



TRANSGENDER

Gender identity refers to a person's experience of their own gender. Transgender people have a gender identity that is different from the sex that they were assigned at birth. A transgender or trans person may identify as a man, woman, transman, transwoman, as a non-binary person, and with other terms such as hijra, third gender, two-spirit, travesti, fa'afafine, genderqueer, transpinoy, muxe, waria and meti. Gender identity is different from sexual orientation. Trans people may have any sexual orientation, including heterosexual, homosexual, bisexual and asexual.

Many trans people wish to have their preferred name and gender legally recognized and reflected on official ID documents. Many also change their

physical appearance, including the way they dress, in order to affirm or express their gender identity. Some trans people – although not all – undertake gender-affirming surgery and/or hormone therapy. Trans people in all parts of the world are at heightened risk of violence, harassment and discrimination. Human rights violations range from bullying and verbal abuse, to denial of healthcare, education, work and housing, to criminalization, arbitrary arrest and detention, violence, assault, torture, rape and murder. Exposure to these and related abuses may be further exacerbated by other factors, such as age, ethnicity, occupation, socio-economic class and disability.

Transphobic murder, violence and torture

While lack of disaggregated records by national authorities makes it difficult to track the true extent of violence, reports suggest that thousands of trans people are killed or badly injured in hate-motivated attacks every year. The Trans Murder Monitoring project documented more than 2,000 murders in 66 countries between 2008 and 2016, equivalent to a killing every two days. The National Coalition of Anti-Violence Programs reported 16 murders of trans individuals in the United States in 2015 – of which 13 were trans women of colour. The United Nations has documented particularly brutal attacks against trans women, and against trans people in detention.

A survey by the European Union Fundamental Rights Agency found that a third of the trans people taking part reported attacks or threats of violence in the past five years, a majority of whom reported having experienced such incidents several times per year. The survey also found a clear link between negative attitudes, hate speech, violence and discrimination.

Criminalization

In many countries, trans people are arrested and targeted based on laws and regulations that criminalize so-called "cross-dressing" or "imitating members of the opposite sex". Many authorities refuse to recognise the gender identity of trans people and assume that they are gay or lesbian. As a result, trans people often face arrest and harassment in countries

that criminalize consensual same-sex relations, regardless of their actual sexual orientation. Trans people may also face arrest and harassment on the basis of laws criminalizing sex workers.

Discrimination

Trans people experience widespread discrimination and stigma in the health sector, schools, employment and housing, as well as in accessing bathrooms. Discrimination on the basis of gender identity is illegal under international human rights law.





Recognition of gender identity

Everyone has the right to be recognized as a person before the law. The United Nations has affirmed the right of trans persons to legal recognition of their gender identity and a change of gender in official documents, including birth certificates, without being subjected to onerous and abusive requirements.

This right is violated in all regions. Many countries deny trans people any possibility of obtaining legal recognition of their gender identity. Many of those that do provide for legal recognition, force trans individuals to meet various conditions before their identity can be recognized – including sterilization, sex-assignment surgery or treatment, psychiatric diagnosis of gender identity disorder, divorce and confinement

in psychiatric institutions. In most countries minors and non-binary people have no access to recognition of their gender identity.

Being trans is not an illness

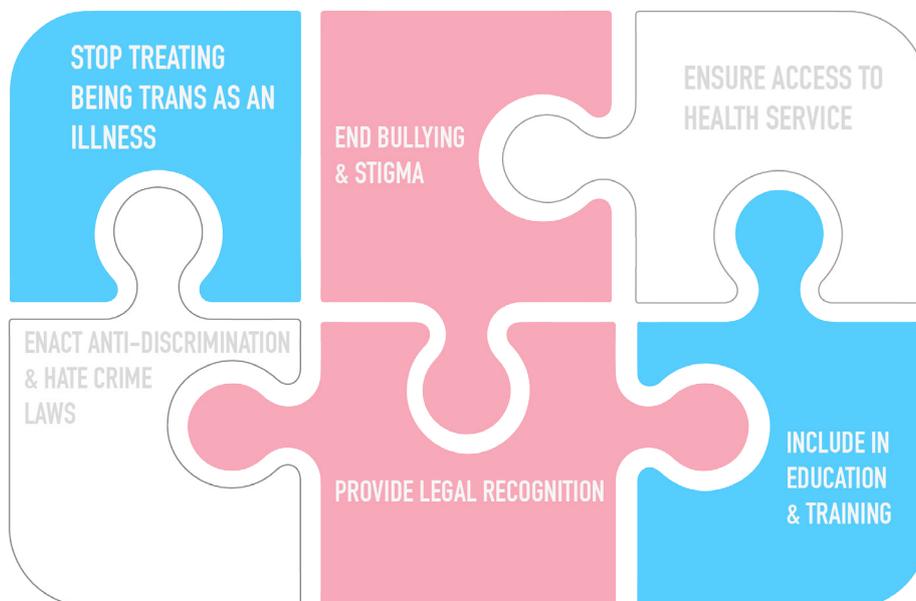
Trans children and adults are frequently branded as ill (“pathologized”) based on their gender identity or expression. Being trans is part of the rich diversity of human nature. Being different should not be treated as a disorder. The United Nations has highlighted that pathologization is one of the root causes of human rights violations faced by trans people.

Health

Some trans people seek gender-affirming procedures including surgical interventions and hormonal treatments. Not all trans people seek these and they should never

be required for recognition of gender identity. Gender-affirming procedures are not available in many countries. Where they are offered, they are often expensive and not covered through public or private insurance.

As a result of violence, stigma, discrimination and a lack of access to healthcare, trans people suffer from worse psychological and physical health outcomes than the general population. Prejudice and lack of training among health care professionals contribute to this problem.



Elements of Protection

ACTION POINTS

States:

- 1** Adopt comprehensive anti-discrimination laws and policies that prohibit discrimination based on gender identity and gender expression, including in employment, education, health care, housing, access to bathrooms and public services.
- 2** Repeal laws used to arrest, detain or harass trans people based on their gender identity or expression.
- 3** Include gender identity and expression as protected characteristics in hate crime and hate speech laws.
- 4** Legally recognize the gender identity of trans people in official documents through a simple administrative process based on self-identification without abusive requirements such as forced medical diagnosis, sterilization, treatment or divorce.
- 5** Ensure effective recording, reporting, investigation and prosecution of acts of violence and torture against trans people, and remedy for victims.
- 6** Ensure access to health services including gender affirming procedures for trans people without stigma, discrimination or abusive requirements.
- 7** Reform international and national medical classifications that treat being trans as an illness.
- 8** Protect trans and gender non-conforming children and youth from violence and discrimination and allow for recognition of their gender identity.
- 9** Take specific measures to respect the gender identity of trans people in detention and protect them from violence and discrimination.
- 10** Train police officers, healthcare workers, teachers, judges, prison officials, immigration officers and other officials on respect and equal treatment of trans people.
- 11** Ensure that trans people and organizations are consulted and participate when developing research, legislation and policies that impact on their rights.

Media:

- 1** Include the voices of trans people in newspapers, TV and radio.
- 2** Feature trans people and their rights concerns in an objective, balanced and non-discriminatory manner.
- 3** Do not propagate negative and harmful stereotypes about trans people.
- 4** Refer to people using their preferred terms, pronouns, genders and names.
- 5** Do not refer to or reveal that a person is trans without their consent.
- 6** Train journalists on respect for trans people.

You, your friends and others can make a difference:

- 1** Educate yourself on the experiences of trans people, their issues and concerns.
- 2** Use people's preferred terms, pronouns, genders and names.
- 3** Speak out when you see any form of stigma, discrimination or violence against trans people.