

**Forum:** Social, Cultural and Humanitarian Committee (SOCHUM)

**Issue #14-02:** Measures to protect the rights of transgender persons

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## Introduction

There are many different people in the world, yet many countries do not recognize that "diversity". Transgender people are one of many people, but transgender people are not legal in about 47 UN member states, and some are even criminalized in 13 countries such as Jordan and Malaysia. In 1885, the UK made all homosexual behavior illegal, and most of the European countries at that time had similar laws. Despite society's improvement, transgenders are still facing difficulties such as poverty, harassment, and violence. Trans often have poor legal protection and healthcare coverage. For instance, in Russia, trans people are considered mentally "ill", and they are not allowed to drive. Similarly, other countries that are economically poor or have widespread religious beliefs tend to discriminate against trans. Muslim nations have more conservative views due to their religion, and these nations tend to disapprove transgenders in schools and business. Fortunately, a lot of people are recognizing these problems and started to spread awareness. For example, many people have been putting their gender pronouns (he/his/him or she/her/hers) in their social media. Their intention was to not only identify their gender identities but also to protect non-binary or transgender people. Such as these movements, it is necessary for more people and nations to accept diversity and provide legal protection for people, including trans.

## Definition of Key Terms

### **Transgender**

Identifying or recognizing oneself with the personal identity and gender which does not correspond with one's birth sex.

### **Transsexual**

A person who has physically undergone treatment in order to acquire the physical characteristics of the opposite sex.

### **Transphobia**

Having a prejudice or disliking transsexual or transgender people.

### **Trans Bashing**

The act of victimizing a person emotionally, physically, sexually, or verbally, for being transgender.

### **Gender Dysphoria**

Feeling of discomfort or distress that may occur in people who identify themselves as the opposite sex assigned by birth.

## General Overview

### **Transgender People**

Transgender people are those whose gender identity differs from their sex, determined when they were born. The term can be broad and people can often confuse terms such as transgender and transsexual. As such, trans people usually will find themselves having a hard time getting others to understand them. Nevertheless, the community of people who identify themselves as transgender keeps growing every day. Because of this, it is hard to estimate the exact number of people who identify as trans. However, studies have shown

that there are at least 1.4 million adults in the US alone that identify as transgender. This sums to .6% of the total US population.

Similar to trying to estimate the number of people that fit the definition of transgender, estimating a time that transgender people started has also proven to be difficult. One of the early figures would be a Roman emperor named Elagabalus who ruled from 218 to 222. Elagabalus preferred to be called a lady and sought after gender reassignment surgery. Since then there are many recognitions of transgender people. In 1952 a series of operations started which were the first successful trans operation. Many years later, some countries started to legalize this surgery as many people were seeking it. However, to this day, in many countries, the surgery is still "taboo" or illegal. Moreover, in many countries, cultures, and families, it is against their religion and views to be transgender. Many people acknowledge and recognize trans, however, they still face many challenges such as discrimination and transphobia.

### **Transgender Discriminations**

The word "transgender" first appeared written around the 1960s but wasn't until the 1990's that it started being widely used. There have been many people since then who have had to fight against the widespread discrimination thrown at them. One of the first books mentioning trans women was written in 1996 and it describes how the simple term, transgender women, carries a negative connotation. The book further says that in the eyes of others, transgenders are seen as "targets". Every occurring chance there is, the trans community is targeted. Since transgender people first became acknowledged by society, to this very day, they are seen as freaks and misfits, causing an infinite amount of hatred and inequality towards them.

Not even halfway into the year 2021 and there have already been at least 30 people, belonging to the trans community or those who don't conform with their

gender, that have been fatally shot or killed by other violent means. Although these have been the reported cases, many more cases go unreported and therefore unacknowledged. Last year, the Human Rights Campaign (HRC) marked a total of 44 fatalities, making 2020 the year with the most fatalities since the HRC started marking them in 2013. Given the pace of 2021, it might surpass 2020. Given the overwhelming number of attacks and other types of discrimination against transgender people, there has been a term to describe this. The violence which trans people experience has received the name of "trans bashing". The HRC releases annual reports on the "epidemic of anti-transgender violence". Aside from the previously mentioned deaths and attacks towards transgenders, there are still many cases where the cause of the injury is still being investigated.

The root of many of these problems goes back to the way many transgenders are forced to live their lives. Transgender people are denied many opportunities such as jobs and education. Moreover, many aren't allowed to or have several issues, obtaining a legal identification with their choice of gender. Along with being denied, they are also shut out, denied, rejected, and can also be abandoned by their families and loved ones. Because of these circumstances, trans people often are outcasts and live more dangerous lives. These discriminations can cause homelessness and are mostly the root of the mental illnesses associated with transgender people.

### **Current Trans Rights**

The United Nations High Commission for Human Rights has stated many times that it is the obligation of all countries to protect people from discrimination no matter gender, race, etc. It's also been repeatedly emphasized that the gender of a person shouldn't limit or lessen their rights. Although the international human rights standards recognize and protect people, positive reports are rare. With

each report, there is more violence and dishonoring transgenders by disregarding their rights. Not only are many countries failing to protect them but they must also face other legal issues in their everyday lives.

It is well known that everyone has the right to an education which in today's society can be crucial for people. Like many others, transgenders can be allowed their education but their challenges start once they begin. Many can't go by their name of choice and they face uniform, sport, and bathroom problems because of their gender. In such conditions, these people become prone to bullying and an overall unsafe environment. Repeated bullying and challenges make them skip class or even drop out of school. It has been reported that only 2.3% of trans people stay in school and complete college. Because of this, many committees such as the Human Rights Council (HRC) and Committee on the Rights of the Child (CRC) have shown concern towards this issue. Because, although trans people can attend to their education, many end up hurt rather than benefit.

Consequently, not being able to receive a proper education can then hinder their chances at landing a proper job and further on keeping the said job. Similar to education, job places should discriminate against trans people and all should have an equal chance at the same job. Nevertheless, it is very common for trans people to experience harassment within their workplace and face high unemployment rates. A survey was sent to 6,450 transgender people asking about their jobs and how it was going. The survey revealed that 15% of them had engaged in sex words because they were unable to find a proper job. This number is surprisingly high compared to the average 1% of women that work in these types of jobs.

Nevertheless, for transgenders to be able to have access to their rights, they must obtain legal recognition. Different measures have been taken before to make it easier for them to change their documents. Being able to change their

documents not only provides them rights and protection, but also prevents discrimination and exclusion by not making public the gender identity of the person. To further protect this, many countries have made the previous name of a person confidential information. This gives comfort to those who have legally changed their name. Although people are allowed to change their names, many conditions must be met for the person to obtain their changed legal documents. One of them being the person diagnosed with gender dysphoria or gender identity disorder. In many cases, proof of this would be gender reassignment surgery and in other cases it is up to the physician to decide. As a result, the vast majority of trans women are not allowed to have their gender of choice in their legal documentation. Overall, circling back to the issues discussed before.

## **Major Parties Involved and Their Views**

### **United States**

There are approximately 1.4 million transgenders (adults) in the United States, and their rights vary from state to state. Historically, trans in the US have been discriminated against in employment, healthcare, marriage, and military, thus, many trans have suffered from unemployment and were likely to be homeless. There are still many challenges that trans people face, but through various campaigns and protests, people are spreading awareness and many improvements are being made.

### **China**

In China, it is legal to have same-sex relations, and legal gender recognition is also legal, but only after the surgery. Over the past decades, the Chinese government has restricted the rights of trans people, especially in assembly and press. Many trans faced violence and discrimination, but the government officials stayed silent. Still, many trans people in China face conflicts in society,

especially among family members who do not accept their identity. Furthermore, trans suffer in using bathrooms, wearing uniforms that differ by gender, and workplaces.

Changing names and gender markers for trans is legal when they provide specific certifications and documents. However, they still have problems making changes in other official documents such as diplomas and job applications.

## United Kingdom

The Gender Recognition Acts (GRA) in the United Kingdom have required a medical diagnosis of gender dysphoria and proof that a person having lived in their preferred gender for at least 2 years can change their gender. The government's response was only addressing the legal processes for adults, not allowing teenagers. The director of policy Lui Asquith has stated, "It's important that we do acknowledge that there has been progress today and that needs to be celebrated". As stated, the progress has been made, but there are still many progresses that need to be made.

## India

In 2019, India has passed a bill to protect trans people. The law required an individual to register for a "transgender certificate", based on their self-declared identity. After this process, people can apply for changing genders to either male or female, and this process requires several documents such as a proof of surgery. However, this law was criticized since it gave too much power to governments for "qualifying" a gender. Moreover, people claimed that there should be a third gender for trans people.

## Timeline of Events

Date	Description of event
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1952	Christine Jorgensen, a former army private had a sex change operation, and became the first American transgender
1969	In New York, police officers raided a gay club, Stonewall Inn. After several other raids on gay clubs, people rioted. This riot is considered to be a spark for the transgender rights movement
1975	Minneapolis passed a law that prohibited discrimination against transgender people
August 1992	Healthcare, employment, and military service were discussed and addressed during the conference in Houston.
December 1993	In Nebraska, a 21-year-old transgender man, Brandon Teena, was raped and murdered.
2012	All children who identified themselves as girls were welcomed to be members of the Girl Scouts of Colorado.
Aug. 18, 2015	A policy advisor at the National Center for Transgender Equality, Raffi Freedman-Gurspan was hired openly from the White House.

## UN involvement, Relevant Resolutions, Treaties and Events

The United Nations has taken this issue into account and looked at it profoundly various times. It has been recognized as something that needs to be addressed

and requires action to be taken. Overall the United Nations have taken into consideration various ways to help transgender people. They also have decided that rather than looking at the issue through separate views, it is better to unite different committees and people to help the cause. Following are some of the involvements:

- The World Health Organization (WHO) has removed gender identity disorder as a diagnosis, meaning a mental disorder. Instead, since 2019, they have recognized it in terms of sexuality.
- UNHRC passed a resolution where an independent expert is appointed to find the causes of discrimination and violence against people because of their gender identity
- A resolution passed on discrimination towards trans people established that “states must develop quick, transparent, and accessible procedures, based on self-determination; and make these procedures available for all people who seek them”
- Provides several reports on abuse and violence towards the transgender community often. These include those such as HRC's yearly reports and report similar to the “Protecting human rights of transgender persons” written by the COE (Council of Europe).

## Past action

Discrimination against transgender rights has been a global issue for decades and there were not enough actions taken to protect trans. However, recently, countries started to take various efforts on this issue through conferences, treaties, laws, and social movements. For instance, in 2012, Argentina came up

with a law that states “anyone over the age of 18 can choose their gender identity, undergo gender reassignment...”. Furthermore, countries such as Colombia, Denmark, Ireland, and Malta allowed people to change their gender by only filling the appropriate documents.

Many other countries including Pakistan, New Zealand, Australia and India have also been taking actions by giving people a third option when they have to list their gender on documents. Some have options of “unspecified” and others have options to choose another gender. Moreover, there were protests around the world in order to spread awareness and stop discrimination. In 2019, people in the United States chanted “Black Trans Life Matter” in order to protest against the government that denied trans’ rights.

There has been great progress made in recent years, but it is still clear that there are many issues left to resolve. It is essential for countries to cooperate and come up with solutions that could protect the rights of trans.

## **Possible Solutions**

The rights of transgender people have been debated over several years as well as it's been ignored for several others. Addressing this issue requires several approaches for a single idea or proposal isn't enough to consider all the international differences. Overall, being such a complex topic, it needs to be treated with diligence. As seen before in past actions and treaties, the UN has been putting effort into helping trans people as well as trying to promote their rights. Laws can be placed to further enforce the rights. Making sure everyone has equal access to education, job opportunities, and more.

Another possible solution would be finding ways to promote the inequalities of trans people compared to other people. Trans people often find themselves

being victims of violence and discrimination due to political views, cultural views, and others of the sort. Countries aren't obliged to change their views but should help out their people and not tolerate violence and discrimination of the sort. Implementing programs to support trans people who need help is a start to the issue and helps create awareness.

## Sustainable Development Goal (SDG)

This issue relates to the sustainable development goal number 10: reduced inequalities within and among countries. This SDG aims to make a society where all people are equally supported and have rights. Transgender people are being discriminated against, and due to their unsupported rights, they are highly vulnerable. In order to achieve SDG number 10, reducing discrimination and violation against transgender people is one of the most vital issues. We aim for countries to come up with resolutions that support and resolve the ongoing issue during this conference.

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## Appendix


- I. Timeline of events that includes good visuals and descriptions of the events that have happened in the past starting from 1952

<https://www.glaad.org/blog/timeline-look-back-history-transgender-visibility>

- II. More on countries and their viewpoints relating to the rights of transgender people:

<https://matadornetwork.com/read/countries-progressive-transgender-rights/>

- III. Video with UN views of trans rights

 Trans\* People's Rights are Human Rights