

Position Statement on Discrimination Against Transgender and Gender Variant Individuals

Approved by the Board of Trustees, July 2012

Approved by the Assembly, May 2012

"Policy documents are approved by the APA Assembly and Board of Trustees...These are...position statements that define APA official policy on specific subjects..." – *APA Operations Manual*.

Issue: Being transgender gender or variant implies no impairment in judgment, stability, reliability, or general social or vocational capabilities; however, these individuals often experience discrimination due to a lack of civil rights protections for their gender identity or expression. As a result, transgender and gender variant persons face challenges in their marriage, adoption and parenting rights, are regularly discharged from uniformed services or are rejected from enlisting due to their gender identity, and have difficulty revising government identity documents. Incarcerated transgender and gender variant persons suffer risks to their personal safety and lack of access to comprehensive healthcare. Further, transgender and gender variant individuals may be inappropriately assigned space in gender-segregated facilities such as inpatient psychiatric units and residential treatment programs. Transgender and gender variant people are frequently harassed and discriminated against when seeking housing or applying to jobs or schools and are often victims of violent hate crimes.

The APA declares in its vision statement that it is, "the voice and conscience of modern psychiatry." Thus, this position statement is relevant to the APA because discrimination and lack of equal civil rights is damaging to the mental health of transgender and gender variant individuals. In addition, APA's values include "advocacy for patients." Speaking out firmly and professionally against discrimination and lack of equal civil rights is a critical advocacy role that the APA is uniquely positioned to take.

APA Position:

Therefore, the American Psychiatric Association:

1. **Supports laws that protect the civil rights of transgender and gender variant individuals**
2. **Urges the repeal of laws and policies that discriminate against transgender and gender variant individuals.**
3. **Opposes all public and private discrimination against transgender and gender variant individuals in such areas as health care, employment, housing, public accommodation, education, and licensing.**
4. **Declares that no burden of proof of such judgment, capacity, or reliability shall be placed upon these individuals greater than that imposed on any other persons.**

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Background to the Position Statement

In 1973, the American Psychiatric Association removed the diagnosis of homosexuality from the DSM-II (1, 2) and issued a position statement of support of gay and lesbian civil rights (3). In subsequent years, APA continued to expand its public positions regarding gay and lesbian civil rights. In 1990, APA issued a statement opposing “exclusion and dismissal from the armed services on the basis of sexual orientation” (4). In 1992, APA called on “all international health organizations, psychiatric organizations, and individual psychiatrists in other countries to urge the repeal in their own countries of legislation that penalizes homosexual acts by consenting adults in private” (5).

In 2000, following Vermont’s passage of civil union laws, APA endorsed “the legal recognition of same-sex unions and their associated legal rights, benefits and responsibilities” (6). In 2002, APA approved a position statement supporting “initiatives which allow same-sex couples to adopt and co-parent children and supports all the associated legal rights, benefits, and responsibilities which arise from such initiatives” (7).

In 2005, after Massachusetts’ 2004 legalization of marriage equality, APA issued a statement supporting “the legal recognition of same-sex civil marriage with all rights, benefits and responsibilities conferred by civil marriage, and opposes restrictions to those same rights, benefits, and responsibilities” (8).

In contrast to its strong affirmation of lesbian and gay civil rights since the 1973 decision to remove homosexuality from the DSM, APA has not issued position statements in support of transgender civil rights. The APA Committee on Gay, Lesbian, and Bisexual Issues often functioned as the default clearinghouse for queries to the APA about trans issues.

Gender variant and transgender individuals must cope with multiple unique challenges. They face significant discrimination, prejudice and hatred and the potential for victimization from violent hate crimes (9). In the workplace, bias may impact transgender people as part of the application process or during their employment precipitated by the individual coming out as transgender (either on their own or by being “outed” by others), or transitioning while an employee. These individuals also need to navigate numerous expensive and complex legal issues such as changing their identity documents including, in part, their social security, driver’s license, and passport (10). They often experience discrimination when accessing non-gender transition-related health care and are denied numerous basic civil rights and protections (11). Gender variant and transgender people have no federal protection against discrimination on the basis of their gender identity or expression in public accommodations, housing, credit, education, or federally-funded programs.

The mental health of gender variant and transgender people is hypothesized to be adversely impacted by discrimination and stigma. For example, gender-based discrimination and victimization were found to be independently associated with attempted suicide in a population of transgender individuals, 32% of whom had histories of trying to kill themselves (12). And, in the largest survey to date of gender variant and transgender people with an N of 6,450, 41% reported attempting suicide (13).

Other organizations, including the American Medical Association and the American Psychological Association, have endorsed strong policy statements deploring the discrimination experienced by gender variant and transgender individuals and calling for laws to protect their civil rights (14, 15).

References

1. Bayer, R. (1981). *Homosexuality and American psychiatry: The politics of diagnosis*. New York: Basic Books.
2. Drescher, J., & Merlino, J. P. (Eds.). (2007). *American psychiatry and homosexuality: An oral history*. New York: Harrington Park Press.
3. American Psychiatric Association: Position statement on homosexuality and civil rights, December 1973 (<http://www.psychiatry.org/advocacy--newsroom/position-statements>)
4. American Psychiatric Association: Position statement on homosexuality and the armed services, December 1990 (<http://www.psychiatry.org/advocacy--newsroom/position-statements>)
5. American Psychiatric Association: Position statement on homosexuality, December 1992; Reaffirmed July 2011 (<http://www.psychiatry.org/advocacy--newsroom/position-statements>)
6. American Psychiatric Association: Position Statement on Same Sex Unions, December 2004 (<http://www.psychiatry.org/advocacy--newsroom/position-statements>)
7. American Psychiatric Association: Position Statement on Adoption and Co-parenting of Children by Same-sex Couples, November (<http://www.psychiatry.org/advocacy--newsroom/position-statements>)
8. American Psychiatric Association: Position Statement on Support of Legal Recognition of Same-Sex Civil Marriage, July 2005 (<http://www.psychiatry.org/advocacy--newsroom/position-statements>)
9. National Gay and Lesbian Task Force. *Injustice at Every Turn: A report of the National Transgender Discrimination Survey*. Accessed on May 16, 2011, from: http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf
10. Transgender Law Center. *The State of Transgender California Report*. Accessed on May 16, 2011, from: http://www.transgenderlawcenter.org/pdf/StateTransCA_report_2009Print.pdf
11. National Transgender Discrimination Survey Report on health and health care, Accessed online May 16, 2011, from: http://www.thetaskforce.org/downloads/reports/reports/ntds_report_on_health.pdf
12. Clements-Nolle K, Marx R, Katz M (2006): Attempted Suicide Among Transgender Persons, *Journal of Homosexuality*, 51:3, 53-69 http://dx.doi.org/10.1300/J082v51n03_04
13. Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. http://endtransdiscrimination.org/PDFs/NTDS_Report.pdf
14. American Medical Association policies: Continued Support of Human Rights and Freedom, Nondiscrimination Policy, and Civil Rights Restoration. Accessed online May 16, 2011, from: <http://www.ama-assn.org/ama/pub/about-ama/our-people/member-groups-sections/glb-advisory-committee/ama-policy-regarding-sexual-orientation.page?>
15. American Psychological Association. *APA Policy Statement: Transgender, Gender Identity & Gender Expression Non-Discrimination*. Accessed online May 16, 2011, from: <http://www.apa.org/about/governance/council/policy/transgender.aspx>