



WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH

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World Professional Association for Transgender Health (WPATH) Board of Directors and Ethics Committee Statement Opposing Legislation that Endangers Health

The members of the WPATH Ethics Committee applaud the June 15, 2020 ruling issued from the United States Supreme Court that rejects discrimination based on gender identity or sexual orientation in the workplace. The rationale for this ruling put forth by the majority articulates plainly that a person's gender identity and sexual orientation cannot be parsed from personhood.

We strongly condemn the current **United States Department of Health and Human Services (HHS)** new rule that eliminates protections from discrimination based on gender identity and sexual orientation in the healthcare setting afforded by Section 1557 of the 2010 Affordable Care Act (ACA).

Section 1557 is a civil rights provision in the ACA that prohibits discrimination by covered health programs and activities on the basis of race, color, national origin, sex, age, and disability. The current U.S. Administration's pointed attempt to narrow the definition of sex discrimination to exclude discrimination based on a person's gender identity signals that the HHS Office for Civil Rights will not enforce the ACA to protect transgender people. The elimination of protections from discrimination in healthcare for a vulnerable population is a clear violation of ethical tenets in the medical profession and civil and human rights laws. This HHS rule also eliminates from healthcare the very same civil rights protections recently affirmed by the U.S. Supreme Court in the workplace.

Like this HHS rule, efforts to deny recognition for transgender people are occurring in other countries as well. **The State Duma of Russia** is now considering three bills aimed at preventing transgender people from obtaining consistent documentation of legal gender recognition and preventing them from marrying or adopting children, as well as explicitly forbidding same sex marriage (see <https://meduza.io/en/cards/russia-has-a-new-draft-law-with-major-consequences-for-transgender-people>).

The Hungarian Parliament recently passed a regressive law defining gender as fixed at birth and dictated by genital structure and chromosomes, which is a belief not supported by science. The law also forbids any change of birth documentation, which denies trans people accurate identification in the healthcare setting and in society at large.

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(see <https://www.nytimes.com/2020/05/28/world/europe/hungary-transgender-law.html>).

In Brazil, pronouncements by President Jair Bolsonaro that invalidate transgender identity and LGBTQ rights and have encouraged parliamentary debate of the already passed Brazilian Federal Council of Medicine's Resolution (CFM-2.265/19), which supports transgender healthcare services for transgender youth ages 16-18. Reversal of this resolution would create extreme suffering for many trans youth. Brazil already has the largest annual murder toll of trans people worldwide. These legislative efforts are clear violations of human rights principles and existing laws, constitutions, and medical guidelines. Further information on global human rights conditions for LGBTQ people can be found at <https://www.hrw.org/topic/lgbt-rights#> and <https://www.amnesty.org/en/what-we-do/discrimination/lgbt-rights/>

Just as the global COVID-19 pandemic of 2020 has shown us that our health and wellbeing are intertwined locally, nationally, and globally, so too do the negative healthcare and social impacts of gender- and sexual orientation-based discrimination ultimately affect all of humanity.

The WPATH Board of Directors and the Ethics Committee firmly protests the new U.S. HHS rule which, by pointedly denying civil rights protections to LGBTQ people, openly permits hostile health care providers, institutions, and insurance companies to discriminate on the basis of sexual orientation or gender identity. We also oppose oppressive legislative efforts anywhere in the world. We urge healthcare providers, administrators, government officials, and concerned individuals everywhere to protest the measures highlighted here and *all* discrimination that promotes inequitable treatment and exacerbates health disparities wherever they exist.

Approved August 3, 2020

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