage to get refunded meds or not. Due to changes regarding medicine refunding, medical professionals aren't eager to prescribe refunded medication. When it comes to hormones, that despite the fact that I am legally female, I still have problems with getting prescriptions, because I still can't find a doctor who'd want to prescribe me refunded hormones in the dose I want, and wouldn't try pretend to be a specialist in the field. Therefore I have two options; I either manage to get refunded meds, but when it comes to doctors' appointments, because this is, in a way, the cost of my medication, because currently I have private insurance, I bought it myself, in order not to use NFZ, because it's... Well, I don't want them to act like it's charity, and I don't want to wait for*



*impossible time, especially in Warsaw, where there are a lot of people who moved here, I don't want to wait in a gigantic queue, I don't want the physicians to act like they're doing me a favour, despite the fact that I still feel like they do, and I think it literally is better to go to a physician who has his own practice, give him the money, and the doctor is very nice.*

*If I used healthcare provided by NFZ I wouldn't have to pay, and when considering the dose of medication I need and its monthly cost, I think that it would cost me about PLN 50. Now besides the fact that I need to take hormones, I can also e.g. do it as an option, cause it depends on the phase of therapy you are in, I had my testes removed, which is why I don't have to take blockers, because I don't have much testosterone, but my body still reacts because it's male. I don't have any stable meds I keep taking, because still after six years I keep checking various options, due to the fact that I experienced different side effects and I want to achieve different effects. So there are different meds, different prices, I'm taking progesterone right now, which blocks dihydrotestosterone, I don't take it on a regular basis, but if I did, in a relatively small dose, it would be one pack which costs about PLN 10 with a refund, so it would be PLN 60 total. Besides that I have to take meds which improve the blood circulation in my legs, because I have problems with water retention due to the fact that I take my hormones, and it costs me approximately PLN 50 a month, so in total, optimistically speaking, I would pay PLN 110. And speaking less optimistically: PLN 150-200 would be the cost of an appointment with a physician in Warsaw, and also about twice as much for non-refunded drugs as for the refunded ones, and when taking the most expensive testosterone blocker on the market into account, which costs about PLN 150 for 30 pills, it also depends on your dosage, let's assume that one pill a day, than we have PLN 150, PLN 150 for the blocker, so it's PLN 300 plus hormones, which is PLN 400 plus blood circulation improvement, so it is approximately PLN 450 a month total.*

*I used to go to a gynaecologist who prescribed me my meds when I lived in Warsaw, and during these two years, because of these changes in refunding by NFZ she eventually didn't want to prescribe me refunded meds, and I thought that I will just go somewhere else. She never had any problems with prescribing me refunded meds nor with giving me the right dose, which is why I used to go to her.*

*Now usually, if I manage to get a prescription for a refunded med with the proper dosage, then it is usually a one-time appointment, something like "I will prescribe you whatever you want, just don't come here again", and it's usually men, because usually they are so scared of me and women aren't.*

*Also the treatment I get tends to vary, because often a physician goes "madam madam madam" until I say who I am, and later, suddenly, they go "sir sir sir". Sometimes it's "sir" later corrected to "ma'am", and it happens constantly. However, I went through a lot in this matter,*

*I've come so far and I improved my self-esteem a lot, I don't feel very emotional about it, so it doesn't really bother me. Yet I am aware that a person who doesn't have that all can end up crying if they meet a such a doctor.*

*I was never asked by a pharmacist e.g. for whom am I buying this, they never negotiated what's on the prescription. The usual problem is the occasional lacking stamp. I never noticed someone staring after seeing what's on the prescription. Buying hormones is just like buying any other meds.*

*I had my testes removed, but I don't want to undergo full surgical change. After transition, if you want to find someone, even for sex, not to mention relationships, depending on sexual preferences, you are much more attractive if you have that penis. If you change your genital sex, if you undergo genital surgery, that in a way you become approximately just as attractive as an average woman. That is why, at least from my point of view, when looking at this whole community, at all these relationships these people have and what could I achieve in that matter, I think that it is better for me to have what I have. All the more so as I have no problem with that, and to be frank, maybe I'd rather not want to get rid of this, maybe I definitely wouldn't. I'd rather keep it. There are some cons, e.g. about what I can wear, I can't wear tight shorts. Of course, if you don't have testes it's much better, because if you have them and want to tuck your penis it's... I remember when I even had the feeling that I'm sitting on my testicles, and it was horrible. That it is why it is better to remove them, cause then you don't have to take such amounts of blockers, so in a way you save money, and it's easier to tuck what's between your legs.*

*Before transition I actually had one, I wouldn't call him a friend, but rather a close acquaintance, and before my sex change I broke off with him. It actually wasn't because of that... I suppose he wouldn't accept me. But the fact that we completely broke off any relations wasn't related to that, and today I have completely different acquaintances in a completely different place.*

*I faced verbal and psychological violence at work, therefore I don't feel safe there, I keep walking on thin ice. When it comes to private life: it depends, because I look authentic and I don't have a problem with being scared that someone will attack me. Because they see who I am. However it is a matter of how a said person sees me.*

*I, myself, know girls that look better than I do. They really look like attractive women, but in their heads they still look like men.*

*If you'd ask a person like that if you feel safe walking down the street, they'd probably say "no", because she thinks that she still looks like a boy and something bad can happen to her because of that.*

*I also went through such a phase, because you have to get used to the image you got after transition.*

*When it comes to work, I had a lot of problems with recruitment. When I didn't have my documents changed yet, in the first job where I started as a male, and began to function as a woman, my superior wanted to fire me and told me that officially, so I started looking for a different job. And I had a few job interviews.*

*The first interview I had looked like this: the gentleman who interviewed me had no clue who was coming. He didn't have my CV in front of him, he only knew that somebody is coming for some position. And the interview went fantastic, and because it went fantastic, I eventually asked me if he knew who I was. He got surprised and said that no, but only one woman applied for this position, so he will surely find me. So I told him who I am. And he was very, very shocked, he was speechless for some time. And that was pretty much his whole reaction. Nothing negative, besides this shock. In the end he didn't call back, of course.*

*At another interview, after I came, I had to wait several minutes for somebody. What is more, at the very beginning I was told that they had been expecting a man, but a lady had come instead, so I needed to explain who I am to the secretary. I was interviewed by two gentlemen, who immediately asked me how were they supposed to refer to me. And, in fact, the interview was made just for the sake of it, but they weren't really interested, and didn't want to be so rude to directly tell me to leave.*

*Another job interview was in an employment agency. There I met a very nice man, and he treated me like he'd a woman, he perfectly knew who I was, and he was even surprised with how good I look. Generally it was very positive.*

*He later directed me to the source company which was looking for an employee, and I had an interview with a man who came from the Netherlands, and was the boss of this company's subsidiary in Poland. He said he didn't have any problems with that, he assured me that if he will hire me, than nobody will find out until I change my papers, and later nobody will just not talk about it etc. He didn't call back however, despite the fact that I think the interview went very good.*

*After that I decided to stop looking until I get my changed documents. I moved back to my parents and later moved to Warsaw, where I officially started hunting jobs as a woman. My previous employer, thanks to the fact that, let's say, we parted our ways with no conflicts, changed my job certificate, despite the fact that he wasn't legally obliged to do that, yet I convinced him that he was. Back then I looked and dressed totally feminine, I wore make-up and had two interviews.*

*After one of them I managed to find a job, and later, when I changed it, I never faced any discrimination because of who I was, because nobody knew about me...*



*Maybe, some day, I will change sex the other way? Then I will have years as a woman and I'll be discriminated as a trans man. Who knows?*

*I don't want to start a family. I don't feel a need to have children and I never did. I can't see myself in a relationship with a woman. I like women, but I wouldn't want to be and I never was in a relationship with one. So what is left for me is to be with a man, therefore adoption or finding a man who already has kids. In my case, adoption can be very difficult or even impossible. Theoretically, there are some people who have adopted children, but it's very easy to verify me, all you need to do is to ask for a full copy of my birth certificate, and there you can find everything. As I already said, I'm not very interested in having kids, I don't want to have kids. Besides, considering the fact that I am rather a weird person, not very psychologically stable, I wouldn't want the person's I'd love to deal with me. To deal with everything that can happen with me. Considering how many negative things I experienced, and how many more can happen because of who I am, I wouldn't want to share it with my children. And finding a guy who would not just treat me as a sex object, who would not lie that he feels something about me, it's hard to find someone like that, I even think that it's nearly impossible in this country.*

*When I see the relationships of people like me, how these relationships really look like, how long they last, I often see it as just being with someone out of pure desperation, just to be with someone, not to be alone. Or maybe they're just naïve.*

*Personally, I never met a person, who'd be with someone and their relationship would have any kind of future from my perspective. I can also say that about the relationships FTMs have, they can also be different. I think that they have greater chance to find a girlfriend, assuming that they're straight. Even though I look okay and I could try, I don't date ordinary guy who don't know about me. Maybe it's pointless, but I only stay on dating sites like zbiornik.pl where I can find someone, and it's only for sex, I say it directly that I don't want a relationship, and everything's clear. Someone knows who I am, I don't have to explain anything, nobody ends up shocked. I wouldn't like to play any games, I wouldn't like to explain who I am. I could try, but I'm not interested in collecting more negative experiences of being rejected.*

*I am not happy. Maybe mostly because I went through so many things that others haven't. That was my decision. Considering all my experiences, in retrospect, the right decision would not have been to change sex, but to continue living as a man. Probably, or surely, I'd have to take anti-depressants, but living like this would have been much easier, much happier than the life I'm living right now.*

*The life after is not the life many people think it will be, that then they will be just normal people of the sex they identify with. In fact you still live somewhere in between, and if someone really wanted to be a person of different sex, they don't really achieve it, they only achieve being*

*in between, no matter how far they went in their transition. So let's say that something changes, a person changes their legal gender, looks like a woman, and even if her genitals are changed, the "normal" people most probably still perceive her as who she was, biologically. So for me, everything you achieve is a slightly bigger psychological comfort, but with far more negative feelings and impressions.*

*I don't know whether I am happy, I have no idea. Right now I can, theoretically, change my sex. I know that right now in Poland I'd have to undermine the assessment which was made by the expert who was appointed to my case, which would be really difficult. But I could, for example, start dressing like a man, I could take testosterone, I could easily achieve a man's appearance, cause I once was one. Perhaps I'd need a chest surgery, because from what I know, even now if I started taking testosterone, my breast would probably stay a little feminine, I'd have to remove them, like trans men do, I could also have implants instead of testes. I'd still have scars, but you could always try.*

*Generally I could look like a man, I could function as a man to a great extent. I also have a feeling that changing your sex the other way, I mean from female to male, is considered more acceptable than the other way around.*

*I once had a phase when I started to think hard whether I did the right thing... Or whether shouldn't I come back to that, or should I walk deeper into this mess, because that's how I perceive it. To say the truth, I asked myself that on the day I was supposed to take my first hormone pill.*

*Today I don't know if I am able to change my sex again, because I wouldn't just handle it all mentally. And in fact I still don't know, whether after this change, even if I could turn back time, had all these experiences of six years as a woman, I still don't know if I would get used to it all and handle it all if I became a man again. I have no clue. And I will never check...*