

TEN YEARS ago April Ashley's divorce case created legal history. For the first time, a British judge was called on to decide an individual's sex.

The ruling made then still provides Britain's legal definition of sex. And it is this ruling which makes it illegal for transsexuals to marry and forms the cornerstone of which rest other problems involving equal pay, pension rights, sex discrimination, hospital care, imprisonment and personal privacy.

Mr Justice Ormrod ruled that an individual's sex was fixed at birth and could not be changed. "My conclusion is that the respondent is not a woman for the purpose of marriage but is a biological male and has been so since birth," he said. The marriage was annulled.

In the next few weeks April Ashley will be seeking to overthrow that judgment taking Britain to the European Commission of Human Rights.

Although she personally does not want to marry, she feels a responsibility to other transsexuals. "I think it is too sad that because of my divorce case, transsexuals cannot marry and, if they do, their marriages can be annulled," she told me.

Her equal rights battle is backed by the National Council for Civil Liberties. The NCCL's gay rights worker, Mr Barry Prothero, who is handling the case, explains the procedure.

The European Commission on Human Rights in Strasbourg is open to anybody who has exhausted all the legal remedies available in his or her own country.

The commission inquires into the case and attempts to bring about a friendly settlement. If conciliation fails, the commission formulates a legal opinion and takes the case before the Court of Human Rights. The court's decision is binding.

A Belgian female-to-male transsexual recently took Belgium before the commission. No finding was made because it was decided there were still domestic remedies open to him. But the commission did say that insufficient respect had been shown for the applicant's right to a private life — and this will have a bearing on April Ashley's case.

The Ashley case hinges on two basic human rights — the right to marry and the right to a private life.

The privacy issue is bound up with the

impossibility of changing a birth certificate. Any situation which requires a transsexual to show his or her birth certificate reveals the sex change. Changing the birth certificate is allowed in several countries — including 15 states in the United States, South Africa, Denmark and Norway.

The right to marry is precluded in this country because April's divorce case, *Corbett v Corbett* defined sex in purely biological terms. Social considerations were not admitted.

Transsexuals are allowed to marry in other countries including West Germany and Italy.

Since *Corbett v Corbett*, attitudes to marriage have changed and medical opinion is starting to change, too.

The medical consultant who formulated the criteria of sex used by Judge Ormrod, Dr C N Armstrong, told me from his home near Newcastle-upon-Tyne, "Informed opinion is now moving away from the idea that transsexualism has purely environmental causes, that it is a psychological illness. Recent investigations have tended to show there may be genetic factors." Sex at birth may not be such a straightforward criterion after all.

## JUDY HUGHES talks to April Ashley

GLAMOUR is a necessity of life for April Ashley. "Put me down in the middle of the jungle and I'd find some way of painting my eyes even if I had to burn a stick to make eyeshadow," she says with a flutter of long, carefully mascaraed lashes.

April would no more consider popping out to buy a loaf of bread without the full warpaint than I would countenance going to the office in my nightie.

Turning up earlier than expected at her house in Hay-on-Way — look for the gothic, slightly sinister redbrick, she had instructed — found April slightly out of breath from the exertion of sweeping up leaves in the garden. Nevertheless every hair of the blonde coiffure was in place and the lip gloss gleaming.

At 45, April has the elegant, confident good looks which attract attention. She has learned to live with the added dimension of curiosity, fascination, sometimes hostility, aroused by the fact that she was one of Britain's first sex-change pioneers.

Holidaying incognito — she can usually rely on three days freedom from recognition — helps to preserve her sanity, she says. She needs to know that her ability to charm and attract people is not dependent on the fact that 21 years ago, in Casablanca, a surgeon's knife changed her from George Jamieson, one-time merchant seaman, to April Ashley.

It is certainly easy enough to fall under the spell of April's down-to-earth good nature, warmth and wry sense of humour. Of a doctor who offered her a womb transplant, she draws deliciously. "I thought that was going a bit far for the 1950s."

### In limbo

She denies being a person of unusual courage or determination. Going through a sex change operation was not, for her, a matter of bravery. It was life or death.

"I gave myself until the age of 25," she explains. "Either I achieved a sex-change by then — or I killed myself. I couldn't have gone on living in limbo."

She attempted suicide as a teenager in the days before 1961 when it was still a criminal offence. She ended up in a mental ward where violent patients were tied to their beds. She was given the

choice of staying there or becoming a voluntary patient for a year. It was Hobson's choice.

Her treatment — to rid her of this wild notion that she was a woman trapped in a man's body — included electric shock therapy and massive doses of male hormones.

"It had no effect at all," she says. "It didn't produce facial hair or any other masculine traits. And it certainly didn't change my mind."

Later she went to live in France and became, inadvertently, part of the Existentialist movement. She dressed in black, "invented" unisex clothes and left people to decide for themselves what sex she was.

She was lucky with the doctor she eventually found to perform the sex change operation. April was his ninth case and she knew was, to some extent, a guinea pig. Dr Burou has since become internationally recognised as a leader in this field.

"I didn't need the breast implants that Julia Grant had in that recent television programme about sex change," April adds. "When I was 16, breasts grew spontaneously."

After the operation, April became a



top model, used by *Vogue* magazine and chosen to take part in several royal fashion shows. Her career came to an abrupt end when a "friend" sold her story to a Sunday newspaper. For £5, April adds. It also meant her film career withered in the bud. She had been picked for a role in *The Road to Hong Kong* with Bob Hope and Bing Crosby. But it never happened.

By this time she was moving in exalted circles. She married Arthur Corbett, now Lord Rowallan.

### Christmas

Seven years later their divorce became a cause celebre. Nine doctors gave evidence during the 16-day hearing and April had to sit there and listen to such things as a half-day discussion on Eskimos, certain Red Indian tribes and others who do not have facial hair. "I wanted to scream but I'm pure English," April remembers.

During the divorce she lost three stones in weight, going from nine stones to six.

"I really did just want to run away

from life," she says. "I felt beaten. I wanted to dig a hole and crawl into it. But then the things I dislike about myself — my stubbornness for instance — came to my rescue. I decided not only to survive but to make people know I'm still here."

Since the divorce in 1970, April has remained a celebrity. People from all over the world write to her, some send fan letters, others want her help and advice. She used to write back, sometimes she agreed to meet people. But she learned, to her cost, that it was better not to.

Her experiences have not qualified her as an agony aunt or a psychiatrist and, after all, she has her own life to lead.

So far it has been an eventful one and April is looking forward to a rest. She has nearly completed her autobiography and by Christmas she hopes it will be finished. Then she plans a holiday.

"Mine is a Cinderella story," she admits. "From rags in the back streets of Liverpool to riches — and back to rags

again," she adds merrily looking round the sitting room where her whippet, Flora, snuggles in an armchair.

"It is not a kiss-and-tell-all autobiography, nor is it a technical account of transsexualism," she explains. "I have had help with the writing. The publishers, Jonathan Cape, loved my story but hated my writing."

Film companies are already showing interest in *April Ashley's Odyssey* and April hankers after a latter-day Audrey Hepburn to play the lead.

### Lucrative

If the book and possibly a film become successful — and lucrative — April knows exactly what she will do with the money. She is going to buy a yacht and spend three years sailing round the world.

Yachting brochures already lie seductively on the sitting room table. April is optimistic. The woman says, "I want to show that trans-sexuals can be magnificent," is living up to her aim.

# Trans-sexual takes fight for equal rights to EEC

**APRIL ASHLEY, the former merchant seaman who had a sex-change operation 21 years ago, wants equal rights for trans-sexual people.**

Miss Ashley, one of the world's first sex-change cases, who now lives at Hayn-Wye, is taking the British government to the European

Commission for Human Rights. She and the National Council for Civil Liberties want British sex-change people to have the same rights as the rest of the population, as they do in some other European countries, including West Germany.

They are asking the Commission to declare that the British Government is acting wrongly in not officially recognising trans-sexuals in their new sex.

Specifically, they want the right to change birth certificates and to be allowed to marry.

Miss Ashley, who had her operation in Casablanca 21 years ago next April, reckons there are several thousand trans-sexuals in the United Kingdom who would benefit from the legislation she wants introduced.

She said, "The fact is that in this country the law has failed to keep up with medical science. It really is about time that something was done about it."

"We want this country to fall into line with other countries. I can't ever see myself getting married again, but this is something that has to be done for the sake of other people."

An NCCL spokesman said, "The British Government decided in the 1960s that a person's sex could not be officially changed. We are now asking the Commission to refer the whole thing to the European Court of Human Rights."

"We are hopeful that the British Government will bring this country into line with other countries like West Germany."



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