



Press Briefing: May 17th International Day Against Homophobia and Transphobia

Launch of the « International World Appeal against Transphobia and for the Respect of Gender Identity »

EMBARGOED : Wednesday May 13th 1pm CET

<i>The issue of Transphobia:</i>	2
<i>Fact and figures: Research findings</i>	5
<i>Testimonies :</i>	7
<i>The International Appeal</i>	10
<i>List of first signatories</i>	11
<i>Media release :</i>	12
<i>Media Contacts :</i>	13
<i>References:</i>	15
<i>Endnotes</i>	16

The issue of Transphobia:

Many people find it hard to understand who (or what) a Trans or gender variant person might be or look like. Often it is to media images they look, and then think just of those transsexual people born male who undergo the long and arduous medical transformation of their body from man to woman. Alternatively, they may think of men who 'dress up as women'.

But there are many, many other ways in which Trans people identify and present their gender identity. Whilst some clearly know their gender identity and it is opposite to that of their natal, sex, some do not identify as either a man or a woman, some think of themselves as both, and some think of themselves as occupying another gender; transgender. There are also those people who are born biologically different from other boys and girls, men and women. They may know themselves to be the gender they were assigned at birth despite having a different body from other people of that gender, or they may also feel their gender identity is different to the one they were assigned at birth, they may also feel their gender is outside of the normal binary model.

Increasingly, throughout the world, individuals are coming forward after years of social and medical oppression, and breaking the binary male/female model of gender. But it is not without precedent.

Throughout history and in almost every culture and society there have been people who are 'Gender variant'. In many indigenous cultures and on occasion in European history Trans people have had respect and were an important part of a society's culture, sometimes with specific religious or cultural functions, as was and sometimes still is the case with the two-spirit people of North American indigenous societies or Hijras in India, to name just a few. Yet more often than not, in history, gender variant people have been shown a lack of respect and have been persecuted and harassed.

Western psychiatry was founded on the premise of making individuals fit into social norms. The historically recent dominance of western psychiatry has trampled over many previously held social and cultural values, and turned gender variant people into objects for investigation, research, and classification. Consequently, in the later years of the 20th century, in both the American Psychiatric Association's Diagnostic Classification Manual and in the WHO's International Diagnostic Classification, transvestite, transgender and transsexual people have, *prima facie*, been classified as having a mental health disorder.¹

This classification of Trans people as having a mental health disorder, rather than simply expressing a natural variation in human life, is now used worldwide to justify ongoing daily discriminations of all sorts. This occurs in employment, access to goods services and facilities including housing and healthcare. This leads to social exclusion, poverty, poor health and, in many cases, few work prospects other than to enter prostitution for survival. The UN has recently noted a recent increase in the trafficking of (male to female) trans women for prostitution.²

The medical diagnosis perpetuates ongoing myths about trans people, which result in the failure to recognise their full humanity, and consequently their human rights. This results in ongoing violence and abuse against trans people, both in the home and in the public arena. This frequently leads to isolation from family, friends, and neighbours, and hate crimes perpetuated both domestically and in public.⁶

There has also been noted an increase in prejudice and discrimination against what were of socially accepted gender variant people in many indigenous groups. Traditional roles and social positions for Trans people are now being abandoned as ideas propagated in the medical literature of the first world pervade these societies.

The legal implications of this mediatisation of gender variance is that in a vast majority of countries transgender people are required to undergo major surgical interventions – genital surgery, other surgeries (such as chest surgery) and/or sterilization – in order to be able to change their name and/or other paperwork, such as birth certificates or personal identification number. Very rarely are they in the position to consider what long term affects these medical interventions will have on their health, and whilst some Trans people wish to have such surgery, they cannot be said to have a free and informed choice in the matter when there are such strong social and legal pressures.

Surgery is, or is expected to be, a prerequisite for legal recognition of the preferred gender role in 19 EU countries; Austria,⁷ Belgium, Cyprus, Denmark, Finland, France,⁸ Germany,¹⁰ Greece, Italy, Netherlands, Portugal, Slovakia, Sweden, Czech Republic, Bulgaria, Latvia, Luxemburg, Malta, Romania.¹¹

Other medical or hormonal treatment to alter the body is required in Poland, Japan, South Africa¹² and Spain. In Latin America, only Mexico and Ecuador allow legal recognition of the preferred gender without requirement for surgery. Only three countries do not require any kind of medical treatment for a legal change of gender: Estonia, Hungary and the UK.

In Europe, there remain two countries where some forms identity papers cannot be changed at all: Ireland (birth certificate) and Lithuania (personal registration number).

In Latin America (parts of) Mexico, Ecuador, and Uruguay allow legal recognition of the preferred gender without requirement for surgery¹³

Therefore, worldwide, many trans people who live permanently in their preferred gender role but who cannot or do not wish to submit to the legal demands for sterilization or genital reconstructive surgery, cannot gain recognition as a member of their preferred gender group by the medical professionals who provide evidence for the legal authorities. They are unable to obtain legal recognition of their preferred gender identity, leaving them in a social and cultural 'no man's land', neither one gender nor the other. These citizens are highly visible, not only because of their physical appearance or their gender presentation, but also because of the legal inadequacies of their gender recognition and identity protection and therefore very vulnerable to prejudice, discrimination and transphobic abuse. Under these conditions, access to employment, housing, health care, all the basic formalities of everyday living become a nightmare.

It is unfortunately also the case that the protection of Trans people under anti-discrimination regulations is very seldom explicitly provided. Even in Europe, where there is specific protection against discrimination in employment, housing, goods and services¹⁵ for Trans people who wish to undergo gender reassignment, only a handful of EU member states offer explicit protection to Trans people in the law.

For example, in Poland, Trans people with children are not allowed to transition until their children reach adulthood, or risk losing access to or custody of the children. In Portugal, having been a biological parent excludes Trans people from transitioning altogether. The combination of a lack of adequate legal recognition and the lack of anti-discrimination protection leaves many Trans people extremely vulnerable to transphobia.

Yet, in some other countries, there have been significant legal advances allowing the possibility of changing civil status without the necessity of genital reconstructive surgery, which combined with good anti-discrimination protection demonstrates that understanding and progress is possible. In the United Kingdom, those people who wish to obtain legal recognition simply have to prove that they are living permanently in their preferred gender role and have done so for the previous two years, but both before and after that legal recognition they have protection from discrimination in employment, goods, services and access to facilities.¹⁷ The proposed new Equality Act 2009 will extend that protection to gender variant young people in education, and will remove the need for medical supervision for gender reassignment in order to invoke that protection.

Fact and figures: Research findings

Experiences of Transphobia in the Family and in Public.

In Scotland, research in 2007 on social attitudes found that 50% of the survey respondents said that “they would be unhappy about a relative forming a long-term relationship with a transsexual person’ – the highest such result for any minority group referred to in this study.”¹⁸

In the UK, research into over 900 trans people’s experiences of discrimination, in 2006, found that 45% of trans respondents experienced a breakdown in their relationship with their families, with 37% reporting feeling excluded from family events and 36% having family members who do not speak to them because of their transgender identities.¹⁹

Experiences of Transphobia in the Workplace

In Spain, research on 100 respondents from the First Gender Identity Disorder Unit showed that 54% were unemployed and only 35% were holding a full time job, a third of whom had the job for less than a year. Over 55% had experienced discrimination at work or when looking for work and 17% had to engage in dangerous or illegal activities to survive.²²

The 2006 UK research also found that 23% of respondents felt the need to change their jobs because of their transgender identity and 1 in 5 (22%) were required to use gender inappropriate toilets at work and only a third reported being able to use the gender appropriate toilet free from remarks or harassment. Only 30% felt they were ‘treated with dignity’ by co-workers. The levels of abuse in the workplace were such that 10% experienced criminal assaults, though few took any action fearing that as a trans person they would be blamed for what took place. The impact of these experiences damage the life prospects of many trans people: 42% of those trans people not living in their preferred gender role did so because they were afraid of losing their jobs.²³

Research from Finland with 108 respondents found similar levels of workplace prejudice and discrimination, with 13% of the trans respondents experiencing discrimination upon recruitment, 12% in the area of pay, 13% with regard to opportunities for career advancement, 12% in access to information and 16% in the attitudes of co-workers and supervisors. Inappropriate comments and jokes in the workplace were experienced by 78% of the respondents, One third of those respondents who had not commenced living permanently in their preferred gender role or who cross dressed part time, would have liked to express their femininity in the workplace but felt it was impossible. Of those who were employed, 34% concealed their trans identity or gender expression from all of their co-workers (compared to 17% among LGB respondents) and 45% concealed it from their employers with 51% finding this to be very stressful. and .²⁴

Experiences of Transphobia in School and College.

Trans people experience similar harassment and abuse in school and college education; in the 2006 UK research 64% of natal females with a male identity reported experiencing some kind of harassment or bullying at school and 44 per cent of natal males with a female identity experienced harassment or bullying at school.²⁵ This is significantly more than gay and lesbian youth experience, or heterosexuals of either gender reported in similar studies. It is not only other children and young people who instigate this harassment. 71.6% of the natal females and 55% of the natal males were victims of bullying or harassment in their schools. 29% of natal female and 21% of the natal male respondents who were gender

variant or non-conforming children also reported experiencing bullying from school ancillary staff, teachers, and heads of school, as shown by reporting having experienced this form of abuse.²⁶

Experiences of Transphobia in Healthcare.

In 2008, a European-wide research study (the EuroStudy) of over 2,500 trans people's experiences of discrimination reported that more than 80% of the respondents were refused state-funding for gender reassignment hormone treatments (often a life-long necessity), while 86% were refused state-funding for gender reassignment surgeries. More than half of the transgender respondents reported funding their own treatment. A third of respondents were refused treatment because a healthcare professional did not 'morally' approve of gender reassignment. One in twelve of the respondents were met with outright refusal when they first approached a family or community doctor about seeking referral to a clinician specialising in gender reassignment assessments²⁷

Experiences of Transphobic Hate Crime

In Sweden, 41% of the 374 Trans respondents of a large-scale study into the health of LGBT people reported having been victims of offensive behaviour/treatment in the past three months in comparison to 30% of lesbian or gay people. In comparison to 6% of gay respondents, 12% of Trans people reported being victims of repeat abuse. A third of the Trans respondents reported having been the victim of harassment at some point in their lives and one third of this group reported such experiences within the last year.²⁸

Analysis of recent survey and qualitative data, including the data from the 2008 EuroStudy, highlights the extent to which trans people experience transphobic hate crime. Trans women are likely to experience more street and neighbour problems than Trans men, with 67% of Trans women experiencing crimes of harassment compared to 57% of trans men. 24% of trans women had also experienced verbal abuse as compared to 20% of trans men. The 2006 UK study found that, overall, 73% of the respondents reported experiencing negative comments, verbal, physical, or sexual abuse, or threatening behaviour when in public.²⁹

However, whilst this difference may be, in part, due to the comparative ease that hormone therapy physically changes natal female to look masculine and, in part, due to the vulnerability to assault of all women, experiences of transphobic crime can also appear in domestic and other non-public circumstances. Qualitative narrative analysis of suggest that both trans men and women can experience similar levels of domestic violence and abuse from a range of 'family members' including parents, partners, children as well as other forms of rejection and exclusion.³⁰ In 2007, a survey on knowledge and experience of domestic violence in the Brighton and Hove area of UK reported that 64% of Trans respondents had experienced domestic violence, as compared to 23% of LGB respondents.³¹

The analysis of the Eurostudy found that in the European Union,

- Italian trans people report experiencing the highest rate of experiencing harassing and abusive comments (51%);
- Greek, German and British/UK respondents reported the highest rates of experiencing verbal abuse (25%);
- Greek respondents also reported the highest rates of threatening behaviour (22%);

- English respondents reported the highest rates of physical abuse (7%) and
- French respondents, the highest level of sexual abuse (3%).

All of these are criminal offences, yet very few perpetrators are charged, or convicted of the crime. Whilst over 70% of respondents had confidence in the police, of those respondents who had had dealings with the police, that figure fell to 18%. They reported that their experience led them to expect the police would not treat them appropriately or as a member of their preferred gender. This has a negative impact on other trans people's willingness to report hate crime.

The Consequences of Transphobia

The ongoing, often live long, and multiple experiences of transphobia must undoubtedly have repercussions on trans people's well being. Over 30% percent of the trans respondents of the EuroStudy reported at least one suicide attempt as an adult.³² Similarly, in 2005, a Swedish study reported that half of all the trans respondents reported having considered suicide at least once in their life and 21 per cent had acted on this consideration.³³ In addition, in the 2006 UK study, 34.4% of the respondents reported attempting suicide at least once as an child, and a similar figure reported having attempted suicide as an adult.³⁴

Testimonies :

« There is no excuse for not immediately granting this community their full and unconditional human rights. Council of Europe Member States should take all necessary concrete action to ensure that transphobia is stopped and that transgender persons are no longer discriminated against in any field. »

Thomas Hammarberg

Council of Europe Commissioner for Human Rights

http://www.coe.int/t/commissioner/Viewpoints/090105_en.asp

There are still huge numbers of ignorant and ill-informed politicians who think that we are not entitled to the same protection and rights as the rest of the population. They consider our sexual orientation or gender identity a justifiable reason to take away our human rights. In so doing they shame themselves and the citizens they purport to represent.

Michael Cashman MEP

President of the European Parliament's Intergroup on LGBT rights

« I belong to an indigenous community in Nepal. I was discriminated from family and also at school for being Transgender so I could finish only high-school. I am taking lead, as a winner of "beauty and Brain talent contest 2008" to inspire and empower other trans gender in Nepal to tackle trans-phobia and discrimination. »

Sandhya Lama - Miss Trans Nepal 2008 Blue Diamond Society, Nepal

« We have a constant battle with the Department of Home Affairs in South Africa, the government department that handles all requests for gender change. They refuse to change a person's gender unless they can prove that they have had all surgeries. This is very difficult as there are only 2 hospitals in South Africa that provide gender reassignment surgery and they only handle a very few cases a year. »

Caroline Bowley, GenderDynamix, South Africa

« The lives Trans people live, anywhere in the world, is fraught with so much difficulty. In my country, the Philippines, we transpinays (transgender women) just keep on living despite all the odds against us. We have to because it is only by fully embracing the challenges of being human that we can let courage keep on unfolding. »

Sass R. Sasot, Society of Transsexual Women of the Philippines (STRAP)

« Even once we've been through all the medical hassle, the judge still holds the power to tell whether we are transsexuals or not. (S)He can grant or deny us social recognition. »

Andrés Rivera Duarte, Founder of the Association of Transsexuals in Chile

« I would have to compare the status of transsexual, transgender and intersex persons with (...) the case of illegal immigrants and of illegal refugees. But you feel this kind of vulnerability in your own country. »

Tamara Adrian, Professor of Law, Venezuela

Most medical practitioners here enshrine their homophobia above their medical ethics. They refuse to treat or attend to transgender people. Sometimes tips to Police, which have led to arrests originated from doctors. The trans people in this country have resorted to self medication, whose long term implications are lethal to say the least.

Julius Kaggwa, prominent intersex and transgender activist in Uganda

In the location I was staying it started getting serious when the guys started beating me and some of them even tried to get me to bed. They tried to gang rape me and I managed to escape. I was beaten when I tried to go to the shops and lost part of my hearing due to the beatings. They even threatened to burn our house, for me that was the final call and I sat down with my parents and I pleaded with them to try and raise money for my visa. I knew I had to get away for myself to remain alive and my parents as well.

Tandi, a Zimbabwean asylum seeker in South Africa

The International Appeal

Reject Transphobia, Respect Gender Identity:

An Appeal to the United Nations, the World Health Organisation and the States of the World

Every day, people who live at variance to expected gender norms³⁸ face violence, abuse, rape, torture and hate crime all over the world, in their home as well as in the public arena. Though most cases of violence never get documented, we know that in the first weeks of 2009 alone, Trans women have been murdered in Honduras, Serbia, Turkey and in the USA. Trans men are equally victims of hate crimes, prejudice and discrimination despite their frequent social and cultural invisibility.

The basic human rights of Trans people are being ignored or denied in all nations – be it out of ignorance, prejudice, fear or hate and Trans people overwhelmingly face daily discrimination, which results in social exclusion, poverty, poor health care and little prospects of appropriate employment.

Far from protecting Trans citizens, States and International bodies reinforce social transphobia through short sighted negligence or reactionary politics:

Because of the failure of national law and social justice, in far too many States, Trans people are forced to live a gender, which they experience as fundamentally wrong for them. In most countries, any attempt to change one's gender can lead to legal sanctions, brutal mistreatment, and social stigma. In other countries, legal recognition of gender change is subject to sterilization or other major surgical intervention. Trans people who cannot or do not wish to submit to this, cannot obtain legal recognition of their preferred gender, and are forced to 'come out' whenever they cross a border, run into a police patrol, apply for a new job, move into a new home or simply want to buy a mobile phone.

Contributing factors include the current International health classifications, which still consider all Trans people as having a mental health "disorder". This outdated vision is insulting, incorrect and is used to justify daily discrimination and stigmatization in all aspects of trans people's lives.

Recently though in some countries with very different social and cultural contexts significant legal advances have been made. Following in the wake of bold judicial decisions, State action has led to increased acceptance of Trans people within their society. This demonstrates that understanding and progress is possible.

Currently Trans people everywhere in the world are rising up to reclaim their human rights and freedom. They carry an unanimous message that they will no longer accept to be labelled sick or treated as non human beings on the basis of their gender identity and gender expression.

This is why we ask:

- **The W.H.O.** to stop considering Trans people as mentally disordered and to promote access to adequate health care and psychological support, as desired by Trans people.
- **The United Nations Human Rights bodies** to examine the human rights abuses that Trans people face around the world and to take action to combat these abuses.
- **The States of the World** to adopt the international Yogyakarta Principles and ensure that all Trans people benefit from appropriate health care, including gender reassignment if they so wish; be allowed to adapt their civil status to their preferred gender; live their social, family or professional lives without being exposed to transphobic discrimination, prejudice or hate crime and that they are protected by the police and justice systems from physical and non-physical violence.

We call on the UN, the W.H.O. and the nations of the world, in adopting these measures, to refuse transphobia and welcome the right of their citizens to live fully and freely in their preferred gender, assumed as an expression of cultural freedom.

List of first signatories

This Appeal has already been signed by more than 300 organisations in more than 75 countries across all world regions, from Fiji to Kyrgyzstan, China to the USA, Serbia to Brazil. Major international institutions have expressed their support, such as UNAIDS, the International and European Trade Union Confederations, the International Gay and Lesbian Law Association, the Gay and lesbian Intergroupe of the European Parliament, the Global Justice Ministry of Metropolitan Community Churches or...the Sydney Mardi Gras. So have political parties such as the French socialist, communist and green parties or the Meretz Party in Israel.

We also have the support of three Nobel Prize Laureats : Elfriede Jelinek, Françoise Barré-Finoussi and Luc Montagnier, and other personalities like Doudou Diène, former rapporteur special in the UN on racism, Jacques Delors, former president of the European Commission, Gérard Onesta, vice-president of the European Parliament, Bertrand Delanoë, mayor of Paris, several ministers or former ministers, and many Members of Parliament around the world.

The full list can be accessed on www.idahomophobia.org

Media release :
EMBARGOED Wednesday May 13th 1pm CET

May 17th : International Day Against Homophobia and Transphobia

Launch of the « World Appeal against Transphobia and for the Respect of Gender Identity »

Every day, almost everywhere around the world, **Transexual, Transgender, Intersex people face violence, abuse, rape, torture and hate crimes**. The only motive : they are not conforming to social stereotypes about the way they should appear and behave in society as men or women.

Be it out of ignorance, prejudice, fear or hate, Trans people overwhelmingly face daily discrimination, which results in social exclusion, poverty and poor health care, with little prospects for employment.

Far from protecting Trans citizens, **States and International bodies reinforce social transphobia** through short sighted negligence or reactionary politics:

To have their preferred gender identity recognised by society, if at all possible, they have to undergo forced sterilization or other major surgery. Yet, States do little to ensure Trans people get proper access to the health care they want or need.

Adding insult to injustice, the World Health Organisation still classifies them as « **mentally disordered** ».

On May 17th 1990 (almost 20 years ago !,) the same World Health Organisation took homosexuality off the list of mental disorders. This is the reason why May 17th was chosen to celebrate the International Day against homophobia and transphobia, the IDAHO. **Actions now take place every year in more than 50 countries.**

On this symbolic day, a group of organisations working to promote fundamental Human Rights for lesbian, gay, transgender, transsexual, intersex and bisexual people launches an **International Appeal** to the WHO to take transsexualism off the list of mental disorders.

The appeal also calls for all States to **enforce legislation** that ensures respect for Trans people's Human Rights, and calls for the **UN Human Rights bodies** to effectively address the situation.

This Appeal has already been signed by more **than 300 organisations in more than 75 countries accross all world regions**, from Fiji to Kyrgyzstan, China to the USA, Serbia to Brasil. Major international institutions have expressed their support, such as UNAIDS, the International and European Trade Union Confederations, the International Gay and Lesbian Law Association, the Gay and lesbian Intergroupe of the European Parliament, the Global Justice Ministry of Metropolitan Community Churches or...the Sydney Mardi Gras. So have political parties such as the French socialist, communist and green parties or the Meretz Party in Israel.

And we are proud of the support **of three Nobel Prize Laureats** : Elfriede Jelinek, Françoise Barré-Finoussi and Luc Montagnier., and of other people who have signed the text like Doudou Diène, former rapporteur special in the UN on racism (Senegal), Jacques

Delors, former president of the European Commission, Gérard Onesta, vice-president of the European Parliament, Bertrand Delanoë, mayor of Paris, several ministers or former ministers, and many members of Parliament around the world.

We now invite all citizens, activists, organisations, political parties, local authorities and all other concerned groups or individuals to **join this appeal by signing the petition on www.idahomophobia.org** where you will also find the complete up to date list of signatures.

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- The IDAHO committee is a network of dedicated activists aiming at making the 17th of May a worldwide celebration of the strength of the lesbian, gay, bisexual, trans and intersex movement, connecting it to the wider global Sexual Rights movement. The IDAHO committee facilitates actions, generates momentum, consolidates initiatives and supports organisations campaigning and advocacy strategies that include actions on May the 17th. IDAHO committee has representatives and correspondents in more than 60 countries. The IDAHO committee advocates for the Universal Decriminalisation of same-sex relationships and for gender freedom.
- Transgender Europe (TGEU) is a European network of trans and other organisations that support or work for the rights of transgender/transsexual/gender variant people. The mission of TGEU is to be a powerful lobby and advocacy organisation for trans rights in Europe and elsewhere in the world. TGEU was founded by 120 participants of the 1st European Transgender Council 2005 in Vienna. The current executive and steering committee were elected at the 2nd

European Transgender Council 2008 in Berlin, where more than 200 representatives from 38 countries participated.

- Gender DynamiX the first organization in Africa, and only in South Africa is a human rights organization promoting freedom of expression of gender identity, focusing on transgender, transsexual and gender nonconforming identities. Gender DynamiX was founded in July 2005.
- The International Gay and Lesbian Human Rights Commission (IGLHRC)'s mission is advancing human rights for everyone, everywhere to end discrimination based on sexual orientation, gender identity and gender expression. IGLHRC has offices in New York, Buenos Aires, and Cape Town
- ARC International seeks to foster alliances, information-sharing and strategic planning around human rights issues related to sexual orientation and gender identity at the international level, through the development of global networks, resource materials, and access to international human rights mechanisms.
- The International Lesbian, Gay, Bisexual, Trans and Intersex Association is a world-wide network of national and local groups dedicated to achieving equal rights for lesbian, gay, bisexual and transgender and intersex (LGBTI) people everywhere. Founded in 1978, it now has more than 670 member organisations. Every continent and over 110 countries are represented. ILGA member groups range from small collectives to national groups and entire cities. ILGA is to this day the only international non-profit and non-governmental community-based association focused on presenting discrimination on grounds of sexual orientation as a global issue.
- REDLACTRANS is a network of organisations in 18 Latin America and the Caribbean countries, who work individually and collectively in support of the Trans community. It is a network for action by Trans people (travesti, transsexuals and transgender), founded in October 2004 by NGOs from Argentina, Brasil, Mexico and Chile to enhance communication between Trans organisations, groups and individuals in the LAC region
- Mulabi is a non-for-profit, non governmental latinamerican organisation. Its mission is to work on issues related to sexualities and Human Rights

References:

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ILGA Europe, Destination>>EQUALITY Trans-Europe, 2008

http://www.ilga-europe.org/europe/publications/magazine_destination_equality/2008/transeurope_summer_2008

ILGA-Europe, Report on Transsexuality and International Private Law (2005)

http://www.ilga-europe.org/europe/notice_board/resources/report_on_transsexuality_and_international_private_law

Endnotes

- ¹ Despite this classification as a mental health disorder to be 'cured', there is not one single reference in over 60 years of peer reviewed psychiatric and psychological scientific literature documenting a cure for trans people.(conversation with Prof. Stephen Whittle, Professor of Equalities Law, Manchester Metropolitan University).
- ² Conversation with staff from the office of the UN's Human Rights Commission
- ⁶ Recent research in Europe has shown that 67% of (male to female) trans women and 57% of trans men have experienced hate crime from verbal abuse in public to serious physical assault and murder in far too many cases (Turner L, Whittle S, Combs R Transphobic Hate Crime in the EU, Brussels: ILGA-Europe, forthcoming 2009)
- ⁷ In July 2006, the Austrian Constitutional Court struck down the 'Transsexual Edict' Decree No. 36.250/66-IV/4/96 as of Nov. 27, 1996, of the Austrian Law stating that its requirements were unconstitutional and suspended all of its relevant passages. However, in December 2008 the court decided not to deal with complaints against mandatory sex change surgery for transsexual people, (BVerfG, 1 BvL 3/03 vom 6.12.2005, 25, 66), by refusing a request for a change to female first name and gender-identity-corresponding documents for a trans woman who had not undergone surgery to remove her genitals.
- ⁸ Swatschek, S (2005) Report on 'Transsexuality and International Private Law'; (Title of the legal opinion given by the Max-Planck-Institut in the proceedings of AZ.I BvL 1/04 of the Constitutional Court in Germany), Brussels: ILGA-Europe
- ¹⁰ In 2005, the German Constitutional Court acknowledged that many pre-operative transsexuals in Germany do not desire to undergo full surgery and indicated that their gender identity was to be respected by Austrian law. The Court also noted that the 1981 TSG (The Transsexualism Act) is outdated in its expectation that all transsexuals will be heterosexual, noting that many transsexuals are, in fact, gay or lesbian. The German Government and Bundestag now have to reform the TSG to allow pre- or non-operative homosexual transsexuals the ability to get their partnerships recognized, but have failed to do so as yet.(Zitierung: BVerfG, 1 BvL 3/03 vom 6.12.2005, Absatz-Nr. (1 - 73).
- ¹¹ Whittle, S., Turner, L., Combs, R., and Rhodes, S. 2008 Transgender EuroStudy: Legal Survey and Focus on the Transgender Experience of Health Case, Brussels: ILGA Europe, also; Eisfeld, J (2009): Compilation of Legal Surveys from the European Union : Fundamental Rights Agency on Transgender Issues with additional overview at http://www.tgeu.org/downloads.php?cat_id=7
- ¹² The South African Alteration of Sex Description and Sex Status Act, 2003 does not require surgical intervention before legal recognition of a person's preferred gender role. However according to Gender Dynamix, www.genderdynamix.org, a South African support organisation for trans people, the Department of Home Affairs does not 'always' implement the Act, enabling some mental health practitioners to demand their patients undergo genital reconstruction surgery before they will support their application for legal recognition.
- ¹³ Adrian, T: Legal Protection: Transsexual, Transgender and Intersexual people in Latin America. An essay of a General Overview. Paper presented at 'The Global Arc of Justice' conference, Los Angeles, March 11-14, 2009
- ¹⁵ The Equal Treatment Directive 1976/07/EEC provides protection in employment, the Equal Treatment Directive 204/113/EC provides protection when accessing goods, services and facilities.
- ¹⁷ The Gender Recognition Act 2004; the Sex Discrimination Act 1975; and the Sex Discrimination (Amendment of Legislation) Regulations 2008.
- ¹⁸ Bromley, C, Curtice, J, Given, L. (2007) Attitudes to Discrimination in Scotland: 2006, Scottish Social Attitudes Survey, Edinburgh: Scottish Government Social Research
- ¹⁹ Whittle, S, Turner, L, Al-Alami M (2007) Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination, Wetherby: The Equalities Review, p. 68

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