

## **DECISION T-918-12**

This action for protection was filed against the Health Promotion Agency ALIANSALUD E.P.S. by a woman who alleges a breach of her fundamental rights when she was denied the gender reassignment surgery which was ordered by the treating physician, as well as the other medical interventions needed for the process of sex change, such as facial and voice feminization, laser depilation and liposuction, arguing that there is not imminent risk to her life and health. In this action for protection it is pointed out that, after several psychological and psychiatric treatments, the Ethics Committee of the San Jose Hospital diagnosed her with the gender identity disorder called Harry Benjamin Syndrome. Based on this diagnostic, a Urology specialist of the Health Promotion Agency ordered medical procedures such as vaginoplasty, simple bilateral orchiectomy and total penectomy. The plaintiff argues that the surgical intervention needed, more than a sex reaffirmation surgery, it is a rebuilding of a sexual biological organ for a sexual neurological organ, due to the gender identity disorder that he is suffering. Additionally, in the action for protection it is requested the application of all the procedures required for the normalization of the process of feminization and changing registration of gender from MALE to FEMALE, without leaving in this document any record of the biological condition. The Constitutional Court rules on the right to sexual identity, its relationship with the right to health in the case of transgender people and the change of the marital status of persons on the grounds on gender reassignment. The Chamber rules that it is the duty of the Health Promotion Agency to which the plaintiff is registered, to apply the procedures needed for the gender reassignment surgery, since these are covered by the Compulsory Health Plan (POS).