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INTERDISCIPLINARY ASPECTS OF THE STATUS OF TRANSGENDER PEOPLE IN SOCIETY (BRATISLAVA, 22 SEPTEMBER 2022) / Olexij M. Meteňkanyč, Ľubomír Batka

Mgr. Olexij M. Meteňkanyč, PhD.
Department of Theory of Law
and Philosophy of Law
Comenius University Bratislava,
Faculty of Law
Šafárikovo nám. 6
810 00 Bratislava; Slovakia
olexij.metenkanyc@flaw.uniba.sk
ORCID: 0000-0002-5894-0906

prof. Mgr. Ľubomír Batka, Dr. theol.
Department of Theory of Law
and Philosophy of Law
Comenius University Bratislava,
Faculty of Law
Šafárikovo nám. 6
810 00 Bratislava; Slovakia
lubomir.batka@flaw.uniba.sk
ORCID: 0000-0002-4128-4260

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On 22 September 2022, the Comenius University Bratislava hosted an international scientific conference entitled "Interdisciplinary Aspects of the Status of Transgender People in Society" that was organised by the research team of the grant project VEGA 1/0350/21, which focuses on the ethical and legal aspects related to the informed consent of transgender minors. The project team, led by Professor Ľubomír Batka, is based at the Faculty of Law of the Comenius University Bratislava. The conference itself was held in the renovated premises of the Infocentre of Comenius University on Štúrova Street in Bratislava, which provided the organisers, participants and members of the public with a pleasant and comfortable venue for this scientific event. The primary aim of the conference was to organise a substantial discussion on the status

of transgender people in society with the potential to identify shortcomings in the current legislation (not only) of the Slovak Republic. For this purpose, a number of experts dealing with the issue from diverse scientific fields (not only law, but also psychiatry, psychology, sociology, philosophy or theology) were invited in order to truly present the complex and interdisciplinary position of transgender people in our society. Due to the larger number of participants, the conference was structured into five thematic blocks, as follows: block No. 1: Human Rights and Ethical Aspects; block No. 2: Experiences from Abroad; block No. 3: Life Experiences; block No. 4: Medical aspects; block No. 5: Miscellaneous.

The conference was opened with a short welcome by Dr. Karin Raková, deputy head of the project VEGA 1/0350/21, who at the same time briefly presented the ongoing project described above at the Faculty of Law of the Comenius University Bratislava. Professor Batka then presented the opening paper focusing on the phenomenon of transgenderism, autonomy and responsibility, emphasizing that the current concept of autonomy in ethical debate combines an element of liberalism (self-determination) as well as elements of the ethics of responsibility. He stressed that emphasizing the ethical principle of autonomy and giving way to paternalism in transgender health care does not mean sacrificing responsibility for health. Autonomy as a capacity constitutes the ethical basis for consent, which is an expression of the will to take responsibility for one's health. He also focused on adolescents, pointing out that in light of the emerging knowledge about adolescents' gender identity, an individualised approach to clinical care appears to be ethical. However, legislation that would allow an adolescent to transition solely on his or her own right of self-determination, regardless of the ICD-11 diagnosis of gender incongruence, cannot be ethically recommended from his perspective. However, he also stressed that it is right that there should be standard diagnostic and therapeutic procedures (SDTPs) for the health care of transgender people in Slovakia as well. Failure to adopt the SDTPs and to apply them in practice violates the principle of beneficence as well as the principle of equity in the provision of health care.

Following the opening presentation, the first thematic block was opened with a focus on the human rights and ethical aspects of the status of transgender people (not only) in Slovakia, moderated by Dr. Olexij M. Meteňkanyč and featuring a total of four presenters. The first speaker was Dr. Zuzana Magurová from the Institute of State and Law of the Slovak Academy of Sciences, on the topic "The human and legal spectrum of trans people's rights", where she touched upon a number of interesting issues, in particular, she presented the global and European/regional system of protection of human rights of trans people, compared it with the current Slovak legal order, as well as addressed the issue of appropriate legal terminology concerning the LGBTI+ community. The second paper in this block was presented by Dr. Lucia Plaváková, lawyer and human rights activist, and during her presentation she primarily focused on various legal aspects of the rights of transgender people in the case law of the European Court of Human Rights (ECtHR) and other courts in Europe (she focused on four legal issues: 1. the right to legal transition, 2. the conditions of transition, 3. parenthood, and 4. discrimination and hate speech) and comprehensively presented the conclusions reached by the ECtHR in its decision-making over time. In particular, she emphasised the conclusion of the ECtHR that the right to gender self-determination, or the freedom to define one's sexual identity, fell within the scope of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Mgr. Michaela Dénešová from the Faculty of Social and Economic Sciences of the Comenius University Bratislava was the third presenter, presenting partial results of her research, which she conducted in cooperation with the *Inakosť* initiative. The central idea that was evident across all the conclusions presented in the contribution was the unsystematic approach of the state towards transgender

people in Slovakia and the fundamental negative impacts that are associated with such an approach in practice. The final contribution in the introductory block was given by Mgr. Zuzana Pavlíčková, from the Slovak National Centre for Human Rights, on the topic "Attempts to restrict legal gender recognition in Slovakia". She focused on the limitations of the legal recognition of gender in the Slovak Republic, in particular on the absence of legal regulation allowing legal gender recognition in relation to personal data and identification documents, on forced sterilization of transgender persons and compulsory divorce of marriages of transgender persons contracted before transition as a condition for the legal gender recognition, and on the definition of gender as an immutable characteristic determined by a person's sex at birth. After the presentation of the opening four papers, a fruitful discussion was opened in which a number of conference participants took part.

The second block focused on selected contributions of foreign guests and their experiences in two countries in particular: Austria and the Czech Republic. For this reason, this session was held in English and moderated by Associate Professor Matej Horvat. The first presentation was given by Associate Professor Igor Grabovac from the Medical University of Vienna, focusing on various (mostly medical) aspects of the health and well-being of transgender people in Austria. The paper reflected on a number of issues, ranging from the appropriate terminology used when referring to the LGBTI+ community, to an analysis of the pathological elements occurring in the trans community, to presenting experiences of discrimination directed towards the LGBTI+ community within the healthcare system in Austria. Dr. Lovro Marković, also working at the Medical University of Vienna, followed him with his contribution, but with a closer focus on selected medical aspects of transgender transition in the case of our south-western neighbours. As part of his presentation, Dr. Marković described in more detail the forms of transition, the best practices in this area recommended by the World Professional Association for Transgender Health (WPATH), as well as addressed in more depth the Austrian context of health care provision for gender reassignment. The final presentation in this session was given by the tandem of co-authors, Dr. Maroš Matiaško and Dr. Sandra Sakolciová, who focused on the rights of transgender people in Slovakia and the Czech Republic and pointed out that increased protection can be achieved through litigation as a tool for enforcing rights, not only in the context of national judicial institutions, but also in the context of European ones. In this regard, the co-authors also presented a number of live cases that they were currently representing and described the desired results that they intend to achieve through the chosen tool of strategic litigation. Similarly, the last speech in the second block was followed by a rich discussion, which was mainly intertwined along two lines: the socio-medical status and transition of transgender people in Austria and the actual effectiveness and benefits of strategic litigation as a procedural tool in the courtrooms.

Following a short lunch, there was a third, special session, in which people with direct life experience of the position of transgender people in our society spoke. Specifically, more detailed information and autopsies were presented by mothers of transgender people, namely Dr. Pavlína Čierna, who addressed the current situation of transgender people in Slovakia and, from her perspective, pointed out the problematic consequences of the current Slovak legislation (also with the help of appropriate accompanying artistic materials); as well as by Mgr. Viera Hincová from the A-Centrum, who focused on the recent situation of transgender people in Slovakia in terms of the intersectionality of transgenderism and other handicaps. The course of this session, as well as the discussion that followed it, was moderated by Dr. Martin Hamřík.

The fourth panel was moderated by Professor Batka and focused on the medical aspects of the status of transgender people in society. The panel was opened by Dr. Barbora Vašečková from the Psychiatric Clinic of University Hospital Bratislava, who discussed the possibilities and limits of health care for transgender people in the context of Slovak legislation. In her contribution, Dr. Vašečková stressed that health care provided to transgender people in Slovakia has serious limits. The lack of binding medical practices in this area endangers health and, in her view, leads to secondary traumatisation of individuals and also jeopardises the fulfilment of the Slovak Republic's international commitments. At the same time, she pointed out that the paths to rectify the current situation are clearly prepared at the expert level, but that there is a lack of sufficient will and determination on the part of the current political representation. Subsequently, Dr. Michal Patarák from the F.D. Roosevelt University Hospital with Polyclinic in Banská Bystrica was the next presenter with the paper "Gender incongruence implies no psychopathology: contemporary psychiatry's view of gender incongruence". Dr. Patarák emphasised that gender incongruence is a marked and persistent discrepancy between an individual's experienced gender and his or her assigned sex, a condition that is not characterised by any psychopathology. It may be accompanied by dysphoria, anxiety or depression, but not because of itself, but because of conflict with society, which may lead to accentuated stress, internalised transnegativity or maladaptation. At the same time, he pointed out that in the 11th revision of the International Classification of Diseases, gender incongruence is classified as a condition related to sexual health, whereas previously, as transsexualism, it was included among mental and behavioural disorders. This change is not only fully justified from his point of view, but also has a significant destigmatising potential. The final contribution in this session was given by Dr. Lucia Berdisová, who presented a paper entitled "Medical, legal and human rights discourse on transgender people". Dr. Berdisová claimed that although medical discourse is usefully employed to maintain and improve a certain standard of human rights, such as women's reproductive rights, we need an immersion in human rights discourse. Human rights discourse was perceived as a discourse about human rights and needs vertically claimable from the public authority – the state, but also operating horizontally while being strongly open-ended. It is essentially a political discourse. By describing the characteristics of the discourses, also based on the Ministry of Health's expert guidance on gender reassignment, Dr. Berdisová argued that the medical and legal discourse on human rights cannot replace the human rights discourse. Interesting contributions, so it is not surprising that all three attracted considerable attention, which resulted in a wide-ranging discussion after they were delivered.

The final block was moderated by Dr. Raková and included four diverse presentations. The first was delivered by Associate Professor Michal Vašečka from the Bratislava Policy Institute, focusing on public attitudes towards transgender people in Slovakia on the background of low inclusiveness towards otherness in Slovak society. These attitudes were documented on the background of several sociological surveys conducted in Slovakia and abroad. At the same time, in his presentation, Associate Professor Vašečka pointed out, among other things, the structural causes of the rejection of LGBTI+ people in Slovak society, as well as the factors influencing the increased homophobia and transphobia among various groups of the population. Dr. Michaela Kušnieriková from the C.S. Lewis Bilingual High School followed with her presentation, focusing on the theological roots of the churches' attitudes toward transgender people. The aim of this contribution was to identify the theological foundations on which churches base their attitudes towards transgender people. Then Dr. Renáta Kišoňová presented her contribution on the importance of face, physicality and identity for

transgender people, pointing out the significance of self-identification through physicality, both for cisgender and transgender people. Dr. Kišoňová specifically addressed the issue of the face as a long-standing subject of research in philosophy, psychology, art and anthropology (including in relation to transgender persons). The final paper of the conference was delivered by Dr. Olexij M. Metenkanyč, who focused in his contribution on the recent decision-making activity of the highest Czech judicial authorities, which he critically analysed and at the same time presented arguments confirming from his point of view the thesis that by accepting and maintaining the validity and effectiveness of the first sentence of Section 29(1) of Civil Code (Act No. 89/2012 Coll.) by the highest Czech judicial authorities, the objectification of transgender people has been promoted.

As the final session featured a number of quite provocative statements and conclusions, a rather lively discussion was launched after the session was over. It was finally (after a considerable amount of time!) concluded with the final word of Professor Batka, who thanked all present for their participation, inspiring contributions, valuable insights and lively dialogue on many diverse aspects of the status of transgender people (not only) in the conditions of the Slovak Republic.

It can be stated that the programme of the conference was very rich and the content was of a high expert level. Considering that the problems related to the health care and well-being of transgender people can only be addressed comprehensively, the conference had to have an interdisciplinary character, which indeed the organizers of the conference managed to do, as it was attended by experts from the fields of law, psychiatry, philosophy, sociology, theology, as well as by mothers of transgender children. This fulfilled the intended goal of the conference, i.e. to find out which different factors influence how transgender people (not only) live in Slovakia. Indeed, the overall efforts of the conference organisers helped to create a pleasant academic and professional atmosphere, which also contributed to the development of personal relationships and contacts between members of the domestic and foreign legal (and broader) scientific community. At the same time, it has shown that interdisciplinarity can invaluablely enrich the legal world and offer a different – even critical – perspective on the law.

The importance of the international scientific conference is also underlined by the fact that in the near future, the collection of proceedings will be published, in which a large part of the contributions will be published, as well as other scientific articles and studies of the persons who chose to participate passively in the conference in question. We believe that this will result in scientifically valuable publications with highly recent content, which can become an important source of reference for the academic community, but also with their topicality can be of interest to students who will want to broaden their range of knowledge with the findings presented at this conference. This is confirmed by the fact that the collection of proceedings will be freely and online available to the wider public.

In conclusion, the conference met the demanding expectations set by the conference organisers. On behalf of the organizing team, we would like to sincerely and respectfully thank all participants for their high quality and erudite contributions. We believe that we will meet many of them again during the next conferences organised by the Faculty of Law of Comenius University Bratislava, which will again be thematically attractive and informatively enriching not only for the legal but also for the general scientific public.

